

Date of issue: 30<sup>th</sup> December, 2013

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Carter (Chair), Dar, Hussain, Plenty, Rasib, Sandhu, Smith and Swindlehurst)
<b>DATE AND TIME:</b>	THURSDAY, 9TH JANUARY, 2014 AT 6.30PM
<b>VENUE:</b>	FLEXI HALL, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
<b>DEMOCRATIC SERVICES OFFICER:</b> (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

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



**RUTH BAGLEY**  
Chief Executive

AGENDA

PART 1

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

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Declarations of Interest  <i>All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.</i>  <i>The Chair will ask Members to confirm that they do not have a declarable interest.</i>  <i>All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.</i>		
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<b>PLANNING APPLICATIONS</b>			
6.	P/14486/001 - Unit 1, Prescott Road, Colnbrook, Slough, SL3 0AE  <i><b>Officer Recommendation:</b> Delegate to Strategic Lead Planning Policy.</i>	13 - 24	Colnbrook with Poyle
7.	P/06684/015 - Queensmere Shopping Centre, Wellington Street, Slough, Berkshire, SL1 1LN  <i><b>Officer Recommendation:</b> Member Comment Only.</i>	25 - 64	Upton
8.	P/02523/011 - 27, Cheviot Road, Slough, SL3 8LA  <i><b>Officer Recommendation:</b> Delegate to Strategic Lead Planning Policy.</i>	65 - 66	Foxborough
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**AGENDA**  
**ITEM**

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**MATTERS FOR INFORMATION**

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Press and Public

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

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## PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Planning Committee – Meeting held on Thursday, 28th November, 2013.**

**Present:-** Councillors Carter (Chair), Dar (Vice-Chair), Hussain, Plenty, Rasib, Smith and Swindlehurst (until 8.10 pm)

**Also present under Rule 30:-** Councillors Plimmer and Brooker

**PART I**

**45. Apologies for Absence**

An apology was received from Councillor Mittal.

**46. Declarations of Interest**

Councillor Plenty declared a personal interest in planning application ref P/07367/003 - 24, Blenheim Road, Slough, SL3 7NJ, in that he lived near to the application site. He left the meeting during consideration of the item and did not vote.

Councillor Dar declared a personal interest in agenda item 11, response by Slough BC to Bucks CC concerning the planning application for mineral extraction, infilling of inert waste and restoration back to agricultural use and nature conservation, Land adj Uxbridge Road, George Green 13/00575/cc; and agenda item 12, P/04317/001 - Land adjacent to Uxbridge Road / George Green, Slough, Berkshire, SL2 5NH as the application sites were in his Ward. He also declared an interest in planning application ref P/06960/017, Baylis Court School For Girls, Gloucester Avenue, Slough, SL1 3AH, in that his child attended the school. He participated in the debate and voted on all three items.

Councillor Hussain declared an interest in agenda item 9, P/06960/017, Baylis Court School For Girls, Gloucester Avenue, Slough, SL1 3AH in that the application site was situated in her Ward. She participated in the debate and voted on the item.

**47. Guidance on Predetermination/Predisposition**

Members confirmed that they had read and understood the guidance note on Predetermination and Predisposition.

**48. Minutes of the Last Meeting held on Thursday 17th October, 2013**

The minutes of the meeting of the Planning Committee held on 17<sup>th</sup> October, 2013, were approved as correct record.

**49. Human Rights Act Statement**

The Human Rights Act statement was noted.

## Planning Committee - 28.11.13

### 50. Planning Applications

Details were tabled in the amendment sheet of alterations and amendments received since the agenda was circulated. The Committee adjourned for ten minutes to allow Members the opportunity to read the amendment sheet.

With the agreement of the Chair the order of business was varied so that applications P/02523/ 011-27, Cheviot Road, Slough SL3 8LA; P/00176/032, 392, Bath Road, Slough, SL1 6JA; and P/04317/001 - Land adjacent to Uxbridge Road / George Green, Slough, Berkshire, SL2 5NH were taken first, as a Ward Member/ registered Objectors/ the Applicant's Agents wished to address the Committee. Agenda item 11, response by Slough BC to Bucks CC re the Planning Application for Minerals Extraction etc: 13/00575/Cc – Land Adjoining Uxbridge Road, George Green, was considered prior to the determination of agenda item 12, P/04317/001 - Land adjacent to Uxbridge Road / George Green, Slough, Berkshire, SL2 5NH

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

### 51. P/02523/011 - 27, Cheviot Road, Slough, SL3 8LA

<b>Application</b>	<b>Decision</b>
Change of use from licensed Members Social Club (Sui Generis) to Islamic Community and Teaching Centre and place of worship (Class D1) and retention of second floor flat (Class C3).	Delegated to the Strategic Lead Planning Policy

### 52. 392, Bath Road, Slough, SL1 6JA

<b>Application</b>	<b>Decision</b>
Change of use from offices (Class B1A) to restaurant (Class A3), with seating at ground floor only and storage/ food preparation at first floor, installation of new service entrance, minor external works to provide cycle parking and changes to parking layout.	Delegated to the Strategic Lead Planning Policy subject to 3 additional conditions and the provision of a suitable Travel Plan: 1. The provision of obscure glazing to the rear northern elevation. 2. The provision of suitable screening to the boundary adjacent to Iona Crescent. 3. Opening hours to customers to be limited to: 10 am to 11 pm, Monday to Saturday and 10 am to 8pm on Sundays and Bank Holidays.



**53. Response by Slough BC to Bucks CC re the Planning Application for Minerals Extraction etc: 13/00575/Cc - Land Adjoining Uxbridge Road, George Green**

Roger Kirkham, Special Projects Planner, outlined a report to inform Members of the consultation request received from Buckinghamshire CC regarding the extraction of sand and gravel and related works at Uxbridge Road, George Green. The application had been submitted by the applicant because the District boundary separated the land under Buckinghamshire CC jurisdiction and highway land under the jurisdiction of Slough BC. The Committee was requested to comment on Slough BC's response set out within the report. The report was discussed prior to consideration of agenda item 12, P/04317/001 - Land adjacent to Uxbridge Road / George Green, Slough, Berkshire, SL2 5NH which related to an application submitted to Slough BC for inter alia, the construction of new road access and amended junction arrangements to the mineral extraction site.

It was highlighted that the application was for a temporary use only and when the extraction process had been exhausted, the site would be restored to agricultural use. The applicant had stated a new extraction site was required now that an existing quarry near Pinewood was nearing exhaustion.

The Committee noted and endorsed the Council's response as set out at Section 12 of the report.

**Resolved-** That :

- a) Buckinghamshire County Council be informed under the Spheres of Mutual Interest arrangements of its response set out in Section 12 of the report to planning application 13/00575/CC now awaiting determination by Bucks CC. (As part of this response, Slough BC would support a package of planning conditions and S106 necessary for this application in the event of it being granted temporary planning permission by Bucks CC).
- b) That Buckinghamshire County Council be informed of the planning decision about the provision of access onto Uxbridge Road and alterations to the public highway.

**54. P/04317/001 - Land adjacent to Uxbridge Road / George Green, Slough, Berkshire, SL2 5NH**

<b>Application</b>	<b>Decision</b>
Construction of new road access and amended junction arrangements (required to serve proposed minerals extraction and processing site, together with infilling with construction and demolition waste to existing levels with restoration to agriculture and nature conservation to be decided by Bucks CC).	Delegated back to the Strategic Lead Planning Policy

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### 55. P/06684/015 - Queensmere Shopping Centre, Wellington Street, Slough, Berkshire, SL1 1LN

The Strategic Lead, Planning Policy and Projects, outlined a report to allow Members the opportunity to make comments on the design of the proposed Queensmere Shopping Centre Scheme. It was emphasised that the report was for comment only, not decision, and a further report would be brought to the Committee in due course to discuss issues such as transport and parking, sustainability/ environmental issues and financial contributions.

The Officer advised that the principle of development with flats above was already agreed. The report before the Committee considered matters such as the principle of high density flats, development in terms of its scale, bulk, massing, height, design and external appearance. Members were also asked to consider the impact on the surrounding area, including short and long range views, listed buildings and the relationship to the Heart of Slough. These matters all fell under the umbrella of design and it was important that there would be no detrimental impact on surrounding properties and the character of the area.

It was highlighted that a Berkshire design Panel had viewed the scheme and though no concern was expressed regarding the height of the scheme, the Panel was concerned about the quality of the development and the architectural rationale. Slough BC had subsequently employed its own architect to continue these discussions.

The Officer advised that the views of the Committee would be relayed to the Applicant and be incorporated in a final report which would be presented to the Committee at a later date.

In the ensuing debate Members expressed individual views and raised a number of questions/ comments as follows:

- Was there car parking within the scheme for residents ? It was confirmed that there was none and the scheme would be 'car free'.
- The overshadowing of St Ethelbert's Church by the development was not welcomed.
- It was felt that since the loss of the round tower within the plans, the height of the remaining towers should be shifted for example by having 5 towers of lower height.
- The proposed glass spine running up the side of the towers presented a jarring visual image.
- The height of spires exceeded the height of the building by one floor- it was thought this was not visually acceptable.
- The scheme was felt to be an improvement on the original design in some areas but why did the height progress towards the church and older features of the area that should be protected?
- The location of the scheme was considered to be prime real estate and a fantastic location. It was felt that the developers needed to 'go back to the drawing board'.

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- The lime green and yellow infilling was not thought to be attractive and it would not be in style 20 years later.
- The Cafes planned for the Mackenzie Street location would be sheltered from the sun most of the day.
- In 2007 the corner of the development was going to be the site for an anchor store. This concept appeared to have been lost? The Officer confirmed that the design would allow for potential occupation by a large store.
- It was felt that any development that was clearly visible on the Slough skyline would be a visual display of the Slough 'Brand' in years to come. The mix within the scheme was not attractive and although the height of the development was not an issue in principle, this type of development was not welcomed.
- The design of the scheme did not have the level of quality required to present an iconic statement for Slough town centre.

**Resolved-** That the comments and views submitted by the Committee be noted, relayed to the Applicant, and incorporated in a final report for presentation to the Committee at a later date.

### 56. P/15524/002 - Former Day Centre Site & Service Yard, Slough, SL1 1DH

Application	Decision
Submission of details pursuant to conditions 03 (materials), of planning permission reference P/15524/000 dated 06th September 2013 for variation of condition 02 of planning permission reference S/00533/000 (for redevelopment of the site for a new library and cultural centre including life long learning facilities, multi performance space/council chamber, teaching rooms, gallery space, cafe, external reading garden, new vehicular accesses, phased provision of enhanced pedestrian links, public realm and landscape improvements. the proposal will involve the demolition of part of the rear of 3-4 William Street, the ramp and toilet block attached to queensmere shopping centre and scope for the future demolition of 7-11 Mackenzie Square for enhanced public realm and pedestrian links); for: a reduction in the building footprint and minor changes to the elevations and roof.	Approved

### 57. P/07367/003 - 24, Blenheim Road, Slough, SL3 7NJ

Application	Decision
Replacement of flat roof to pitched hipped roof over existing outbuilding in rear garden.	Approved with conditions.

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Councillor Plenty left the meeting whilst the above item was being considered and did not vote on the item.

### 58. P/06960/017 - Baylis Court School For Girls, Gloucester Avenue, Slough, SL1 3AH

Application	Decision
Erection of a two storey side extension to provide 12 teaching classrooms, store rooms, office and toilets.	Delegated to the Strategic Lead Planning Policy

### 59. Deposit Draft of The Slough Trading Estate Simplified Planning Zone (SPZ)

The Head of Planning Policy & Projects, outlined a report setting out the detail of the Deposit Draft of the Slough Trading Estate Simplified Planning Zone (SPZ). The Committee was requested to approve the publication of the scheme for public consultation.

The Committee was reminded that Slough Trading Estate was one of the few areas in the country to take advantage of the SPZ; the first SPZ for the Estate ran from 1994 to 2004 and the second one would expire in November 2014. The Officer explained that an SPZ granted planning permission in advance for specified types of development within defined areas and on the Slough Trading Estate the permitted uses included industrial units, warehouses and data centres. Certain inappropriate uses such as major retail development were not permitted under the SPZ and developers were required to apply for planning permission in the usual way.

The Officer advised that in September 2012, the Committee had approved the preparation of a new SPZ Scheme for the Slough Trading Estate to replace the SPZ that expired in November 2014. The Committee noted the negotiations that had taken place with SEGRO and the detail of the initial consultation. It was proposed that further consultation would be held over a six week period at the beginning of 2014 after which time the Committee would consider the SPZ prior to consideration by Cabinet.

The Committee noted the purpose of the SPZ, the format, and key elements that had been retained and the key aspects that would be delivered as set out in the report.

Members asked a number of questions in the ensuing debate and it was confirmed that there was no specific provision for cycle lanes in the scheme. The boundary of the site was also discussed and measures agreed to move the zoned area.

#### Resolved-

- (a) That the content of the SPZ be agreed subject to any minor amendments which may be delegated to the Strategic Lead Planning Policy.

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- (b) That following the Committee's discussion on the site boundary, it was agreed to move the zoned area where buildings over 16 metres in height are allowed to be built, to the rear of the offices on the Bath Road.
- (c) That the Deposit Draft of the new Slough Trading Estate Simplified Planning Zone Scheme be published for public consultation.
- (d) That the Committee places on record its thanks to Officers for their contribution to the SPZ.

### 60. Designation of Local Planning Authorities

The Development Control Manager, outlined a report to inform Members of changes to the Town and Country Planning Act, 1990, which enabled the designation of poor performing Local Planning Authorities. He also discussed the action that would be taken by Slough BC to address this.

The Committee was advised that when designated as a Local Planning Authority, Developers would have the option to submit their planning applications directly to the Secretary of State for Communities and Local Government. This would result in the Council losing the opportunity to influence and determine the application and a Planning Inspector would decide the application rather than the Planning Committee. Members noted that residents would be able to comment on applications and would also have the opportunity to address the Inspector.

The Officer discussed the implications of 'designation', and it was highlighted that where developers chose this option, they would lose the right to appeal to the Secretary of State. It was also noted that the Council could lose fee income if Developers decided to submit applications directly to the Secretary of State.

The Committee also noted that the Secretary of State would decide whether any designations should be made and the initial designations had been made in October this year. The Secretary of State would decide annually whether any designations should be lifted, and decide whether any new designations should be made.

It was highlighted that Slough BC had not been designated and the Officer discussed the approach that would be taken to ensure it would not be designated in future, as set out in the report.

The Committee noted that the Government had amended fee regulations and a refund of fees would be required if a planning application had not been decided within 26 weeks.

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

## **Planning Committee - 28.11.13**

### **61. Planning Appeal Decisions**

**Resolved-** That details of recent Planning Appeal decisions be noted.

### **62. Members Attendance Record**

**Resolved-** The Members Attendance Record for 2013/14 be noted.

### **63. Date of Next Meeting - 9th January 2014**

**Resolved –** That the date of the next Planning Committee be confirmed as Thursday 9<sup>th</sup> January, 2014.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.57 pm)

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

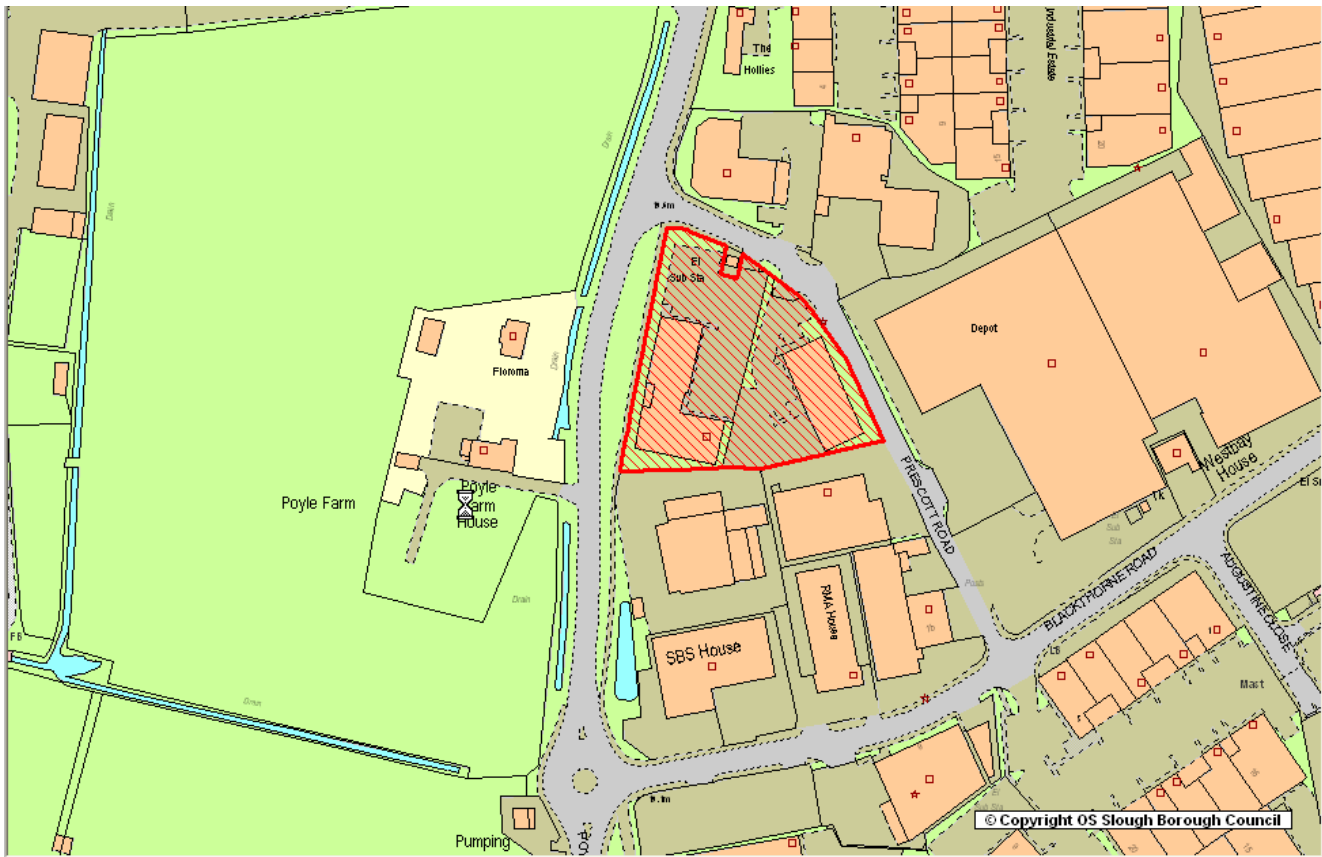
	<b>OFFICER ABBREVIATIONS</b>
WM	Wesley McCarthy
EW	Edward Wilson
HB	Hayley Butcher
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
IH	Ian Hann
AM	Ann Mead
FI	Fariba Ismat
PS	Paul Stimpson
JD	Jonathan Dymond
GB	Greg Bird

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<b>Registration Date:</b>	11-Oct-2013	<b>Applic. No:</b>	P/14486/001
<b>Officer:</b>	Ian Hann	<b>Ward:</b>	Colnbrook-and-Poyle
<b>Applicant:</b>	Mr. Derek Price, DWP Associates		
<b>Agent:</b>	DWP Associates 1, Glanmorfa, Ferryside, SA17 5TF		
<b>Location:</b>	Unit 1, Prescott Road, Colnbrook, Slough, SL3 0AE		
<b>Proposal:</b>	ERECTION OF 2789 SQUARE METRE WAREHOUSE BUILDING WITH ANCILLARY OFFICE SPACE AND ASSOCIATED PARKING FOLLOWING DEMOLITION OF EXISTING BUILDINGS		

**Recommendation: Delegate to Strategic Lead Planning Policy.**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Delegate the planning application to Strategic Lead Planning Policy for the consideration of any transport and highways issues, finalising conditions and final determination.
- 1.2 This application is to be decided at Planning Committee as it is a major development.

