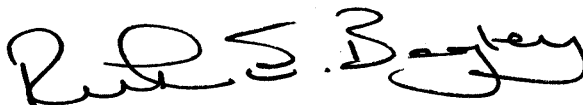


Date of issue: 22<sup>nd</sup> July 2011

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Dodds (Chair), Bains, Carter, Dale-Gough, O'Connor, Plimmer, Rasib, Strutton and Swindlehurst)
<b>DATE AND TIME:</b>	TUESDAY, 2ND AUGUST, 2011 AT 6.30 PM
<b>VENUE:</b>	COUNCIL CHAMBER, TOWN HALL, BATH ROAD, SLOUGH
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	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.

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
<b>CONSTITUTIONAL MATTERS</b>			
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 20th June 2011	1 - 4	
3.	Human Rights Act Statement	5 - 6	
<b>PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH</b>			
4.	P/02418/034 - Bishops Court, 238-244, High Street, Slough.	7 - 16	Upton
5.	P/09785/008 - McArdle House, McArdle Way, Colnbrook, Slough.	17 - 30	Colnbrook with Poyle
6.	P/09979/001 - Mill House, Mathisen Way, Mill Book Way, Poyle.	31 - 70	Colnbrook with Poyle
<b>PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH</b>			
7.	P/02702/013 - Land R/O, 10-18, Chalvey Road West, Slough.	71 - 82	Chalvey
8.	P/04213/004 - 202 Burnham Lane, Slough.	83 - 88	Haymill
9.	P/15086/000 - 9-12, Kingfisher Court, Farnham Road, Slough.	89 - 108	Farnham
<b>MATTERS FOR INFORMATION</b>			
10.	Appeal Decisions	109 - 114	All
11.	Authorised Enforcement and Prosecutions	115 - 130	All

Press and Public

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



**Planning Committee – Meeting held on Monday, 20th June, 2011.**

**Present:-** Councillors Bains, Carter (Vice-Chair), Dale-Gough, O'Connor, Plimmer, Rasib, Strutton and Swindlehurst

**Also present under Rule 30:-** Councillors Long, Minhas and Sohal.

**Apologies for Absence:** Councillor Dodds

**PART 1**

**1. Declaration of Interest**

Councillor Bains declared that he was a ward member for Agenda item 6: P/08522/002 – 8 London Road, Slough but had not been involved in any dialogue with residents concerning this application.

Councillor Sohal, in attendance under Rule 30, declared that although he lived in close proximity to planning application P/06883/002 – 2 The Link, Slough, he was in attendance as a ward member representing the views of local residents.

**2. Minutes of the Last Meeting held on 17th May 2011**

The minutes of the meeting of the Planning Committee held on 17<sup>th</sup> May 2011 were approved as a correct record.

**3. Planning Applications**

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

Oral representations were made to the Committee by an objector, agent and Ward Members prior to the planning application being considered by the Committee for planning application P/08522/002 – 8 London Road, Slough.

Oral representations were made to the Committee by a ward member prior to the planning application being considered by the Committee for planning application P/04479/002 – Wexham House, 132 Knolton Way, Slough.

Oral representations were made to the Committee by a ward member prior to the planning application being considered by the Committee for planning application P/06883/002 – 2 The Link, 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

## Planning Committee - 20.06.11

information, including conditions and informatives set out in the reports and amendment sheet tabled at the meeting.

### 4. P/08522-002 - 8 London Road, Slough

#### Application

P/08522-002 - 8 London Road, Slough – Erection of two-storey building with pitched roof with B1(A) use office fronting London Road with associated parking and access to front and C3 three bedroom dwelling facing onto Palmerston Avenue with associated parking, landscaping and access onto Palmerston Avenue following demolition of existing building.

#### Decision

Delegated to the Head of Planning Policy and Projects for completion of a Section 106 Planning obligation agreement and the following additional conditions:

- a) Two parking bays to be reserved at all times for visitors to the office block.
- b) No through pedestrian access on the site.

(Councillors Long and Minhas left the meeting)

### 5. P/04479/002 - Wexham House, 132 Knolton Way, Slough

#### Application

P/04479/002 – Wexham House, 132 Knolton Way, Slough – Demolition of existing Care Home, change of use from class C to class C3 and redevelopment of site to provide 23 No. two storey family houses (6 No. x 4 bedroom, 15 Nos. x 3 bedrooms, 2 No. two bedrooms) arranged in 4 No. terraces with access from Knolton Way, together with parking and landscaping.

#### Decision

Delegated to the Head of Planning Policy and Projects for a section 106 Agreement.

### 6. P/06883/002 - 2 The Link, Slough

#### Application

P/06883/002 - 2 The Link, Slough – Erection of an attached two storey three bedroom house together with parking for both existing and proposed dwelling.

#### Decision

Refused.

### 7. Appeal Decisions

Details of recent appeal decisions were noted by members of the Planning Committee.

**Resolved** – That the report be noted.

## **Planning Committee - 20.06.11**

### **8. Authorised Enforcement and Prosecutions**

Members were advised of ongoing authorised enforcement and prosecutions.

**Resolved** – That the report be noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.00 pm)

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The Human Rights Act 1998 was brought into force in this country on 2<sup>nd</sup> 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

	<b>USE CLASSES – Principal uses</b>
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

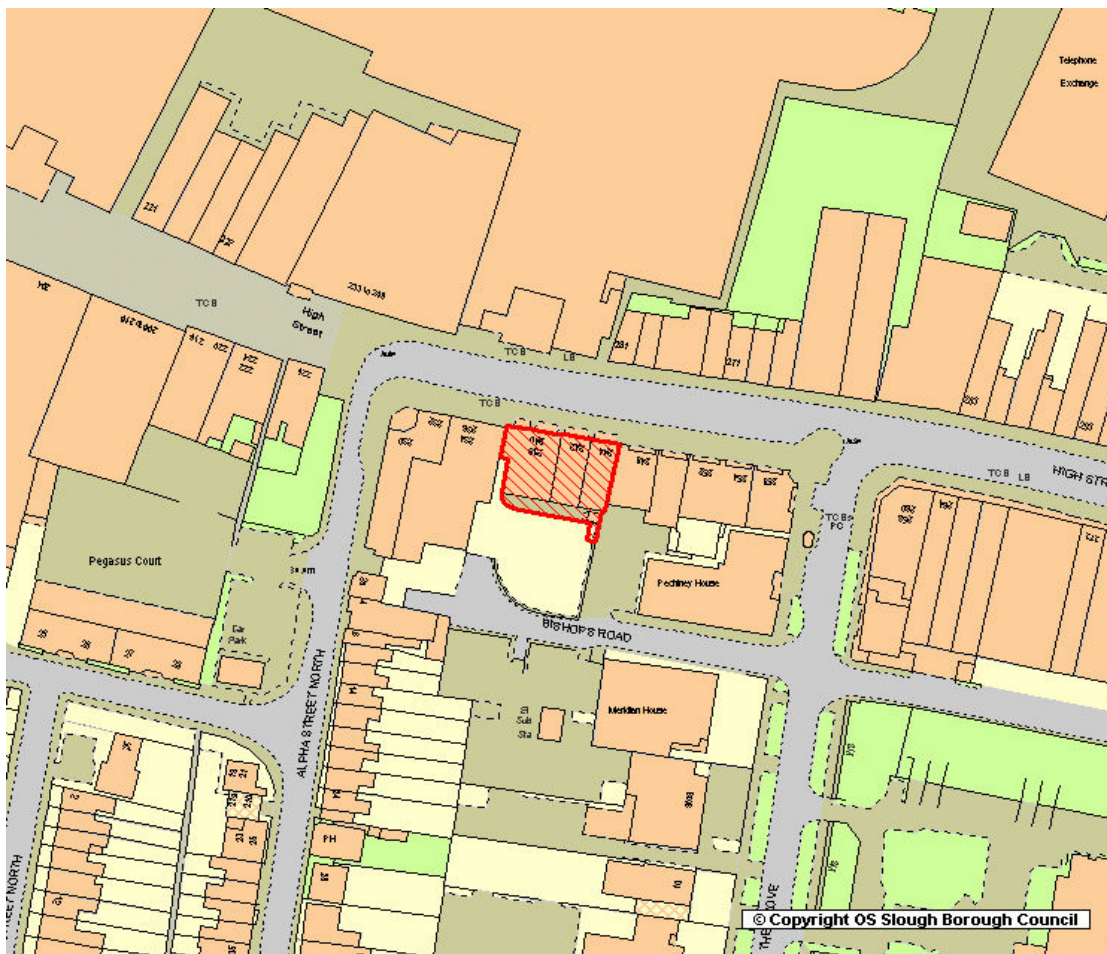
	<b>OFFICER ABBREVIATIONS</b>
WM	Wesley McCarthy
EW	Edward Wilson
HB	Hayley Butcher
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
IH	Ian Hann
AM	Ann Mead
FI	Fariba Ismat
PS	Paul Stimpson
JD	Jonathan Dymond
GB	Greg Bird

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Registration Date:	24-May-2011	Applic. No:	P/02418/034
Officer:	Mr Smyth	Ward:	Upton
		Applic type:	<b>Major</b>
		13 week date:	<b>23rd August 2011</b>
Applicant:	Bancil Partnership Ltd		
Agent:			
Location:	Bishops Court, 238-244, High Street, Slough, Berkshire, SL1 1JU		
Proposal:	CHANGE OF USE OF FIRST, SECOND AND THIRD FLOORS FROM CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) TO CLASS C3 (RESIDENTIAL) TO PROVIDE 7 NO. X TWO BEDROOM FLATS, 5 NO. X ONE BEDROOM FLATS AND 2 NO. X STUDIO FLATS. RETENTION OF RETAIL ON THE GROUND FLOOR AND CONVERSION OF PART OF EXISTING ENTRANCE HALL TO FORM AN ADDITIONAL SMALL SHOP UNIT AND ERECTION OF A SECURE CYCLE PARKING STORE.		

**Recommendation:** Approve subject to Conditions



**P/02418/034**

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 This application is for a change of use of first, second and third floors from Class A2 (financial and professional services) to Class C3 (residential) to provide 7 no. x two bedroom flats, 5 no. x one bedroom flats and 2 no. x studio flats. Retention of retail on the ground floor and conversion of part of existing entrance hall to form an additional small shop unit. Erection of Secure Cycle Parking Store
- 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.

**PART A: BACKGROUND**

2.0 **Proposal**

- 2.1 This is a full application for a change of use of the upper floors from Class A2 (Financial & Professional Services) to Class C3 (Residential) to provided 14 no. flats. The ground floor will remain in A1 Retail Use. The proposed schedule of accommodation is set out below:

Ground Floor: Existing A1 Floorspace retained. Conversion of Part of Existing Entrance Hall to create a Small Shop Unit (20 sq m). Pedestrian entrance onto High Street maintained with access to existing lifts/stair core. Rear bin store created.

An external cycle store is proposed to the rear of the building.

No change to existing car parking arrangements.

First & Second Floors: Provision of 2 no. X One Bed flats, 2 no. X Two Bed Flats and 1 No. X Studio Flat, served via a central corridor from the existing lifts/stair core.

Third Floor: Provision of 1 no. X One Bed Flat and 3 no. X Two Bed Flats

- 2.2 The application is accompanied by existing and proposed floor plans, details of proposed cycle parking together with a Design and Access Statement.

3.0 **Application Site**

- 3.1 The application site consists of a three-storey building (Bishops Court), with mansard roof and 13 marked out car parking spaces to the rear. There is however more space available to the rear of the existing building to park additional cars. Vehicles gain access to the car park from Bishops Road, which leads out of Grove Parade. Two of the three ground floor retail units are

currently occupied, but the offices on the floors above the shops have been vacant since 2003.

3.2 The building to the east of the application site is only two-storey in height, but to the west a three-storey building, with a partially false façade is located. The parapet wall of this building is the same height as the eaves of the application building.

#### 4.0 **Site History**

4.1 The application site has a long history of planning applications, with most of the applications for new shopfronts and advertisement consent. The existing building, consisting of three retail units at ground floor and offices above the shops, was approved in November 1981. A change of use application for one of the ground floor shops to restaurant (A3) was approved in April 2005.

4.2 On 3<sup>rd</sup> January 2006, planning permission was granted for *conversion of upper floor office accommodation from offices (B1) to residential (C3) and construction of a five storey block of flats to provide 28 no two-bedroom and 9 no one-bedroom flats, with 15 car parking spaces*. On 23<sup>rd</sup> August 2010 an application was submitted for an extension of time of the above development and which has been approved in principle subject to the completion of a S106 Agreement.

#### 5.0 **Neighbour Notification**

5.1 2, 2a, 4-6, 8-10, 12, 14 Alpha Street North  
230a, 230b, 230, 232, 232a, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258-260, 261, 265-267, 269 High Street  
Fidelio Software, PC Solutions, Pechiney (UK), The Grove

Late Notice placed on site

Late notice published in local press

Any additional comments received will be reported on the Amendment Sheet

5.2 One letter received from the occupiers of one of the shop units raising no objections subject to the proposals not interfering with the parking and servicing area to the rear of the premises.

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

#### 6.0 **Policy Background**

##### 6.1 **National guidance**

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

Local Development Framework, Core Strategy, Development Plan Document

- Core Policy 1 (Spatial Strategy)
- Core Policy 4 (Type of Housing)
- Core Policy 7 (Transport)
- Core Policy 8 ( Sustainability and the Environment)
- Core Policy 12 (Community Safety)

Adopted Local Plan for Slough

- H7 (Town Centre Housing)
- H11 (Change of Use to Residential)
- H14 (Amenity Space)
- S8 (Primary & Secondary Frontages)
- EN1 (Standards of Design)
- T2 (Parking Restraint)

6.2 The planning considerations for this proposal are:

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

7.0 **Principle of Housing**

7.1 The application site is located within the Secondary Shopping frontage of the Town Centre Commercial Core Area. The principle of providing housing in the Town Centre Area is acceptable as being a sustainable form of development. It would make effective and efficient use of an existing underutilised building in accordance with the principles underlying the aims and objectives of Planning Policy Statement 3. It further complies with the requirements of Core Policies 1 and 4 of the Local Development Core Strategy, Development Plan Document, in terms of housing location and distribution, housing type and density. The proposals which represent a mixed use retail and housing scheme, comply with the principles of Policy H7 of the Adopted Local Plan which supports the principle of such schemes within the Town Centre Commercial Core Area.

7.2 The Local Plan also recognises the value of locating residential development within the Town Centre. The site is an ideal location for high-density development, being located within walking distance of public transport services, shopping and leisure facilities and will further increase housing accommodation in the Borough. The principle of providing residential accommodation above shops in the Town Centre area is supported in planning terms and fully complies with the relevant policies of the Adopted Local Plan. It represents a sustainable form of development and encourages living in Town Centres, which contributes to maintain the vitality of the Town Centre.

7.3 There are no objections raised to the principle of providing additional residential accommodation in the Town Centre, in relation to PPS3, Core Policies 1 and 4 of the Local Development Framework, Core Strategy 2006-2026 and Policy H7 of the Adopted Local Plan.

8.0 **Design & Impact on Streetscene and Neighbouring Properties**

8.1 Unlike previous schemes, this proposal relates only to a conversion of the upper floors, albeit with the creation of a small additional shop unit at ground floor. There are no proposals to undertake any external alterations to the building and hence there are no discernable design or street scene issues.

8.2 In design, streetscene and impact terms no objections are raised in relation to PPS3, Core Policy H8 or Local Plan Policies EN1 and EN2.

9.0 **Living Conditions for Future Occupiers**

9.1 The assessment of living conditions for the future occupiers can be considered in relation to aspect from habitable room windows, light and sunlight, room/flat sizes, airborne noise and amenity space. Such aspects are considered in relation to PPS3, which requires that new housing be of a high quality and Policy H14 of the Adopted Local Plan in respect of amenity space provision.

9.2 Policy H14 requires that an appropriate level of amenity space be provided within residential developments. However, given that this is a town centre location and given the benefits of bringing unused floorspace back into beneficial use by providing lower cost housing within a town centre sustainable location, it is considered that the normal amenity space requirements can be relaxed in this instance.

9.3

Room:	Minimum Area:	New Flat 1 & 6	Complies?
Room:	Minimum Area:	Studios	Complies?
Studio/ bedsit	31.57sqm	25.50 sq m	N
Room:	Minimum Area:	New Flat 2 & 7	Complies?
Bedroom 1	11.4sqm	11.9 sq m	Y
Bedroom 2	6.5sqm	6.78 sq m	Y
Living	16.72 sq m	17.0 sq m	Y
Kitchen	5.57 sq m	5.95 sq m	Y
Room:	Minimum Area:	New Flat 3 & 8	Complies?
Bedroom 1	11.14 sq m	13.04 sq m	Y
Living/ Kitchen	20.43 sq m	22.40 sq m	Y
Room:	Minimum Area:	New Flat 4 & 9	Complies?
Bedroom 1	11.14 sq m	13.04 sq m	Y
Living/ Kitchen	20.43 sq m	23.00 sq m	Y
Room:	Minimum Area:	New Flat 5 & 10	Complies?
Bedroom 1	11.4 sq m	12.65 sq m	Y
Bedroom 2	6.5 sq m	6.83 sq m	Y

Living	16.72 sq m	16.75 sq m	Y
Kitchen	5.57 sq m	5.63 sq m	Y
Room:	Minimum Area:	New Flat 11	Complies?
Bedroom 1	11.4 sq m	19.19 sq m	Y
Bedroom 2	6.5 sq m	13.71 sq m	Y
Living	16.72 sq m	23.39 sq m	Y
Kitchen	5.57 sq m	9.04 sq m	Y
Room:	Minimum Area:	New Flat 12	Complies?
Bedroom 1	11.14 sq m	13.04 sq m	Y
Living/ Kitchen	20.43 sq m	22.40 sq m	Y
Room:	Minimum Area:	New Flat 13	Complies?
Bedroom 1	11.14 sq m	13.04 sq m	Y
Living/ Kitchen	20.43 sq m	23.40 sq m	Y
Room:	Minimum Area:	New Flat 14	Complies?
Bedroom 1	11.4 sq m	12.65 sq m	Y
Bedroom 2	6.5 sq m	6.83 sq m	Y
Living	16.72 sq m	16.75 sq m	Y
Kitchen	5.57 sq m	5.63 sq m	Y

- 9.4 As can be seen from the above table, all flats, other than the 2 no. studio apartments, comply with the minimum room sizes as set out in the Council's approved Planning Guidelines for Flat Conversions. With respect to these units, the presence of existing structural walls and proximity of the lift and stair core are limiting factors. It is also important to consider that part of the application is for the conversion of a commercial building and if residential accommodation above shops is to be encouraged back into Town Centres, consideration must be given to the commercial viability of such schemes. In general terms, the flats are well designed with well-proportioned rooms, which are fully workable in practice, with generous circulation areas and internal storage. The layout of the flats does not raise any room stacking issues. Further, the scheme will also provide low cost accommodation in the Town Centre.
- 9.5 The layout of the flats is such that all principle habitable rooms serving the individual units, including those at third floor level contained within a mansard roof, retain good aspect, including daylight and sunlight either to the front of the building onto the High Street or to its rear across the car park and rear service road. Non habitable rooms including bathrooms and kitchens do not benefit from natural aspect, but no objections are raised in this respect.
- 9.7 External noise from the streets on both sides of the application site, possible noise from the air conditioning plants serving adjoining office buildings and internal noise between flats. The first will require such measures as double-glazing and potentially trickle ventilation. A suitably worded planning condition will be imposed to ensure that this requirement is met. The second will require adequate sound insulation measures. This will be covered at the Building Regulations stage and a suitably worded informative will be imposed.
- 9.8 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. The scheme provides high quality housing in accordance with PPS3.