## **PART A: BACKGROUND**

### **2.0 Proposal**

- 2.1 This is a full planning application for the redevelopment of the application site to provide 2,500 sq. metres of storage and distribution (B8) use including ancillary office space on a mezzanine floor (306.5 sq. metres) together with associated car parking, servicing and landscaping following the demolition of the existing building.

The application is accompanied by plans showing the site location, site layout, elevations and floor plans. The following is also submitted:

- Planning, Design And Access Statement
- Transport Statement
- Flood Risk Assessment

- 2.2 The plans that has been submitted shows a proposed building that will have a footprint of approximately 39m by 58m and with a height of approximately 9.6m.
- 2.3 The plans show that the building would comprise a ground floor warehouse and ancillary offices on a mezzanine floor. The building would be finished in metal cladding and windows in the northern elevation facing onto Prescott Road that will serve the offices. Two lorry loading bays with roller shutter doors will be provided on the side elevation facing on to Prescott Road.
- 2.4 The development would be accessed by the existing access from Prescott Road. 14 car parking spaces would be provided with spaces for lorries that are not being unloaded.
- 2.5 The whole site will be surrounded by security fencing with a sliding gate onto Blackthorne Road and additional planting onto Blackthorne Road also.

### **3.0 Application Site**

- 3.1 The application site is situated on the south east of the junction of Poyle Road and Prescott Road and is an Existing Business Area as identified in the adopted Local Plan.
- 3.2 The site has an area of approximately 00.49 hectares and is roughly triangular, measuring approximately 87m wide and 80m deep.

The site is currently occupied by two vacant light industrial buildings. The site is bound by Poyle Road to the west with farm land beyond, Prescott Road to the east with industrial buildings with further industrial buildings to the north and south. The surrounding buildings are mostly warehouses and industrial buildings.

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

- 4.1 Planning permission was granted for the conversion of the existing two storey unit into 5no. two storey units incorporating change of use to B1/B8 units with the addition of external balcony as a means of escape and roller shutter doors with other external alterations in January 2009 (P/14486/000).

#### **5.0 Neighbour Notification**

- 5.1 Warren Insulation Plc, Sbs House 1, Blackthorne Road, Colnbrook

1, 2, 3, 4, Poyle Road, Colnbrook

Unit 1, 1a Prescott Road, Colnbrook

No comments have been received to date, any comments will be reported on the Committee Amendment Sheet.

- 5.2 Colnbrook with Poyle Parish Council

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

#### **6.0 Consultation**

- 6.1 Transport and Highways

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

- 6.2 Environment Agency

This application is deemed to either have a low environmental risk or relate to conditions that were not recommend by the Environment Agency who are unable to make an individual response at this time.

- 6.3 Neighbourhood Protection / Environmental Health

There are no objections to the development but the scale of project would suggest that a Site Waste Management Plan would be appropriate together with a ban on any burning of waste on site.

- 6.4 BAA Safeguarding

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

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

#### **7.0 Policy Background**

- 7.1 The application is considered alongside the following policies:

### National guidance

- National Planning Policy Framework and technical guidance notes.

### Local Development Framework, Core Strategy 2006-2026, Development Plan Document

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 5 (Employment)
- Core Policy 6 (Retail, Leisure and Community Facilities)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 10 (Infrastructure)

### Adopted Local Plan for Slough

- EN1 (Standard of Design)
- EN3 (Landscaping Requirements)
- EN5 (Design and Crime Prevention)
- EMP2 (Criteria for Business Developments)
- EMP9 (Lakeside Road Estate, Galleymead Road and the Poyle Estate)
- T2 (Parking Restraint)

7.2 The main planning considerations are therefore considered to be:

- Principle of the redevelopment & land use
- Design and appearance
- Impact on adjoining sites
- Traffic and Highways Implications

### **Assessment**

#### **8.0 Principle of the redevelopment & land use**

8.1 The NPPF states that unless material considerations dictate otherwise development proposals that accord with the development plan should be approved without delay. That planning should not act as an impediment to sustainable growth and should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It also states that high quality design should be secured and a good standard of amenity for all existing and future occupants of land and buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.2 Policy EMP2 (Criteria for Business Developments) states:  
“Proposals for business developments will only be permitted if they comply with all of the following criteria:  
a) the proposed building is of a high quality design and is of a use and scale that is appropriate to its location;  
b) it does not significantly harm the physical or visual character of the surrounding area and there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, over- looking, or overbearing appearance of the new building;  
c) the proposed development can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem;  
d) appropriate servicing and lorry parking is provided within the site;  
e) appropriate contributions are made to the implementation of any off-site highway works that are required and towards other transport improvements such as pedestrian and cycle facilities, that are needed in order to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site;  
f) the proposal incorporates an appropriate landscaping scheme;

g) the proposal would not significantly reduce the variety and range of business premises;”

- 8.3 Policy EMP9 (Lakeside Road Estate, Galleymead Road and the Poyle Estate) 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 Estate. Additional independent B1(a) office floor space will not be permitted in this location.”
- 8.4 The principle for the type of redevelopment is considered to be acceptable within an existing Business Area where the type of use proposed is acceptable and compatible with other surrounding uses.
- 8.5 No objections are raised to the principle of constructing a Class B8 Storage and Distribution Warehouse on the application site in relation to the National Planning Policy Framework, Core Policy 5 or Local Plan Policies EMP5 and EMP9.

## **9.0 Design and Appearance**

- 9.1 The National Planning Policy Framework states that “great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Policy EN1 of the adopted Local Plan states that development proposals are required to reflect a high standard of design and must be compatible with and/ or improve their surroundings in terms of scale, height, massing/ bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to watercourses.

Core Policy 8 of the Core Strategy requires that, in terms of design, all development:

- a) Be of high quality design that is practical, attractive, safe, accessible and adaptable;
- b) Respect its location and surroundings;
- c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and
- d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.

- 9.2 The footprint of the building is considered to be consistent with the size of other large industrial buildings found elsewhere within the surrounding area and estates. The height of the building would be higher than the adjacent premises. However the site would be in keeping with other industrial properties and the site is considered to be a large enough site to support a building of slightly larger bulk and mass. The development would be set back a minimum of 11 metres from the Poyle Road frontage where the existing mature tree screen will be retained to help soften and break up the scale of the development.
- 9.3 The plans show that the building development would comprise ground floor warehouse with ancillary offices at a mezzanine floor level which would be oriented to the northern side of the site facing Prescott Road. The layout is considered to be logical and would maximise efficiency. The offices will also be served with windows that will form the elevation of the building and therefore break up the façade of the building facing onto Prescott Road.
- 9.4 Full details of the elevations and appearance of the building have been provided. The architectural style proposed for the development uses clean, simple lines and is modern. This fits in with the style and appearance of many of the buildings, especially those warehouse type buildings within the local area. The building would be finished in metallic silver cladding which will be broken by roller shutter doors in the eastern elevation. Although this could be considered to be bland in appearance it is in keeping with the industrial nature of the area and other buildings within the industrial area have similar appearances. The elevation facing onto Prescott

Road will be broken up with windows that will provide a more interesting façade onto Prescott Road, in keeping with its surroundings and have no detrimental impact upon the character of the area. Overall the design and appearance of the development is considered to be in keeping with other modern industrial buildings found elsewhere within the area with the offices providing a high quality frontage to Prescott Road and that this would improve the appearance of the site.

- 9.5 It is proposed to fence all the boundaries of the site with a Security Fence, full details of which can be secured via condition. While a security fence could be considered to be overbearing it will allow views into the site and with substantial landscaping around the frontage facing onto Poyle Road that will be seen from the public road, it is considered that the screening will take away the harshness of the fencing and that it will not have any detrimental impact upon the character of the area.
- 9.6 The design and appearance of the development is considered to be consistent with the relevant policies and government guidance.

## **10.0 Impact on adjoining sites**

- 10.1 Policy EMP2 of the Local Plan requires that: “there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, overlooking, or overbearing appearance of the new building”.

Core Policy 8 states “Development shall not give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise”.

- 10.2 The proposed layout of the site would bring the development closer to the northern and southern boundaries than the previous building which is to be demolished. The nearest building to the site would be 10m away and there would be no impact up on the working conditions of that building or any other surrounding building. There are no nearby residential properties that will be effected by the proposals.
- 10.3 In terms of environmental effects, no air conditioning or plant, have been indicated on the submitted plans. A condition can be attached to any permission to require that no machinery, plant, ducts or other openings be allowed without the prior written approval of the Local Planning Authority. In terms of lighting, the Design and Access Statement indicates that the external lighting shall be designed to comply with legislation on light pollution and Heathrow approach restrictions. Again a standard lighting condition can be attached to any permission to secure adequate lighting around the site.
- 10.4 The proposal is considered to be in accordance with Core Policy 8 and policy EMP2 of the adopted Local Plan.

## **11.0 Traffic and Highways Implications**

- 11.1 Core Policy 7 (Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, (Submission Document), requires that: “All new development should reinforce 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.

Development proposals will, either individually or collectively, 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; and
- Improving air quality and reducing the impact of travel upon the environment, in particular climate change.

There will be no overall increase in the number of parking spaces permitted within commercial redevelopment schemes unless this is required for local road safety or operational reasons.”

The supporting text to Policy EMP9 (Poyle Estate) notes that “on the Poyle Estate, provision for parking and servicing arrangements is limited, and in many cases does not meet current standards, resulting in congestion on the estate. Redevelopments will be expected to improve vehicular access and overcome road safety problems.” It acknowledges that there is very limited public transport provision, and therefore access to this area is mainly by car for the workforce and visitors, and goes on to say “The Borough Council will continue to encourage the location of B8 distribution/storage and freight activity within these three areas, and B1(b) research and development, B1(c) light industrial activity, and B2 general industrial would also be acceptable. As parking provision will be in accordance with Appendix 2, an increase in current parking provision may be required to overcome localised operational or road safety problems.”

Policy EMP2 (Criteria for Business Developments) of the Local Plan states that:

“Proposals for business developments will only be permitted if they comply with all of the following criteria:

- c) the proposed development can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem;
- d) appropriate servicing and lorry parking is provided within the site;
- e) appropriate contributions are made to the implementation of any off-site highway works that are required and towards other transport improvements such as pedestrian and cycle facilities, that are needed in order to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site”.

11.2 It is proposed that the development would provide 14 car parking spaces. To this end, the proposal is consistent with Council’s policy of no overall increase in the number of parking spaces permitted within commercial redevelopment schemes (Core Policy 7) while still complying with the Council’s adopted parking standards.

11.3 With the existing access being used and with the footprint of the building being smaller than the existing building it is considered that the proposals will have no adverse impact upon highway safety and will not result in a unacceptable increase in the number of trips although the Council’s Transport and Highways Engineers are still to confirm that it meets their requirements. A condition will need to be added to any permission to ensure that the gates are open when the building is in use so as to avoid vehicles waiting on the highway.

## **12.0 Summary**

12.1 On the basis of the information provided it is considered that the proposals would not have a detrimental impact upon the character of the area or neighbouring amenity and the application should be approved subject to conditions.

## **PART C: RECOMMENDATION**

### **13.0 Recommendation**

Delegate the planning application to Strategic Lead Planning Policy for the consideration of any transport and highways issues, finalising conditions and final determination.

## **14.0 PART D: LIST OF CONDITIONS AND INFORMATIVES**

Please note that this is not the final list of conditions and amendments may be made prior to planning permission being granted.

### **14.1 CONDITIONS**

#### **1. Time limit**

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. Approved Plan**

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 PA/02 Dated Undated Recd On 10/10/2013
- (b) Drawing No PA/07 Dated Undated Recd On 10/10/2013
- (c) Drawing No PA/03 Dated Undated Recd On 10/10/2013
- (d) Drawing No PA/04 (elevations) Dated Undated Recd On 10/10/2013
- (e) Drawing No PL-012 Dated Undated Recd On 25/10/2013
- (f) Drawing No PL-013 Dated Undated Recd On 25/10/2013
- (g) Drawing No PL-014 Dated Undated Recd On 25/10/2013

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

#### **3. Details of external materials**

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

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Planning Policy Statement 1: Delivering Sustainable Development (2005), Core Policy 8 of the Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008) and Policy EN1 of the Adopted Local Plan for Slough, 2004.

#### **4. Details of surfaces**

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



REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Planning Policy Statement 1: Delivering Sustainable Development (2005), Core Policy 8 of the Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008) and Policy EN1 of the Adopted Local Plan for Slough, 2004.

#### **5. Maximum floor space and removal of PD rights**

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 2,500 sq. metres and no extension or alteration either external or internal, involving an increase in floor space above the approved 2,500 sqm 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 onsite parking.

#### **6. Limit on ancillary office space**

Ancillary office space (excluding service cores) shall not cover more than 307 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 Local Development Framework, Core Strategy 2006-2026 (Development Plan Document, Dec 2008) and Policy EMP9 of the Adopted Local Plan for Slough, 2004.

#### **7. Car parking**

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 Local Plan for Slough 2004.

#### **8. Details of gates**

No development shall be occupied until details of the vehicle access gates have been agreed in writing with the Local Planning Authority and shall remain open during the operational hours of the building.

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 Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008).

#### **9. Cycle parking**

No development shall be begun until details of the cycle parking provision of that phase (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 that phase of the development and shall be retained for so long as the development continues to be used for the purposes authorised by this permission.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Planning Policy Guidance 13: Transport (2001), Core Policy 7 of the Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008) and Policy T8 of the Adopted Local Plan for Slough, 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

#### **10. Flood risk**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment LS1366/FRA001 by BSCP dated 27<sup>th</sup> September 2013.

REASON To reduce the risk of flooding to the proposed development and future occupants.

#### **11. Boundary treatment**

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. The boundary treatment shall be implemented in accordance with the details approved prior to the first occupation of the development 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.

#### **12. Details of plant and machinery**

The use of each phase of development hereby permitted shall not commence until details of the external plant (including siting) to be installed at the site for that phase have been 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 that phase 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.

#### **13. Plant and machinery acoustic treatment**

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

REASON To minimise the impact of the noise generated by the equipment on the amenities of the local residents in accordance with Core Policy 8 of the Adopted Local Development Framework, Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

#### **14. Construction management**

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 Adopted Local Development Framework, Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

### **15. Control of environmental effects**

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 Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008).

### **16. Hours of demolition and construction**

No construction work shall take place outside the hours of 08:00 - 18:00 hrs Monday to Friday, 08:00 - 13:00 hrs on a Saturday and no working at all on Sundays or public holidays or as otherwise may 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 Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008).

### **17. Control of waste during construction phase**

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 Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008).

**18. On-site refuse storage**

No development shall take place 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. Such facilities shall be provided in accordance with the approved details prior to the first occupation of that phase of the development 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 Adopted Local Development Framework Core Strategy 2006-2026 (Development Plan Document, Dec 2008).

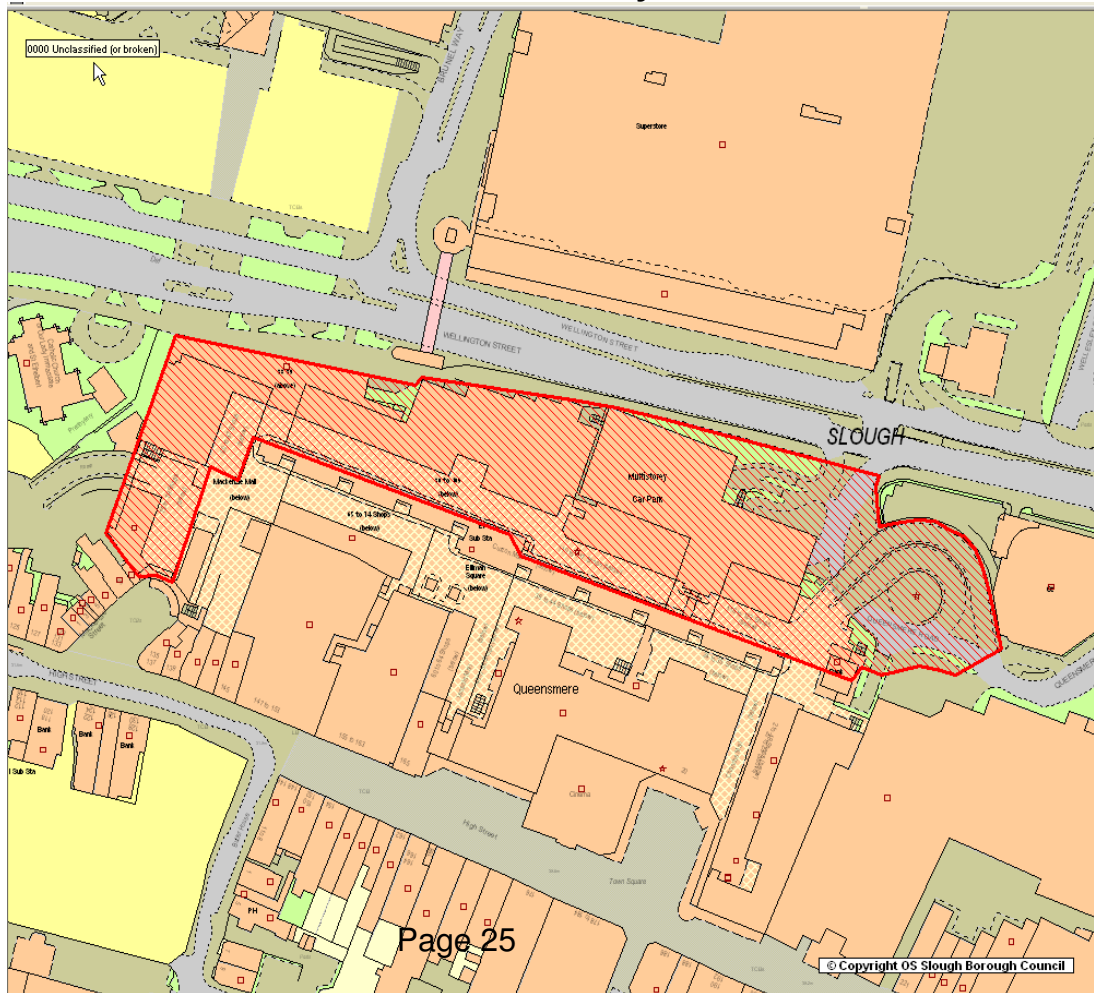
**INFORMATIVES**

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

**Registration Date:** 21-Nov-2012  
**Applic. No:** P/06684/015  
**Ward:** Upton  
**Officer:** Ian Hann  
**Applic type:** Major  
**13 week date:** 20<sup>th</sup> February 2013  
**Applicant:** Slough Shopping Centre LLP  
**Agent:** Mr. John Blackwell, Cunnane Town Planning LLP 67, Strathmore Road, Teddington, Middlesex, TW11 8UH

**Location:** Queensmere Shopping Centre, Wellington Street, Slough, Berkshire, SL1 1LN  
**Proposal:** PARTIAL DEMOLITION AND INTERNAL ALTERATIONS/EXTENSIONS TO EXISTING SHOPPING CENTRE AS PART OF A PART NEW BUILD/PART REFURBISHED MIXED USED SCHEME FOR 11, 833 SQ M OF RETAIL INCLUDING THE CREATION OF AN ADDITIONAL 535M<sup>2</sup> OF A1 RETAIL, 439M<sup>2</sup> OF CLASS A3 - A5 FOOD AND DRINK , 958M<sup>2</sup> OF CLASS D2 ASSEMBLY AND LEISURE FLOOR SPACE AND 908 RESIDENTIAL UNITS. THE RESIDENTIAL ELEMENT COMPRISING 632 NO. 1 BEDROOM, 189 NO. 2 BEDROOM AND 87 NO. STUDIO APARTMENTS BEING CONTAINED WITHIN 4 NO. TOWERS OF BETWEEN 14 AND 21 STOREYS PLUS INFILLING DEVELOPMENT ON TOP OF THE EXISTING SHOPPING CENTRE AND A STAND ALONE TOWER OF 21 STOREYS WITH A VIEWING GALLEY ON TOP. RECONFIGURATION OF EXISTING ACCESS AND FRONTAGES ONTO WELLINGTON STREET AND WORKS INCLUDING, ALTERATIONS AND IMPROVEMENTS TO THE ENTRANCES TO THE SHOPPING CENTRE; PROVISION OF AMENITY SPACE AND LANDSCAPING; VEHICLE AND CYCLE PARKING; REFUSE AND RECYCLING STORAGE; PROVISION OF NEW AND/OR UPGRADING EXISTING INFRASTRUCTURE; GROUNDWORK'S AND RE-PROFILING OF SITE LEVELS; ANCILLARY ENGINEERING AND OTHER OPERATIONS AND PLANT AND MACHINERY

**Recommendation: Member Comment Only.**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Members will be aware that this application was considered by this Committee at its previous meeting on 28<sup>th</sup> November 2013 when Members were invited to comment on the design aspects of the scheme.
- 1.2 As a result it was resolved that the views submitted by the Committee be noted, relayed to the applicant and incorporated in a final report for presentation to the Committee at a later date.
- 1.3 In the light of this, Officers have now had further discussions with the applicant and their design team which has resulted in substantial changes being proposed for the scheme as detailed below.
- 1.4 The purpose of this report is to consider the proposed new design that has been suggested by the Applicant. It also highlights the proposed improvements to the appearance and layout to the retail on the ground floor and the improvements to the public realm.
- 1.5 Member's views are therefore being sought in relation to the design, layout and appearance of the latest proposals in order to help progress negotiations with the applicant. Because the current proposals are so different from the application that was originally submitted, a full round of public consultation will have to take place prior to the application coming back to Committee. The final Committee report will also have to deal with all of the other outstanding issues which have not yet been considered by Members which will include the contents of the Section 106 agreement.

## **2.0 PART A: BACKGROUND**

- 2.1 Details of the application site, the proposal, the planning background, consultations and an initial planning appraisal of the design aspects of the proposal were set out in the previous Committee report which is reproduced as "Appendix B" for Members information.

## **PART B: PLANNING APPRAISAL**

### **3.0 Design**

- 3.1 Members will recall that at the previous Committee meeting various concerns were raised with regards to the design and appearance of the proposed development, with most comments concerning the height of the development, the use of colour in the development the mix of the residential element of the development and the overall impact on the town centre and wider area of Slough. These comments are summarised in the minutes which are recorded elsewhere on this agenda.
- 3.2 One of the main concerns about the design of the scheme as originally submitted and as considered at the previous Committee was the lack of a coherent design philosophy,

particularly in relation to the composition of the towers as they appear on the sky line. At the same time there was concern that the round tower, which was the main distinctive feature of the design, was potentially going to be removed.

- 3.3 Taking on board some of the comments made at the last Committee the applicants have now come up with significant changes to the design which have a number of elements. The new concept and explanation is set out in the "Statement of Intent" which is attached as Appendix A to this report. Large scale images of the new proposal will be on display at the meeting. It should be noted that the proposed changes have not been formally submitted as amendments to the planning application at this stage but have been put forward on an informal basis to help make progress
- 3.4 The first major change that is proposed is to redesign the four towers so that they are of a uniform shape and spacing. This means that the western most tower, which was double width, is now proposed to be the same shape as the other three. It is also proposed to reinstate the round tower to the east which now provides an interesting contrast to the other four.
- 3.5 Another change is that it is proposed that the towers will get progressively taller as they go eastwards stepping away from St Ethelberts church to the west.
- 3.6 The other significant change to the design is the removal of all of the low level development that was going to go on the podium. This has a number of advantages. Firstly it gets rid of the cluttered appearance of the design so that from a distance the towers have a more elegant slim line appearance. It also improves the appearance of the scheme when seen from closer up in that, when seen from Wellington Street for example, there would be nothing above the retail frontage apart from the towers. This will help to reinforce the appearance of this area as a boulevard and shopping street. It also means that there is more room at the service deck level to create green amenity space for residents.
- 3.7 The proposed residential development at the eastern end of the centre, above Dukes House has been retained but this has been reconfigured into a concave shape which is more sympathetic to the setting of the Church and the Curve.
- 3.8 The design of the tower blocks have also been changed so that they are a more sculptured shape tapering towards the south. In addition to being visually more attractive, this has the advantage of improving the aspect from the windows and balconies. A more interesting roof line is also proposed which slopes towards the south. This could facilitate the inclusion of penthouses at the top of the towers. It is also now proposed to provide much higher quality materials with the use of glazing in place of the previous coloured concrete.
- 3.9 The applicant's Statement of Intent in Appendix A explains that it is proposed that the scheme will provide high quality apartments within an elegant and contemporary setting with high end internal and external finishes. These will be managed as a long term investment.
- 3.10 Although no final figures have been provided at this stage it is envisaged that there will be in the region of 800 apartments built over four, five or six phases with a range of 1,2

and 3 bed apartments including some penthouse style flats also.

#### **4.0 Improvements to the Shopping Centre**

4.1 It is important to remember that the main purpose of this application is to improve the retail offer within Queensmere Shopping Centre and the wider Town Centre area and try to recapture the spending that has left the Town Centre and Slough over recent years.

4.2 The Site Allocations Document makes it clear that the reason for promoting the comprehensive redevelopment or reconfiguration of the Queensmere shopping centre is to ensure that it positively contributes to the wider regeneration proposals for the town centre, particularly the Heart of Slough, and to encourage further retail investment in the town centre. The site allocation document therefore considered that redevelopment or reconfiguration proposals should have the following:

- Create a internal pedestrian link between the Queensmere and Observatory shopping centres (this has now been achieved through the extended T.K. Maxx store)
- Improve the retail and leisure offer around the Town Square through change of use of key units and improved retail offering
- Link to the Heart of Slough through provision of a western entrance to the shopping centre, and access to residential units above the centre
- Create active frontages along the A4 Wellington Street and St Ethelbert's Church frontage
- Remove the service ramp to the Prudential yard in coordination with the Heart of Slough proposals for the area
- Improve pedestrian links to the bus and train stations via Wellington Street
- Rationalise multi-storey car parking provision and its links to the centres and Wellington House
- Redevelop the western end of the Queensmere Centre adjacent to St Ethelbert's church, including improved retail units, residential accommodation above the centre and removal of the toilet block
- Transform the Wellington Street frontage to create an urban boulevard with tree planting, improved north-south route connection to the town centre, active retail frontages and access to residential accommodation above the retail units

4.3 The current planning application meets many of these objectives.

Firstly it proposes to increase the amount of floorspace in the following way:

- 535m<sup>2</sup> retail use
- 439m<sup>2</sup> food, drink and restaurant use
- 958m<sup>2</sup> assembly / leisure use

4.4 Secondly it proposes to change the range of units available which will hopefully attract new tenants. This involves creating 6 large new retail units, 5 of which will have first floor elements, and 4 will be accessed directly from Wellington Street.



- 4.5 The façade of the shopping centre facing onto Wellington Street will be redesigned so that the retail units facing onto Wellington Street will have window displays replacing the existing blank and uninviting elevations that act as a barrier to the High Street from the north of the site and will be more inviting to attract people into the shopping centre and the High Street beyond. The design and appearance of this new elevation will be more open and inviting than the current bland and oppressive concrete façade. While there is a difference in levels from Wellington Street to the floor level of the stores and will need to be considered when the internal layout of the units are finalised it will still give views into the units which must be welcomed and will improve the appearance of Wellington Street.
- 4.6 Thirdly the scheme proposes to improve the entrances into the shopping centre from Wellington Street and improve access through the mall. Although the most recent plans appear to removed of a second entrance this will have to be reinstated when the final plans are submitted.
- 4.7 This will provide a link from Wellington Street to the High Street and ensure that it doesn't act as a barrier stopping people coming from the north into the shopping centre and the High Street beyond. It is important that identifiable and strong links are created to allow direct access without forcing people to go through the retail units to get into the shopping centre and High Street. It is also important that the entrances are directly in line with the pedestrian desire lines from the north and there are strong linkages between the shopping centres, town centre and rail and bus stations.
- 4.8 An important part of the scheme is the proposals for the western end of the shopping centre next to the Curve and St Ethelbert's church. The submitted plans show that one of the large retail units will be located here along with 4 no. units created for café, restaurant and takeaway uses along the flank.
- 4.9 The existing toilet block will be moved into the shopping centre under a planning application for enabling works to the Curve building that is to be built under the Heart of Slough works. This provides an additional frontage onto St. Ethelbert's Church and the new curve building and will also improve the setting between these areas which in turn will make the area more inviting for the public to use and therefore increase pedestrian footfall into the Town Centre and improve the viability of the area.

## **5.0 Public Realm**

- 5.1 The proposal also includes improvements to the public realm. The Applicant's have stated in their Townscape Assessment the public realm along Wellington Street will be improved with the removal of vehicular access points along Wellington Street as well as upgrades to the pavement landscaping treatments to complement the public realm investments in the Heart of Slough and can be secured via a Section 106 Agreement. These improvements together with additional tree planting will give Wellington Street a more boulevard appearance and will provide a welcoming environment for people visiting from the north and attract them into the shopping centre and the area beyond rather than the shopping centre acting as a barrier as it currently does.

## **6.0 Summary and Conclusions**

6.1 The applicants have responded positively to the comments made by Members about the proposed scheme by significantly changing the design.

## **7.0 PART C: RECOMMENDATION**

### **7.1 Recommendation**

7.2 It is recommended that the views of this Committee in relation to the design, appearance and layout of the proposed development be recorded and that the applicant be invited to amend the planning application accordingly.



## Delivery of new retail

Criterion Capital is a long term and committed investor in Slough. Our strategy is to responsibly create a sustainable destination for to shop, work and live.

To implement this strategy successfully we will work with Slough Borough Council to jointly deliver a truly landmark scheme that underpins the Council's wider regeneration objectives for the Heart of Slough.

Our objective is to create a single shopping centre with a variety of retail offers to meet the needs and aspirations of existing residents and workers and to help attract new visitors to this important shopping destination. Our plans provide:

- New community in the heart of the Town Centre with high quality apartments above the new retail offer.
- 
- New 71,000sq ft of retail space to allow existing retailers to expand and attract new anchor tenants
- 
- New retail facade to Wellington Street with increased permeability to the shopping centre and the High Street beyond.
- 
- New elegant external facades to reflect the quality of the retail and residential offer to include features such as contemporary glazing and balconies throughout, lending texture and elegance to the development.

Economic viability and employment creation and retention underpins our approach as a socially responsible investor. Supporting the Council's regeneration plans for Slough will attract new national and independent retailers, new residents, create additional employment opportunities, and economic growth for the Major Stakeholders of the Heart of Slough.

## Delivery of new homes

Our quality driven approach will attract new residents to urban areas creating and rejuvenating communities in the process.

- We are proposing in the region of 800 apartments over 4 – 6 phases over the Queensmere Shopping Centre comprising of 1, 2 and 3 bed urban apartments.
- Our wider development pipeline equates to over 5000 apartments and houses to be delivered over the next ten years.
- We have one of the strongest track records of delivery in the build to rent sector and have already delivered over 500 apartments at Canada Water, Deptford and Wandsworth in 2013.
- We have planning permission for over 1000 apartments and houses in Croydon, Merton and Bracknell with a construction programme starting in 2014.

Our rental model is a long-term investment and as responsible landlords our developments offer :

- High quality apartments set within elegant and contemporary setting with high end internal and external finishes.
- Good spatial design that supports and enables responsible living and good management.
- Open plan layouts and duplex penthouses.
- Concierge service.
- Accessible and well-designed communal gardens.
- Excellent storage via separate utility spaces and walk in wardrobes, robust detailing and specification.
- Bike spaces & car club
- Suitable Affordable housing/S106 contributions with an overage payment based on certain trigger points.



GA&A

## **APPENDIX B Committee Report 28<sup>th</sup> November FOR INFORMATION**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application is not before Planning Committee for determination at this stage, but is being presented as an opportunity for Members to make comments on the design of the scheme, which may provide an opportunity for additional changes, should the applicant wish to make any. A further report will be brought to Planning Committee in due course to discuss matters of living conditions for future occupiers, transport and parking, sustainability / environmental issues and financial contributions.
- 1.2 This report will consider the principle of high density flats and the principle of the development in terms of its scale bulk massing height design and external appearance of the development, the impact on the surrounding area including short and long range views, listed buildings and the relationship to the Heart of Slough. These matters all fall under the umbrella of design and need to be considered so that any changes will not have a detrimental impact upon surroundings properties and the character of the area.
- 1.3 It is recommended that the views of this Committee in relation to the design and appearance of the development be recorded, that such views be relayed back to the applicant and be incorporated in a final report which will be presented to this Committee at the earliest opportunity.

### **PART A: BACKGROUND**

#### **2.0 Application Site**

- 2.1 The subject of this application consists of two shopping centres The Queensmere and The Observatory Shopping Centres which are spread over circa 54,000 square metres and consist of 124 retail outlets, restaurants and cafes, plus a ten screen cinema and a health and fitness club. The centres are situated approximately five minutes' walk to the south of Slough railway station and bus station. The main landmark between the station and the site is the large Tesco Extra which is situated to the north of the site on the opposite side of Wellington Street.
- 2.2 The site is located between Wellington Street to the north with Tesco Superstore beyond and the railway and bus stations further to the north. The High Street is to the south of which the western part is defined as the Slough Old Town Area, with residential properties further to the south. The area to the west of the supermarket is to be developed as an office scheme which is part of the Heart of Slough development. To the west of the site is Our Lady Immaculate and St Ethelbert Church which is a grade II Listed Building. The area immediately to the south of the church is to be redeveloped for the Curve building which is again part of the Heart of Slough development.
- 2.3 The proposals are centred around the northern side of the Queensmere Centre facing onto Wellington Street returning along the pathway between the application site and Our Lady Immaculate and St. Ethelbert Church. This area of the site which is the subject of this application has retail units, including the old Woolworths unit, toilets and entrances into the shopping centre at ground floor level with multi-storey car parking levels above. The entrance to the car park is also accessible from this side of the shopping centre.

2.4 The application site covers an area of approximately 3.51 hectares between High Street and Wellington Street, Slough and is located within the Town Centre and Town Centre Shopping area as defined within the Slough Local Plan 2004 and is an allocated site within the Slough Local Development Framework, Site Allocation Development Plan Document, November 2010 (SSA14). The site currently has 37,000M<sup>2</sup> of retail floor space and 7,300m<sup>2</sup> of office floor space, although planning permission has been granted to convert the office space into residential flats and is currently being implemented.

### **3.0 Proposal**

3.1 This application seeks permission for the partial redevelopment of the Shopping Centre to create and enhance the retail offer at Queensmere Shopping Centre with improved pedestrian entrance onto Wellington Street and the provision of residential units above the centre with their own amenity space and to provide a landmark development. The scheme is intended to compliment the Heart of Slough development, reinvigorate the town centre area of Slough and act as a generator for further development. Various amendments have been made to the scheme since it was submitted and the following reflects the current application.

3.2 In terms of the retail elements of the proposals this application seeks to add the additional floor space:

- 353m<sup>2</sup> retail use
- 439m<sup>2</sup> food, drink and restaurant use
- 958m<sup>2</sup> assembly / leisure use

The changes to the shopping centre involves the creation of 6 large A1 retail units , 5 of which will have first floor elements, and 4 accessed directly from Wellington Street. There will be two entrances from Wellington Street that will access the mall directly. The façade of the shopping centre facing onto Wellington Street will be redesigned so that the retail units facing onto Wellington Street will have window displays replacing the existing blank and uninviting elevations that act as a barrier to the High Street from the north of the site.

3.3 The proposals also sees the western side of the shopping centre redesigned so that an additional larger retail unit will be located close to the Mackenzie Mall entrance to the centre and 4 no. units created for café, restaurant and takeaway uses. An additional entrance into the shopping centre will be relocated within this elevation of the building. The current toilets in this location are to be moved into the basement of the shopping centre under a planning application for enabling works to the curve building that is to be built under the Heart of Slough works. The area outside of this location will be repaved with outside furniture and planting would be provided between the shopping centre and the Curve building.