#### 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 There are 13 marked out car parking spaces to the rear. It is not clear from the application how many of the existing spaces are used in relation to the retail units and how many will be available for use by the residential occupiers. However, as the scheme does not include any proposals to increase the number of car parking spaces on site and as there are good public transport links available a transportation contribution is not being sought in this instance. A proposed bicycle-parking store is proposed to the side of the building, which will accommodate 14 bicycles.

10.5 No objection is therefore raised in terms of transport or parking. The proposal is considered to be inconsistent 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 scale of development circa 14 no units falls below the threshold which would trigger developer contributions in accordance with the Developers Guide. As such the applicants will not be required to enter into a S106 Agreement.

#### 12.0 **Summary**

12.1 The site occupies a sustainable location within the Town Centre Commercial Core Area which is well served by public transport and there is good access to shops and essential services. The proposal, if supported would involve conversion of the vacant upper floors commercial floor space to residential use and would make effective and efficient use of land in accordance with government guidance given in PPS3. It will provide high quality housing in accordance with PPS3 would also contribute to a sustained regeneration of the eastern end of the High Street and contribute to the vitality and viability of Slough Town Centre. It would also reinforce the Council's objectives of seeking to concentrate higher density flatted schemes within the Town Centre area, so

as to protect the more traditional suburbs.

**PART C: RECOMMENDATION**

13.0 **Recommendation**

13.1 Approve with conditions.

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: PL/VP/2199/HS/01; Dated: 04.2011 Recd on: 23.05.2011
- (b) Drawing No: PL/VP/2199/HS/02; Dated: 04.2011 Recd on: 23.05.2011
- (c) Drawing No: PL/VP/2199/HS/03; Revision A; Dated: 04.2011 Recd on: 30.06.2011
- (d) Drawing No: PL/VP/2199/HS/04; Revision B; Dated: 04.2011 Recd on: 30.06.2011
- (e) Drawing No: PL/VP/2199/HS/05; Dated: 04.2011 Recd on: 30.06.2011
- (f) Drawing No: PL/VP/2199/HS/06; Dated: 04.2011 Recd on: 30.06.2011
- (g) Drawing No: PL/VP/2199/HS/07; Dated: 04.2011 Recd on: 30.06.2011
- (h) Drawing No: PL/VP/2199/HS/08; Dated: 04.2011 Recd on: 30.06.2011
- (i) Drawing No: PL/VP/2199/HS/09; Dated: 04.2011 Recd on: 30.06.2011

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.

3. There shall be no commercial deliveries visiting the site outside the hours of 09:00 hours to 18:00 hours on Mondays - Fridays, 09:00 hours to 13:00 hours on Saturdays and no deliveries on Sundays and Bank/Public Holidays.

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

4. Before any building works are being carried out a scheme providing for the insulation of the proposed dwellings units against the transmission of external environmental noise shall be submitted to and approved by the Local Planning



Authority. Any works which form part of the scheme shall be completed in accordance to the approved scheme and to the satisfaction of the Local Planning Authority before any of the permitted dwellings is occupied.

The insulation scheme of the proposed dwellings units shall ensure that the externally noise do not cause an internal noise level of 30dB(A)eq30minutes between the hours of 23.00 and 07.00 hours and individual noise event shall not exceed 45dB(A) Lmax. On completion of the works the applicant shall carry out random noise tests compliance and submit a noise report to demonstrate compliance with the stipulated noise levels.

The design and construction criteria for development of the building, shall have regard the good criteria stated in BS 8233:1999 (British Standard 8233:1999 Sound insulation and noise reduction for buildings - Code of Practice).

REASON To protect the amenity of the future occupiers.

Informative(s)

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 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)
- Core Policy 12 (Community Safety)

Adopted Local Plan for Slough, March 2004

- H7 (Town Centre Housing)
- H11 (Change of Use to Residential)
- H14 (Amenity Space)
- EN1 (Standards of Design)
- EN2 (Extensions)

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

report by contacting the Development Control Section on 01753 477340.

Registration Date:	26-Apr-2011	Applic. No:	P/09785/008
Officer:	Ian Hann	Ward:	Colnbrook-and-Poyle
		Applic type:	<b>Major</b>
		13 week date:	<b>26th July 2011</b>
Applicant:	Mr. Glen J. McArdle Contracts Ltd		
Agent:			
Location:	McArdle House, McArdle Way, Colnbrook, Slough, SL3 0RG		
Proposal:	APPLICATION FOR VARIATION OF CONDITION NO. 2 TO PLANNING PERMISSION P/09785/001 FOR AMENDMENT TO THE LAYOUT OF THE SITE AND LANDSCAPING		

**Recommendation:** Refuse



## **P/09785/008**

### 1.0 **SUMMARY OF RECOMMENDATION**

1.1 Refuse and enforce.

1.2 This application is to be decided at Planning Committee as it is a major development and concerns a condition that was attached to a permission previously granted by Committee.

### **PART A: BACKGROUND**

#### 2.0 **Proposal**

2.1 This is a full planning application for the variation of condition no. 2 to planning permission P/09785/001 for the amendment of the site layout and to agree the landscaping of the site, which was previously required as a pre commencement condition.

2.2 The application is accompanied by plans showing the site layout and planting plan. The application was also accompanied with a letter from the applicant setting out the reasons for the application.

2.3 The plans that have been submitted show no changes to the previously approved buildings upon the site.

2.4 The plans show that the existing previously approved parking and turning areas would be retained but additional hardstanding / unpaved areas would be created for additional storage and four portacabins would be positioned on the western boundary. This would occupy areas of the site that was previously intended for landscaping and to preserve areas of Green Belt. The site is currently being extensively used for storage purposes, over that which has previously been approved, and this application would reduce the area currently being used for storage.

2.5 The planting plan shows that the edges of the site would be maintained with native buffer planting and wildflower grassed areas would edge the areas where storage and parking areas would be situated.

#### 3.0 **Application Site**

3.1 The application site is an irregular shaped site accessed from McArdle Way which links to the Colnbrook By Pass to the north of the site. The site currently contains a large office building and work shop with associated parking and a large open area that is used for the storage of containers, trailers and HGV parking. It is bordered to the north, east and south by the Colne Brook and Tanhouse Farm to the west. Residential properties lay beyond Colne Brook to the north west, west and south of the site.

3.2 The application site is partly located within the Green Belt east of the Colne Brook Conservation Area and adjoins Grade II Listed Buildings at Tanhouse Farm. The site is also located within the Strategic Gap and the Colne Valley Park, as identified in the adopted Local Plan for Slough and Core Strategy.

3.3 The site falls within Flood Zone 3 as identified on the Council's Flood Map.

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

4.1 In 1987 and 1991, two planning applications were submitted to South Bucks District Council seeking the redevelopment of the proposal site for residential development. During consideration of these applications concerns were raised as to the issue of contamination of the site. These applications, although approved in principle by South Bucks District Council were not pursued by the applicants due to land contamination and financial issues.

4.2 An Established Use Certificate has been issued for the central part of the site in 1971 for a light industrial use namely motor engineers. A large number of enforcement notices have also historically been served for various breaches for the storage of plant, vehicles, scrap metal, vehicle parts and tyres, together with use of land for vehicle maintenance and repairs. Such Notices date back to the 70's and 80's. Some notices were quashed on appeal. To date it is considered that there has been some expansion beyond the area as defined in relation to the Established Use Certificate, over a number of years resulting in much of the application site being covered by plant, machinery storage and possible maintenance.

4.3 The more recent planning history is as follows:

P/09785/001 Planning permission was granted on 14/05/1999 for the clearance of the existing site and erection of office building and 4 no. workshops with associated car parking and construction of new vehicular access from Colnbrook By Pass.

P/09785/002 Planning permission was granted on 22/08/00 for the variation of Condition 4 of P/9785/001 to omit the re-location of the lay by the Colnbrook By Pass.

P/09785/005 A planning application for the erection of a two-storey office building (amendment to planning permission ref. P/09785/001) was withdrawn on 16/05/2005.

P/09785/007 Planning permission was granted on 25/10/05 for the same scheme as approved in 1999 but with a variation in the placement of the building.

## 5.0 **Neighbour Notification**

5.1 Tan House Farm, Tan House Farmhouse, Mill Street, Colnbrook

1-6 Ryefield Terrace, Mill Street, Colnbrook

1-2 New Cottages, Mill Street, Colnbrook

Marita, Mill House, Strathmore Cottage, Mill Street, Colnbrook

7-15 St. Thomas Walk, Colnbrook

Hampton House, Park Street, Colnbrook

Flat 1- 5, Freestone House, Park Street, Colnbrook

Badminton, Park Street, Colnbrook

Post Office, 5, Park Street, Colnbrook

Flat 1, The Haven, Park Street, Colnbrook

11-53 Albany Park, Colnbrook

Two letters of objection have been received from nearby residents raising the following issues :

- The drivers using the site cause disruption by noise, vibration and speeding as the site is used over and above what is previously been permitted.  
Response: This application is looking at the expansion of the site and landscaping proposals rather than the use of the site, which these matters would be associated with and the increase in lorry movements may not increase with the increase in storage areas although this will need to be assessed by the Councils Transport department.
- The public footpath by the side of McArdle Way is unsafe due to the amount of traffic using it and poor visibility.  
Response: The footpath and the access road do not form part of this application and can not be considered and it is not considered that the increase in storage areas will lead to an increase in lorry movements although this will need to be assessed by the Councils Transport department.
- The proposals are in fact a massive expansion of the site.  
Response: This is a material planning consideration and is considered in the report below.
- The company operating the site have not mentioned the fact that they have been corresponding with residents over certain issues at the site,

where such correspondence has taken place.

Response: Other peoples dealings with the Applicant's are not material planning considerations and do not have to be disclosed as part of the planning application process and may not be related to land use planning matters.

- It is clear that the original application was not for the type of operation now seen on the site.

Response: This application is looking at the expansion of the site and landscaping proposals rather than the use of the site.

- The growth of the firm should not entitle it to go into Green Belt land.

Response: This is a material planning consideration and is considered in the report below.

- The company operating from the site is expecting to be awarded contracts for the SIFE site opposite should it go ahead.

Response: This is not a material planning consideration as it is a commercial matter and in any event the SIFE application has to date not been decided.

- They have stated that the further incursion into the Green Belt is because they do not want to pay for the additional cost of storage elsewhere, even though they have healthy profit margins in their accounts.

Response: the accounts of the company is not a material planning consideration.

- The lorry movements from the site brings the Colnbrook By-pass to a standstill.

Response: This application is looking at the expansion of the site and landscaping proposals rather than the use of the site.

## 5.2 Colnbrook with Poyle Parish Council

The Parish Council is concerned that there is no erosion of the Green Belt as a result of these works and that the boundary landscaping be maintained. It also has concerns about the use of Mill Street by vehicles servicing and using the site. The gated access is often left unlocked and it should be made clear that this is an emergency access only.

## 6.0 Consultation

### 6.1 Environment Agency

Consulted although no comments received to date. If comments are received these will be reported on in the Amendment Sheet.

### 6.2 BAA Safeguarding

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Therefore, there are no objection to this proposal.

### 6.3 Transport

Consulted although no comments received to date. If comments are received these will be reported on in the Amendment Sheet.

### 6.4 Conservation Officer

1. The landscaped area between Mill Lane and the offices and access way *should* provide a substantial and well treed barrier alongside the Coln Brook.

2. However the overspill parking between the office building and the river is not really satisfactory and should be removed. From the air this area is degraded and should be landscaped by grass and replacement trees for the ones removed and there should merely be an access path provided round the outside of the offices. In winter clearly the site is more open and car parking to the west of the car park should be omitted. A low barrier should be installed to clearly demarcate the soft landscaped area from the approved car parking area otherwise it will be abused again and used as a car parking area to the visual detriment of the conservation area.

3. The Google maps aerial view also shows the area to the north-east seriously degraded. The trees shown on the approved plan AND the submitted one are long gone. Accordingly this area needs strengthening with grass and new plantings of trees.

4. There appears to be an adequate hedge and tree belt to the south-west, south and east of the site.

5. The interior of the site however, although demarcated a little by varied hard surfaces looks pretty poor, although I note the reduction of the portacabins to single storey which will result in something of an improvement.

## **PART B: PLANNING APPRAISAL**

### 7.0 Relevant History

7.1 This site was brought to the attention of the Planning Enforcement team in 2010 and it was subsequently discovered that there had been breaches of planning control at the site including changed layout, the stationing of portacabins, failure to pay the £20,000.00 contribution towards the repair and maintenance of Mill Street, and the failure to formally agree a landscaping plan.

7.2 Following the investigations by the Planning Enforcement team the then acting Head of Town Planning wrote to the applicant's advising them that as a way of moving forward the applicant's should submit a variation of condition planning



application to deal with the new layout of the site together with details of proposed landscaping, removal of 2 of the portacabins and pay the £20,000.00 contribution.

- 7.3 The contribution has now been paid and this application looks to deal with the other matters as stipulated in the above mentioned letter.
- 7.4 The above mentioned letter has been sent on behalf of the then acting Head of Town Planning and carries some weight with regards to its contents in that it is intended to show that *“negotiations moved forward in a practical and efficient way and without recourse to complicated legal action to deal with the unresolved planning issues that affect the site.”* However such a letter is sent *“without prejudice to any decision the Council may make on (the) application”* although appropriate weight will need to be given to this letter when Members decide the application.
- 7.5 The letter further states that if 2 of the 4 portacabins that have been stationed on the site are removed, even though they may be immune from enforcement action, this could be considered a trade off for the rearrangement of the layout of the site which will reduce the landscaped area within the Green belt. Such proposals will still need to be fully accessed and considered against both local and national policy, and such a study has been undertaken and detailed in the report below.
- 7.6 A number of legal judgements have declared that when pre commencement conditions, as per the landscaping condition attached to the original permission, are not discharged prior to the commencement of works on the site, this can be a reason to invalidate the permission, if the condition goes to the heart of the application. In this case the landscaping condition would have been important as it would have sort to enhance the Green Belt that has been reduced due to the creation of this site and would have therefore gone to the heart of the permission. When looking at the history of the application it can be seen that attempts were made to discharge this condition and several amended plans were submitted to overcome officers concerns. However this negotiation and paper trail comes to an end when an amended plan was produced to the Council, consultations were undertaken but no formal response seems to have been made. So while it could be considered that the current buildings and activities on the site do not benefit from planning permission on the basis that the pre commencement condition covering landscaping details remains outstanding, legal advice given to Officers would suggest that that given the time that has lapsed since the original permission this application can be treated as valid. However it is wholly appropriate given the further expansion into the Green Belt which forms the basis of the current application requires up-to-date landscaping proposals which have also been included in this current application.
- 7.7 Circular 02/2009 allows the Secretary of State to give directions requiring applications for planning permission to be referred to them to determine whether or not the application should be “called in”. One of the types of applications that the Secretary of State could consider is inappropriate

development on land allocated as Green Belt in an adopted Local Plan if the development which, by reason of its scale or nature or location would have a significant impact upon the openness of the Green Belt.

7.8 It is considered that this application would not need to be referred to the Secretary of State as the acceptability for the use has been established in previous applications and such a referral would not be warranted for the size of the increase of the site within the Green Belt.

## 8.0 **Policy Background**

### 8.1 Policy Background

#### 8.2 National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Guidance 2 (Green Belts)
- Planning Policy Statement 4 (Economic Growth)
- Planning Policy Statement 5 (Planning for the Historic Environment)
- Planning Policy Guidance 13 (Transport)
- Planning Policy Statement 25 (Development and Flood Risk)

#### Local Development Framework, Core Strategy,

##### Core Policy 2 (Green Belt and Open Spaces)

- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 9 (Natural Built and Historic Environment)

#### Adopted Local Plan for Slough

- EN1 (Standard of Design)
- T2 (Parking Restraint)
- CG1 (Colne Valley Park)
- CG9 (strategic Gap)

8.3 The planning considerations for this proposal are:

- The design and appearance/ impact on the street scene and appearance of the local area and the Green Belt, Strategic Gap and Colne Valley park
- The impact on the living conditions of the adjoining residential properties
- Traffic/ highway/ parking and servicing implications
- Impact on the Conservation Area and Listed Building
- Increased impact on the Brook Ecological Corridor.
- Quality of landscaping

## 9.0 **Assessment**

### **The design and appearance/ impact on the street scene and appearance of the local area and the Green Belt, Strategic Gap and Colne Valley park**

9.1 Design and external appearance is assessed against PPS1, Core Policy 8 and Local Plan Policy EN1, while Green Belt policy is assessed against PPG2 and

Core Policy 2.

- 9.2 Planning Policy Statement 1 (Delivering Sustainable Development) advises that 'Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.
- 9.3 Core Policy 8 of the Local Development Framework, Core Strategy, states that: "All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change."
- 9.4 Policy EN1 of the Adopted Local Plan states that "all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding", in accordance with the criteria set out in that policy.
- 9.5 Planning Policy Guidance 2 (Green Belts) states that "Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development"
- 9.6 Core Policy 2 Green Belt and open spaces development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location.
- 9.7 Planning Policy Statement 4 "Economic Growth" states that a consideration when assessing applications for economic development is "*whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions*"
- 9.8 Planning Policy Statement 5 "Planning for the Historic Environment" states that "Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use."
- 9.9 Core Policy 9 Natural, Built and Historic Environment confirms that development will not be permitted unless it enhances and protects the historic environment.

- 9.10 The proposals in effect seeks to enlarge the area of the site where the activities of the company are being operated from. The previously approved permission allowed for the office building and workshop to be built within the Green Belt with additional limited areas of hardstanding to provide parking turning areas and an access road. The other areas of the site were to be landscaped so as to keep some degree of openness within the Green Belt and so not to have such a detrimental impact upon the Green Belt. Because of the previous permission that has been granted on the site and as previously being considered acceptable the use of the site is considered to be acceptable, but it is the scale of the operations and the further incursion into the Green Belt that needs further consideration.
- 9.11 No changes are proposed in terms of the current buildings, use or access arrangements from Colnbrook Bypass and within the site above that which has been considered to be acceptable in previous permissions, and no objections are raised on these points.
- 9.12 In terms of Green Belt, Colne Valley Park and Strategic Gap Policy the size of the site and the amount of hardstanding was restricted so that it would have limited impact upon the Green Belt, Colne Valley Park and the Strategic Gap. The current situation, when a site visit was recently undertaken by Officers was that a vast majority of the site is being used for open area storage purposes, parking and additional portacabins had been stationed on the site. This situation would further detract from the openness of the area and has a detrimental impact upon the openness and effectiveness of the Green Belt and Strategic Gap as well as urbanising and existing area of countryside. These proposals will reduce the amount of open air storage and will see some of the portacabins currently stationed on the site removed. However this will still result in a further encroachment into the Green Belt over and above what was previously permitted. It is clear from the Officers Report for the original scheme care and consideration was given to the level of parking and turning areas that would be provided at the site, with negotiations reducing the number of car parking spaces that were incorporated into the and suggestions that gravel should be used in turning areas to help reflect the rural location of the site. The current proposals would however introduce additional areas of hardstanding and storage within the areas retained for landscaping, which was previously considered to be important to the scheme, producing further urbanisation within the area and eroding important open areas of Green Belt to the detriment of not just the Green Belt but also the import Strategic Gap to ensure that Slough maintains a satisfactory gap to the west of London. It is therefore considered that the application would have a detrimental impact upon the openness of the Green Belt, the Strategic Gap and increase urbanisation within an area of existing countryside, to the detriment of Colne Valley Park, and should therefore be refused for its inappropriate and harmful impact.
- 9.13 PPG 2 does allow development within the Green belt in “exceptional circumstances”. The Applicants have stated that the cost of sites for storage in other areas is high, quoting prices in the region of £60,000.00 a year and given no other justification for the further encroachment into the Green Belt. This would not meet the exceptional circumstances test as the cost of alternative

sites is not a justifiable reason to allow further encroachment into the Green Belt. If the activities on the site have outgrown the site than appropriate alternative sites need to be found rather than simply allowing further inappropriate development within the Green Belt.

9.14 Furthermore Planning Policy Statement 4 clearly states that development to assist economic growth, as the applicant's state this would do, should only be permitted if the proposal helps improve the character of the area and the way that it functions. This application fails to improve the character of the area, as therefore fails to comply with this policy.

9.15 As the proposed landscaping scheme reduces the amount of area which is available for landscaping, due to the increase in the area used for the commercial activities on the site. The scheme is therefore unacceptable by its very nature and would fail to enhance the Green Belt or the Colne Valley Park.

9.16 The Nature of the landscaping would be acceptable save for the additional planting of some additional trees to replace those already lost and to further upgrading of some areas, although this can be requested via condition if planning permission is to be granted.

9.17 These proposals would not have any impact upon the neighbouring Conservation Area or the Listed Buildings at Tan House Farm as the removal of the first floor of portacabins would ensure that the site would not impact upon the area in terms of visual effect and therefore protects this important area.

9.18 These proposals would not have any impact upon the ecology corridor that runs either side of the brook that borders the site has a 8m gap of landscaping would be provided and therefore provide an appropriate ecology area.

9.19 Objection is therefore raised to this scheme in terms of the detrimental harm and impact caused to the Green Belt, Colne Valley Park and Strategic Gap and against the guidance given in PPS1, PPG2, PPS4, Core Policies 2 and 8 of the Local Development Framework Core Strategy and Policies EN1, CG1 and CG9 of the Adopted Local Plan.

#### 10.0 **Impact on Adjoining Residential Properties**

10.1 The impact on adjacent residential properties is assessed against Core Policy 8 and Local Plan Policy EN1.

10.2 Core Policy 8 of the Local Development Framework, Core Strategy, states that "The design of all development within existing residential areas should respect the amenities of adjoining occupiers."

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

10.4 As noted above, the principal change arising from this latest proposal is that the site will be increased in size from that which has previously approved, which would still be on an area which is less than the current site is operating on. Therefore impacts from the site that would be felt by neighbouring residential properties in terms of disturbance from noise would be limited as the areas would be used for storage rather than other noise intensive uses. The removal of the upper tier of portacabins would also reduce the impact that the proposals would have on local residents. It is therefore considered that these proposals would not have an adverse impact upon the amenity of residential properties.

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

#### 11.0 **Traffic and Highways**

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

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 Core Policy 10 states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements. These improvements must be completed prior to the occupation of a new development and should serve both individual and communal needs. Infrastructure includes transportation.

11.4 It is not considered that any additional fundamental traffic and highway issues would result from these proposals as the site currently has a commercial use and the extended area would be used for storage which would not result in a detrimentally larger number of trips. However, any additional comments received from the highway and transport engineers will be reported on the Amendment Sheet.

11.5 No objections are raised, from the information that has been received to date, on highway grounds considering that the CLC is an existing use.

#### 12.0 **Summary**

12.1 This application seeks to vary the layout of the existing site and also agree a

landscaping proposal that should have been agreed under a condition to a previous application. This would result in an increase of the area used by the commercial activities on the site which would have a impact upon the openness of the Green Belt and the Strategic Gap as well as well as resulting in additional urbanisation of existing areas of the countryside and would have a detrimental impact upon the Green Belt, Strategic Gap and Colne Valley Park. It is therefore considered that the proposal is contrary to PPG2, Core Policy 2 of the Council's Local Development Framework, Core Strategy 2006 – 2026 Development Plan Document, December 2008 and Policies EN1, CG1 and CG9 of the Adopted Local Plan for Slough, March 2004. The proposal is therefore recommended for refusal.

13.0 **PART C: RECOMMENDATION**

13.1 Having considered the policy background and comments from consultees it is considered that this application should be refused and enforcement action taken.

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

Reason(s)

1. These proposals would result in an increase of the area used by the commercial activities on the site which would have a impact upon the openness of the Green Belt and the Strategic Gap as well as well as resulting in additional urbanisation of existing areas of the countryside and would have a detrimental impact upon the Green Belt, Strategic Gap and Colne Valley Park. It is therefore considered that the proposal is contrary to PPG2, PPS4, Core Policy 2 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and Policies EN1, CG1 and CG9 of The Adopted Local Plan for Slough, 2004.

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## **SUPPLEMENTARY REPORT P/09979/001**

**Mill House, Mathisen Way, Mill Book Way, Poyle, Berkshire, SL3 0AA**

### **Recommendation**

*To delegate this application to the Head of Planning Policy and Projects for completion of a Section 106 Agreement, finalising conditions and final determination.*

### **Background**

At its Meeting on 17<sup>th</sup> May 2011, Planning Committee deferred decision on this application to allow a Member site visit to be undertaken. That site meeting took place on 14<sup>th</sup> June 2011 at 16:00 pm. The Member site visit was attended by Councillors, Dodds, Swindlehurst, O'Connor, Rasib, Strutton, and Dale-Gough of the Planning Committee. Also at the Meeting were Councillor Dexter Smith in his capacity as Ward Member and the agent for the applicant.

The Members were shown around the site by Cllr Smith, who pointed out the relationship of the application site with the adjoining residential property and the neighbouring industrial buildings. Members were seeking clarification with regards to the number and the location of the trees that would be lost as a result of the construction of the proposed building. Cllr Smith also made Members aware of the location of the Poyle Channel. Members also observed the traffic flow at the junction of Poyle Road and Mathisen Way, where the Colnbrook NAG was also undertaking a traffic survey at the same time as the site visit. The Council's Traffic consultant clarified questions relating existing parking congestion on the junction of Mathisen Way and Millbrook Way and also explained the proposed mitigation measures that will be implemented as a result of the application. The site meeting was then completed.

Negotiations between the Council's transport engineers and the applicant have been on going since the previous Meeting of Planning Committee. The Applicant has agreed to make a financial contribution of £15,000 towards the cost of works to the footpath at the entrance of Riverside Park to seek to prevent lorriy parking on the footway. The applicant is to submit a S106 Unilateral Undertaking for making the payment.

Following on going negotiations between the applicant and the Environment Agency regarding the ecological corridor between the southern face of the building and the Poyle Channel, the building has been marginally re-sited with the north eastern corner of the building twisted approximately 1.5m towards the northern boundary of the site, to achieve a more defensible ecological corridor.

The changes to the siting of the building have enabled the Environment Agency to remove its objection, subject to the following condition being imposed:

***The development permitted by this planning permission shall only be carried out in accordance with approved drawing 10-4459-SK005 (Rev. P4).***

***REASON: To maintain the river corridor and allow the movement of both the river and associated wildlife.***

In response to the submitted tree survey/aboricultural study this has been considered by the Council's Tree Management Officer who has responded as follows:

*"I visited the site on 21/06/2011.*

*The application proposes the removal of many trees from the interior of the site and the road boundary. The application is supported by a tree survey which correctly identifies the trees positions and sizes but identifies the trees to the front of the building as sycamore; these are a variegated version of Norway Maple. All the trees on the site are young and individually of little amenity but collectively do contribute to the amenity of the area and serve to screen the site and introduce a sylvan character to the industrial area. A smaller development could accommodate more of the existing tree or allow more planting*

*The proposed layout does not leave much space for mitigation of the loss of the trees though some tree planting is proposed. The loss of the amenity afforded by these trees is undesirable but in my opinion, in itself would not be such a loss as to warrant the refusal of planning permission which would be otherwise be in accordance to policy”.*

In light of the re-siting of the building a re-notification of neighbours was carried out. The 14 day re-consultation period expired on 7<sup>th</sup> July 2011

No further objections have been received in response to this re-notification. ``

Members are advised that a further letter of objection has been received from the Hilton Hotel which was recently constructed on the Poyle Manor Site.

- More HGV lorry movements and dispatch vans, adding to existing problems of lorries parking on pavements and verges. Cargo industry should remain separate from the residential and hotel area by the office park that already exists.

Response: These issues are addressed in the officer's report as presented to the Planning Committee at its Meeting on 17<sup>th</sup> May 2011

- Noise and disturbance to local residents.

Response: These issues are addressed in the officer's report as presented to the Planning Committee at its Meeting on 17<sup>th</sup> May 2011

- Loss of trees

Response: The tree study submitted in relation to this application has been assessed by the Council's Tree Management Officer, as set out above

- Development too close to the Poyle Channel with loss of wildlife

Response: The scheme which incorporates an ecological corridor, as amended has been agreed by the Environment Agency.

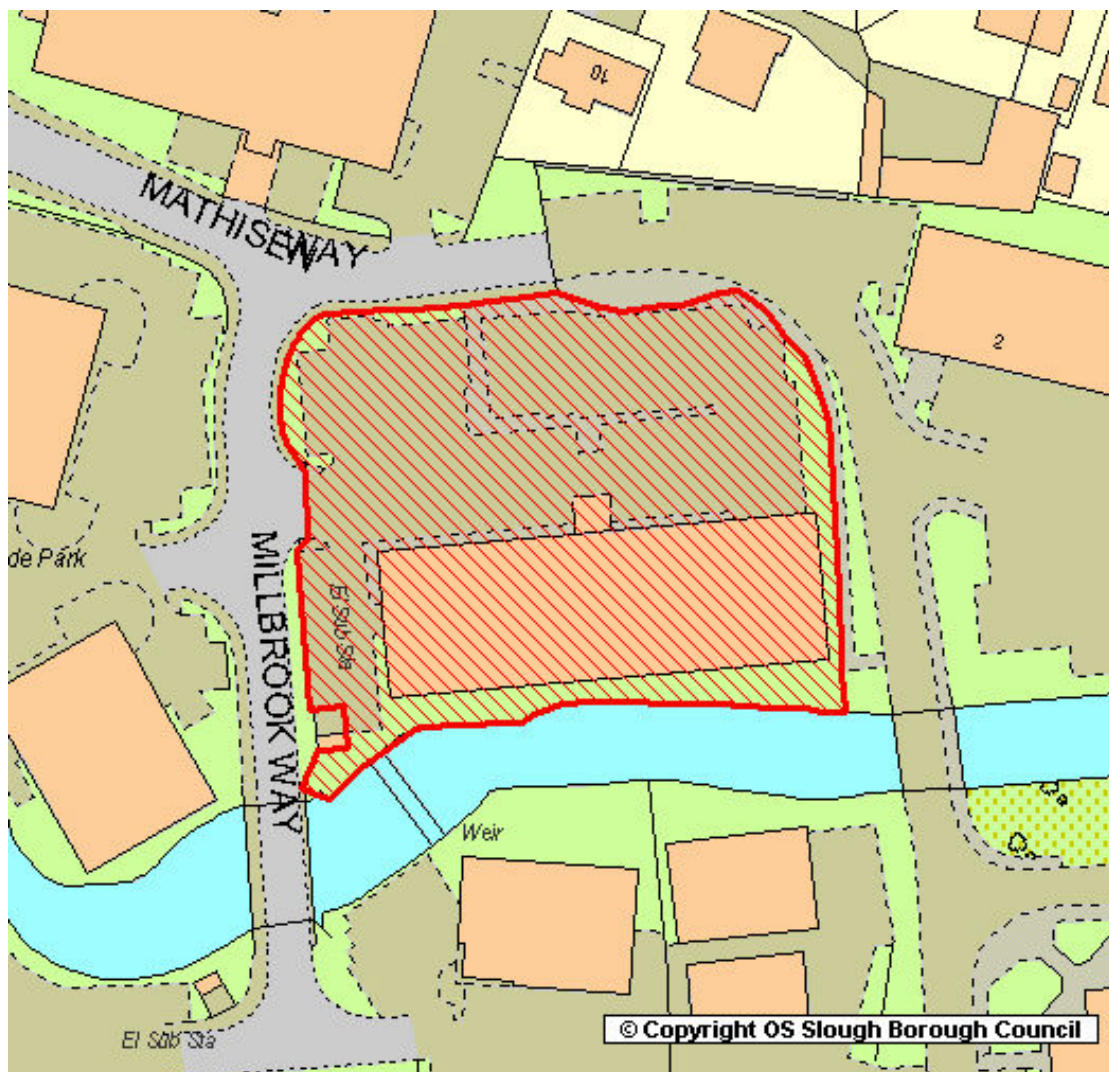
Given the applicant's agreement to make a financial contribution towards the cost of works to the existing footway to seek to prevent lorries from parking on the footway, the Officer recommendation now reads:

*To delegate this application to the Head of Planning Policy and Projects for completion of a Section 106 Agreement, finalising conditions and final determination.*

**FOR INFORMATION ONLY**  
**FROM 16<sup>TH</sup> MAY PLANNING COMMITTEE**

Registration Date:	10-Mar-2011	Applic. No:	P/09979/001
Officer:	Mr Smyth	Ward:	Colnbrook-and-Poyle
		Applic type:	<b>Major</b>
		13 week date:	<b>9th June 2011</b>
Applicant:	Chancerygate (Poyle) LLP		
Agent:	Phillip Brown, Savills Wytham Court, 11, West Way, Oxford, OX2 0QL		
Location:	Mill House, Mathisen Way, Mill Book 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



**FOR INFORMATION ONLY**  
**FROM 16<sup>TH</sup> MAY PLANNING COMMITTEE**

**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

**FOR INFORMATION ONLY**  
**FROM 16<sup>TH</sup> MAY PLANNING COMMITTEE**

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 2,680m<sup>2</sup>. 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

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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

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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 17<sup>th</sup> 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*

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*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*



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*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*

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*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 Graviner 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*

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*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 to 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

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*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*

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*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.*

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*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.*
- 

*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:*

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**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.*

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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.aa.org.uk/publications/safeguarding.asp](http://www.aa.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.aa.org.uk/publications/safeguarding.asp](http://www.aa.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,*



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*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](http://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.*

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**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

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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

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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.

- 7.4 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

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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

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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

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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*

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*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



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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:*

<i>Car Parking</i> .....	<i>17 no. car parking spaces</i>
<i>Lorry Parking</i> .....	<i>6 no. lorry spaces</i>

*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.

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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/abortionculturalist'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*

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*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](http://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](http://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.

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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 tanoy 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

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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.

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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.

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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 Bilstrand 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

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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 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



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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

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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](http://www.aoa.org.uk/publications/safeguarding.asp) ).

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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](http://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

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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

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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

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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](http://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](http://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](http://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](mailto: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.

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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.