3.4 The other element of this application sees the provision of 858 flats with the accommodation break down as follows:

- 581 X 1 bedroom flats
- 230 X 2 bedroom flats
- 47 X studio

These residential units would be provided within 4 towers above the existing shopping centre, with additional units at four stories between each tower block, returning along the western side of the building. The 2<sup>nd</sup> and 4<sup>th</sup> floors of the development would see amenity space provided for the occupiers of the flats. The towers will range between 15 and 19 stories in height and will be accessed from their own entrances from Wellington Street and opposite the Church. The submitted plans also include a plan for a stand alone tower at the eastern end of the site which is currently occupied by a tall chimney. The towers will have separate coloured cladding with the entrances having matched coloured entrances.

3.5 The existing Queensmere car park will be reconstructed to provide an additional 26 car parking spaces to take it to a total of 625 spaces over 4 floors accessed from the existing ramp into first floor level. The spaces will be allocated in the following way:

- Retail – 600
- Visitors to retail uses and disabled – 21
- Car Club spaces – 4

No car parking spaces will be provided for the residential element of the scheme. Storage will be provided for 908 cycles for residential use.

3.6 Vehicular access to the development will be from the existing service area which will be accessed from the same vehicle ramp as that for the car park although cars and service vehicles will be kept apart on the ramp.

3.7 Following discussion amendments have been made to the plans and submitted on a “for information basis” at a height of between 14 and stories with 625 flats with the accommodation broken down as follows:

- 331 X 1 bedroom flats
- 294 X 2 bedroom flats

As well as the change in the breakdown of the accommodation the plans have been amended so that the following has now been changed since the original submission:

- Double height retail frontages on the eastern end of the site.
- Removal of cladding around the podium levels.
- Provision of some private balconies.
- Entrance cores for the residential element going down to ground floor.
- Heights of towers stepping up from eastern end of the development and then back down towards the Church
- Different fenestration
- New layout for amenity space.
- Internal alterations to reduce the length of corridors.

This amendment also sees the stand alone tower at the eastern end of the site removed from the proposals. While there may be some desire for this to follow at a later date this will necessitate the need for a separate planning application which will be considered separately should one be submitted. These plans have been submitted on a for information basis to help shape the discussions around design.



3.8 Any permission would be built over 7 phases as follows-

- Phase 1 – western end of the shopping centre 123 units
- Phase 2 – to the east of phase 1 187 units
- Phase 3 – between 1<sup>st</sup> and 2<sup>nd</sup> tower 24 units
- Phase 4 – middle of the shopping centre 154 units
- Phases 5 & 6 – eastern part of the shopping centre 300 units

3.9 The following documents have been submitted along with this planning application:

- Application Form
- Plans
- Environmental Impact Assessment & Appendences
- Design & Access Statement
- Townscape Impact Assessment
- Visual Impact Assessment
- Heritage Impact Assessment
- Planning Statement and Retail Assessment
- Parking Survey Report
- Transportation Assessment & Appendences
- Residential / Workplace Travel Plan Framework
- Servicing Management Plan
- Site Waste Management Plan
- Flood Risk Assessment
- Daylight / Sunlight / Overshadowing Report
- Air Quality Assessment
- Noise Assessment
- Contaminated Land Risk Assessment
- Statement of Consultation
- Utility Statement
- Sustainability Statement
- Energy Statement

#### **4.0 Planning Background**

4.1 There have been aspirations for some years to achieve a radical comprehensive development of key sites within Slough in a way that would deliver significant change to the infrastructure and appearance of the area. Recognition that the town centre was not fulfilling its full potential as a community and leisure area was reflected in Slough's Millennium project in 1995. The Local Plan For Slough, 2004 also recognised the inadequacy of the town centre and the potential for its redevelopment.

4.2 The perceived problems within the town centre included:

- Substantial areas of land are dominated by public highway, including the wasted area of the sunken A4/William Street roundabout;
- Severing effect of the A4, with pedestrians forced to use subways and cyclists not catered for in a safe manner;
- Lack of focus and identity or sense of entering the Town Centre;

- Poor architecture and lack of landmark buildings at one of Slough's principle gateways;
- Poor pedestrian and cycle links between the railway station and town centre/shopping centre;
- Bleak unwelcoming environment outside Slough Station, with muddled usage patterns on forecourt areas;
- Poor unwelcoming environment in the Bus Station and at bus stops outside the Queensmere shopping centre; and
- Lack of integrated rail/bus/transport interchange.

4.3 As a result the Council and its partners have promoted the "Heart of Slough" comprehensive regeneration scheme in order to alleviate the problems identified above and regenerate Slough Town Centre and have started to be implemented with the highway changes along Wellington Street and creation of the new bus station. The next stage in this campaign is the construction of the Curve building to act as a new library, education facilities for adults, a café and a cultural centre for the town and work will soon start on this building. The proposals which are the subject of this application look to fit into the wider Heart of Slough scheme.

4.4 In order to inform the Core Strategy which was adopted in December 2008, the Council commissioned a Retail Assessment from Colliers CRE in January 2007 which considered the current and future role of the town centre. This concluded that Slough town centre is experiencing a significant leakage of retail expenditure to competing centres, retaining just 30% of market share of comparison goods expenditure within the defined core catchment area. This loss of market share and the associated decline in goods sales and shopper population is forecast to continue in the absence of an additional and improved retail offer within the town centre.

4.5 Following on from this report the Core Strategy identified the need to improve the range and attractiveness of Slough's retail offer to consumers and sort to positively enhance the role of the town centre by ensuring that all new major retail and leisure facilities are located within it. The redevelopment and reconfiguration of the Queensmere and Observatory shopping centres are therefore pivotal in achieving this and improving the competitiveness of Slough Town Centre as a retail destination over other competing centres.

4.6 Therefore in order to establish the principles for comprehensive redevelopment or reconfiguration of the shopping centres allowing it to contribute to the wider regeneration proposals of the town centre and encourage further investment in the town centre the site was included in the Slough Local Development Framework Site Allocations Development Plan Document in November 2010 (site reference SSA14). When considering the site for inclusion in the site allocations document the refurbishment and reconfiguration of Queensmere Shopping Centre was seen as central to the wider regeneration of Slough Town Centre to help to reinforce the role of the town centre retail area in keeping with its sub-regional status in the South East Plan (now withdrawn) and to build on the town centre 'Art at the Centre' initiative and Heart of Slough proposals. It was further considered that through redevelopment and reconfiguration the amount of retail floorspace in the centres could be increased and enhanced.

4.7 The site allocation document also acknowledged some of the constraints of the sites

where the current layout of the site closes off the historic north-south routes from Mackenzie Street to the High Street, limited pedestrian access between the railway station and High Street (although this has been improved via the implemented Heart of Slough road infrastructure works.

4.8 The site allocation document therefore considered that redevelopment or reconfiguration proposals should have the following:

- Create a internal pedestrian link between the Queensmere and Observatory shopping centres (this has now been achieved through the extended T.K. Maxx store)
- Improve the retail and leisure offer around the Town Square through change of use of key units and improved retail offering
- Link to the Heart of Slough through provision of a western entrance to the shopping centre, and access to residential units above the centre
- Create active frontages along the A4 Wellington Street and St Ethelbert's Church frontage
- Remove the service ramp to the Prudential yard in coordination with the Heart of Slough proposals for the area
- Improve pedestrian links to the bus and train stations via Wellington Street
- Rationalise multi-storey car parking provision and its links to the centres and Wellington House
- Redevelop the western end of the Queensmere Centre adjacent to St Ethelbert's church, including improved retail units, residential accommodation above the centre and removal of the toilet block
- Transform the Wellington Street frontage to create an urban boulevard with tree planting, improved north-south route connection to the town centre, active retail frontages and access to residential accommodation above the retail units
- Aim to reduce the negative impacts of construction upon existing businesses and on the quality of life for residents and users of the town centre by appropriate phasing and implementation

4.9 A Development Brief was produced in 2007, on which the Council is broadly supportive of the key proposals including the comprehensive redevelopment and reconfiguration of the shopping centres incorporated an element of high density residential development into the scheme. The brief indicates four phases/parts to the development:

- Part 1 – redevelopment of Queensmere multi storey car park, new retail, basement parking and residential units above
- Part 2 – redevelopment of western end of Queensmere centre of new retail and residential above
- Part 3 – Design solution for Wellington Street frontage and design code for soft and hard landscaping

Part 4 – Proposal for vehicular connection between Wellington House and Observatory car park.

Two broad locations for new build are identified. The first being redevelopment of the

existing multi storey car park and retail below, taking the form of two residential blocks above replacement extended and improved retail space. One of the towers would be 12 storeys above the retail equating to a total height of 15 storeys. The other would be 8 – 10 storeys above the retail, equating to a height of 11 – 13 storeys. A lower connecting residential block 6 -7 storeys above the amenity deck is also proposed. The vertical emphasis created by these blocks would balance the current horizontal emphasis onto Wellington Street.

The second location is above Queensmere shopping centre adjacent to Prudential Yard and the listed church. Retail will be provided at ground and mezzanine levels with a frontage to Wellington Street. Residential development above will be at a height of 8 – 9 storeys above the retail stepping down to 4.5 storeys above ground floor adjacent to the listed church.

Wellington Street would be enhanced through a use of modern and robust hard and soft landscaping in accordance with a design code.

4.10 The Council is supportive of the principle of the comprehensive phased redevelopment of the shopping centres including and supported by residential development.

4.11 The design brief was then used as a basis for a planning application which was considered by Planning Committee on 15<sup>th</sup> January 2008 reference P/06684/013 for the following scheme:

“Demolition of part of the Queensmere shopping centre and redevelopment to provide 3,019 sq metres of Class A1 retail floorspace together with associated alterations to pedestrian access arrangements to the shopping centre and demolition and redevelopment of existing service road with construction of a roof above”.

This application was subsequently approved after being delegated back to officers to finalise a Section 106 Agreement in November 2008. This permission has now expired.

4.12 Prior to this the last planning permission for the extension of the shopping centre was in July 1997 when planning permission was granted for the following (reference P/06684/008):

REFURBISHMENT AND EXTENSION TO EXISTING SHOPPING CENTRE COMPRISING: (1) INFILLING OF THE GROUND FLOOR AREA BETWEEN THE CINEMA COMPLEX AND EXISTING RETAIL UNITS ADJOINING TOWN SQUARE TOGETHER WITH CHANGE OF USE OF PART OF EXISTING PROPERTY FOR RETAIL (A1) AND/OR RESTAURANT (A3) PURPOSES; (2) ERECTION OF SINGLE STOREY SHOP UNIT ADJOINING CINEMA AND OTHER GROUND FLOOR EXTENSIONS; (3) ALTERATIONS TO EXTERNAL APPEARANCE AND ENTRANCES; (4) REPAVING TOWN SQUARE, MCKENZIE STREET AND PARTS OF THE HIGH STREET (5) REMOVAL OF PLANTERS IN TOWN SQUARE AND CERTAIN PLANTERS ON THE HIGH STREET; (6) REMOVAL OF FOUNTAIN AND PUMPS IN MCKENZIE STREET

4.13 All other planning history relates to signage and small scale alterations to the shopping centre.

- 4.14 Wellington House is the office building which occupies part of the site. Planning permission was granted for the conversion of part of the building known as the annex into residential accommodation in December 2010 (reference P/03167/020) and has been carried out.
- 4.15 Planning permission was then refused for the conversion of one of the floors of the main office building into residential accommodation in October 2011 (reference P/03167/021). This refusal was appealed when it was dismissed in November 2012 due to the impact on the future occupiers in terms of lack of sunlight, daylight and outlook.
- 4.16 Most recently planning permission was approved for the following (reference P/11826/005):  
CHANGE OF USE OF PART 1ST FLOOR FROM CLASS B1 (A) OFFICE TO CLASS C3, CHANGE OF USE OF 2ND FLOOR FROM CLASS B1(A) OFFICE/CLASS D1 NON RESIDENTIAL EDUCATION CLASS C3 RESIDENTIAL AND CHANGE OF USE OF 3RD TO 5TH FLOORS FROM B1(A) OFFICE TO CLASS C3 RESIDENTIAL. ERECTION OF A 6TH FLOOR FOR CLASS C3 RESIDENTIAL USE TO CREATE A SEVEN STOREY BUILDING CONTAINING A TOTAL OF 100 FLATS, COMPRISING, 2 NO. STUDIO FLATS, 76 NO. x ONE BED FLATS AND 22 NO. X TWO BED FLATS. PROVISION OF CYCLE AND BIN STORES ON REAR SERVICE DECK AND ROOF TOP COMMUNAL GARDEN.

## **5.0 Consultation**

- 5.1 The consultation responses relating to design issues on the scheme are listed below as they are relevant to this report.

### **5.2 ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD**

The building heights proposed in this application will drastically alter the skyline visible from Windsor Castle. In relation to Windsor Castle and Home Park, the Heritage Impact Statement submitted by the applicants indicates that: "The proposal would be sited some 3 km away. It would be visible in skyline views from the sensitive North Terrace and the Great Windsor Park. It would rise above the existing horizon and would result in a new skyline for the Town. The colour and articulation of the central three towers are likely to have an unusual blank presence on the horizon. The proposal will result in significant adverse impact."

The submitted Visual Impact Assessment Document considers that the proposals would have a significant adverse impact from North Terrace and a Moderate adverse impact from Copper Horse. Mitigation is described as 'articulation of gable façades of central three towers'. Whilst there are a number of tall buildings in the Slough area, the magnitude of the recorded negative impact of the proposals on views from Windsor Castle and Home Park are considered unacceptable. This intrusion into the skyline would potentially alter and damage the character of the view from Windsor Castle and Home Park

The Council raises an objection in relation to the heights of the buildings proposed – up to 108m. This is significant and runs contrary to the principles set out in the Heart of Slough Development Brief that was adopted in 2007 and the subsequent Slough Core Strategy and Slough Site Allocations DPD. The Council therefore urges Slough Borough Council not to grant approval for this development unless it is satisfied through further consultation with English Heritage regarding significantly enhanced mitigation measures.

### 5.3 **HERITAGE CONSULTANT**

This is a very considerable scheme and should presumably be read in conjunction with the Heart of Slough programme. It has to be accepted that the scale of development in the town centre and across the railway dwarfs the town centres few listed buildings, the railway station and the two affected by these proposals. It is also evident that the Council is committed to a virtual reconstruction of the town centre on a very large scale with many towers providing flatted accommodation and this scheme follows on from those north of the railway station and those intended for the Heart of Slough. However the Council has identified an Old Town Area which will be protected from development on this scale within its boundary. I note concern in the design and access statement to safeguard the church's setting and the group of Local List buildings in Mackenzie Street and the High Street, although obviously the tower blocks will dominate long views. The heritage asset statement suggests design changes to the elevations overshadowing Mackenzie Street and the Local List buildings along the High Street and I believe these changes have been made.

At present the area east of the church and presbytery is pretty grim and I welcome making this area more vibrant and the intention of introducing A3 type uses along this west side of the development should potentially enhance the currently somewhat degraded setting of the listed buildings. I note that the development has considerably fewer stories at this end of the scheme in deference to the scale and setting of the church and its presbytery. This is also welcome.

Accordingly the scheme should add some stimulating architecture to the town centre, improve the aspect to Wellington Street and ensure, in townscape terms a less inward looking development and an enhanced setting for St Ethelbert's church. In listed building setting terms the scheme is considered acceptable. In terms of impacts on Local List buildings their settings will not be as enhanced as that of the church and presbytery due to their relationship to the taller tower blocks.

### 5.4 **ENGLISH HERITAGE**

We do not wish to offer any comments on this occasion. The application) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### 5.5 **THAMES VALLEY POLICE**

There are no police objections to this application but comments regarding crime

prevention and community safety are below:

**Main Access Control** - The communal entrances to blocks of flats should form a line of defence acting as a physical barrier to access for outsiders and all five blocks should be fitted with an access control system with an electronic lock release with entry phone and video verification linked to the flats. Communal door entry systems prevent casual intrusion by offenders into the block, where they can break into unoccupied flats during the day without being seen and also act as a line of defence against bogus callers.

The method of mail delivery must be designed in from the start and this can be problematic with large numbers of flats. **Tradesman buttons are no longer acceptable and must not be used.** Royal Mail require them to operate until at least 2pm which in the town centre would be disastrous and on no account should be fitted. Mail boxes can be either positioned through the wall on the main entrance or be situated in the main lobby and a fob be given to the local Royal Mail sorting office for access.

**Defensible Space Within Block** - With this amount of flats in high rise blocks there should be some control over access between floors. It should not be possible, once in the block, to access all floors. There is no need for this and it actively encourages crime and anti social behaviour.

Access control systems can limit the levels of access that is permissible e.g. a resident on the first floor should not have access up to the nineteenth floor. This will provide residents with some defensible space and allows them to take control of their floor. There are examples of flatted blocks nearby in Slough that have continuous crime and anti social behaviour problems where access is uncontrolled throughout the block. So much so that expensive retrofitted CCTV and manned guarding have had to be implemented to try and reduce the anti social and criminal behaviour.

Crime is always easier to commit where offenders are not recognised as strangers. Consequently, they will take opportunities to offend where they are likely to benefit from this anonymity. People expect to see strangers in what in effect will become semi public space, so there is a natural tendency to ignore them, providing the offender with the anonymity, and the opportunity, to commit offences. In semi public spaces, everyone has a legitimate excuse to be there, and wrongdoers become indistinguishable from legitimate users. Because of this, many people are less inclined or able to recognise problems or, more significantly, to intervene when they occur. It is much easier to ignore anti-social behaviour in public areas over which individuals have little control than in more private areas.

Ideally each floor should have its own access controlled doors but there should at least be some control every few floors. This will encourage residents to take control of their own corridors and act as capable guardians.

**Public Viewing Platform** – I cannot find any indication in the application as to how access to this public viewing platform is to be controlled. Whatever means of access is finally decided it must not compromise the security and safety of the residents.

**Secured by Design Standards** – All communal entry doors to blocks and individual flat entry doors should be to BS PAS 24 standard. This is the minimum entry level for

security tested doors. These standards should also apply to the commercial element of this block and all exterior glazing should include a laminate pane. If the development committed to achieving at least Part Two of the Secured by Design Award most of the above points would be covered.

**CCTV** - There is no mention in this application of any consideration to install any extra public, or private CCTV cameras. If this application is permitted then there will be a large increase in activity in the town centre. This will include night time economy activity and as such care should be taken that vulnerable areas such as the communal residential entrances to the blocks should be covered by public CCTV.

I would also recommend that CCTV be installed within the residential blocks. Unfortunately due to the high number of residential flats, there is a strong potential for offenders to be living within the development. Other large flatted developments have suffered anti social behavior, drug dealing along corridors / gathering points such as stair wells, and ground floor entrance areas. Also if the post delivery is via a post box system for each flat by the main entrances, these can be targeted for criminal damage and theft. The areas that should be covered are the communal post boxes inside the main entrances; inside ground floor entrances and communal hallways at ground level; ground level stair/lift core areas and cycle storage as a minimum.