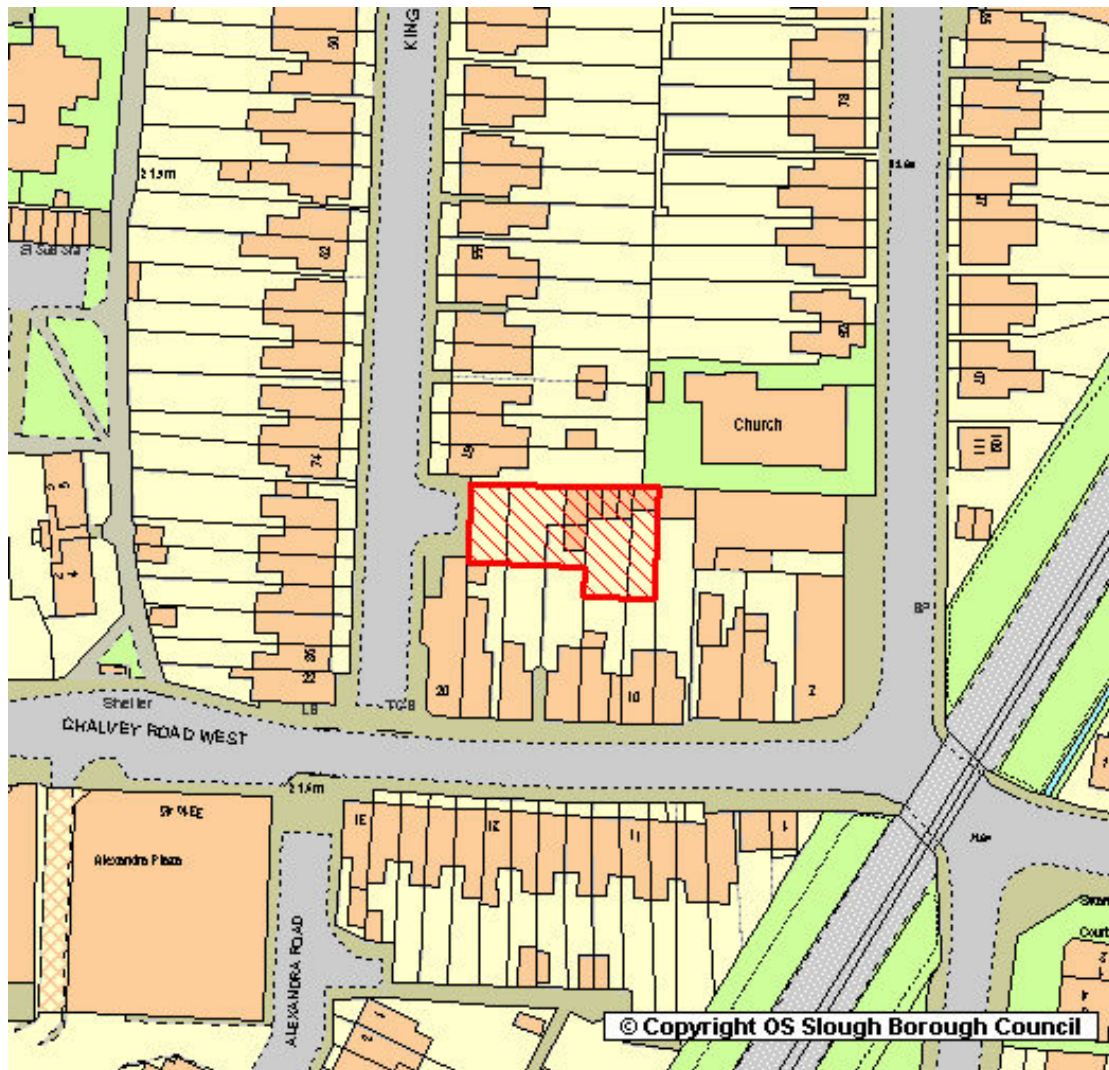
This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section on 01753 477340.

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Registration Date:	13-May-2011	Applic. No:	P/02702/013
Officer:	Hayley Butcher	Ward:	Chalvey
Applicant:	Mirenpass Ltd		
Agent:	Mr. Neil Oakley, Danks Badnell LLP 3-4, KINGS STABLES, OSBOURNE MEWS, WINDSOR, BERKS, SL4 3DE		
Location:	LAND R/O, 10-18, CHALVEY ROAD WEST, SLOUGH, BERKSHIRE		
Proposal:	DEMOLITION OF STORAGE UNIT AND ERECTION OF 2 NO. THREE TWO BEDROOM AND 1 NO. TWO BEDROOM TERRACED HOUSES		

**Recommendation:** Delegate to HPPP



## **P/02702/013**

### 1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the comments from consultees, policy background and planning history it is considered that the proposed scheme is acceptable and as such it is recommended to delegate a decision to the Head of Planning Policy and Projects to consider any further observations from neighbours/consultees.

1.2 This application has been called in to committee by Councillor Mohammed Sharif for the following reason; parking and congestion in King Edward Street.

### 1.3 **Sustainability**

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

## **PART A: BACKGROUND**

### 2.0 **Proposal**

2.1 Planning permission is sought for the demolition of an existing storage unit and erection of 2x three bedroom and 1x two bedroom terraced houses.

### 3.0 **Application Site**

3.1 The application site consists of land to the rear of 10-18 Chalvey Road West and adjacent to residential property 67 King Edwards Street. The properties which form 10-18 Chalvey Road East are predominantly retail at ground floor with residential or storage accommodation above. King Edwards Street is predominantly made up of Victorian terraces and semi-detached properties.

### 4.0 **Relevant Site History**

4.1 The application site has a long planning history. From 1989 – 1996 various permissions were granted for the redevelopment of the site for 2x flats.

4.2 In 1997 an application was made for the retention of a catering kitchen on the site. This was refused and a number of later applications were made relating to this unauthorised kitchen which were either refused/withdrawn or invalid.

4.3 Of note is application P/02702/010 in 2000 which proposed the demolition of the unauthorised commercial kitchen and the erection of 5x flats with associated parking. This application was refused but later allowed at appeal.

4.4 More recently in January 2011 an application was made for the redevelopment of the site (P2702/012) to provide 3x two bedroom terraced houses. This application

was refused on grounds of design and impact on neighbouring amenity.

5.0 **Neighbour Notification**

5.1 Zion Methodist Church  
Ledgers Road  
Slough  
SL1 2QZ

65, 67, 74, 76, 78, King Edward Street  
Slough  
SL1 2QS

8, 8a, 10, 10a, 10b, 12, 14, 14a 16, 16a 18, 18a, 20, Chalvey Road West  
Slough  
SL1 2PN

Flat, 20, Chalvey Road West  
Slough  
SL1 2PN

Flat, 12, Chalvey Road West  
Slough  
SL1 2PN

5.2 Further subdivision of properties was highlighted on site therefore additional consultations have taken place. Therefore the recommendation to delegate a decision to the Head of Planning Policy and Projects is subject to the consideration of any further observations from neighbours/consultees.

5.3 A petition containing 70 signatures was received objecting on the grounds of:

Loss of privacy/overlooking of gardens; shortage of parking; loss of natural light; crime; drop in value of property; on-street parking to the detriment of the safety of highway users.

5.4 In addition seven letters of objection have been received objecting on grounds of:

Loss of privacy (overlooking into gardens); overcrowding; loss of view; loss of natural light; shortage of parking; crime; on-street parking to the detriment of the safety of highway users; drop in house prices; drop in business activity; impact on character of street scene; impact on sewage system; additional traffic and noise; increased vandalism, drug and prostitution; overbearing to neighbouring properties; height of properties proposed; public disorder over parking; noise disturbance from construction affecting the working environment of a pharmacy; currently lorry movements to the site are minimal; a car free development is fanciful; and parking problems associated with Houses of Multiple Occupation and inhabited sheds in gardens.

## 6.0 **Consultation**

6.1 **Crime Prevention Design Advisor:**  
No objection

**Highways and Traffic:**  
No objection subject to conditions

**Thames Water:**  
No objection

## **PART B: PLANNING APPRAISAL**

### 7.0 **Policy Background**

7.1 The proposal is considered in conjunction with saved policies: EN1 (Standard of Design), EN5 (Design and Crime Prevention), H13 (Backland/Infill Development), H14 (Amenity Space), and T2 (Parking Restraint) of the Adopted Local Plan for Slough (2004); Core Policies 1 (Spatial Strategy), 4 (Type of Housing), 7 (Transport) and 8 (Sustainability and the Environment) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document (December 2008); Residential Extensions Guidelines, Supplementary Planning Document, December 2008; and Planning Policy Statement 1 - Sustainable Development, Planning Policy Statement 3 - Housing, and Planning Policy Guidance 13 - Transport and Planning.

### 8.0 **Principle of Development**

8.1 High density housing in the form of 5x one bedroom flats was allowed at appeal under permission P/02702/010 in July 2001. However, since this appeal decision the Core Strategy has been adopted (December 2008) and now forms a material planning consideration.

8.2 Due to there being a shortage of family housing in Slough, Core Policy 4 of the Core Strategy specifies that outside of Slough town centre new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area. This policy includes development within higher density mixed use areas such as District or Neighbourhood centres. The application site is located in a Neighbourhood Centre.

8.3 As a result flatted development would no longer be acceptable in principle in this location.

8.4 This application is for the creation of 3x two bedroom dwellings. Family housing is defined in the Core Strategy as:

*“A fully self contained dwelling (with a minimum floor area of 76m<sup>2</sup>) that has direct access to a private garden. Comprises a minimum of two bedrooms and may include detached and semi-detached dwellings and townhouses, but not flats or*

*maisonettes.*”

8.5 This application meets the minimum requirements of family housing as per Core Policy 4 and is therefore acceptable in principle.

9.0 **Impact on Character**

9.1 In line with PPS1 good design is fundamental. Good design is based on responding to existing character, appearance and other attributes of an area. At a more detailed level, it also includes design, massing and bulk, external materials, colours and landscaping, inclusive design, the orientation of the proposed buildings and their relationship to public spaces to provide adequate surveillance to help make a safe, secure environment.

9.2 *Layout*

This application has been designed as a linear form of development which matches the existing linear development in King Edward Street. As such the proposal has an active frontage which addresses King Edward Street. This revised layout overcomes design concerns raised in application P/02702/012 due to the lack of an active frontage.

9.3 *Access*

The main access to the site is achieved from King Edward Street. In addition there is pedestrian access from the rear of the proposed properties onto Chalvey Road West via an alleyway. In the interest of crime prevention by design it would be preferable to have a gate at this access to allow only residents to pass. This can be secured via condition (Condition 7 refers).

9.4 *Bulk, Scale, Massing and Design:*

The eaves and ridge height of the proposed dwellings are in line with adjacent property 67 King Edward Street, and the wider street scene. The properties themselves are narrower across the frontage at 4.3m than adjacent property 67 King Edward Street. However the proposed new dwellings do not seek to imitate the Victorian style of King Edwards Street. Detailing such as the width of windows follows that of windows in adjacent properties but overall the proposed dwellings have a more contemporary design. As such the proposed development clearly separates itself from the surrounding development as a new addition, whilst responding to the surrounding historic context.

9.5 *Density:*

The proposed density of development is in line with the density of development in the immediate surrounding area.

9.6 *Amenity Space:*

Assessment of the appropriate level of amenity space requires consideration of the type and size of dwelling, and type of household likely to occupy the dwelling (policy H14 of The Local Plan for Slough refers). As the proposal is for family sized accommodation the provision of suitable amenity space is essential.

- 9.7 The Residential Extensions Supplementary Planning Document (SPD) recommends a rear garden area consisting of a minimum depth of 9m or 50m<sup>2</sup> for a three bedroom dwelling. The proposal allows for garden space in excess of these guidelines.
- 9.8 The revised layout and resulting amenity space overcomes concerns raised under previous application P/02702/012 where a sub-standard level of amenity space was proposed for family sized dwellings.
- 9.9 *Landscaping:*  
There is limited scope for landscaping to the front of the proposed dwellings given their siting in the street. Given the urban character of the immediate surrounding area the proposal is not considered to have a detrimental impact on character by reason of lack of landscaping.
- 9.10 The proposal is therefore considered to comply with planning policies: H13, H14 and EN1 of The Adopted Local Plan for Slough 2004; Core Policies 1 and 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008; Supplementary Planning Document, Residential Extensions Guidelines; and Planning Policy Statement 1 – Sustainable Development and Planning Policy Statement 3 – Housing.
- 10.0 **Impact on Neighbouring Amenity**
- 10.1 Proposed House 1 will adjoin 67 King Edward Street. The depth of proposed houses is greater than that of 67 King Edward Street. In addition the proposed dwellings are set back from the front building line of this neighbouring property. As such the proposed development extends at two storeys to the rear of 67 King Edward Street by some 7.4m.
- 10.2 The proposal therefore has the potential to have an overbearing and loss of light impact on 67 King Edward Street. In light of this concern revisions to House 1 to reduce the overall bulk were sought. These changes have lowered the ridgeline of House 1 and reduced the depth of two storey rear extensions by 3.4m, in accordance with the submitted amended plans.
- 10.3 Bearing in mind the extent of extensions allowed at appeal under ref P/2702/10 the revised scheme greatly reduces the amount of development on the boundary with 67 King Edward Street, most notably by the extensive space to the rear which is now laid to garden.
- 10.4 The same is true of recently refused application P/2702/12 which again proposed the bulk of development along the shared boundary with 67 King Edward Street. This proposal is therefore considered to result in a more appropriate development within the context of King Edward Street, and with the revisions made to House 1 is not considered to have so detrimental an impact on 67 King Edward Street so as to warrant a reason for refusal.
- 10.5 Noise and disturbance has been raised as a concern. The level of noise and disturbance associated with the residential use of the site is not considered to be markedly different from the surrounding predominantly residential King Edwards

Street and the adjacent retail uses in Chalvey Road West which attract a certain level of noise. As such noise and disturbance is not considered to be so detrimental so as to warrant a reason for refusal.

- 10.6 Noise from construction can be mitigated with a suitable informative attached to any subsequent permission (Informative 2 refers).
- 10.7 Concern has also been raised with respect to overlooking. The proposed dwellings have windows in the front and rear elevations only which is the same relationship as the majority of dwellings in King Edwards Street. As such only oblique views of the end of neighbouring properties' rear gardens would be achievable. This relationship in terms of overlooking is not considered to result in direct overlooking into neighbouring properties or of rear amenity spaces and as such is not considered to be detrimental to neighbouring amenity.
- 10.8 The rear of properties belonging to Chalvey Road West abut the south side boundary of the site. In most instances there is a separation from these properties with the boundary of the site by way of rear yards. However in the case of 18/18a and 16/16a Chalvey Road West the buildings abut this boundary; single storey at 18/18a and two storey at 16/16a. Both buildings appear to be unauthorised as there is no planning history at either site relating to these extensions.
- 10.9 Proposed House 3 would abut 18/18a and 16/16a Chalvey Road West completely blocking all light and outlook to these extensions. However, from visiting the site, most notably in the case of the two storey rear extension which abuts the site at 16/16a Chalvey Road West, this is a store to the shop. As such loss of light to this area would not constitute a reason for refusal.
- 10.10 The proposal is therefore considered to comply with planning policies: H13 and EN1 of The Adopted Local Plan for Slough 2004; Core Policies 1 and 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008; Supplementary Planning Document, Residential Extensions Guidelines; and Planning Policy Statement 1 - Sustainable Development and Planning Policy Statement 3 - Housing.

#### 11.0 **Traffic and Highways**

- 11.1 The proposal has the potential to generate in the region of 15 movements per day. From a traffic generation point of view the proposal is considered to have limited traffic generation implications on the wider highway network, and as such would not warrant a reason for refusal. This is a view supported by the appeal decision on P/20702/10.
- 11.2 No parking has been provided for the proposal. The application site is located in the locally designated Neighbourhood Centre of Chalvey High Street. As such there is a nil parking requirement required for residential development in this location as per The Local Plan for Slough.
- 11.3 The proposal is therefore considered to comply with planning policies: T2 of the adopted Local Plan for Slough; Core Policies 1 and 7 of the Slough Local

Development Framework Core Strategy 2006-2026, Development Plan Document (December 2008); and Planning Policy Statement 1: Sustainable Development, Planning Policy 3 - Housing, and Planning Policy Guidance 13 - Transport.

12.0 **Other Issues**

12.1 Concern raised in letters of objection relating to loss of view; drop in house prices; drop in business activity; increased drug and prostitution; public disorder are not material planning considerations.

12.2 Issues relating to sewage would fall under the jurisdiction of Thames Water. Thames Water have been consulted on this application and in relation to sewerage infrastructure they have no objection to the proposal.

12.3 Care has been taken to ensure the proposal complies with the principles of Design and Crime Prevention as per Policy EN5 of the Local Plan for Slough and in addition the Crime Prevention Design Advisor has been consulted on the application and raises no objection as outlined above.

12.4 Any Change of Use of the properties from that proposed would require planning permission as would habitable sheds in gardens. Both issues do not form the basis of this application.

13.0 **Summary**

13.1 The proposal is considered acceptable as it would provide family housing within an existing suburban residential area, and is considered to comply with Local and National Planning Policy in terms of impact on character, neighbouring amenity and highway safety.

**PART C: RECOMMENDATION**

14.0 **Recommendation**

14.1 Delegate to HPPP for decision.

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

Condition(s)

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

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

2. The 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. 10/29/101B, Dated May 2011, Recd On 15/07/2011
- (b) Drawing No. 10/29/102B, Dated May 2011, Recd On 15/07/2011

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

REASON The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed and would be too small to accommodate future development(s) which would otherwise be deemed to be permitted by the provision of the above order.

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

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

- 5. No window, other than hereby approved, shall be formed in the flank elevations of the development without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties.

- 6. No access shall be provided to the roof of the single storey rear projection at House 1 by way of window, door or stairway and the roof of this projection hereby approved shall not be used as a balcony or sitting-out area.

REASON To preserve the amenity and privacy of neighbouring residential occupiers.

- 7. Before the development hereby permitted is occupied, a secure gated access for residents to the rear pedestrian access onto Chalvey Road West shall be erected in accordance with details to be submitted to and approved by the Local Planning Authority.

REASON To safeguard the visual amenities of the locality and the privacy and amenity of adjoining properties.

- 8. The bin stores as shown on approved plans shall be erected prior to occupation of the dwellings hereby approved.

REASON In the interests of visual amenity.