## **6.0 Neighbour Notification**

6.1 The following neighbours have been consulted with regards to this application:

Queensmere : 1 -122  
High Street : 16 to 339  
The Observatory : 1-46b  
Brunel Way : Tesco Stores Ltd and Occupiers Thames Trains  
Mackenzie Street : 1-9a  
Windsor Road : 1-51  
Beechwood Gardens : 1-99  
Osborne Street : Stephenson Court, Richard Dodd Place  
Victoria Street : 2-107  
Park Street : 4-77 inc Bishops Copurt, Spruce Court and Bembridge Court  
Alpha Street North : 2-51b,  
Alpha Street South : 44-75  
Hencroft Street North : 1-55,  
Hencroft Street South : 34, 59,  
Herschel Street : 1-58  
Church Street, : 1 – 77 inc Buttler House  
Chalvey Park : 2-18  
Burlington Road : Look Ahead, Burlington Court, Ibex House  
Burlington Avenue : 1-3  
William Street : Prudential Buildings  
New Square : 2-30  
Moorstown Court : 1-23  
Chapel Street : 9-10  
Buckingham Gardens : Brisbane Court  
Bronte Close : 1-40



Grays Place : 31-75 inc The Junction, Automotive House and Roman House.  
 Mill Street : 64, Noble Court, foundary Court, Headington Place  
 Stranraer Gardens : 38-47  
 Stoke Gardens : 10, 1-5 Brostol Way  
 Stoke Road : 1-25  
 Wellsley Road : 15-80  
 Wellesley Road : 2-106  
 Wellesley Path : 201/215  
 Wexham Road : 2-44 inc Milford Court and Neo Appartments.  
 Rye Court : 1-12  
 Stratfield Road : 1-133 inc Duncansby House  
 Merton Road : 1-11  
 The Grove : 6-12 inc Amazon and Pechiney House  
 Richmond Crescent : 1-72  
 Wellington Street : 100  
 Leith close : 1-60  
 Whittenham Close : 1-15 Slough Interchange Industrial Estate  
 Albion Close : Sun Chemical and Manrose Manufacturing  
 Petersfield Avenue : Lion House

6.2 There has been three letters received as a response of the neighbour consultation raising the following issues related to this report:

- High rise buildings in the centre; the heart of Slough, is an over-development and is a backwards step. The five high rise buildings will be the tallest in the town and will completely overshadow St.Ethelbert's and the attractive Curve. The plans are not in keeping with its surroundings and are completely out of scale with all surrounding buildings.
- Do the blocks have to be so high? They will only provide an eyesore similar to those in parts of London where it is now excepted that high rise blocks of this type are not the solution and hence why many are being demolished.
- The whole place is an eye sore and should be done correctly to bring it in to the 21<sup>st</sup> century or not done at all. Slough has a big chance to change its image with a real complete overhaul with landscaped pedestrian areas grass/ trees and new shops
- If the focus is to build 5 large flats which is just an eye sore then we need to think again. Cross Rail comes in 2018 which could make slough a huge investment potential, we really must get this right or we will lose this massive potential to put slough on the map

These matters are discussed in the report below.

- The consultation by Criterion has been woeful. Their application only includes comments from the stand they had in the underused shopping centre over two days and a handful of comments from some leaflets. This limited consultation resulted in 135 comments – this is not representative of a town of over 200,000 residents. Looking in the application, there are no comments included from the online consultation portal. The consultation part of the application is clearly incomplete and inadequate.

While legislation currently states that developers undertaking major applications should engage in pre application consultations with the public and the Localism Act 2011 states that consultation should be genuine, responsive and demonstrable but does not stipulate how such a consultation should be done. Therefore although considered by some to be inadequate a consultation exercise has been undertaken and complies with the Localism Act 2011. This however did not inhibit the consultation undertaken by the council as part of their duty under the Planning Act where a full and comprehensive consultation exercise was undertaken, as documented above.

6.3 A petition has been received with the following citation:

“We call on Slough Council's planning committee to REFUSE permission for the development of five high rise residential flats (9 - 21 storeys in height) on the high street on the following grounds: a) it would have a significant detrimental impact on the visual amenity in the centre of Slough b) the density of accommodation would create huge stresses on community facilities such as schools and health provision; and c) the proposals are an overdevelopment which adversely affect the urban environment around the town centre, making it harder to bring business to the high street.”

This petition has been signed by 72 people (5 of which are anonymous) but no addresses are given so it is not possible to verify where the people who sign the petition live.

6.4 A representation has been received from Barclays Bank who want no harm caused to their presence in the shopping centre as a result of these proposals and have agreed a better frontage and visibility so to better integrate Barclays into the proposed scheme. They support the principle of the proposed development to support the socio – economic regeneration of Slough.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

7.1 At this stage the report will only focus on the principle of high density flats in this location and the principle of development in terms of its scale bulk massing height design and external appearance, its impact on the surrounding area including short and long range views, listed buildings and the relationship to the Heart of Slough. This report concentrates only on those national and local planning policies application which are related to such issues and are listed below:

- **The National Planning Policy Framework (NPPF)**
- **Slough Local Development Framework Core Strategy (2006– 2026) Development**

#### **Plan Document December 2008**

Core Policy 1 (Spatial Planning Strategy),  
Core Policy 3 (Housing Distribution),  
Core Policy 4 (Type of Housing),  
Core Policy 6 (Retail, leisure & Community Facilities)

Core Policy 8 (Sustainability and the environment)  
Core Policy 9 (Natural, built and historic environment)  
Core Policy 11 (Community safety)

• **Adopted Local Plan for Slough 2004**

Policy H7 (Town Centre Housing)  
Policy S1 (Retail Hierarchy)  
Policy S8 (Primary and Secondary Frontages)  
Policy EN1 (Standard of Design)  
EN3 (Landscaping Requirements)  
Policy EN5 (Design and Crime Prevention)

7.2 The main planning considerations are considered in this report is as follows:

- Principle of a Mixed Use development
- Design
- Impact on surrounding area including listed buildings
- Relationship to Heart of Slough

The following issues will be considered in a later report when Members will be asked to determine the application:

- Living conditions for future occupiers
- Transport and parking
- Sustainability / environmental issues
- Financial contributions

**8.0 Principle of a Mixed Use Development**

8.1 The site is identified on the Local Development Framework Proposal map as within the shopping and Town Centre area. Policy S8 (Primary and Secondary Frontages) of the Local Plan for Slough (2004) identifies the Queensmere and Observatory as Primary Shopping Frontages in Slough Town Centre.

8.2 The proposed development is expected to build on the Heart of Slough Proposals. The redevelopment of the Queensmere and Observatory Shopping Centres was identified in the Heart of Slough Development Brief (April 2007). The principles established in the Heart of Slough brief tie into the Site Planning Requirements for the redevelopment of the Queensmere and Observatory Shopping Centre.

8.3 According to the Site Planning Requirements as outlined in section SSA14 of the Slough Site Allocations DPD the redevelopment and/or reconfiguration proposals should:

- Create an internal pedestrian link between the Queensmere and Observatory Shopping Centres.
- Improve the retail and leisure offer around the Town Square through change of use of key units and improved retail offering.
- Link to the Heart of Slough through the provision of a western entrance to the

shopping centre, and access to residential units above the centre.

- Creative active frontages along the A4 Wellington Street and St Ethelbert's Church frontage
- Remove the service ramp to the Prudential Yard in coordination with the Heart of Slough proposals for the area
- Improve pedestrian links to the bus and train stations via Wellington Street
- Rationalise multi-storey car parking provision and its links to the centres and Wellington House
- Redevelop the western end of the Queensmere Centre adjacent to St Ethelbert's church, including improved retail units, residential accommodation above the centre and removal of the toilet block.
- Transform the Wellington Street frontage to create an urban boulevard with tree planting, improved north-south route connection to the town centre, active retail frontages and access to residential accommodation above the retail units.
- Aim to reduce the negative impacts of construction upon existing businesses and on the quality of life for residents and users of the town centre by appropriate phasing and implementation.

8.4 Paragraph 1.5 of Slough Site Allocations DPD states that “the council will in principle support any development or use of land that is in accordance with the use proposed for it. In practice this means that a planning application that complies with the Site Planning Requirements, policies within the Development Plan and other regional and national guidance as appropriate, will be approved unless the details of the scheme are unacceptable or there are other material considerations that indicate otherwise”

8.5 The principle of the redevelopment of the Queensmere and Observatory Shopping Centre to present a high density mixed use scheme which complements the town centre is supported through the Slough Site Allocations DPD. Also the principle of the proposal was agreed at Planning Committee in September 2009. This is in accordance with Core Policy 1 (Spatial Strategy) which states that high density development should be located in Slough town centre. It is the most sustainable and accessible location for high intensity generating development. This proposal could be a catalyst for further regeneration of Slough Town Centre which would improve the overall image of the area.

8.6 The Retail assessment commissioned by Colliers CRE on behalf of Slough Borough Council (2007) identified that Slough is leaking expenditure to nearby town centres. The principle of improving the quality and scale of the shopping centre was established in the Core Strategy 2006-2016 DPD (2008). This was implemented through the identification of the Queensmere and Observatory Shopping Centre as in the Site Allocations DPD (2010). This is a key site identified for regeneration.

8.7 In terms of the residential element the Council supports the principle of the development of flats in the town centre above the shopping centre. This is in compliance with Core Policy 4 (Type of Housing) which states that high density housing should be located in Slough Town Centre. However there are concerns regarding the mix and design of these units which will be discussed later in the report.

8.8 Whilst the development is being advised as a retail led development which in principle can be supported in planning terms, the scale of retail development would be very modest when compared to the scale of residential development. As such the Council will need to ensure that the residential element of the proposal delivers the range of social, economic and environmental benefits which would normally be expected from a development of the scale and type proposed. These elements will be considered as part of a future report.

### 8.9 **The Principle of Retail**

There have been revised proposals for the retail element since August 2007. The current application proposes a reconfiguration of the retail facade so that the retail face of the Queensmere centre is redefined. The Design and Access Statement submitted by the applicant's states that this will include additional 1152 sqm of new retail space, new retail frontages to over 60% of the retail units at the northern face of the centre and reconfiguration and refurbishment of over 4,000 sqm of existing retail space.

8.10 Core Policy 6 (Retail, leisure and Community Facilities), states that all new major retail, leisure and community developments will be located in the shopping area of the Slough Town Centre in order to improve the town's image and to assist in enhancing its attractiveness as a Primary Regional Shopping Centre. The proposal is in compliance with Core Policy 6 (Retail, Leisure and Community Facilities) and National Planning Policy Framework (NPPF) which supports sustainable economic development to deliver the homes, business and industrial units.

8.11 This proposal for the comprehensive redevelopment and reconfiguration of the shopping centres will have a positive impact on the vitality and viability of Slough Town Centre. Officers fully support the retail element of this proposal and believe that Slough will benefit from the investment into the centre by improved retail facilities and offer available to the community and improved retail experience of the Queensmere and Observatory shopping centres. This will also attract new tenants to the shopping centre.

8.12 Currently Queensmere Shopping Centre suffers from a weakness of an entrance focal point due to the blank frontages on Wellington Street. By opening these frontages up it will address these concerns and it will create a street frontage with more activity on Wellington Street along the frontage and people will know there have arrived at the shopping centre. It will also provide a gateway to the town from the A4 Bath Road and the main route from the train station. This is in conformity with the site planning requirements set out in the Site Allocations DPD (November 2010). Along with the lack of retail destination Queensmere and Observatory shopping centres also is lacking the attractiveness of the shopping centre and retail offer. By improving the retail façade and additional retail floorspace this will improve the retail offer and attract more footfall to the shopping centre which will have a knock on effect on the vitality and viability of the Town Centre.

- 8.13 There have already been improvements to the shopping centres by creating new linkages within the centre, by way of internal works which allows the through movement between the centres. This is positive as it opens up the Observatory shopping centre and improves the design and layout which has increased permeability.
- 8.14 **The Principle of Residential**  
As set out in paragraph 7.7 above the proposals for a high density flatted development within the town centre area complies with local planning policy, however concerns are expressed as to the scale and mix of the residential scheme.
- 8.15 Although the Council has supported residential as part of the proposal we have not agreed to 858 units. The specific site allocation SSA14 (Queensmere and Observatory Shopping Centres) refers to the development brief produced in 2007 and that the Council were broadly supportive of the key proposals in the document. This envisaged that there would be 474 residential units. The latest Annual Monitoring Report 2012-13 (AMR) identifies that there is a 5, 10, 15 year housing supply and the Borough is on target to meet our housing allocation before the end of the plan period. Therefore the Council are not reliant on the 858 units being delivered to meet the Borough's housing target
- 8.16 Core Policy 3 (Housing Distribution) states that a minimum of 6,250 dwellings will be provided in Slough between 2006 and 2026. There will be a minimum of 3,000 dwellings in the Town Centre. As stated above there is no objection in principle to the development of flats in Slough Town Centre which will provide a new resident population. The principle of residential above the shopping centres was established through the Core Strategy 2006-2026 DPD and the Site Allocations DPD.
- 8.17 Whilst there is high housing need in Slough and these units will contribute to the housing supply, there is a need to ensure that high density development is not provided at the expense of good design, housing quality and mix, in line with the requirements of the National Planning Policy Framework
- 8.18 The submitted Design and Access statement detailed the housing mix which was 70 percent one bedrooms with the remainder provided as studio and 2 bed unit. While this has changed to scheme still consists of predominantly 1 and 2 bedroom units. This is in conflict with the National Planning Policy Framework and the supporting text in the Core Strategy 2006-2026 DPD. Paragraph 7.53 states that "the Core Strategy has to ensure that there is a wide choice and mix of housing to meet local needs". There is high housing need in Slough for family homes and these units providing predominately 1B flats will not meet this need. The Heart of Slough Development Brief has a vision for town houses and flats with amenity space not smaller flats. The mix of housing and in particular the high concentration of one bed units was raised as a concern by the Berkshire Design Panel, the Council's external design advisers and is equally of concern to officers.
- 8.19 No objections are raised to the principle of a mixed use retail and housing development on the basis that the site is allocated for such development in the Council's adopted Site Allocations Document. However, given the more modest parameters as set out in the earlier design brief for the site and Council's Site Allocation DPP, there are concerns about the scale quality and mix of the housing development being proposed and which is discussed in more detail below.

8.20 There are some concerns that Officers have with regards to the living conditions of future occupiers especially with regards to the accommodation on the podium between the towers but this will be considered fully when living amenity is considered with other matters at a later stage.

## **9.0 Design**

9.1 The National Planning Policy Framework confirms the following:

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” (para 56).

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment” (Para61).

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (Para 64).

“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits.” (Para 65).

9.2 Core Policy 8 of the Core Strategy requires that, in terms of design, all development:

- a) Be of high quality design that is practical, attractive, safe, accessible and adaptable;
- b) Respect its location and surroundings;
- c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and
- d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.

9.3 Policy EN1 of the adopted Local Plan states that development proposals are required to reflect a high standard of design and must be compatible with and/ or improve their surroundings in terms of scale, height, massing/ bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to watercourses.

9.4 This application was referred to the Berkshire Design Panel in December 2012. The Berkshire Design Panel is an independent panel who assess and comment on major schemes such as the one proposed. The use of such panels is encouraged in the National Planning Policy Framework. The panel on this occasion was made up of Tina Frost, Chris Bearman (architects) and Ben Van Bruggen (Planner / Urban Designer).

The scheme that was considered by the Design Panel was that originally submitted, and although some changes were made after the panel's decision is in line with the model supplied and described in sections 3.2-3.4 above with later changes as set out later in this report for information purposes. A full copy of the report is attached at appendix A.

9.5 With regards to the design and layout of the proposals the design panel had the following comments to make:

“The principle of increasing residential accommodation in the town centre is supported. The Council will however need to assure themselves that the type, mix and quality of the proposed homes is right and will support the regeneration of the town. The units are significantly weighted toward small one bedroom and studio living. The desire to attract new residents to Slough on the back of improved infrastructure, including Crossrail, is understandable. However, as Slough becomes better connected to other areas, including those in greater London, the choice, range and quality of potential new homes becomes greater. This development will be competing to attract residents alongside new developments in other towns (including those in greater London which will increasingly be subject to minimum space standards). A rebalancing of the provision of homes and greater thought about the quality of the proposed accommodation will ensure that the development is successful in the short and long term and contribute to a lively and attractive town centre.”

While the overall height of the proposed development did not concern the panel, there is little evidence that the scheme is responding to a coherent approach to composing the towers on the site; how they respond to each other in terms of proximity and relationships to the medium and longer range views. For such a significant development which is considerably higher than the surrounding development we feel that this clear strategy is required. The development is very large and complex in its levels and the interrelationship of different elements and uses....This will not be the only tall building in the area and the proposed development will have to work alongside its emerging context. The development should be matched with a clear vision as to how it responds to the town centre. We note the urban design analysis that has been undertaken but it is difficult to see how this has informed the architecture

The desire to turn the A4 at this point into a street rather than a road solely for vehicles, is welcome, and we feel the development goes a long way in achieving a successful active frontage at this point.”

A full copy of the report is attached at appendix A.

9.6 As already stated earlier in this report the Council are supportive of the concept of residential development in the town centre, subject to it being of appropriate type mix and quality. The current application seeks to have the following housing mix :

- 581 X 1 bedroom flats
- 230 X 2 bedroom flats
- 47 X studio

Whilst such provision will significantly increase the numbers of people living in the town centre and have some positive economic spin off for the town centre, the concentration



of such a large number of smaller dwellings, particularly if managed on the basis of short lets, could give rise to varying social problems and anti social behaviour. A rebalancing of the housing mix may bring positive benefits, in terms of meeting housing need, improvements to the social mix and integration and for design.

While some changes have been made to the original scheme following the design review the applicants still consider that the type, mix and quality of housing reflects the anticipated local demand for the Town Centre. However no evidence has been produced to support this position:-

- 9.7 While the panel stated that there was no overall concern with regards to the overall height of the development concern was raised by the with regards to their being little evidence that the scheme responds to a coherent approach to having towers on the site, how they respond to each other and impact upon medium or long views. The applicants have failed to show that such an approach has been properly identified.

This a view which is further expressed by the Council's external design consultants and in response to which the towers and their respective heights have been reordered and the free standing tower at the eastern end has been deleted from the most recent proposals that were issued for information. However, notwithstanding the changes which are to be welcomed, in terms of height the proposed towers pay little more than lip service to the maximum heights of the office scheme as approved as part of the Heart of Slough on the former Brunel Bus Station site (Dev Sec buildings) formed by the higher edge of the tick design.

Notwithstanding the above and given the advice offered by the Berkshire Design Panel and the Council's own external design advisers, officers would advise that there is not a strong case to be argued on grounds of height alone.