Informative(s)

1. The applicant is reminded of the following:

CONTROL OF NOISE ON CONSTRUCTION AND DEMOLITION SITES  
LEGISLATIVE CONTROLS

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

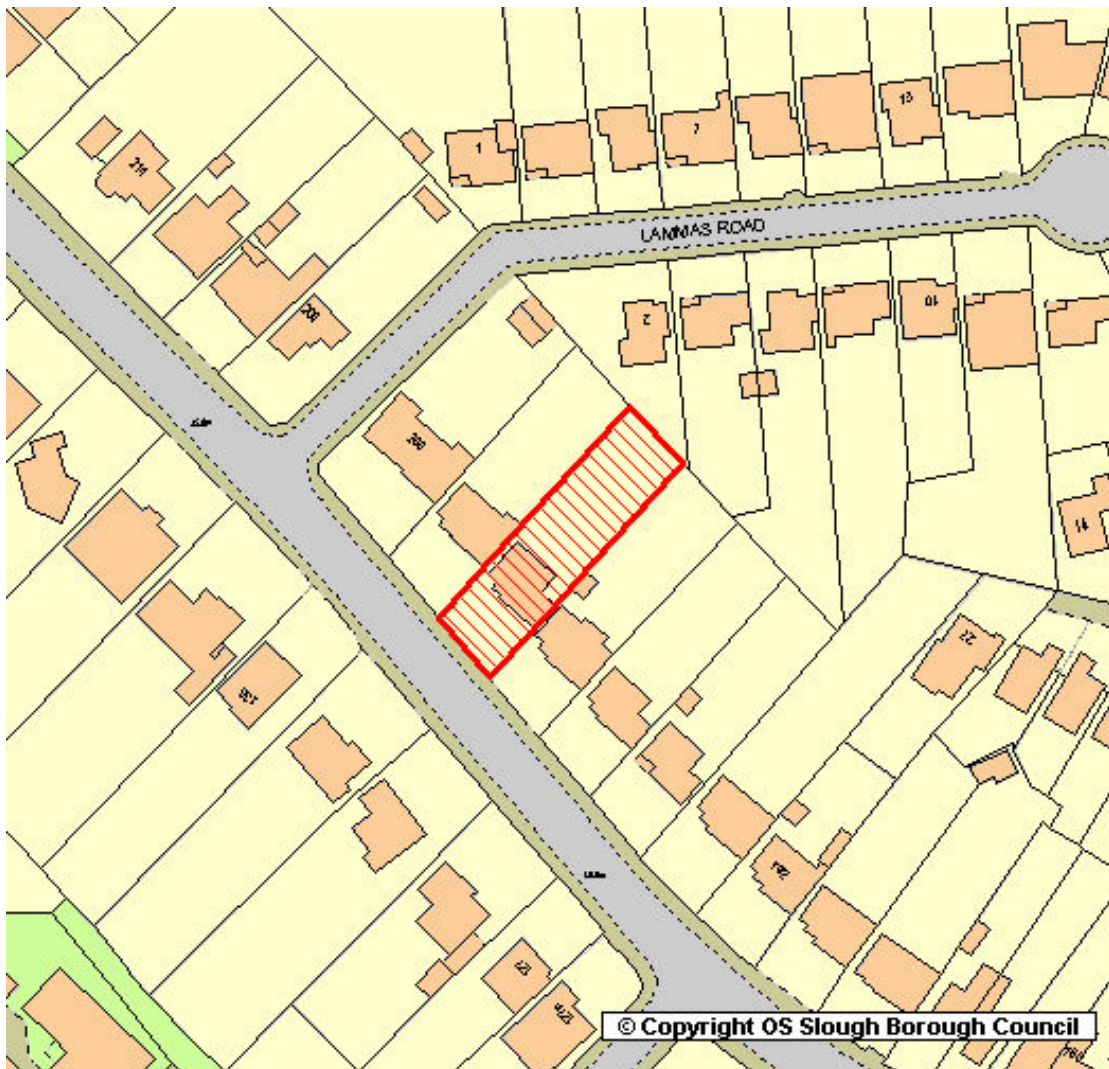
Policies:- EN1, EN5, H13, H14, and T2 of The Adopted Local Plan for Slough 2004; Core Policies 1, 4, 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008; Residential Extensions Guidelines, Supplementary Planning Document, December 2008; and PPS1, PPS3 and PPG13.

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:	07-Apr-2011	Applic. No:	P/04213/004
Officer:	Ann Mead	Ward:	Haymill
Applicant:	Mr. Balbinder Randhawa		
Agent:			
Location:	202, Burnham Lane, Slough, SL1 6LE		
Proposal:	ERECTION OF A PART SINGLE STOREY PART TWO STOREY REAR EXTENSION		

**Recommendation:** Refuse



**1.0 SUMMARY OF RECOMMENDATION**

1.1 This application is a householder application which would normally be determined by officers under the approved scheme of delegation; however it has been called in for determination by Planning Committee on the request of Councillor Anna Wright for the following reasons:

- Disagree with the conclusion reached regarding poor design and excessive bulk and mass
- The proposal is to the rear of the property and has no visual/detrimental impact on the character of the residential area.
- The applicant wants larger bedrooms for his two daughters

1.2 Having considered the relevant policies below, the proposed development is considered to be excessive in bulk and mass, with irregular roof forms and a first floor stagger to respect the 45 degree horizontal plane is considered poor design which if permitted would have a detrimental impact on the character of the residential area of exceptional character in which it is located.

1.3 The application is being recommended for refusal for the reasons as set out at the end of this report.

**PART A: BACKGROUND**

**2.0 Proposal**

2.1 The applicant proposes to erect a part single storey rear extension and a first floor rear extension.

2.2 The part single storey rear extension measures 2.95m in depth x 2.8m in width with a pitched roof taking the height to 3.5m.

2.3 The proposal also consists of a first floor rear extension measuring 2.4m in depth (maximum) x 10.5 in width with three pitched roofs taking the height to 6.7m (maximum). The proposal would be built across the full width of the original dwelling and on top of an existing single storey rear extension.

**3.0 Application Site**

3.1 The proposal site is occupied by a two storey dwelling that is detached from the neighbouring dwellings. The property is located on the north eastern side of Burnham Lane. The front of the property is mainly laid for car parking purposes with gravel with a boundary wall. The property already benefits from several extensions in the form of a single storey rear extension in the form of a part conservatory and part brick built extension. The property is also built with a two storey side extension with front facing dormer and at 0.2m from the side boundary with No: 200.

3.2 The site falls within a Residential Area of Exceptional Character situated within the number range 180 – 214 evens Burnham Lane. These are established areas on main road frontages which have not substantially changed in their original form or features, and sensitive planning control is necessary to ensure extensions do not damage their character or amenity.

#### 4.0 **Site History**

4.1 P/04213/000 – Erection of a single storey rear extension. Approved with conditions 22<sup>nd</sup> March 1976.

4.2 P/04213/001 – Erection of single storey rear extension. Approved with conditions 25<sup>th</sup> September 1992.

4.3 P/04213/002 – Erection of a single storey rear extension/conservatory. Approved with conditions and informatives 3<sup>rd</sup> January 2002.

4.4 P/04213/003 – Erection of a first floor side extension with a pitched roof and dormer. Approved with conditions and informatives 17<sup>th</sup> July 2003.

#### 5.0 **Neighbour Notification**

5.1 Nos. 204 and 200 Burnham Lane and 2 Lammas Road, Slough were consulted on 11<sup>th</sup> April 2011.

One e-mail of objection was received highlighting the following points:

- The property is already large having had 4 previous extensions, the last one overshadowing No: 200. They failed to comment due to the neighbours assuring them they would not extend further.
- 2 possibly 3 trees will be affected if the extension is permitted to go ahead.
- If underpinning is required for the two storey extension it will affect the trees.
- No access is permitted during building works.
- Burnham Lane has been designated as an area of local interest and feel another extension at No: 202 will have an adverse impact on the surrounding area.
- The additional extension will result in overlooking of our garden.

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

#### 6.0 **Policy Background**

6.1 The application is considered in relation to:

- National Planning Policies: Planning Policy Statement 1 (Delivering Sustainable Development)
- Core Policy 8 (Sustainability and the Environment) of Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008;

- Policies EN1, EN2, H12, H15 and T2 of Local Plan for Slough, 2004; Council's Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010.

## 7.0 **Design and Appearance/ Impact on Street Scene**

- 7.1 The proposed part single storey rear extension would be built to a depth of 2.95m with a hipped and pitched roof, to a height of 3.5m. The proposed extension would measure 2.8m in width and be set in from the boundary with No: 204 Burnham Lane by 1.1m.
- 7.2 This element of the proposal infills a small corner of the series of extensions and is not visible from the street scene. Whilst this element is a secondary extension taking the overall depth to 5.4m, it is unlikely to be objected to as the majority of the conservatory which measures 7.35m in width was approved under planning permission ref: P/04213/002.
- 7.3 The proposed first floor rear extension would measure 2.4m in depth, with three individual pitched roofs with varying heights; two at 6.7m and one at 6.2m, with single rear facing windows proposed for each bedroom. This part of the proposal fails to comply with guidelines contained in the Residential Extensions Guidelines in that, at 10.5m in width it is proposed at 0.2m from the shared boundary with No: 200 Burnham Lane and is proposed with a stagger to comply with the 45° line of sight, resulting in an extension which is not subordinate to the original dwelling adding more than 50% of the width of the original dwelling in extensions.
- 7.4 The 3 individual pitched roofs are considered poor design with the irregular roof line and adding to the scheme no sense of proportion or balance resulting in an overbearing and bulky extension. Two are the same height and one is smaller resulting in a scheme which is designed to be at odds with the host dwelling having the appearance of a contrived and discordant scheme, maximising the development potential of the site rather than respecting the Area of Exceptional Character and failing to comply with basic principles contained within DP3 of the Residential Extensions Guidelines, Adopted January 2010. This part of the proposal fails to comply with DP3, EX26, EX28 and EX29 of the Residential Extensions Guidelines and EN1, EN2, H12 and H15 of the Local Plan for Slough: 2004 and Core Policy 8 of the Local Development Framework, Development Plan Document, December 2008.

## 8.0 **Impact on Neighbours**

- 8.1 Application P/04213/003 was considered against the Residential Extensions Guidelines 1994 and the side extension was permitted on the boundary in this instance. However an additional extension on this boundary would in the overdevelopment of the site.
- 8.2 No: 200 Burnham Lane is the neighbouring property to the application site, and has objected to any further development on the shared boundary, stating that the property is already overly large having applied for and gained planning



permission for four different extensions and that further extensions would have an adverse impact on the special designation (Area of Exceptional Character) that this part of Burnham Lane has been allocated.

8.3 No: 200 Burnham Lane has 3 trees along the boundary with No: 202 and expressed concern as to the likely impact on the trees. Whilst no TPO's are in existence for the three trees it is accepted that they add to the character of this part of Burnham Lane and should be retained. No: 200 expressed concern that should the original single storey extension need underpinning to accommodate the first floor extension on top, the trees would be affected and maybe even their property. However this does not form a material planning consideration.

8.4 No: 200 claims that the proposed first floor rear extension would result in a loss of privacy within the garden, but it is considered that the proposed windows would not result in a situation markedly different from the existing situation.

#### 9.0 **Amenity Space**

9.1 The Council's Residential Extensions Guidelines, under EX48 sets out criteria for a 4 bedroomed dwellinghouse a minimum amenity area of 15m or over 100 square metres is to be provided. The rear extension will measure 5.4m in depth leaving over 23m of rear amenity space which complies with the requirements in the Council's approved Guidelines and criteria contained within policy H14 of the Local Plan for Slough 2004.

#### 10.0 **Parking**

10.1 The Council's parking standards require that for a four bedroomed dwellinghouse applications should provide a minimum of 3 on site parking spaces. The proposal is capable of providing 3 on site car parking spaces which meets the requirements in line with the integrated transport strategy. This is considered to be acceptable as it is in keeping with Parking Standard (November 1998), policy T2 of the adopted Local Plan for Slough, 2004 and Core Policy 7 Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document. In light of the above no objections are raised on grounds of parking.

#### 11.0 **Summary**

11.1 It is considered that the proposed erection of a part single storey rear extension and a first floor rear extension when combined with the size and scale of the existing dwelling with its series of extensions would result in an overly large bulky extension that would detract from the character and appearance of the original dwellinghouse and the character and appearance of the residential area of exceptional character. It would appear overly dominant when viewed from the neighbouring amenity land.

11.2 As such the proposed part single storey rear extension and first floor rear extension by virtue of its cumulative size (depth and width), in close proximity

to the boundary line with the neighbouring dwelling at No: 200 and contrived design is not considered to be acceptable. The proposal therefore is considered to be contrary PPS1, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, Development Plan Document, December 2008, Policies EN1, EN2, H12 and H15, of the Adopted Local Plan for Slough (2004), Council's adopted Residential Extensions Guideline, Supplementary Planning Document, 2010, therefore not acceptable and is recommended for refusal for the following reasons.

### **PART C: RECOMMENDATION**

#### 11.0 **Recommendation**

11.1 Refuse.

#### 12.0 **PART D: LIST OF REFUSAL REASONS**

##### Reason(s)

1. The proposed two storey rear extension, by reason of its excessive bulk and mass, irregular roof forms and first floor stagger to respect the 45 degree horizontal plane is considered poor design which is out of character with the original dwelling and would have a detrimental impact on the character of the residential area of exceptional character in which it is located. As such the proposed development is contrary to Policies H12, H15, EN1 and EN2 of The Adopted Local Plan for Slough, 2004, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008, PPS1 and the Residential extensions Guidelines, Supplementary Planning Document, Adopted January 2010.

##### Informative(s)

1. The development hereby refused was submitted with the following plans and drawings:
  - (a) Drawing No. 2331-10-01, Dated Feb 2011, Recd On 07/04/2011
  - (b) Drawing No. 2331-10-02, Dated Feb 2011, Recd On 07/04/2011
  - (c) Drawing No. 2331-10-03, Dated Feb 2011, Recd On 07/04/2011

Registration Date:	12-May-2011	Applic. No:	P/15086/000
Officer:	Mr. J. Dymond	Ward:	Farnham
		Applic type:	<b>Major</b>
		13 week date:	<b>11th August 2011</b>
Applicant:	Mr. K Randhawa		
Agent:	Mr. R Soundry, CSK Architects 93a, High Street, Eton, Windsor, Berkshire, SL4 6AF		
Location:	9-12, Kingfisher Court, Farnham Road, Slough, Berks, SL2 1JF		
Proposal:	CHANGE OF USE OF EXISTING OFFICES (CLASS B1) TO 6 NO. ONE BEDROOM FLATS AND 6 NO. TWO BEDROOM FLATS (CLASS C3) INCLUDING THE ADDITION OF BALCONIES TO REAR ELEVATION AND THE ADDITION OF A DORMER WINDOW TO SIDE ELEVATION, WITH ASSOCIATED LANDSCAPING AND BIN STORAGE, CAR PARKING AND CYCLE STORAGE TO REAR.		

**Recommendation:** Approve subject to Conditions



## **P/15086/000**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application has been referred to the Planning Committee for consideration as the application is for a Major Development.
- 1.2 Having considered the relevant policies set out below, the representations received from consultees and other interested parties, and all other relevant material considerations, it is recommended that the application be approved subject to conditions.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 This is full planning application for the change of use of part of the existing building from B1 (a) offices to 6 no. one bedroom, and 6 no. two bedroom flats.
- 2.2 The external appearance of the building would remain as existing, save for the addition of balconies to the rear elevation, and the addition of a dormer window to the western hipped roof slope. Internal alterations would also be carried out.
- 2.3 Part of the existing ground floor car park would be developed to provide amenity space as a setting for the building, and the remainder would be laid out to provide 18 no. communal parking spaces for use by future occupiers of the proposed flats.
- 2.4 Cycle storage facilities would also be provided for use by occupiers of the proposed flats on the ground floor, along with a refuse storage area. The existing landscaped area to the front of the building adjacent to the roundabout would be retained.
- 2.5 It is proposed to retain the existing separate entrance to the basement car park.

#### **3.0 Application Site**

- 3.1 Kingfisher Court is a three storey building of some 3000 square metres in floor area, located in a prominent position adjacent to the roundabout on the corner of Farnham Road and Northborough Road. The application relates to the western part of the building, units 9-12, which have a gross internal floor area of 679.8 square metres. The building has buff brick elevations with aluminium windows under a hipped pitched slate roof. There are pitched roof canopies above the doors on the front elevation of the building.
- 3.2 The building presents a continuous curved elevation to Northborough Road and Farnham Road. To the north of the site, on the opposite side of

Northborough Road, there is a terrace of six two storey properties. To the west of Kingfisher Court is Trevoise House, which is a three storey building comprising flats. The separation distance between the eastern flank wall of Trevoise House and the western flank wall of Kingfisher Court is 11.6 metres. The service road providing access to the existing Kingfisher Court car park and the rear service yards of 271 – 279 Farnham Road separates Trevoise House and Kingfisher Court. Tiree House is located to the south west.

- 3.3 Turning to the neighbouring Kingfisher Court units, permission has been granted for the change of use of unit 5 from an office to a D1 surgery in 2007 under application reference P/1935/34. Permission has also been granted for unit 2 from an office to a D1 education establishment in 2005 under application P/13453. These units are understood to be currently occupied on occupational business leases and are used for the above purposes. The other units (nos. 1, 3, 4, 6, 7, 8) remain in B1 office use, and are understood to have been vacant for around five years.
- 3.4 Of the four B1 office units the subject of this application, It is understood that only one floor of the twelve available is currently let.
- 3.5 To the south of Kingfisher Court is 279 Farnham Road, which is in use as a retail unit selling motoring parts.
- 3.6 Kingfisher Court is located outside of the Farnham Road District Shopping Centre, which is located to the south of the site.