As would be anticipated from a development of the scale proposed the architects have sought to create its own design. The scheme has undergone a number of design amendments. It relies heavily on the use of colour as a means of identifying individual towers. Balconies and fenestration help to create some horizontal emphasis to the individual towers and help to create a better balance between the vertical and horizontal planes. The lift towers now stretch to ground level on Wellington Street providing some interaction between the residential towers and the street. The introduction of shop display fronts to Wellington Street, some of which will be double height, will create an active frontage to Wellington Street, which will bring positive benefits. Changes to the design of the retail frontages has been simplified and now integrates better into the over design concept.

The Council's external design advisers have advised a complete rethink on the design strategy for Queenmere. In response to the concerns raised the applicants have made a number of changes to address some of the more detailed concerns and have gone some way to addressing the issues. What is clear is that the applicant is not prepared at this stage to instigate a fundamental rethink on the design strategy. Some of the more fundamental changes include the removal from the planning application of the freestanding tower at the eastern end of the site and a subsequent reduction in the total number of dwelling units, a reordering of the tower sequence, a simplification of the retail frontage to Wellington Street, and a better interaction between the residential towers and

the street. A revised pallet of external materials has been submitted with a view to improving the design quality.

The key issue for Officers and Members is whether or not the latest set of amendments are sufficiently transforming in design terms to obtain the support of Officers and Members.

It is the view of officers that a development of the height scale bulk and massing can only be accepted if the resulting development is of a quality and design which reaches the highest possible standards and whilst the amendments submitted to date do move in the right direction, the scheme as it currently stands falls somewhat short of achieving the very highest standards of design.

- 9.8 The design panel looked further at the layout of the development and how it would work with the surrounding transport links and High Street, which is all important for a retail led redevelopment, where the following points were made:

“The links from the station and car parks to the High Street will be critical to the success of any town centre. On the current plans the main route by which this can be achieved is via a newly created passage between St Ethelbert’s and the Queensmere. This will require the removal of the service ramp that is currently at this location, and the general reordering of the servicing arrangements. It is not yet clear how this critical linkage at the southern end of this route as it joins Mackenzie Street will be achieved. The development team and the Borough Council will need to work together to ensure this is accomplished.

The shopping centre development will perform best if it can stitch into the existing fabric of the town. This might not be easily achieved, but the proposal contains the right elements to allow this to happen successfully. The improvement of the access into the shopping centre from the north west is welcomed, this area of the existing centre is particularly poor. The location of this entrance should respond to the clear desire lines that exist in the area as people approach the town centre from car parks north of Wellington Street. This is not fully incorporated in the planning of the area and could be better refined to reflect the needs of customers.

The opportunity to access the shopping mall from Wellington Street without having to pass through an individual retail unit should be further explored. The easier the connection into the Queensmere the more appealing it will be for potential customers. If designed in an appropriate way this could also offer the centre more significant and attractive presence onto the A4. The natural point for this connection to be made would seem to be where the centre addresses Brunel Way and the station.”

- 9.10 The current proposals show the link to be between St Ethelbert’s Church, the shopping centre and curve community building will also be situated along this passage way. This passage way will be improved by the removal of the existing service ramp as part of the Curve enabling works. Additional plans have been provided to show how this important access way would be laid out and shows the area to be relatively well planted with a selection of cycle parking and seating areas. The area will be further improved with the units facing onto the passage way being used as restaurants, cafes and takeaways providing an active frontage and help to make the access way more welcoming. It is

understood that the link between the buildings to lead to and from the passageway by St Ethelbert's Church will not be amended under this proposal and the existing access way will be used. Any additional changes relates to buildings outside the control of the Applicant's so no further changes could be undertaken under this application. The point with regards to the links from the station and car parks to the High Street being critical to the success of the town centre is accepted by the Council.

- 9.11 The council have employed architectural consultants who undertook a review of the design of the proposed building and discussed issues with the applicant's to try to make some improvements, some of which are incorporated in the above changes although their report summarised the following:

“At our initial meeting the applicant showed good intent to amend the design to address the Planning Department and Design Panel's concerns, but this was not reflected in their subsequent submission of drawings. Our conclusion is that the concerns raised by the SE regional Design Panel, the Planning Department, and by us have not been adequately addressed by the applicant during this process.

While the proposed alterations constitute an improvement, and a move in the right direction, they do not constitute the fundamental review, or fresh start that the Design review panel have recommended.

We agree with the S.E. Regional Design panel's review of this application. They expressed “concerns about the quality of the proposed development and do not support the application in its proposed form”

We also note that this review would have been more productive if it was carried out at an earlier stage of the project, when major changes could be made with a minimum of wasted time and effort.”

A full copy of the report is attached as appendix B to this report.

- 9.12 As previously stated officers support that fact that the shopping centre will have a frontage to Wellington Street and therefore allow the shopping centre to link the High Street to the north and not act as a barrier that is the current situation. However the opportunity should be taken to ensure that identifiable and strong links are created to allow the shopping centre to tie into the area to the north rather than forcing people to go through the retail units to get into the shopping centre and High Street beyond and an additional entrance should be located in this area directly in line with the pedestrian desire lines from the north.

- 9.13 This opportunity should be taken to ensure that the links are provided to allow a retail regeneration of the area but the current proposals do not allow this to happen. Pedestrian penetration is an important design concept in any scheme of development and every effort should be taken to ensure strong linkages between the shopping centres, town centre and rail and bus stations

## **10.0 Impact on the Surrounding Area**

- 10.1 The National Planning Policy Framework outlines the following points.:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal” (para 129)

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional” (Para 132).

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should ... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (Para 17).

10.2 Core Policy 8 states “The design of all development within the existing residential areas should respect the amenities of adjoining occupiers and reflect the street scene and the local distinctiveness of the area ... Development shall not give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise”.

Core Policy 9 states that “Development will not be permitted unless it:

- Enhances and protects the historic environment;
- Respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations;”

10.3 Policy EN1 of the Local Plan requires that “Development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of a) scale, b) height, c) massing/Bulk, d) layout, e) siting, f) building form and design, g) architectural style, h) materials, i) access points and servicing, j) visual impact, k) relationship to nearby properties, l) relationship to mature trees and m) relationship to water courses. These factors will be assessed in the context of each site and their immediate surroundings. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused.”

10.4 Policy EMP2 of the Local Plan requires that: “there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, overlooking, or overbearing appearance of the new building”.

10.5 Given the Heart of Slough context, the introduction of tall buildings in this location as a principle is not opposed subject to such buildings being of a high quality design.

However, there would be significant visual impacts when assessing the development from key viewing points. These impacts are assessed in the applicant's Visual Impact Assessment and are summarised below:

Negligible Impacts:

- East end of the High Street
- St Bernards School Conservation Area
- St Marys Church
- Entrance to Herschel Park

Adverse Impacts:

- Park Street At Herschel Street (2 views)
- Church Street At Herschel Street (2 views)
- A332
- Windsor Castle – North Terrace
- Windsor Castle – Copper Horse

10.6 These adverse impacts are to the south of the site impacts upon the amenity of the High Street and the adjacent residential areas due to the expanse of southern elevations of the second, third and fourth towers as well as the south elevation of the west wing. The setting of Windsor Castle, an internationally significant building and settings, is also affected as the proposed towers would rise above the existing horizon and would result in a new skyline for the town. The colour and articulation of the central three towers are likely to have an unusual blank presence on the horizon. Attempts have been made to soften the impact caused by massive blank elevation by inserting colour onto the elevation to match the colour insert in the rest of the tower. However it is considered that the simple use of colour does very little to actually break up this vast blank elevation but simply colour it so that it stands out more in the sky line. A more intelligent solution should be sought to overcome this issue to truly break up the elevations should be sought to ensure that there is no impact upon the surrounding area and on longer views to the south. The development will change the skyline of the town and great care needs to be taken to ensure that it will not have an adverse impact upon the surrounding area and these current proposals fall short on this point.

10.7 The proposal site is surrounded by several heritage assets including:

- Church of Our Lady and St Ethelbert and St Ethelbert's Presbytery (Grade II Listed Building)
- 1-7 Mackenzie Street (Locally Listed Building)
- Properties in High Street (Locally Listed Building)
- Properties in Windsor Road (Locally Listed Building)
- Slough Old Town

10.8 At present the area east of the church and presbytery is pretty unwelcoming and does not benefit the setting of a listed building and the renovation around this area will make it more vibrant and the introduction of A3 type uses along this west side of the development should potentially enhance the currently somewhat tarnished setting of the listed buildings.

10.9 Accordingly the scheme should improve the aspect to Wellington Street and an enhanced setting for St Ethelbert's church. In listed building setting terms the scheme is

considered acceptable. However in terms of impacts on locally listed buildings their settings will not be as enhanced as that of the church and presbytery due to their relationship to the taller tower blocks and the uninteresting elevations that will face onto these properties as stated above.

- 10.10 The proposals would have an impact upon the overshadowing experienced on Wellington Street but would not be a big difference that that currently experienced and should not be a significant impact. Likewise the proposals would have a negligible impact upon Wellsey Road in terms of loss of day light and sunlight.
- 10.11 The applicants also own Wellington House which is the office building on the same site as the Queensmere Shopping Centre and raises 5 floors above the shopping centre, which is in the process of being converted into residential accommodation (2 no. studio flats, 76 no. x one bedroom flats 22 no. x two bedroom flats) as well as a new floor on top of the existing building with a roof top garden. This results in residential development having habitable room windows that would be approximately 15m from the new development. This would result in an unacceptable degree of overlooking and adversely affecting the outlook for the new proposed residential development and therefore impact upon these flats which have the potential to be created and have an adversely detrimental impact upon the amenity of these properties.
- 10.12 The proposed development is also close to the former O2 building to the east but as this is a commercial building is not afforded the protection residential buildings are given in terms of loss of light and therefore no objections are raised with regards to the impact on this building
- 10.13 It is therefore considered that the proposals fail to provide a scheme which will not have any adverse impact upon the surrounding area and the surrounding buildings as this scheme does.

## **11.0 Relationship with Heart of Slough Proposals**

- 11.1 As previously mentioned, this site is located adjacent to the 'Heart of Slough' proposal. The Heart of Slough, includes Thames Valley University; the existing Library site, the Day Centre, St Ethelberts church site as well as The Brunel Bus Station and Compare House. In total the Heart of Slough will provide 1,598 new dwellings; 48,708sqm of (Class B1 use) office space; an 120 bed hotel; a new bus station (; 6,085sqm of Community floor space (Class D1 use) including provision of a new library, Class A1 retail use and Class A3 café/restaurant, Class A4 use (pubs/bars), Class D2 use (Leisure) and associated public realm and parking.
- 11.2 The Development Brief for the Heart of Slough, which was prepared in November 2007, includes a number of points that are relevant to the proposed application. One of the strategic objectives of the Brief is to ensure that the A4 frontage acts as an "address street" for the town. This means that the character and environment of Wellington Street needs to be improved to provide an appropriate setting for the high quality office, educational and cultural buildings that will front this main street. Building lines should follow the boundary of the street block to reinforce and define the character of Wellington Street.

- 11.3 The changes to the frontages facing Wellington Street as discussed above are therefore considered to be of benefit to the Heart of Slough as it provides an active frontage and improves the appearance of the frontage at ground floor level, as outlined above. This element of the scheme can be supported in the terms that it helps improve the setting for the Heart of Slough. Further works improving the appearance and the setting of Wellington Street will also go further to help improve the setting for the Heart of Slough.
- 11.4 The Heart of Slough Development Brief also states that “At the junction with Brunel Way, the height of the corner building on the bus station can increase to around 10-12 storey’s subject to respecting the overall height cap of 54m. This will be a landmark building marking views of the Heart of Slough along the western approach.” The building at this point is in 2 separate sections and building 1 is ground plus six stories high and building 2 is ground plus thirteen stories high and has been designed to have a distinctive sloping roof rising to a point on the Brunel Way frontage. The highest point is 65m tall which exceeds the cap proposed in the Heart of Slough Brief but this was considered acceptable because of the specific design and it was considered that it would not set a precedent elsewhere. The proposed tower elements on top of the Queensmere stand a maximum of 70.6m and will therefore be taller than the consented office buildings, the tallest point of which is a small point on top of a pyramid design, and the proposed towers will dominate over the Heart of Slough development and thus have an adverse impact upon this major development.

#### 11.5 **Summary and Conclusions**

The principle of a mixed use development comprising retail and residential is acceptable, subject to the development achieving the very highest design standards. Notwithstanding the amendments made to the scheme, it is not considered that scheme meets such standards and that a complete rethink of the design strategy needs to be made. Whilst the introduction of tall buildings in this location is considered to be acceptable there are no substantive mitigation measures in place to minimise local impact on for instance the High Street, nor long range views from Windsor Castle.

Whilst the retail improvements are to be welcomed the scale of the retail development/improvements fall short of what can reasonably be expected as a truly retail led development.

The scheme as it currently stands misses an opportunity to improve linkages between the town centre, shopping centre bus and rail stations. Good pedestrian penetration is key to a successful design.

### **PART C: RECOMMENDATION**

#### 12.0 **Recommendation**

- 12.1 It is recommended that the views of this Committee in relation to the design and appearance of the development be recorded, that such views be relayed back to the applicant and be incorporated in a final report which will be presented to this Committee at the earliest opportunity.

## APPENDIX A

### South East Regional **Design Panel**

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29 January 2013

Dear Mr Hughes

#### **QUEENSMERE SHOPPING CENTRE, SLOUGH (REF: 06684/015)**

Thank you for inviting the Berkshire Design Panel to review the proposed development at the Queensmere Centre, Slough. The Panel had the opportunity to visit the site ahead of our meeting at the Observatory, Slough. We are grateful to you and Paul Stimpson of Slough Borough Council for your introduction to the site and its context, and to Sundeep Bhavra of GA&A Design for his presentation.

The Panel are concerned about the quality of the proposed development and do not support the application in its proposed form. We have particular concerns about the quality of the accommodation for future residents. This development will have a major impact on Slough, and given its size and significance could set the tone for the future image of the town. The Panel do not have an objection to the overall height of the development, but rather how this quantity and mix of development is composed on the site, which currently appears to lack a clear rationale. A clear approach to the distribution of development across the site, and greater attention to the quality of life for future residents in the design of the apartments, open spaces and communal areas will be needed to address these concerns.

#### **BACKGROUND**

The Queensmere Shopping centre is one of two retail malls at the heart of Slough town centre. The centres are bounded to the south by High Street and to the north by the A4/Wellington Street beyond which are the train and bus stations. Over recent years a great deal of investment has been made into the street network around Slough, most notably the removal of the A4-A332 roundabout. This and the improvement works to High Street evidence the Borough Councils intention to regenerate the town centre, through an increasingly diverse mix of uses and higher quality of environment.

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The location of the shopping malls and their introverted nature effectively cuts off the town centre from the north. The current proposal looks to reanimate Wellington Street with new retail frontage and reconfigure some of the shop formats. The majority of new development however will happen above the shopping centre where 900 predominately one and two bedroom units are proposed. As currently planned these flats are arranged into series of four towers up to 20 storeys in height above the centre and a single tower of 21 storeys on top of the car parking ramp. The remainder of the residential units will be arranged in lower blocks along the street edge between the towers.

#### DEVELOPMENT APPROACH

The principle of increasing residential accommodation in the town centre is supported. The Council will however need to assure themselves that the type, mix and quality of the proposed homes is right and will support the regeneration of the town. The units are significantly weighted toward small one bedroom and studio living. The desire to attract new residents to Slough on the back of improved infrastructure, including Crossrail, is understandable. However, as Slough becomes better connected to other areas, including those in greater London, the choice, range and quality of potential new homes becomes greater. This development will be competing to attract residents alongside new developments in other towns (including those in Greater London which will increasingly be subject to minimum space standards). A rebalancing of the provision of homes and greater thought about the quality of the proposed accommodation will ensure that the development is successful in the short and long term and can contribute to a lively and attractive town centre.

While the overall height of the proposed development did not concern the Panel, there is little evidence that the scheme is responding to a coherent approach to composing the towers on the site; how they respond to each other in terms of proximity and relationships and to medium and longer range views. For such a significant development which is considerably higher than the surrounding development we feel that this clear strategy is required. The development is very large and complex in its levels and the interrelationship of different elements and uses. We would have found a physical model extremely helpful and, in our view, it would highlight the issues of scale and massing, as opposed to height. This will not be the only tall building in the area and the proposed development will have to work alongside its emerging context. The development should be matched with a clear vision as to how it responds to the town centre. We note the urban design analysis that has been undertaken but it is difficult to see how this has informed the architecture.

The desire to turn the A4 at this point into a street, rather than a road solely for vehicles, is welcome, and we feel the development goes a long way in achieving a successful active frontage at this point.

#### LAYOUT AND CONNECTIONS

The links from the station and car parks to the High Street will be critical to the success of any town centre. On the current plans the main route by which this can be achieved is via a newly created passage between St Ethelbert's and the Queensmere. This will

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require the removal of the service ramp that is currently at this location, and general reordering of serving arrangements. It is not yet clear how the critical linkage at the southern end of this route as it joins Mackenzie Street will be achieved. The development team and Borough Council will need to work together to ensure this is accomplished.

The shopping centre development will perform best if it can stitch into the existing fabric of the town. This might not be easily achieved, but the proposal contains the right elements to allow this to happen successfully. The improvement to the access into the shopping centre from the north west is welcomed, this area of the existing centre is particularly poor. The location of this entrance should respond to the clear desire lines that exist in the area as people approach the town centre from car parks north of Wellington Street. This is not yet fully incorporated in the planning of the area and could be better refined to reflect the needs of customers.

The opportunity to access the shopping mall from Wellington Street without having to pass through an individual retail unit should be further explored. The easier the connection into the Queensmere the more appealing it will be for potential customers. If designed in an appropriate way this could also offer the centre more significant and attractive presence onto the A4. The natural point for this connection to be made would seem to be where the centre addresses Brunel Way and the station.

#### QUALITY OF LIFE FOR FUTURE RESIDENTS

A particular area of concern of the Panel's relates to the quality of the proposed residential accommodation, which is currently very poor. There is little evidence that the quality of residential accommodation has been considered in the design. There are clearly some considerable constraints relating to the existing structure below. Each of these issues will require great design skill to make it work. In our view, a fresh start on these elements is required.

The quality and size of the residential units themselves are poorly considered. There are, for example, a large number of single aspect north facing units which directly overlook the heavily trafficked A4 (in some instances these flats are over 10m deep with only a single window). These will not be hospitable living spaces; this is further exacerbated in certain locations where they are located directly above three storeys of naturally ventilated car parking. We feel the planning of residential layout needs to be reconceived. There are splendid and far reaching views south across Slough towards Windsor, this could be a unique asset but unfortunately is ignored by the proposed layout. More could also be made of the communal areas which are currently undervalued.

The entrance to blocks and communal areas, especially given the large number of units that are served by each entrance, needs careful thought. The entrance to the eastern block above the car parking ramp is particularly constricted and is unlikely to be a welcoming space. Once within the residential areas the majority of homes are accessed via very long corridors with private flats on both sides. These long corridors with little or no natural lighting will not be pleasant environments and give the development the feel

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of a hotel or municipal accommodation such as halls of residence. This form of development affects perceptions of safety and security, as well as issues of ownership and identification with your own home and front door; all of which will affect the attractiveness of the new homes for potential residents and the quality of the overall development. We feel the housing layout would benefit from being reviewed against the principles of Secure by Design.

Considering each of these elements from the perspective of future residents would also give an insight into how successfully they will operate, and therefore how attractive they will be to occupiers. Day to day issues such as visitor parking and access, furniture and bulky goods deliveries and refuse storage and removal should also be tested. The decision to provide no car parking will need to be fully examined; the Panel are not in a position to comment on the viability of this aspect in detail.

The prominence of the location and scale of the building should be matched with a corresponding increase in architectural quality. We are yet to be convinced that the proposed design will fulfil this role as significant new development in the town. The composition and height of the towers, the development relationship to its context including the listed church, the relationship between the different uses, and more careful application of colour and materials could each have considerable scope to positively improve the architectural design. The incorporation of balconies and private open space to all apartments could also start to help in this regard.

As currently planned the areas of communal open space add little value to the development. If positively planned these areas could be attractive and functional spaces. They currently suffer from lack of enclosure and from exposure to the service yards to the south. We feel there is potential for a new form of development which would allow for the screening and enclosure of the deck. Testing of the microclimate of these areas will also be required to ensure they will be hospitable.

Future adaptability of the residential and retail development needs to be considered as the needs of users and occupiers change. Given the long delivery timescale the demands of future residents are likely to shift over the life time of the project. The scope for the development to adapt in accordance with these changes should be considered at this stage.

Do contact us if there is anything in this report that is unclear and please keep us in touch with further progress with the project.

Yours sincerely



ROBERT OFFORD  
Panel Manger

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cc Roger Kirkham, Slough Borough Council  
Ian Hann, Slough Borough Council  
Paul Stimpson, Slough Borough Council  
Paul Reynolds, Atkins (on behalf of Swale Borough Council)  
John Blackwell, Cunnane Town Planning  
Sundeep Bhavra, GA & A Design

Panel members present: Tina Frost (Meeting Chair), Chris Bearman, Ben van Bruggen

*This review was commissioned by Slough Shopping Centre LLP with the knowledge and agreement of the Slough Borough Council.*

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<b>Registration Date:</b>	29-Jan-2013	<b>Applic. No:</b>	P/02523/011
<b>Officer:</b>	Mr Smyth	<b>Ward:</b>	Foxborough
<b>Applicant:</b>	Mr. Waqas Choudhery, Dawat-e-Islami		
<b>Agent:</b>			
<b>Location:</b>	27, Cheviot Road, Slough, SL3 8LA		
<b>Proposal:</b>	CHANGE OF USE FROM LICENSED MEMBERS SOCIAL CLUB (SUI GENERIS) TO ISLAMIC COMMUNITY AND TEACHING CENTRE AND PLACE OF WORSHIP (CLASS D1) AND RETENTION OF SECOND FLOOR FLAT (CLASS C3)		

**Recommendation: Delegate to Strategic Lead Planning Policy**



## **SUPPLEMENTARY REPORT**

Following the decision by Planning Committee to agree the main heads of terms of the Draft Section 106 Agreement and to delegate to the Strategic Lead Planning Policy for its formal completion and final approval, the purpose of this report is to give Members a further update on the progress to date.

The Head of Legal Services has finalised the Draft Agreement. Whilst the applicants have agreed the obligations and financial contributions of the final draft Section 106 Agreement, which they have been aware of since the May 2013 Planning Committee, they have indicated a funding shortfall at the present time. It is therefore not possible to sign the Section 106, because of the requirement to pay the contribution on completion. Planning permission can also not be granted before the Section 106 has been signed. The applicants have indicated that it could take approximately 6 months to acquire the necessary funds at which time they would be in a position to sign the agreement and allow its formal completion. In the intervening period, the applicants have indicated that they will use the building in accordance with its current authorised use as a social club.

## **RECOMMENDATION**

It is recommended that final signing and completion of the Section 106 Agreement be delayed for a maximum period of 6 months from the date of this Planning Committee Meeting to allow the applicants enough time to secure the funding necessary to meet the financial obligations contained in the Draft Agreement. In the event that the Agreement is not signed within 6 months from the date of this Committee Meeting, that the Strategic Lead Planning Policy be authorised to refuse planning permission for the following reason(s):

A holding objection is raised on the grounds that the applicant has failed to enter into a Section 106 Agreement designed to control the intensity of the development in terms of its use as a place of worship and any resulting impact in terms of general noise and disturbance and to ensure that adequate measures are put in place to limit overspill car parking onto surrounding residential streets and localised traffic congestion to the detriment of general highway safety and amenities of local residents. The use is thereby contrary to Core Policy 7 of the Slough Local Development Framework Core Strategy(2006 – 2026) Development Plan Document December 2008 (incorporated in the Composite Local Plan for Slough 2013) and the National Planning Policy Framework.

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee                      **DATE:** 9<sup>th</sup> January, 2014  
**CONTACT OFFICER:** Paul Stimpson  
Strategic Lead, Planning Policy & Projects  
01753 87 5820  
**WARD(S):** All

**PART I**

**DUTY TO CO-OPERATE: BERKSHIRE WIDE MEMORANDUMS OF UNDERSTANDING**

**1 Purpose of Report**

1.1 The purpose of the report is to seek Members approval of three Memorandums of Understanding (MoU) that set out the basis for meeting the Duty to Co-operate for strategic plan making.

These are:

Memorandum of Understanding on Strategic Planning and the Duty to Co-operate on Planning Matters in Berkshire - between the six Berkshire Unitary Authorities

Memorandum of Understanding for Minerals and Waste Planning - between the six Berkshire Unitary Authorities

Memorandum of Understanding for the preparation of Waste Local Plans – between the Waste Planning Authorities of the South East of England

**2 Recommendation(s)/Proposed Action**

2.1 The Committee is requested to resolve:

- That the Memorandum of Understanding for Strategic Planning and the Duty to Co-operate on Planning Matters in Berkshire be agreed;
- Memorandum of Understanding for Minerals and Waste Planning in Berkshire be agreed; and
- Memorandum of Understanding for the preparation of Waste Local Plans in the South East of England be agreed.

**3 Community Strategy Priorities**

3.1 The Memoranda of Understanding are an important part of developing links with adjoining Local Authorities to ensure the impact of their evolving planning frameworks on Slough is considered. This forms an important spatial element of the Community Strategy and will help to contribute to the following emerging priorities:

- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

#### **4 Other Implications**

(a) Risk Management

The failure to cooperate with neighbouring Authorities could result in needs generated by a neighbouring authority, for example for affordable housing, over-spilling into Slough.

(b) Human Rights Act and Other Legal Implications

It is considered that there are unlikely to be any significant implications in relation to the Human Rights Act.

(c) Equalities Impact Assessment

It is considered there will be no equality impacts.

(d) Workforce

The proposed actions form part of the existing work programme.

#### **5 Supporting Information**

##### **The Duty to Cooperate**

- 5.1 Following the abolition of Regional Plans, the Government introduced a new “Duty to Cooperate” in the Localism Act 2011, which is intended to ensure that plan making takes account of adjoining areas. This places a legal duty on local planning authorities to engage constructively, actively and on an on-going basis to maximise the effectiveness of plan preparation in taking account of strategic cross boundary matters.
- 5.2 Failure to demonstrate that an Authority has complied with the Duty to Cooperate will result in a plan being found un-sound and therefore prevent it being approved.
- 5.3 The Duty to Cooperate applies to the production of documents which prepare the way for the formulation of plans and so must be carried out from the very beginning of the plan making process.
- 5.4 As a result, although we are not currently preparing a new plan for Slough, we will have to consider the Duty to Cooperate in the preparation of any documents that will eventually feed into the evidence for a plan. At the same time some of our neighbouring authorities are reviewing their plans and so it is important that we are actively engaged in responding to any requests for cooperation.
- 5.5 The guidance makes it clear that Councillors and officers are responsible for leading discussions and negotiations about the strategic matters in their local plans and so it will be necessary to involve this Committee in Member level issues raised by adjoining authorities.
- 5.6 Officers have recently made representations to the Hearing on the Ascot, Sunnighill and Sunningdale Neighbourhood Plan examination on the grounds that it was premature to go ahead with the plan as it stood in advance of the production of the Borough wide Local Plan.
- 5.7 Windsor and Maidenhead have now agreed a Preferred Options version of the Borough Local Plan which could involve Green Belt releases in order to meet a doubling of the current house building rate. This will be the subject of consultation in the new year when it will be brought to this Committee for consideration.
- 5.8 One of the problems with the Duty to Cooperate is that although Authorities have to be fully engaged in the process, there is no “duty to agree”. As a result there is no mechanism for resolving disputes.



## **Memorandum of Understanding on Strategic Planning and the Duty to Co-operate on Planning Matters in Berkshire**

- 5.9 In order to make the Duty to Cooperate process as manageable as possible, the six Berkshire Unitary Authorities have drawn up a Memorandum of Understanding setting out how they will cooperate in the plan making process.
- 5.10 This contains a number of elements. Firstly it is proposed that where possible the authorities will agree baseline positions on relevant strategic planning matters as a starting point for the potential development of strategic planning policies for all or part of Berkshire. This could include things like housing numbers or what major infrastructure projects are needed.
- 5.11 Secondly it is proposed to produce joint evidence where appropriate. This does not necessarily mean that all of the authorities will commission a joint study because they are at different stages in the plan making cycle. It does however mean that any work that is carried out is compatible with that of neighbours. This is at an early stage but work is for example taking place on agreeing a joint methodology for producing a Strategic Housing market Assessment, and a joint methodology for a Gypsy and Traveller Needs Assessment has already been produced by the other 5 authorities.
- 5.12 Thirdly, it has been agreed that where possible the Berkshire Authorities will make joint representations when consulted on plans from other areas in order to give Berkshire concerns more weight.
- 5.13 Finally it is proposed that where specific cross border issues arise, two or more authorities will work together to produce a joint strategy. Examples of this are the joint working on the Special Protection Area for birds which covers large areas of Berkshire and policies for the Atomic Weapons Establishment which affects more than just West Berkshire.

## **Memorandum of Understanding for Minerals and Waste Planning in Berkshire**

- 5.14 A separate Memorandum of Understanding has been drawn up to deal with Minerals and Waste Planning in Berkshire.
- 5.15 Following the withdrawal of the Berkshire Minerals and Waste Core Strategy after the public inquiry and the subsequent abolition of the Joint Strategic Planning Unit, each of the individual Berkshire Authorities have had to take responsibility for this specialised area of planning.
- 5.16 Each Berkshire UA can undertake its own mineral and waste planning. Slough Borough Council has very few minerals reserves remaining after previous periods of extraction and so attaches less priority to a new review. West Berkshire however have decided to produce a Minerals and Waste Core Strategy. That plan covers their administrative area but it may have implications and impacts on the rest of Berkshire. It will be reasonable to engage under the Duty to Cooperate and this Memorandum of Understanding is useful to deliver this.
- 5.17 Furthermore there are commitments to collect data from aggregates operators based in Berkshire to produce an annual Local Aggregates Assessment. Berkshire Authorities are together producing the first LAA for Berkshire which provides information about the availability of the landbank across the South-East. It is necessary to follow this approach to ensure mineral operators continue to participate and release their data. The information will be fed into a regional database and failure to supply this would leave a data gap in the south east data.

5.18 As a result a specific Memorandum of Understanding has been produced for Minerals and Waste. This follows the principles set out in the general one but goes into more detail in a number of areas.

5.19 It specifies the mechanisms where by the Authorities will work together through existing Officer Working Groups.

### **Memorandum of Understanding for the preparation of Waste Local Plans in the South East of England**

5.20 The preparation of Waste Plans can have wide reaching consequences for areas way beyond the boundaries of the plan area. The plan for the North London Waste Authorities recently failed in its Duty to Cooperate because proper consultation had not taken place with the areas that were expected to receive waste.

5.21 A Memorandum of Understanding has been produced for all of the Waste Authorities in the South East. This recognises that there will be the cross border movement of waste but that plans should be prepared upon the basis of net self sufficiency.

5.22 It also recognises the importance of liaising with the South East Waste Planning Advisory Group (SEWPAG).

## **6 Conclusion**

6.1 Members are asked to endorse and agree the three Memorandums of Understanding, and be aware that the Duty to Cooperate will involve Member engagement on some important planning issues in the future.

## **7 Background Papers**

1. The Composite Plan for Slough (approved for Development Control purposes)
2. The NPPF

## Appendix 1

### Memorandum of Understanding between the Berkshire Unitary Authorities on Strategic Planning and the “Duty to Co-operate” on Planning Matters in Berkshire.

- 1.1 As single tier authorities, the six Berkshire unitary authorities are both local and strategic planning authorities for their areas. The Localism Act 2011 brings significant changes to strategic planning in England. Strategic planning remains an essential part of the planning system. The Act provides for a bottom up approach to strategic planning in a local area through the “duty to co-operate.”
- 1.2 The Act sets out that a local planning authority has a duty to co-operate by:

*“engaging constructively, actively and on an on-going basis in the preparation of development plan and other documents and in activities that can reasonably be considered to prepare the way for the preparation of such documents for strategic matters.”*
- 1.3 The requirements of the Localism Act are complemented by the guidance in paragraphs 178-181 of the National Planning Policy Framework (NPPF), although these are additional to those within the Act. The NPPF includes reference to local authorities considering agreements on joint approaches to the undertaking of activities and to considering whether to agree to prepare joint local development documents. The duty involves a continuous process of engagement from initial thinking through to implementation. It should result in meeting development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.
- 1.4 The Duty to Co-operate has become the first matter that is tested at a local plan examination. Failure to co-operate will result in delay and increased costs in bringing forward up to date local plans thereby increasing the risks at planning appeals.
- 1.5 In the light of the duty the Berkshire Unitary Authorities have formulated and agreed the following memorandum of understanding:
  - A. **Agreeing Strategic/Cross Boundary Issues:** The authorities will endeavour to agree appropriate Berkshire, or part of Berkshire, baseline positions on relevant strategic planning matters as a starting point for the potential development of strategic planning policies for all or part of Berkshire.
  - B. **Joint Evidence Base:** The authorities will develop an evidence base that provides potential for sharing across authorities where it is prudent and appropriate to do so relating to strategic planning matters. This might include issues such as demographics, population projections, housing market assessments, gypsy and traveller needs, employment, retail and transport studies, infrastructure plans, minerals and waste (see separate Memorandum of Understanding), strategic environmental and green infrastructure, decentralised energy infrastructure and other issues of cross boundary interest. This could include the joint commissioning by two or more Berkshire authorities of studies into these matters.
  - C. **Other Authorities Plans:** Where it will add weight, the authorities will consider, assess and make joint representations on the strategic aspects of local plans prepared by authorities adjoining Berkshire, especially on minerals and waste matters;
  - D. **Joint Strategies:** The authorities will consider opportunities to develop joint strategies and deliver agreed or joint positions or policies in relation to specific topics

or development needs where the evidence demonstrates that this is appropriate, (e.g. planning for the SPA or AWE.

- E. **Statements of Common Ground:** The authorities will involve their neighbouring authorities and other partner organisations (e.g. the Berkshire LEP, Environment Agency, Highways Authority, etc.) to which the duty to co-operate applies in the identification of issues and options, in resolving objections and preparing statements of common ground in relation to the preparation of individual local plan documents and other planning policy documents.

1.6 The operation of this Memorandum of Understanding will be the responsibility of Berkshire Development Plans Group (DPG), reporting to the Berkshire Heads of Planning (BHoP). In turn, BHoP will periodically (at least once a year) keep Lead Councillors informed on how mechanisms for fulfilling the duty to co-operate are progressing and being taken forward.

1.7 This Memorandum of Understanding provides a framework for joint working between the Berkshire authorities and it allows refined Agreements to be agreed between individual authorities on specific areas where they consider it appropriate.

Signed:

Bracknell Forest Council

Reading Borough Council

Royal Borough of Windsor Maidenhead

Slough Council.

West Berkshire Council

Wokingham Borough Council

## Appendix 2

### **Memorandum of Understanding between the six Berkshire Unitary Authorities on Minerals and Waste Planning May 2013**

#### **Introduction**

The six Berkshire Unitary Authorities (BUAs) are as follows:

- Bracknell Forest Borough Council
- Reading Borough Council
- Royal Borough of Windsor and Maidenhead
- Slough Borough Council
- West Berkshire Council
- Wokingham Borough Council

The BUAs are minerals and waste planning authorities for their respective areas. The Localism Act 2011 introduces a legal “duty to co-operate” for local planning authorities and other public bodies, that, in terms of minerals and waste planning, partly replaces the regional and strategic planning policy tiers that have been, and will be, removed.

Under Section 110 of the Localism Act, planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to strategic matters such as planning for minerals or waste.

The National Planning Policy Framework (NPPF) confirms that the duty involves a continuous process of engagement throughout the plan-making process. The duty to cooperate includes the need to demonstrate effective cooperation on issues with cross-boundary impacts and the need to plan positively, and should enable plans to seek to meet development requirements, including unmet requirements from neighbouring authorities, where it is practical to do so. Authorities should

also consider producing plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position.

This Memorandum of Understanding has been produced in order to form an ongoing basis for implementing the duty to co-operate for minerals and waste planning in the former county of Berkshire.

The Memorandum of Understanding covers the period from June 2013 to June 2018. It will be updated as required, and the latest version signed by all six BUAs will replace all previous versions.

The Memorandum of Understanding is not intended to be legally binding. It does not form a statement of policy, rather it is the six BUAs' understanding of how joint working on minerals and waste planning will proceed.