#### 4.0 **Site History**

- 4.1 Recent applications relating to the site are as follows:

P/01935/033 - ERECTION OF ADVERTISEMENT BANNER. – Approved 07-Jun-2005

P/01935/032 - ERECTION OF NEW SECURITY FENCE AND ENTRANCE GATES AT REAR. – Approved with Conditions 07-Mar-2005

P/01935/031 - ERECTION OF NEW 2M HIGH SECURITY FENCE AND GATES TO FRONT, SIDE & REAR INCLUDING REPLACEMENT OF EXISTING FRONT FENCE – Approved with Conditions 10-Aug-2004

P/01935/030 - INSTALLATION OF SATELLITE DISH – Approved with Conditions 20-May-1999

P/01935/029 - SUBMISSION OF DETAILS FOR LANDSCAPING AND REFUSE STORAGE AS PURSUANT TO CONDITIONS 03 & 07 OF P/1935/26 AND P/01935/027 DATED 31.01.89. – Approved with Conditions 22-Sep-1989

P/01935/028 - SUBMISSION OF DETAILS FOR LANDSCAPING PURSUANT TO CONDITION NO. 7 OF P/01935/021 DATED 17.06.88. –

Approved with Conditions 30-Jun-1989

P/01935/027 - ERECTION OF A THREE STOREY BUILDING COMPRISING 20 NO. STUDIO FLATS. – Approved with Conditions 31-Jan-1989

P/01935/026 - ERECTION OF THREE STOREY BUILDING COMPRISING 20 NO. STUDIO FLATS. – Approved with Conditions 31-Jan-1989

P/01935/025 - ERECTION OF 15 NO. ONE BED 2-PERSON FLATS IN THREE STOREYS (AMENDED PLANS RECEIVED 04.11.88) – Approved with Conditions 09-Nov-1988

P/01935/024 - SUBMISSION OF DETAILS OF BIN STORES AS REQUIRED BY CONDITION NO 4 OF PLANNING CONSENT P/01935/020 DATED 13TH OCTOBER 1987 – Approved with Conditions 05-Aug-1988

P/01935/023 - SUBMISSION OF DETAILS OF SOUND ATTENUATION AGAINST AIRCRAFT NOISE AS REQUIRED BY CONDITION NO5 OF PLANNING CONSENT P/1935/20 – Approved with Conditions 26-Feb-1988

P/01935/022 - ERECTION OF 3 STOREY DEVELOPMENT COMPRISING 15 NO.1 BED FLATS – Withdrawn 13-Sep-1988

P/01935/021 - ERECTION OF A 3000 SQ.M. OF OFFICES IN 12 UNITS TOGETHER WITH ANCILLARY CAR PARKING AND REAR SERVICE ROAD – Approved with Conditions 17-Jun-1988

P/01935/020 - ERECTION OF 24 STUDIO FLATS(AS AMENDED 28/09/87) – Approved with Conditions 13-Oct-1987

P/01935/019 - ERECTION OF NEW BUILDINGS TO PROVIDE 85 RETIREMENT FLATS AND 49 CAR PARKING SPACES (OUTLINE) – Refusal 12-Jan-1987

P/01935/018 - ERECTION OF COMMERCIAL OFFICES FRONTING FARNHAM ROAD WITH REAR SERVICE ROAD ACCESS AND EIGHTEEN FLATS FOR SHELTERED ACCOMMODATION SERVED FROM FRANKLIN AVENUE (OUTLINE) (AS AMENDED ON 15TH DECEMBER 1986). – Approved with Conditions 27-May-1987

P/01935/017 - ERECTION OF A RESIDENTIAL DEVELOPMENT AT A DENSITY NOT EXCEEDING 65 HABITABLE ROOMS PER ACRE. (OUTLINE) (AS AMENDED ON 4TH SEPTEMBER 1986). – Approved with Conditions 21-Aug-1987

P/01935/016 - ERECTION OF 4 STOREY OFFICE BLOCK 6 NO 1 BED AND 3 NO 2 BED FLATS AND CAR PARKING (OUTLINE) – Approved with Conditions 27-May-1987

P/01935/015 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION

OF A FOUR STOREY OFFICE DEVELOPMENT OF SMALL SUITES WITH 50 CAR PARKING SPACES AND A 3-STOREY BUILDING OF FLATS WITH 12 CAR PARKING SPACES WITH NEW SERVICE ROAD LINKS (OUTLINE) (AS AMENDED ON 9TH JUNE 1986). – Approved with Conditions 29-Jul-1986

P/01935/014 - DEMOLITION OF EXISTING RETAIL STORE & CONSTRUCTION OF NEW OFFICE BUILDING WITH ANCILLARY CAR PARKING. (OUTLINE) – Refused 02-Jul-1985 Appeal Dismissed

There are further previous applications relating to the proposed redevelopment of the site.

## 5.0 **Neighbour Notification**

- 5.1 Skylink Insurance, 279, Farnham Road, Slough, SL2 1HA, Triquestra Plc, 1 Kingfisher Court, Farnham Road, Slough, SL2 1JF, A & E Tuition Ltd, 2 Kingfisher Court, Farnham Road, Slough, SL2 1JF, 3 Kingfisher Court, Farnham Road, Slough, SL2 1JF, 16, Northborough Road, Slough, SL2 1PS, 22, Northborough Road, Slough, SL2 1PS, 7 Kingfisher Court, Farnham Road, Slough, SL2 1JF, 12, Northborough Road, Slough, SL2 1PS, 14, Northborough Road, Slough, SL2 1PS, Motorists Discount Centre, 279, Farnham Road, Slough, SL2 1HB, 20, Northborough Road, Slough, SL2 1PS, 6 Kingfisher Court, Farnham Road, Slough, SL2 1JF, Flat 4, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 5, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 6, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 7, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 1, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 2, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 3, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 12, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 8, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 9, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 10, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, Flat 11, Trevoise House, Franklin Avenue, Slough, SL2 1DQ, 18, Northborough Road, Slough, SL2 1PS, Flat 4, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 5, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 6, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 7, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 1, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 2, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 3, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 12, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 13, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 14, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 15, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 8, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 9, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 10, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 11, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 20, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 16, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 17, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 18, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Flat 19, Tiree House, Franklin Avenue, Slough, SL2 1DJ, Kingfisher Court, Farnham Road, Slough, Berks, Thames Valley

Police, Oxford Road, Gerrards Cross, Buckinghamshire, SL9 7AL, Rapier Plc, 4 Kingfisher Court, Farnham Road, Slough, SL2 1JF, The Dental Studio, 5 Kingfisher Court, Farnham Road, Slough, SL2 1JF

In accordance with Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, a site notice was displayed at the site on 20<sup>th</sup> May 2011, and the application was advertised in the 3<sup>rd</sup> June 2011 edition of The Slough Express.

- 5.2 Two objections have been received. The concerns raised in these representations are summarised as follows:

The Dental Studio – Unit 5, Kingfisher Court

Main concerns in opposition regarding proposed development plan;

1. As a sole provider for dental specialist provisions for the East Berkshire Primary Care Trust, the clinic operates a sedation contract on a referral basis.

This implies that all patients whom attend the clinic are under the influence of specialist medication of which staff must ensure that their safety is paramount.

All patients exit to the upper car park level. Patients are only able to walk comfortably for a few steps before being escorted directly into their car. This departure is critical for their safety and if disrupted could be potentially dangerous.

2. The other main concern is that all our disabled patients operate on the same basis. They enter and exit from the rear of the clinic so that they are at the same ground level to facilitate their disability. The proposed plans would jeopardise all these patients.

3. The delivery of goods which facilitate the clinical need for this clinic to run smoothly requires large goods/materials /equipment to be delivered weekly .This would be impossible if the upper level access was imposed.

Equally the disposal of both clinical and household waste is housed in the outer building only accessible from the rear on the upper level. The proposed plan would potentially compromise this access.

4. Fire exit for staff and the public would be grossly compromised since the current fire drill is for everyone to congregate at the rear of the building in the upper car park. There is currently an exit gate operational from the inside for one to exit from. This is positioned adjacent to the proposed development site. Hence exiting from the rear would be impossible.

5. The passage of human traffic would be greatly increased with the co-existence of residential and commercial units directly adjacent to each other.



There would be an increase in noise pollution.  
The security would be greatly compromised.  
The commercial units have both extensive medical and technological equipment of which is essential for the functioning of these units. A breach in the security would be catastrophic and detrimental in the running of our services of which would have a direct impact on the NHS services for the East Berkshire Health Authority.

#### AE Tuition – Unit 2, Kingfisher Court

Concerns about residential Development of Units 9-12

Please Note – according to the planning application there is only one business that has D1 usage (no.5 – the dental surgery). Our business (no.2 – AE Tuition) also has D1 usage. Both these units are also owned by their proprietors.

We wish to raise some concerns about the above that would need to be addressed if these sighting of residential units were to be successful:

1. Access to the top car park – As a business, it is important that we can load and unload books and equipment from the rear of the building (cannot be done from the front due to parking/traffic restrictions). If the current top car park is entirely fenced off this will be very difficult as it will require equipment and books and equipment to be loaded and unloaded from the lower car park with potential lift and carry health and safety risks. One solution could be to divide the top car into two sections with separate gates e.g. one small car park for access with four spaces and the other car park with twelve spaces. There is currently a space for another gate to be sighted in the fencing area.
2. Access to the waste disposal area – The current out-building holds all the bins for the site. Separate arrangements would need to be made that would satisfy the needs of businesses and residents. Direct and not indirect access to the waste area should be retained for businesses. The plans currently seem to indicate indirect access which not be acceptable.
3. The sighting of residential units next to business units - It will be crucial to ensure adequate barriers are placed between the residential and business areas to prevent problems. For example, our business sees considerable human traffic during open hours and at weekends. This may disturb residents and businesses may also be disturbed by the activities of residents unless this separation completely secure.
4. Security issues - Some businesses hold very valuable equipment on site. There have been security breaches in the past even under the current security arrangements and things have been stolen. These concerns would have to be adequately addressed. Security at Kingfisher Court has always been a very high priority for businesses historically. Any serious breaches would discourage other businesses from leasing units on the site and affect the continued viability of units 1-8 as business premises.

Following the submission of my concerns about the possible residential

development, I have taken a close look at the top car park at Kingfisher Court.

It would definitely be possible to divide this car park into two car parks (one smaller and one larger). The smaller car park could have its own gate (leaving 4 spaces where they are currently situated). This would allow access for the business units and a small number of car parking spaces. The larger car park would need some reconfiguring of spaces but it could have 12 spaces for the residential development.

I personally own some flats in Kingston and Hounslow which have a high specification (built by St. George). None of these flats are ever supplied with more than one parking space, no matter how big they are. One of my flats has three bedrooms, but is still allocated only one parking space. This would be an acceptable compromise from our point of view.

These matters are discussed and assessed in Part B of this report.

## 6.0 **Consultation**

### 6.1 Public Protection Services, Neighbourhood Enforcement

6.2 No comments received.

### 6.3 Traffic and Road Safety/Highways Development

6.4 No comments received at the time of writing report. An update will be provided and detailed on the Committee Amendments sheet.

### 6.5 Thames Water

Waste Comments: Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments: On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

### 6.6 Thames Valley Crime Prevention Design Officer

I am writing in concerning the above planning application P/15086/000 at 9-12, Kingfisher Court, Farnham Road, Slough, Berks, SL2 1JF for change of use of existing offices (class B1) to 6 no. one bedroom flats and 6 no. two bedroom flats (class C3) including the addition of balconies to rear elevation and the addition of a dormer window to side elevation, with associated landscaping and bin storage, car parking and cycle storage to rear.

Comments:

On the basis of information available the Police are generally content with the

development proposed, but there is the potential to design out crime, and I therefore make the below comments:

1. Residential rear parking & private communal garden area: I am pleased that this will be kept secure, although I understand the existing commercial boundary treatment will be altered to a more residential treatment.  
I would ask that this area is kept secure and that open top railings are used. Also that the access gates for vehicles will be electrically operated. If manual, then the gates will be left open and there will be offenders who take advantage of this.
2. Communal entrance doors to the flats: The communal entrances to blocks of flats should form a line of defence acting as a physical barrier to access for outsiders and should be fitted with an access control system. This may be a PAC entry system, a door entry phone system and electrical lock release or a combination of these. Also because of the location there is a risk that the door buzzer will be used by pranksters to cause annoyance. There are door entry systems now that have a nuisance button on them that silences the buzzer in the flat, so the occupier can then switch it back on when the pranksters have left the area. An access control system will prevent casual intrusion by offenders into the block where they can break into unoccupied flats during the day without being seen, and act as a line of defence against bogus callers.
3. Postal access: Because the Post Office have amended the hours to which they require access to deliver mail (7am to 2pm winter and summer), and due to the location, a Tradesman's Button would not be acceptable. Postal delivery needs to be planned for: Secured by Design gives various options (see New Homes design guide at [www.securedbydesign.com](http://www.securedbydesign.com)), also the local post office will accept having an access fob to allow them entry to deliver the mail.

I hope the above comments are of use to you in your deliberations to determine the application and will help the development achieve the aims of PPS1 paragraphs 27 (iii) and 36; & PPS3 paragraph 13. However, in the meantime, if you or the applicants have any queries about crime prevention design in relation to the proposals then please feel free to contact me.

6.7 Principal Engineer - Drainage

No comments received.

## **PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 The following policies are considered most relevant to the assessment of this application:

National Planning Policy Statements

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Growth

PPG13 – Transport

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

Core Policy 1 – Spatial Strategy

Core Policy 3 – Housing Distribution

Core Policy 4 – Type of Housing

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

Policy H10 – Minimum Density

Policy H11 – Change of Use to Residential

Policy H14 – Amenity Space

Policy EN1 – Standard of Design

Policy EN3 – Landscaping Requirements

Policy EN5 – Design and Crime Prevention

Policy T2 – Parking Restraint

Policy T8 – Cycling Network and Facilities

Supplementary Planning Guidance/Documents

Guidelines for the Provision of Amenity Space Around Residential Properties  
(January 1990)

Guidelines for Flat Conversions (April 1992)

Slough Borough Council Developer's Guide Part 1-4

7.2 The main planning issues relevant to the assessment of this application are considered to be those relating to the principle of the proposed development, design, potential impact on neighbour amenity, and traffic and highway matters.

8.0 **Principle of Development**

8.1 Core Policy 4 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document sets out the Council's approach to the consideration of proposed housing development within the Borough. The site is located outside of the Town Centre as illustrated on the Core Strategy Key Diagram. Whilst new residential development would therefore normally be expected to comprise family housing, the proposal is for the conversion of existing vacant office space to residential use. The proposal would not result in the loss of family housing. Such a proposal would be supported in principle by Policy H11 of The Adopted Local Plan for Slough 2004 allows for the conversion and change of use of existing commercial properties to residential use.

8.2 Whilst not located within the designated District Shopping Centre, the site is in close proximity to the range of shops and services located on Farnham Road. It is also a short walk to bus stops which are situated on a number of bus routes. The location of the site is therefore considered to be sustainable. Residential development to provide flats is considered to be acceptable in principle.

8.3 The proposal is for 12 no. flats, and the development would therefore fall below the relevant thresholds for affordable housing and education contributions, as set out in the Slough Borough Council Developer’s Guide Parts 1-4.

9.0 **Design**

9.1 The external appearance of the building would remain as existing, save for the addition of balconies to the rear elevation, and the addition of a dormer window to the western hipped roof slope.

9.2 The proposed dormer window would be positioned at a high level in the roof slope, and would be fitted with obscure glass which would be fixed shut. It would be set down in relation to the main ridge line, and would not appear to be overly prominent in the street scene. The proposed dormer window is considered to be acceptable in terms of its design and appearance.

9.3 Access to the proposed flats would remain as existing, with each block of three flats being accessed from a shared communal entrance off Northborough Road. Access to the car parking and cycle storage facilities to the rear would be independent from the basement car parking area.

9.4 Internal alterations are proposed in connection with the proposed change of use. The existing offices are currently open plan, and partition walls would be erected to form rooms. Mezzanine floors are proposed to the second floor flats, and whilst these are not understood to be bedrooms, there is considered to be nothing in planning terms stopping a future occupier using this space as such if they wished.

9.5 With regard to room sizes, the Planning Authority has issued Guidelines for Flat Conversions, which set out minimum room sizes in order to avoid the creation of excessively cramped and sub-standard accommodation. These guidelines set out the following minimum room sizes:

Room	1 Bedroom Required Floor Space (2 persons)	2 Bedroom Required Floor Space (3 persons)	2 Bedroom Required Floor Space (4 persons)
Living Areas (sitting and dining)	14.86 sq.m.	16.72 sq.m.	18.58 sq.m.
Kitchen	5.57 sq.m.	5.57 sq.m.	5.57 sq.m.
Bedroom Area 1	11.14	11.14	11.14

	sq.m.	sq.m.	sq.m.
Bedroom Area 2		6.5 sq.m.	10.2 sq.m.

- 9.6 Having undertaken measurements of the proposed room sizes, it is considered that the sizes of the rooms would be compliant with the minimum room sizes generally permitted by the Guidelines for Flat Conversions. There are considered to be no issues relating to room stacking.
- 9.7 An acoustic report has been submitted with the application, which seeks to demonstrate that airborne sound will be sufficiently insulated to safeguard the amenity of adjoining occupiers. The results indicate that based on sample tests, the sound insulation of walls would be sufficient to meet relevant standards, subject to additional internal works being undertaken between the first and second floors. It is proposed to recommend a condition in connection with this.
- 9.8 An internal daylight assessment has also been submitted. The rooms of the proposed flats have been assessed to establish whether future occupiers would benefit from sufficient daylight. Whilst the report shows that the bedrooms to the rear of units 9 and 10 at ground and first floor level would have a low average daylight factor due to the fact that their only source of light would be from the rear doors, it is noted that these are to the southern aspect, and the report concludes that the internal lighting of the units should not be considered a constraint to the redevelopment of this part of the site for residential purposes.
- 9.9 Amenity space is proposed to the rear of the building in the form of a communal garden. Balconies would be affixed to the rear of the building providing future occupiers with a small area of outside space. It is also proposed to retain the area to the front of the building to provide landscaping. It should also be noted that there is a play area a short distance away to the west of the site.
- 9.10 The Planning Authority has adopted Guidelines for the Provision of Amenity Space Around Residential Properties, which acknowledges that demand for 'real gardens' is normally less so in the case of developments comprising one and two bedrooms than in the case of family housing. When considered in conjunction with the nearby play area, the proposed amenity space provision is considered on balance to be acceptable.
- 9.11 The design of the proposed building is considered to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; and Policies H11, EN1 and H14 of The Adopted Local Plan for Slough 2004.
- 10.0 **Impact on Neighbour Amenity**
- 10.1 With regard to the potential impact on the amenity of neighbours, the principle matters for consideration are considered to be in relation to the compatibility of the proposed residential use of the units with the existing neighbouring

office and D1 uses, and potential impacts on neighbouring occupiers arising from the proposed dormer window and rear balconies.

- 10.2 Compatibility of the proposal with existing neighbouring uses
- 10.3 Representations have been received from the occupiers of units 2 and 5 Kingfisher Court respectively, which raise a number of concerns regarding the proposed change of use, and the potential impact on existing neighbouring business uses. These concerns are as follows:
- 10.4 It is understood that The Dental Studio, located in unit 5 of Kingfisher Court, operates a sedation contract on a referral basis. Patients who attend the clinic might thus be under the influence of specialist medication. It is understood that patients exit to the upper car park level and are escorted to their car to ensure that their departure is safe. Concern has therefore been expressed regarding the proposed disruption to this arrangement, and existing fire exit procedures.
- 10.5 In addition, it is understood that goods are currently delivered to facilitate the running of the clinic at the rear. Clinical and normal refuse is also understood to be housed in the existing out building, which is accessed via the upper level.
- 10.6 Concern is expressed that the passage of human traffic would be greatly increased with the co-existence of residential and commercial uses. It is felt that there would be an increase in noise pollution, and the security of medical and technological equipment would be compromised.
- 10.7 Similar concerns have been raised by the occupiers of unit 2, AE Tuition, who have expressed concern regarding the potential impact on the ability to load and unload books and equipment from the rear of the building. It is felt that loading and unloading from the basement would be difficult and could give rise to health and safety risks. It has been suggested that the car park be divided up so that 12 no. spaces are provided for the proposed flats.
- 10.8 With regard to refuse arrangements, it is felt that direct and not indirect access should be retained between the rear of the unit and the existing outbuilding.
- 10.9 In addition, it is considered that there should be barriers placed between the residential and business areas to prevent problems. There are also concerns regarding security due to the valuable equipment in use at the site, and the fact that any serious breaches would discourage other businesses from leasing units.
- 10.10 With regard to security and crime prevention matters, the Thames Valley Crime Prevention Design Officer has been consulted and has advised that the Police are generally content with the development proposed, but have highlighted opportunities to design out crime, through the provision of secure boundary treatment, secure communal entrance doors, and the arrangements

for postal deliveries.