### **The UAs agree the following:**

#### ***Mechanisms for Joint Working***

- A. The BUAs recognise that planning for minerals and waste is a strategic matter requiring co-operation between the six BUAs;
- B. The main officer-level mechanism through which co-operation on minerals and waste planning matters will be the Berkshire Minerals and Waste Planning Working Group (BMWPWG), formed of officers from each of the six BUAs. This group will meet on a regular basis (at least twice a year), and will report to Development Plans Group (DPG), which in turn will report to Berkshire Heads of Planning (BHoP).
- C. The BUAs will continue to contribute to the regional groupings South East England Aggregates Working Party (SEEAWP) and South East Waste Planning Advisory Group (SEWPAG) as individual authorities (where they are members), but will share information and collaborate on regional planning matters of joint interest to all BUAs through the BMWWG.
- D. The BUAs will discuss and share information relating to development plans and major schemes outside Berkshire through BMWPWG. Where there is a Berkshire-wide interest, or a wider interest than for a single BUA, the relevant BUAs will collaborate through the most appropriate grouping of authorities.
- E. The BUAs will discuss and share information relating to plans and major schemes within Berkshire through BMWPWG. The BUAs will engage positively with minerals and waste plans produced by individual BUAs or groupings of BUAs throughout the process, including sharing information and seeking to reach agreement on key issues. There may be further Memoranda of Understanding or Statements of Common Ground on specific key issues that arise in the production of development plans.
- F. Where there is a Berkshire-wide need for liaison with the minerals and waste industries, and/or with industry bodies, this will be co-ordinated through BMWPWG.

#### ***Monitoring***

- G. The BUAs agree that certain key matters should be monitored across all BUA areas to ensure consistency of information:
  - Amount of primary aggregate produced (tonnes per annum);

- Amount of primary aggregate reserves (tonnes) in permitted sites and any restrictions on the projected future output from permitted sites;
  - Amount of secondary and recycled aggregate produced (tonnes per annum);
  - Capacity and throughput of new waste facilities permitted/ operational (tonnes per annum);
  - Capacity of new landfill sites (total available voidspace);
  - Amount of municipal solid waste produced and how that waste is managed (tonnes); and
  - New or extended minerals and waste sites and facilities, to feed into the maintenance of a Berkshire-wide list of minerals and waste sites.
- H. Much of the information, particularly for waste, can be derived from existing published sources. However, it can be difficult to generate BUA-level data for aggregate production. Therefore, the BUAs agree to co-operate on the monitoring of aggregate production, as appropriate, and this may be undertaken by jointly-commissioned consultants as required or through the most appropriate grouping of authorities.

### ***Evidence Base***

- I. The BUAs will seek to agree on the main components of a Berkshire-wide evidence base for minerals and waste planning. They will co-operate as appropriate in producing this Berkshire-wide evidence base.
- J. A vital part of the evidence base will be a Local Aggregate Assessment (LAA) 2013 to cover the area of the six BUAs. This will be undertaken on behalf of all six BUAs, and jointly commissioned, and will provide a basis for development of a further minerals evidence base, whilst meeting the requirements of the National Planning Policy Framework. The BUAs will consider whether and with what frequency future versions of the LAA will be produced, but this will need to be subject to further agreement by the BUAs. The BUAs agree to liaise with the South-East Aggregates Working Party on all LAA matters.
- K. The BUAs will discuss whether the results of the LAA can lead to agreement on future apportionment for minerals extraction, both for Berkshire as a whole and for individual BUAs or groupings of the BUAs.
- L. The BUAs, alongside inputting into work being carried out by SEWPAG, will seek to establish and agree the capacity of existing waste management facilities and the level of need for new facilities within Berkshire, in order to reduce the scope for disagreement in future plan-making. This may require the commissioning of Berkshire wide Waste assessment documents.
- M. The BUAs will consider whether there is a need for this Memorandum to be updated and expanded in future to provide more detail on the extent of a joint minerals and waste evidence base.

### ***Plan-Making***

- N. This Memorandum does not commit any BUA to joint plan-making for minerals and waste within Berkshire. However, the BUAs agree that there remains future scope for joint plan-making between individual signatories to this Memorandum.
- O. In particular, there is scope for authorities within central Berkshire to consider future joint plan-making for minerals and waste. The authorities within central Berkshire (Bracknell

Forest Borough Council, Reading Borough Council, Royal Borough of Windsor and Maidenhead and Wokingham Borough Council) agree to explore the potential for joint working on plan-making for minerals and waste, above and beyond the measures set out in the rest of this Memorandum.

P. In planning for minerals development, the BUAs will aim to:

- Safeguard potentially important deposits of aggregate minerals from sterilisation by surface development, either by steering that development elsewhere or by securing prior extraction where possible.
- Seek to maintain a steady and adequate supply of primary minerals and, whilst acknowledging the geology of Berkshire, seek to ensure that new mineral extraction sites are sustainable located whilst taking account of national and international designations such as the Area of Outstanding Natural Beauty, Green Belt, Special Areas of Conservation and Special Protection Areas.
- Ensure that the supply of land won minerals will cause the minimum of environmental damage, including that from transportation. Capacity for the recovery and use of recycled and secondary aggregates will be increased and located where it can best serve development needs.
- Retain rail facilities that are required for the movement of minerals to meet requirements which cannot be met from Berkshire's own natural resources, and utilise real opportunities for other means of non road mineral transport to serve local markets.

Q. In planning for waste development, the BUAs will have regard to the following key principles:

- Drive waste treatment higher up the waste hierarchy and specifically secure an increase in re-use, recycling and recovery of materials, and energy recovery, while minimising the quantities of residual waste requiring final disposal.
- Safeguard existing waste management facilities which are appropriately located from loss or unnecessary operational constraint as a result of competing forms of development.
- Ensure that new waste management facilities are located, insofar as is possible, to meet the needs of the main centres of population and economic activity in Berkshire, taking account of national and international designations such as the Area of Outstanding Natural Beauty, Green Belt, Special Areas of Conservation and Special Protection Areas.
- Recognise that, whilst net self-sufficiency for waste management facilities (in terms of total volume rather than individual streams) may be a viable aspiration for Berkshire as a whole to work towards, such net self-sufficiency cannot be achieved by all individual unitary authorities. In producing waste local plans within Berkshire, authorities will have to liaise closely to plan for existing and expected future movements of waste across authority boundaries both within Berkshire and to and from other authority areas.

## Appendix 3

### Memorandum of Understanding between the Waste Planning Authorities of the South East of England

April 2013

#### 1. Introduction

1.1 The Waste Planning Authorities of the South East of England comprise the following authorities:

Bracknell Forest Council	Milton Keynes Council
Brighton & Hove Council	Oxfordshire County Council
Buckinghamshire County Council	Reading Council
East Sussex County Council	Royal Borough of Windsor and Maidenhead
Hampshire County Council (incorporating	Slough Council
Southampton City, Portsmouth City and	South Downs National Park Authority
New Forest National Park Waste Planning	Surrey County Council
Authorities)	West Berkshire Council
Isle of Wight Council	West Sussex County Council
Kent County Council	Wokingham Council
Medway Council	

1.2 These authorities are each responsible for planning for sustainable waste management in their areas and in particular for the preparation of waste local plans. A waste local plan can cover the area of a single waste planning authority or a larger area administered by more than one waste planning authority where they decide to act together.

1.3 Section 110 of the Localism Act sets out a duty to cooperate in relation to planning of sustainable development, under which planning authorities are required to engage constructively, actively, and on an ongoing basis in any process where there are cross-boundary issues or impacts. This includes the preparation of development plan documents so far as relating to a “strategic matter” such as waste management. This duty to cooperate therefore applies to the preparation of waste local plans.

1.4 In addition, the National Planning Policy Framework (NPPF) refers to planning authorities having a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities defined in paragraph 156 which includes waste management infrastructure. The NPPF expects local planning authorities “to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts” (paragraph 181). The ‘tests of soundness’ (paragraph 182) also require planning authorities to work with their neighbours: to be “positively prepared” a plan should seek to meet “unmet requirements from neighbouring authorities where it is reasonable to do so”; and to be “effective” a plan should be “based on effective joint working on cross-boundary strategic priorities”.

#### 2. Purpose

2.1 The purpose of this Memorandum is to underpin effective cooperation and collaboration between the Waste Planning Authorities of the South East of England in addressing strategic cross-boundary issues that relate to planning for waste management.

2.2 It sets out matters of agreement, reflecting the spirit of co-operation between the Parties to the Memorandum. It is, however, not intended to be legally binding or to create legal rights.



### 3. **Parties**

3.1 The Memorandum is agreed by the following Councils: (to be completed as agreements are confirmed).

### 4. **Aims**

4.1 The memorandum has the following broad aims:

- to ensure that planned provision for waste management in the South East of England is co-ordinated, as far as is possible, whilst recognising that provision by waste industry is based on commercial considerations; and
- to ensure that the approach to waste planning throughout the South East is consistent between authorities.

### 5. **Limitations**

5.1 The Parties to the Memorandum recognise that there will not always be full agreement with respect to all of the issues on which they have a duty to cooperate. For the avoidance of doubt, this Memorandum shall not fetter the discretion of any of the Parties in relation to any of its statutory powers and duties, and is not intended to be legally binding.

5.2 The Parties recognise that for a majority of existing waste management facilities, there are no restrictions on the handling of waste that has arisen outside their authority area.

### 6. **Background**

6.1 The disposal of waste to land (both landfill and landraise) is at the bottom of the Waste Hierarchy as defined in the updated Planning Policy Statement 10: "Planning for Sustainable Waste Management" March 2011 (PPS10). It is the least desirable form of waste management in environmental terms.

6.2 PPS10 recognises that there will be a need for new waste management facilities and that these need to be planned for. It sets out key planning objectives for sustainable waste management (paragraph 3) which include that authorities should prepare planning strategies that:

- "help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option but one which must be adequately catered for";
- "provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities; and
- "help secure the recovery or disposal of waste ... and enable waste to be disposed of in one of the nearest appropriate installations.

6.3 There will, however, continue to be a need for some landfill capacity to deal with residual waste in the South East, particularly in the short and medium term before new recycling and treatment facilities are built and become operational.

6.4 Paragraph 263 of the Government Review of Waste Policy in England 2011 states that "there is the need for councils to work together and look at waste management needs across different waste streams and across administrative boundaries." It further states that "There is no requirement for individual authorities to be self-sufficient in terms of waste infrastructure and transporting waste to existing infrastructure to deliver the best environmental solution should not be considered a barrier."

6.5 PPS10 (paragraph 18) states that “waste planning authorities should be able to demonstrate how capacity equivalent to at least ten years of the annual rates set out in the RSS could be provided”. The South East Plan is no longer in place and so WPAs will assess the extent to which they will accommodate imported waste from outside their plan area. Net self-sufficiency is an approach by which one of the key planning objectives in PPS10 can be achieved, since it will demonstrate that the communities within the WPA areas are taking responsibility for the waste which they produce. In order to meet paragraph 18 of PPS10, there is therefore an aspiration to achieve net self-sufficiency within each waste planning area for the management of non-hazardous waste.

## 7. **Agreement between the Parties**

7.1 The Parties recognise that there will be a degree of cross-boundary movement of waste. In light of this the Parties will plan on the basis of net self-sufficiency which assumes that within each waste local plan area the planning authority or authorities will plan for the management of an amount of waste which is equivalent to the amount arising in that plan area. All parties accept that when using this principle to test policy, it may not be possible to meet this requirement in full, particularly for hazardous and other specialist waste streams.

7.2 In keeping with the principle of net self-sufficiency for each area, the Parties will plan on the basis that no provision has to be made in their waste local plans to meet the needs of any other authorities which are basing their waste policies on achieving the principle of net self-sufficiency.

7.3 There may be cases where some waste will not be planned to be managed within a waste plan area because of difficulty in delivering sufficient recovery or disposal capacity. Provision for unmet requirements from other authority areas may be included in a waste local plan, in line with paragraph 182 of the NPPF, but any provision for facilities to accommodate waste from other authorities that cannot or do not intend to achieve net self-sufficiency will be a matter for discussion and agreement between authorities and is outside the terms of this Memorandum.

7.4 The parties note that there may be some kinds of waste that cannot be managed within their own plan area, either in the short term or within the relevant plan period. These may include hazardous wastes and radioactive wastes. Where provision for the management of these wastes will be planned for in a different waste planning authority area, this will need to be considered between the relevant authorities.

The Parties will work together in the consideration of how to plan for the implications arising from the management of waste from London and any other authority areas that are not party to this Memorandum.

7.5 The Parties agree that the challenge to be addressed is to implement the waste hierarchy and to enable better, more sustainable, ways of dealing with waste to reduce the current dependence on landfill.

7.6 The Parties agree to continue to positively plan to meet any shortfalls in recovery and disposal capacity in their areas and to enable the delivery of new facilities. This includes making appropriate provision in their local plans, including, as required, the allocation of sites for new recycling and other recovery facilities.

7.7 The Parties recognise that private sector businesses (and, therefore, commercial considerations) will determine whether new merchant waste management recycling and treatment facilities will be built and what types of technology will be used.

## 8. **Actions and Activities**

- 8.1 The Parties to this Memorandum will continue to share knowledge and information relevant to strategic cross-boundary issues relating to waste planning including the matters set out in the Agreement in Section 7.
- 8.2 The Parties will seek to ensure that the matters in the Agreement are reflected in the waste local plans that they prepare (including, in the case of unitary authorities, any local plans that include waste policies); this includes the allocation of sites.
- 8.3 The Parties will take account of the matters in the Agreement in the consideration of planning applications for waste management.
- 8.4 The Parties will continue to liaise with each other in relation to the general matters set out in the Agreement, in particular, the implications of the decline in permitted landfill capacity in the region.

## 9. **Liaison**

- 9.1 Appropriate officers of each Party to this Memorandum will liaise formally through the South East Waste Planning Advisory Group (SEWPAG) which normally meets four times a year. As appropriate, the Memorandum will be formally discussed at SEWPAG meetings and any decisions and actions relating to it will be recorded in the minutes.
- 9.2 In addition, there are other cross boundary groups within the South East of England (e.g. SE7). Any liaison on waste planning matters between Parties to this Memorandum within such groups will be undertaken with due regard to this Memorandum.

## 10. **Timescale**

- 10.1 The Memorandum of Understanding is for a three-year period to December 2016.
- 10.2 It will be reviewed annually by the Parties to establish how effective it has been and whether any changes are required. The results of the review will be reported at SEWPAG meetings and recorded in the minutes.

## 11. **Signatures:**

Surrey County Council  
Wokingham Borough Council  
West Sussex County Council

March 2013  
March 2013  
April 2013

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## SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 9<sup>th</sup> January 2014

## PART 1

## FOR INFORMATION

## Planning Appeal Decisions

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

WARD(S) ALL

Ref	Appeal	Decision
P/03439/004	48, Lynwood Avenue, Slough, SL3 7BH  RETENTION OF PART TWO STOREY/PART SINGLE STOREY SIDE AND REAR EXTENSION.	<b>Appeal Dismissed</b>  18 <sup>th</sup> November 2013
P/15363/001	300, Cippenham Lane, Slough, SL1 2XW  ERECTION OF A 2 NO. BEDROOM DWELLING HOUSE WITH A PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION TO THE EXISTING PROPERTY.	<b>Appeal Dismissed</b>  19 <sup>th</sup> November 2012
2012/00543/ENF	39, Canterbury Avenue, Slough, SL2 1EF  TYRE FITTING	<b>Appeal Dismissed</b>  21 <sup>st</sup> November 2013
P/05228/003	Land adjacent to, 99, St. Andrews Way, Cippenham, Slough, Berkshire, SL1 5LL  DEMOLISH EXISTING DOUBLE GARAGE AND ERECTION OF A TWO STOREY, THREE BEDROOM ATTACHED HOUSE	<b>Appeal Dismissed</b>  4 <sup>th</sup> December 2013
P/08656/004	1, Lincoln Way, Slough, SL1 5RF  ERECTION OF A 3 BEDROOMED DWELLING HOUSE	<b>Appeal Dismissed</b>  9 <sup>th</sup> December 2013

<b>P/06779/002</b>	20, Lynwood Avenue, Slough, SL3 7BH  ERECTION OF A SINGLE STOREY FRONT EXTENSION WITH PITCHED ROOF AND CONVERSION OF THE EXISTING GARAGE INTO A HABITABLE ROOM.	<b>Appeal Dismissed</b>  <b>10<sup>th</sup> December 2013</b>
<b>P/09653/005</b>	373, Cippenham Lane, Slough, SL1 2XE  LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED FLAT ROOF OUTBUILDING AT THE REAR OF THE GARDEN INCORPORATING GARAGE, PLAYROOM AND SHOWER ROOM.	<b>Appeal Dismissed</b>  <b>12<sup>th</sup> December 2013</b>
<b>P/07870/003</b>	Land R/O, 102, Montague Road, Slough, SL1 3RW  ERECTION OF A 3 BEDROOM BUNGALOW.	<b>Appeal Dismissed</b>  <b>12<sup>th</sup> December 2013</b>
<b>P/15255/003</b>	9, South Green, Slough, SL1 3QY  ERECTION OF A 1ST FLOOR SIDE AND REAR EXTENSION ALL WITH PITCHED ROOFS.  The Inspector allowed the appeal at 9 South Green.  The Inspector acknowledged that at the start of the appeal process a revised plan was submitted altering the requirement of the proposed extension. The main point of concern was the character and appearance of the dwelling and area. The Inspector noted that the proposal should be considered as decided by the LPA, and concluded that as a two storey side and rear extension had already been permitted by the Council for the site, the additional space that the appeal requested would not be that much different and would have no appreciable impact on the host dwelling and would balance out the other end terraced dwelling that had a two storey side and rear extension and was converted into flats, long before the Residential Extensions Guidelines came into force.	<b>Appeal Granted</b>  <b>13<sup>th</sup> December 2013</b>
<b>2012/00598/ENF</b>	381, Farnham Road, Farnham Royal, Slough, SL2 3AF  REAR CANOPY EXTENSION	<b>Appeal Dismissed</b>  <b>13<sup>th</sup> December 2013</b>

<b>2013/00056/ENF</b>	70, Shaggy Calf Lane, Slough, SL2 5HQ REAR OUTBUILDING	<b>Appeal Dismissed</b> <b>13<sup>th</sup> December 2013</b>
<b>P/01344/020</b>	218, High Street, Slough, SL1 1JS INSTALLATION OF AN ILLUMINATED ALUMINIUM FRAMED BILBOARD HOARDING SIGN	<b>Appeal Dismissed</b> <b>17<sup>th</sup> December 2013</b>

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**MEMBERS' ATTENDANCE RECORD 2013/14**  
**PLANNING COMMITTEE**

COUNCILLOR	25/07/13	04/09/13	17/10/13	28/11/13	09/01/14	20/02/14	03/04/14	07/05/14
Carter	P	P	P	P				
Dar	P	P	P	P				
Hussain	P	P	P	P				
Mittal	P	P	P	Ap				
Plenty	P	P	P	P				
Rasib	P	P	P	P*				
Sandhu	Ap	P**	Ab	Ab				
Smith	P	P	P	P				
Swindlehurst	P	P	P	P*				

P = Present for whole meeting      P\* = Present for part of meeting  
 Ap = Apologies given                Ab = Absent, no apologies given  
 P\*\* = Present but unable to participate  
          as had not attended required training

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