- 10.11 There are a number of existing residential properties in the locality, and it is not considered that the proposed flats in themselves would be likely give rise to any additional potential crime risk. Similarly, the proposed flats are not considered to have the potential to give rise to significant noise or other potentially polluting activity, when considered in the context of the numerous existing surrounding residential properties, and the location of the site on the fringe of a busy shopping area.
- 10.12 Whilst the concerns raised regarding the potential impact of the proposal on the movements of visitors within the site and the loading/unloading of goods are duly noted; these appear to principally be the informal operational practices of tenants. Given that these matters do not appear to have been formalised or conditioned as such as part of the previous planning permissions permitting these uses, it is considered that the potential practical implications of the proposal be taken up with the Landlord as matters pertaining to the operation of the respective uses at the site and its management, and agreements relating to this. It is considered that loading and unloading could still take place in the rear service road, but that goods might have to be trolleyed to the front of the building.
- 10.13 Amendments have however been sought with respect to the access to the bin storage building, and an update on this matters will be reported on the Committee Amendments Sheet.
- 10.14 Proposed dormer window and rear balconies
- 10.15 The proposed dormer window to the western end of the hipped pitched roof would serve the proposed mezzanine floor of the second floor units. It would be fitted with obscure glass and fixed shut. The proposed dormer window is not considered to be detrimental to neighbour amenity by reason of overlooking or loss of privacy.
- 10.16 The windows at ground, first and second floor level on the west elevation are also proposed to be fitted with obscure glass and fixed shut. These windows appear to function as secondary windows to the proposed living room and bedrooms. It is therefore considered that they would provide additional light to these rooms, whilst not giving rise to the potential overlooking of Trevoise House.
- 10.17 Turning to the proposed balconies, these would be affixed to the rear elevation of the building on the first and second floors, and project out by 1.4 metres. The submitted drawings show these attachments comprising metal railings. A condition is however recommended for the provision of details of privacy screens to the sides of the proposed balconies, in the interests of safeguarding the amenity of neighbouring future occupiers, and screening views to the east and Trevoise House to the west.
- 10.18 The proposal is not considered to give rise to unacceptable impact on



neighbour amenity. The proposed residential use of the existing office units is considered to be commensurate with surrounding uses. It is not considered that the proposed dormer window of balconies would give rise to undue detriment as a result of over looking, or loss of privacy. The proposal is considered to comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

## 11.0 **Traffic and Highways**

### Traffic

11.1 Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to seek to ensure that development reinforces the principles of the transport strategy as set out in the Council's Local Transport Plan and Spatial Strategy, which seek to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

11.2 The site is considered to be situated in close proximity to the shops and other services located on Farnham Road, which is identified in The Adopted Local Plan for Slough 2004 as a District Shopping Centre. It is also considered to be well positioned in relation to bus stops which are situated on a number of bus routes. As noted above, it is considered that the provision of flats in this location would be considered to be sustainable.

11.3 The Borough Council's Transport section have been consulted with respect to the proposed traffic impact of the proposal. No comments have been received at the time of writing this report; however an update will be reported on the Committee Amendments Sheet.

### Parking provision

11.4 18 no. communal car parking spaces are proposed in connection with the proposed flats to the rear of the building. Cycle storage in connection with the proposed flats is also proposed to the rear of the building, adjacent to the proposed amenity space. There are currently 96 no. spaces within the basement, and 94 no. spaces would be retained, as 2 no. spaces would be removed to provide additional cycle parking facilities.

11.5 Policy T2 of The Adopted Local Plan for Slough 2004 sets out car parking standards in relation to residential development, and Policy T8 relates to cycling facilities. Highways have been consulted with respect to the proposed parking provision, cycle storage arrangements, refuse storage and other highway matters. No comments have been received at the time of writing this report; however an update will be reported on the Committee Amendments Sheet.

11.6 However, on the basis of 1 no. car parking space being required to serve a 1 bed flat, and 1.5 car parking spaces being required to serve a 2 no. bed flat (all communal), the proposal would require a minimum parking provision of 15

no. spaces. It is however noted that the existing roof space accommodation could at a later date be converted to provide additional headroom, changing the units from 6 no. one bedroom and 6 no. two bedroom flats to 4 no. one bedroom, 8 no. two bedroom and 2 no. three bedroom flats. This would require a minimum car parking provision of 19/20 spaces. At this stage, there is however no evidence to suggest that the additional space created by the mezzanine floor would be used to provide an additional bedroom, however, if it were, there would be a potential shortfall of one or two spaces. Given the sustainable location of the site however, this is not considered to be an issue.

11.7 It is proposed to attach a condition requiring the submission of a parking layout to be submitted to demonstrate that adequate parking provision would be provided for existing D1 uses, and the remaining B1 office units. Details regarding the management of the car parks are also considered to be required, to demonstrate that there would be no shortfall in parking provision in respect of the existing uses.

## 12.0 **Summary**

12.1 The proposal has been considered against relevant development plan policies, and regard has been had to the representations received from consultees and other interested parties, and all other relevant material considerations.

12.2 Whilst comments on the proposal have yet to be received from the Borough Council's Transport and Highway sections, these will be reported on the Committee Amendments Sheet, and any additional conditions or amendments considered necessary made to the recommendation.

12.3 It is recommended that the application be Approved subject to Conditions.

## **PART C: RECOMMENDATION**

### 13.0 **Recommendation**

13.1 Approved with Conditions

### 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 by the Local Planning Authority:

- (a) Drawing No. 1380/P/01, Dated 05/2011, Recd On 12/05/2011
- (b) Drawing No. 1380/P/02, Dated 05/2011, Recd On 12/05/2011
- (c) Drawing No. 1380/P/03, Dated 05/2011, Recd On 12/05/2011
- (d) Drawing No. 1380/P/04, Dated 05/2011, Recd On 12/05/2011
- (e) Drawing No. 1380/P/05, Dated 05/2011, Recd On 12/05/2011
- (f) Drawing No. 1380/P/06, Dated 05/2011, Recd On 12/05/2011
- (g) Drawing No. 1380/P/07, Dated 05/2011, Recd On 12/05/2011
- (h) Drawing No. 1380/P/08, Dated 05/2011, Recd On 12/05/2011
- (i) Drawing No. 1380/P/09, Dated 05/2011, Recd On 12/05/2011
- (j) Drawing No. 1380/P/10, Dated 05/2011, Recd On 12/05/2011
- (k) Drawing No. 1380/P/11, Dated 05/2011, Recd On 12/05/2011
- (l) Drawing No. 1380/P/12, Dated 05/2011, Recd On 12/05/2011
- (m) Drawing No. 1380/P/13, Dated 05/2011, Recd On 12/05/2011
- (n) Drawing No. 1380/P/14, Dated 05/2011, Recd On 12/05/2011
- (o) Drawing No. 1380/P/15, Dated 05/2011, Recd On 12/05/2011
- (p) Drawing No. 1380/P/16, Dated 05/2011, Recd On 12/05/2011
- (q) Drawing No. 1380/P/17, Dated 05/2011, Recd On 12/05/2011
- (r) Drawing No. 1380/P/18, Dated 05/2011, Recd On 12/05/2011
- (s) Drawing No. 1380/P/19, Dated 05/2011, Recd On 12/05/2011
- (t) Drawing No. 1380/P/20, Dated 05/2011, Recd On 12/05/2011

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. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building at the date of this permission.

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

4. The windows in the west elevation of the development hereby approved shall be glazed with obscure glass and any opening shall be at a high level (above 1.8m internal floor height) only.

REASON To minimise any loss of privacy to adjoining occupiers in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

5. No windows, other than those hereby approved, shall be formed in the west elevation of the development without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

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

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

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

6. 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.

7. 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.

8. The development shall not commence until details of a lighting scheme (to include the location, nature and levels of illumination has been submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented prior to first occupation of the development and maintained in accordance with the details approved.

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

9. 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 EN1 of The Adopted Local Plan for Slough 2004.

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.

10. Prior to the commencement of the development hereby approved, details of as to the design and appearance of the proposed rear balconies, which shall include the provision of privacy screens to the sides of the proposed balconies, shall be submitted to the Local Planning Authority and approved in writing. Once approved, such details shall be fully implemented prior to the first occupation of the flats hereby approved and retained in that form thereafter.

REASON In the interests of design and safeguarding the amenities of future occupiers and neighbouring residents in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

11. Prior to the commencement of the development hereby approved, details of noise insulation measures shall be submitted to the Local Planning Authority and approved in writing. The insulation measures shall be in accordance with the recommendations of the submitted 'Preliminary - Sound Insulation Testing' (15/03/2011) carried out by Alpha Acoustics, unless otherwise agreed in writing with the Local Planning Authority. Once approved, such details shall be fully implemented prior to the first occupation of the flats hereby approved and retained in that form thereafter.

REASON In the interests of safeguarding the amenities of future occupiers and neighbouring residents in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

A minimum of 18 no. car parking spaces for use by future occupiers of the flats hereby approved shall be laid out and provided prior to the first occupation of the flats hereby approved, and retained at all times in the future for the parking of motor vehicles. The car parking spaces shall not be assigned to individual occupiers or flats, and shall only be used for communal car parking.

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 T2 of The Adopted Local Plan for Slough 2004.

12. Prior to the commencement of the development hereby approved, a ground floor and basement car parking plan showing the spaces to be assigned to the respective uses on the site along with pedestrian linkages and details of the management of the car parking spaces shall be submitted to and agreed in writing with the Local Planning Authority. Once approved, such details shall be fully implemented prior to the first occupation of the flats hereby approved and the car parks shall be laid out and managed fully in accordance with the approved scheme.

REASON To ensure that adequate on-site parking provision is available to serve the occupiers of the site and to protect the amenities of the area in accordance with Policy T2 of The Adopted Local Plan for Slough 2004.

13. The Development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secured by Design' accreditation awarded by Thames Valley Police.

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 'Delivering Sustainable Development'.

#### Informative(s)

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

Policies H10, H11, H14, EN1, EN3, EN5, T2 and T8 of The Adopted Local Plan for Slough 2004 and Core Policies 1, 3, 4, 7, 8 and 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

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

**SLOUGH BOROUGH COUNCIL**

**REPORT TO: PLANNING COMMITTEE**

**DATE: 2<sup>nd</sup> August 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**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
P/01916/001	<p>85 Alderbury Avenue</p> <p>ERECTION OF ATTACHED 2 STOREY 3 BEDROOM DWELLING AND WITH PITCHED ROOF AND PART SINGLE STOREY / PART TWO STOREY REAR EXTENSION WITH FLAT / PITCHED ROOF TO EXISTING DWELLING</p> <p>The proposed dwelling would substantially infill the open break that exists between Nos. 83 and 85 Alderbury Road leading to enclosure of that gap. Open breaks give visual relief in an otherwise densely built up area and is a characteristic of this street scene and as such the proposals would detract from the character and appearance of the general street scene contrary to Planning Policy Statement 1, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policies EN1 of The Adopted Local Plan for Sough: 2004.</p> <p>The proposed dwelling would be of a form and design that would be out of keeping with the established character of the local area and would detract from the character and appearance of the general street scene contrary to Planning Policy Statement 1, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policies EN1 of The Adopted Local Plan for Sough: 2004.</p> <p>The proposed access is at a point where pedestrian visibility is substandard, is inadequate in terms of its width and alignment and does not comply with the Slough Borough Council's Vehicular Footway Crossing Policy which would lead to danger and inconvenience to people using it and to highway users in general. The development is contrary to Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.</p>	<p><b>Appeal allowed subject to conditions</b></p> <p><b>7<sup>th</sup> June 2011</b></p>

The Inspector concluded that:

*"I do not share the Council's opinion as to the significance or value of the gap. Within the street scene, it plays no integral townscape role, is used predominantly for servicing the vehicular requirements of the dwellings it serves, and the hedge enclosing it to the rear curtails any meaningful through views. Moreover, this part of Alderbury Road is characterised by development which has impinged on gaps, without causing undue harm. The narrowing of this particular gap to create a new dwelling, in my view, would make very little difference to the character and appearance of this part of the street as a whole."*

*"The Council dislike the proposed design because, unlike most other houses locally, the main entrance doors would be placed in the front elevations, and the window design is alleged to be different. In my view, however, the overall design of the front elevation reflects that of the other dwellings to the east in terms of fenestration, scale, bulk and general appearance. The position of the doors, in itself, would not render the overall design of the scheme unacceptable."*

*"I conclude that the appeal proposals would sit acceptably in its visual context without harming the character and appearance of the local area. In that the proposals are compatible with and reflect the local distinctiveness of the street scene, there is no conflict with the design provisions of Slough Borough Council's Core Strategy (CS) Core Policy 8 or saved policy EN1 of the Local Plan for Slough."*

*"I saw that the whole of the frontage of the site was already laid out for car parking. The proposals would not therefore lead to a material change in this respect, or affect the current ability to park outside the property. Moreover, I saw numerous local examples of double crossovers, and no compelling evidence has been provided by the Council that their use has resulted in a diminution in pedestrian safety. Pedestrian visibilities either side of the proposed access points were excellent, so that the movements of vehicles using the parking bays could readily be anticipated, and conflict avoided."*

*"Whilst the layout of the car parking bays may not strictly conform to the letter of the Council's standards, I am satisfied that sufficient space would be available for those wishing to enter or leave the properties formed as a result of this development when the car spaces were in use."*

*"I conclude that the proposals would not result in material diminution in existing levels of highway or pedestrian safety. There is therefore no conflict with the provisions of CS Core Policy 7, upon which the Council relies in its third reason for refusal."*

A separate application for costs was refused by the inspector who stated that:



	<p><i>"To my mind, taking account of the advice in paragraph B18 of the Circular, the Council provided specific and realistic evidence to support its stance in respect of all the reasons for refusal."</i></p> <p><i>"I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated."</i></p>	
Enforcement	<p>22,24,26,and 28 Park Street</p> <p>THE BREACH OF PLANNING CONTROL AS ALLEGED IN THE NOTICE:</p> <p>(a) WITHOUT PLANNING PERMISSION, THE CARRYING OUT OF OPERATIONAL DEVELOPMENT COMPRISING THE ERECTION OF A CANOPY; AND</p> <p>(b) WITHOUT PLANNING PERMISSION, THE MATERIAL CHANGE OF USE OF PRIVATE REAR AMENITY GROUNDS SERVICING THE RESIDENTIAL PROPERTIES OF NOS. 24, 26 AND 28 PARK STREET TO A PUB GARDEN SERVICING THE PUBLIC HOUSE AT NO. 22 PARK STREET.</p> <p>(c)</p>	<p>Appeal Dismissed, enforcement notice upheld subject to variations, and planning permission refused.</p>
S/00666/000	<p>Land adj. 70 Norway Drive</p> <p>ERECTION OF AN ATTACHED TWO STOREY THREE BEDROOM END OF TERRACE HOUSE WITH HIPPED AND PITCHED ROOF</p>	<p>Appeal Dismissed</p> <p>13<sup>th</sup> June 2011</p>
P/14896/000	<p>143 Farnham Lane</p> <p>CONSTRUCTION OF A PAIR OF SEMI - DETACHED, THREE - BEDROOM DWELLINGS, WITH FRONT AND REAR DORMERS</p>	<p>Appeal Dismissed</p> <p>13<sup>th</sup> June 2011</p>
P/10430/009 - enforcement	<p>Land adj. 100 Waterbeach Road</p> <p>RETENTION OF A TWO STOREY BUILDING AS A SINGLE DWELLING HOUSE, INCORPORATING THE REMOVAL OF WINDOWS IN REAR ELEVATION.</p> <p>BREACH OF PLANNING CONTROL AS ALLEGED IN THE NOTICE IS THE UNAUTHORISED USE OF THE PROPERTY SITUATE ON THE LAND AS SIX SELF CONTAINED RESIDENTIAL UNITS (FLATS)</p>	<p>Appeal Dismissed and Enforcement Notice upheld subject to variations and corrections</p> <p>14<sup>th</sup> June 2011</p>
P/01664/023	<p>10 Parlaunt Road</p> <p>CHANGE OF USE FROM CLASS A1 RETAIL TO CLASS A2 LICENSED BETTING SHOP</p> <p>Planning permission was refused for the following reasons:</p> <p>1) The proposed betting shop would result in the loss of an A1 retail unit resulting in less than 50% of the shopping parade remaining in retail use which would fail to protect</p>	<p><b>Appeal Allowed subject to conditions</b></p> <p><b>Award of costs partially allowed</b></p> <p><b>23<sup>rd</sup> June 2011</b></p>

existing facilities which provide for people's day-to-day needs. The proposal would be contrary to Policy S1 of The Adopted Local Plan For Slough, 2004; and PPS4 Planning for Sustainable Economic Growth.

2) The lack of parking provision in connection with the proposed betting shop would add to increased on street parking pressure in the vicinity of the site given the surrounding uses including a gym, children's nursery, and church. The proposal would be contrary to Policies T2, and T8 of The Adopted Local Plan For Slough, 2004; and Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

The Inspector felt the main issues were the affect of the proposal on the vitality of the shopping parade; and the affect on highway safety.

In relation to the vitality of the shopping parade, the Inspector noted that the shopping parade is not defined; however felt that whilst the appeal site was peripheral in relation to the concentration of shops to the east, it should be considered as forming part of the parade. The proposal was therefore considered to have resulted in the loss of retail frontage within this parade.

In response to the Council's concern that the ratio of A1 retail units would fall below 50%, the Inspector commented: "this appears to be a reasonable approach and represents a good reason for supporting the LP in seeking to resist any further loss of retail premises." The Inspector confirmed that concerns relating to competition with existing uses is not a matter that would weigh against this proposal, and was also not persuaded that this use would cause any more harm than potential alternative uses with regard to anti-social behaviour, crime or in terms of the impact on the users of other nearby facilities.

However on this issue, the Inspector concluded:

"In comparison to a vacant unit, the proposed use would contribute to the local economy and create jobs. It would also enhance footfall and increase the diversity of this parade. These matters weigh in favour of the proposal. However, these benefits would be achieved by the retention of a Class A1 use. Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) support sustainable new development and require that local planning authorities adopt a positive and

constructive approach towards planning applications for economic development. However, I am not satisfied that the loss of a retail unit would contribute to the sustainability of this parade. As such the proposal does not gain support from national guidance.

The appellant advises that despite marketing there has been no interest in a Class A1 use of this unit and as a result it has been vacant since June 2009. No details of the marketing have been provided and I find this a significant shortcoming with regard to the appellant's case. However, there has been no suggestion that a full and professional marketing campaign has not been undertaken or that the property has been marketed unrealistically in terms of price. There is therefore no evidence to suggest that there has been any demand for this retail unit since it became vacant or that a retail operator is likely to emerge in the short term. I am however mindful that the previous two years have not been ideal in terms of commercial performance for many businesses.

Although two years is a significant period of time, I have to consider the long term vitality of this parade. Clearly however, the retention of a vacant use provides no benefit to the parade. PPS4 requires that account be taken of the importance of shops to the local community and seeks a positive response to planning applications for conversions which are designed to improve their viability. This shop has clearly not served the local community for some time and this proposal would improve its commercial viability.

Although part of the parade, the physical separation from the other shops does weaken both the attractiveness of this unit and its contribution to the vitality of the parade overall. The loss of this retail unit would be likely to be less harmful than the loss of a retail unit within the remainder of the parade.

Overall, I agree with the Council that the loss of the retail unit would result in harm to the potential future vitality of the parade. However, the length of time the unit has been vacant; the lack of any clear prospect of imminent occupation by a Class A1 use; the locational disadvantages of the unit compared to those within the main area of the parade; and the more limited harm of its loss due to its fringe position, weigh in favour of this proposal.

These matters together with the beneficial use of the building, in terms of employment and commercial activity, add further weight, at least in the short term. I conclude that

	<p>on balance, these considerations are sufficient to outweigh my concerns associated with the loss of this retail unit.”</p> <p>With regard to the affect on highway safety, the Inspector concluded:</p> <p>“There is no evidence to demonstrate that this use would generate greater demand for parking than a Class A1 use. The adopted parking standards provide no support for the Council’s position. Furthermore, there is a public car park in close proximity to the unit. I have no reason to believe that this proposal would result in an increase in demand for parking or result in increased harm to highway safety.”</p> <p>An application for costs was made by the appellant. This was partially allowed.</p> <p>With regard to the first reason for refusal, the Inspector was of the view that the Council’s reasoning was clear and gained support from the development plan. It was not considered that the Council acted unreasonably in reaching their decision with respect to the first reason for refusal.</p> <p>With respect to the second reason for refusal regarding parking issues however, the Inspector found that the Council failed to provide evidence to clearly show why the development cannot be permitted and this therefore represented unreasonable behaviour.</p>	
P/14998/000	<p>33 Carmarthen Road</p> <p>CHANGE OF USE FROM STORAGE BUILDING / GARDEN ROOM TO DETACHED SELF CONTAINED RESIDENTIAL DWELLING</p>	<p>Appeal Dismissed</p> <p>27<sup>th</sup> June 2011</p>
P/09492/003	<p>58 Park Lane</p> <p>CHANGE OF USE FROM SINGLE FAMILY DWELLING HOUSE TO MANAGED HOUSE IN MULTIPLE OCCUPATION COMPRISING 4 NO. DOUBLE BEDROOMS AND ONE SINGLE BEDROOM TO HOUSE A MAXIMUM OF 9 NO. PERSONS. PARKING FOR 7 NO. CARS PLUS STORAGE / CYCLE SHELTER</p>	<p>Appeal dismissed</p> <p>27<sup>th</sup> June 2011</p>

# ENFORCEMENT NOTICES, BREACH OF CONDITION NOTICES, SECTION 215 NOTICES

ONGOING TO DATE (06.06.11)

PART 1 (PLANNING ENFORCEMENT)

Planning Reference and Officer	Legal Ref/ Officer	Address and Breach Description	Details of actions Planning prefaced (P) Legal prefaced (L)
2010/00435/ENF BL	CF	596 London Road	(P) Planning Enforcement Notice served 24 June 2011. Compliance due 24 August 2011
2010/00507/ENF BL	CF	28 Salt Hill Drive	(P) Planning Enforcement Notice served 25 May 2011. Compliance due 22 Aug 2011.
2009/00133/ENF EW	CF	19, Cowper Road	(P) Instructions sent to legal on 17.05.2011 to engross EN re: unlawful front canopy. (P) EN Served on 17 <sup>th</sup> June 2011
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 <sup>th</sup> February 2011. (P) New Notice served 15 <sup>th</sup> February 2011 (P) Appeal lodged awaiting further information from inspectorate. (P) Appeal ongoing Statement Submission stage 24 June 2011.

2010/00152/ENF BL	CF	62 Faraday Road	<p>(P) To legal for notice to be engrossed 24 September 2010</p> <p>(P) Notice served 2<sup>nd</sup> December 2010. Compliance by 27 January 2011.</p> <p>(P) Monitoring compliance to ensure no reversion.</p> <p>(P) No further breaches, but matter left open to monitor compliance</p> <p>(P) Continued compliance. Case closed 27 May 2011.</p>
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 still awaits determination.(23 June 2011)</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. (Still awaiting as at 27 May 2011)</p> <p>(P) Awaits s 106 (23 June 2011)</p>

<p>2009/0149 WH</p>	<p>CF T3/698</p>	<p>65 Gloucester Avenue Depart Approved Plan</p>	<p>(L) Instructions received 21st August 2009 (P) Planning Enforcement Notice served 2 September 2009 Compliance due 30 June 2010. (P) Meeting held with owners and head of Planning. New application to be submitted 07/10/10 (P) No application submitted. Prosecution to be discussed (P) Application submitted and to be determined within 4 weeks. (P) Prosecution commenced (P) first hearing 6<sup>th</sup> 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 14<sup>th</sup> June 2006. (L) Draft notice to planning for approval 14<sup>th</sup> June 2006. (P) Legal acknowledged instructions 16/6/06. (L) 10.07.06 - EJ instructed by SQ not to issue notice for time being – in light of petition received. SQ will advise EJ, when notice can be issued. (P) Notice served 17/1/07, effective 21/2/07 for compliance by 21/4/07 (P) Appeal lodged (P) Appeal dismissed, compliance by 07/02/08. Reminder to comply sent 23/03/09 (P) Meeting being sought to discuss matters. (P) Meeting to be arranged by AM upon return 01/09/10 (P) Negotiations ongoing with members of the mosque (P). No compliance, prosecution to be considered forthwith (P) Letter forwarded giving one month for compliance then report for Direct Action to be submitted</p>

2008/00222 BL	CF T/T3/671	10 Yew Tree Road, Slough. Unauthorised change of use to a house in multiple occupation and the unauthorised erection of a single storey rear extension.	<p>(L) Instructions received 7 November 2008</p> <p>(P) Enforcement Notice served 18<sup>th</sup> November 2008, Compliance 16<sup>th</sup> March 2009.</p> <p>(P) Appeal received.</p> <p>(P) Prosecution papers being prepared</p> <p>(P) Info received that the charge holder is moving for repossession.</p> <p>(P) Enquiries in progress – contact with mortgage company</p> <p>(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> <p>(p) Mortgage company solicitors seeking instructions from client. (20 Apr 2010)</p> <p>(p) consider prosecution or default work</p> <p>(P) The property has been considered for auction by the Mortgage Company. Events to be monitored.</p> <p>(P) New owners in negotiation with Ian Hann.</p> <p>(P) Planning application expected imminently for HMO and the rear extension</p> <p>(P) Planning Application approved for HMO and reduced Extension. 11 April 2011. Enforcement now completed.</p>
2010/00193/ENF BL	CF	Skyways Hotel 19-23 London Road Slough	<p>(P) Planning Enforcement Notice to legal 27 Aug 2010. Remove Front Conservatory.</p> <p>(P) Notice served – 30<sup>th</sup> September 2010</p> <p>(P) Prosecution being prepared</p> <p>(P) Awaits appeal decision on planning refusal</p> <p>(P) Prosecution papers being prepared</p> <p>(P) Prosecution on hold - New date for compliance 15 May 2011 following enforcement appeal dismissal.</p> <p>(P) Compliance achieved 7 May 2011.</p>



2008/00332/ENF WH	CF/ 673	47 Elliman Avenue Breach of Condition Notice	<p>(L) Instructions received November 2008</p> <p>(P) Notice served 5 December 2008. Compliance due 5 January 2009</p> <p>(P) Papers being prepared for legal</p> <p>(P) Papers for litigation sent to legal 27 October 2009.</p> <p>(P) Prosecution files being prepared 24/02/10</p> <p>(P) Instructions sent to legal to prosecute 01-03-10</p> <p>(L) First hearing at Maidenhead Magistrates 18/06/10</p> <p>(L) Found guilty of offence and costs awarded</p> <p>(P) Direct action to be considered</p> <p>(P) Owner contacted 24/09/10 and work being carried by themselves</p> <p>(P) Case reopened by owners at Court and Legal to update file</p> <p>(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 engress EN re: unauthorised storage of commercial vehicles to cover area excluded in previous notices (1972 and 1978).</p> <p>(P) Papers for enforcement notice being prepared.</p> <p>(P) Redrafted instructions sent to Legal EN imminent.</p>
2006/00296/ENF EW	T3/712	Land at Tanhouse Farm, Mill Street, Colnbrook, Berkshire (South off the Colne River)	<p>(P) Notice served 30<sup>th</sup> November 2009 in respect of the unauthorised change of use from land for agricultural use to the mixed uses of agricultural land and the storage of miscellaneous items not associated with an agricultural use.</p> <p>(P) Appeal lodged 23<sup>rd</sup> December to be dealt using the inquiry procedure. Date and venue to be confirmed.</p> <p>(P) Statement of Case submitted confirmed date of inquiry 24<sup>th</sup> June 2010</p> <p>(P) Inquiry decision pending.</p> <p>(P) Inquiry decision - 6 July 2010 Notice Upheld, albeit with revised compliance period of 18 months.</p> <p>(L) Matter subject to judicial inquiry. Notice held in abeyance until the hearing in June 2011.</p>

2006/00418	SH/ T3/604 <b>CF AS OF 2010</b>	20 Wexham Road, Slough Unauthorised erection of a outbuilding	<p>(P) Legal Instructed and land charges informed – 11/10/06  (P) Legal requested further instructions – resent – 22/11/06  (P) Legal requested further set of instructions sent 24/01/07  (L) Drafts sent to planning 15/02/07  (P) Draft corrected and returned 19/2/07.  (P) Notice served 26/3/7, effective 30/4/7 for compliance by 30/7/7  (P) Appeal dismissed 01/04/08  (L) Prosecution file being drafted in liaison with PSH 20/02/10  (P) Prosecution file still being drafted as issues with locating owner for effective service  (P) Committee report for default works for Planning Committee 15/06/10. Prosecuting at the same time.  (P) Planning Committee has approved default works. Prosecution almost complete and date to be set for works.  (P) Prosecution file sent to legal 13/07/10  (P) Case being progressed through court.  (P) Default action to be carried out on 23/05/11  (P) Structure demolished and compliance achieved. Court action ongoing</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) Legal acknowledged instructions 18/02/10.  (P) Enforcement Notice served 29/03/10  (P) Appeal against Notice submitted  (P) Planning Application submitted ref P/14831/0 submitted on 30/4/10  (P) Decision due from Planning 25/06/10.  (P) Planning Permission refused  (P) Deadline given and prosecution to be prepared  (P) Papers sent to legal to draft summons  (P) matter in criminal courts</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 13<sup>th</sup> May 2010. Compliance due by 13<sup>th</sup> 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 18<sup>th</sup> June 2010. Compliance due 16<sup>th</sup> 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> <p>(P) Committee report for Direct Action approval.</p>
2011 EW	CF	Spital Farm, London Road, Colnbrook, Berkshire, SL3 8QQ	<p>(P) 24.5.10 - Instructions to be sent to legal to engross EN concerning unauthorised alpaca building</p> <p>(P) Matter being reviewed by EW before papers are sent to legal</p> <p>(P) Planning appeal ongoing - matter held in abeyance</p> <p>(P) Appeal decision dismissed, Instructions to engross notice sent to legal.</p> <p>(P) EN served re "agricultural building" 17 November 2010.</p> <p>(P) EN withdrawn – due to changes to requirements, land ownership issues. New notice to be reissued</p> <p>(P) Section 330 Requisition of information notice to serve 1<sup>st</sup> March.</p> <p>(P) Requisition for information served and responses received. Fresh notices to be served having regard to the information gathered.</p> <p>(P) Instructions to issue new notice being prepared.</p> <p>(P) Instructions sent to legal to reissue notice.</p>

2010/00316/ENF EW	CF	The Herschel Arms PH, Land at 24, 26 and 28, Park Street, Slough, SL1 1PS	<p>(P) Revised instructions sent to legal to engross EN re: unauthorised CoU of rear gardens to beer garden.</p> <p>(P) Engrossment on-going</p> <p>(P) En served 30/09/10 re unauthorised use of residential garden as beer garden/unauthorised canopy shelter</p> <p>(P) Appeal lodged awaiting formal start date from PINS.</p> <p>(P) EN appeal lodged 25/10/10. Notice in abeyance until appeal decision is reached</p> <p>(P) Awaiting hearing date</p> <p>(P) Hearing date set 24<sup>th</sup> May 2011.</p> <p>(P) Awaiting decision of appeal hearing</p> <p>(P) Appeal dismissed and notice upheld with variations, compliance 4 months.</p>
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 11<sup>th</sup> 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.</p> <p>(P) Matter to be closed.</p>
2010/00193/ENF BL	CF	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> <p>(P) Case closed</p>

2006/00382/ENF WH	CF	100 Waterbeach Road, Slough	(P) Planning Enforcement Notice served Oct 2010 re use as 6 flats (P) Planning Appeal process begun and Statement of Evidence forwarded 24 Nov 10. (P) Appeal ongoing (P) Planning Inspectorate visited (p) Appeal dismissed and notice upheld with variations – 6 months for compliance
2010/00026/ENF WH	CF	17 Waterbeach Road	(P) Planning Enforcement Notice served re habitable outbuilding 16 Nov 10 (P) Site visit confirms outbuilding now empty and Notice almost complied with (P) Fully complied with. (P) Case closed
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 and case closed
2009/00376/ENF WH	CF	21 Richmond Crescent	(P) Planning Enforcement Notice served re habitable outbuilding 14/03/11 (P) Appeal to Planning Inspectorate submitted
2009/00377/ENF WH	CF	23 Richmond Crescent	(P) Planning Enforcement Notice served re habitable outbuilding 14/03/11 (P) Appeal to Planning Inspectorate submitted

2010/00296/ENF WH	CF	67 Hatton Avenue	(P) Planning Enforcement Notice served re habitable outbuilding 14/03/11 (P) Compliance achieved and case closed
2010/00297/ENF WH	CF	68 Hatton Avenue	(P) Planning Enforcement Notice served re habitable outbuilding 28/03/11 (P) Compliance achieved and case closed
2010/00105/ENF EW	CF	20, Wellesley Road	(P) Instruction sent to legal on 14 <sup>th</sup> April 2011 to draft EN, subdivision of SFD to 2 flats. (P) EN served on 22 <sup>nd</sup> June 2011
2010/00336/ENF WH	CF	80 Norfolk Avenue	(P) Instruction sent to legal to draft EN re habitable outbuilding (P) Notice served on 20 June 2011
2011/00070/ENF WH	CF	40 Court Crescent	(P) Instruction sent to legal to draft EN re habitable outbuilding (P) EN served 31 <sup>st</sup> May 2011
2010/00435/ENF BL	CF	371 Rochford Gardens, Slough	(P) Instruction sent to legal to draft EN

## 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 (02/08/2011)

(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 <sup>th</sup> February 2011 (L) First date of hearing 11 <sup>th</sup> March 2011. (L) Hearing 8 April 2011 for plea (L) Case adjourned for plea or proof in absence on the 6 <sup>th</sup> May 2011. (L) Case withdrawn – compliance achieved.
2009/00206 BL	OK	1 Boston Grove Vehicle repairs	(P) Instructions sent to Legal This day 12 October 2009. (L) Hearing 26 <sup>th</sup> 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>(P) Paper sent to legal to prosecute on 9 July 2010</p> <p>(L) Information laid August 2010</p> <p>(L) First hearing 8<sup>th</sup> October 2010</p> <p>(L) Adjourned from 26<sup>th</sup> November for both Defendants to attend on 7<sup>th</sup> January 2011</p> <p>(L) warrant of arrest issued on 7<sup>th</sup> January 2011 for Fiaz Akhtar</p> <p>(L) Case withdrawn against Mohammed Sarfraz (Khan and proceeds against Fiaz Ahktar</p> <p>(L) position remains – outstanding warrant for the arrest of Fiaz Ahktar</p> <p>(L) As above</p> <p>(L) Default action planned for 23/05/11</p> <p>(L) Notice complied with</p> <p>(L) Prosecution continues with next date 1<sup>st</sup> July 2011 for warrant to be executed</p> <p>(L) Trial set for 5<sup>th</sup> January 2012 at Reading Magistrates Court</p>
2010/00280/ENF WH	CF L7/029	11 Birch Grove	<p>(L) Instructions received on the 14.2.11</p> <p>(L) Summons sent for issue to court on 24<sup>th</sup> February 2011</p> <p>(L) First hearing 8 April 2011 for plea</p> <p>(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.</p> <p>(L) Adjourned until 3 June 2011 for plea or proof in absence</p> <p>(L) Defendant attended court for the first time. Matter adjourned until 24<sup>th</sup> June 2011 to allow her to get legal representation.</p> <p>(L) next hearing 22<sup>nd</sup> July 2011 for formal plea to be entered.</p>

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 <sup>th</sup> March 2011 (L) First hearing proposed for the 6 <sup>th</sup> May 2011 (L) Matter adjourned until 24 <sup>th</sup> June 2011 to allow defendants to be present to enter a plea before the court (L) pleaded not guilty matter adjourned until 19 <sup>th</sup> August to be formally committed to Crown Court for Trial
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 <sup>th</sup> May 2011. (L) Case withdrawn following a caution accepted and administered to both defendants on 1 <sup>st</sup> June 2011.

## GLOSSARY OF ABBREVIATIONS

### PLANNING - Enforcement

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

### LEGAL

CF = Ciara Feeney  
DP = Dawn Pelle  
SH = Sadia Hussain  
AO = Ann Osbourne  
AOK = Agatha Okafor  
OK = Omar Khan  
EJ = Elizabeth Jenkins  
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

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