

Date of issue: 16th July, 2014

MEETING	PLANNING COMMITTEE (Councillors Dar (Chair), Ajaib, Bains, M Holledge, Plenty, Rasib, Sidhu, Smith and Swindlehurst)
DATE AND TIME:	THURSDAY, 24TH JULY, 2014 AT 6.30 PM
VENUE:	FLEXI HALL, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

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



RUTH BAGLEY
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

1. Apologies for Absence

CONSTITUTIONAL MATTERS

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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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5.	Human Rights Act Statement - To Note	7 - 8	
PLANNING APPLICATIONS			
6.	P/06348/008 - Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN <i>Officer Recommendation: Delegate to HPPP for S106</i>	9 - 38	Central
7.	P/07830/015 - Lynch Hill (Primary) School, Garrard Road, Slough, Berkshire, SL2 2HX <i>Officer Recommendation: Delegate to the Development Management Lead Officer</i>	39 - 50	Britwell and Northborough
8.	P/15809/000 - 412-426, Montrose Avenue, Slough <i>Officer Recommendation: Delegate to the Development Management Lead</i>	51 - 64	Farnham
9.	P/01913/010 - 9-10, Chapel Street, Slough, SL1 1PF <i>Officer Recommendation: Refuse</i>	65 - 78	Upton

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
10.	P/05898/023 - Cornwall House, 67, High Street, Slough, SL1 1BZ	79 - 96	Chalvey
	<i>Officer Recommendation: Delegate to Development Management Lead Officer</i>		
11.	P/10864/006 - Former Heathrow Coldstore, Lakeside Industrial Estate, Lakeside Road, Colnbrook, Slough, SL3 0ED	97 - 108	Colnbrook with Poyle
	<i>Officer Recommendation: Approve, with conditions</i>		

MATTERS FOR INFORMATION

- | | | |
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| 12. | Planning Appeal Decisions | 109 - 114 |
| 13. | Members Attendance Record 2014/15 | 115 - 116 |
| 14. | Date of Next Meeting | |
| | Wednesday 3 rd September, 2014 | |

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. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

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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, 19th June, 2014.

Present:- Councillors Dar (Chair), Ajaib (Vice-Chair), Bains, M Holledge, Plenty, Rasib, Sidhu, Smith and Swindlehurst

PART I

1. Apologies for Absence

None.

2. Declarations of Interest

Councillor Smith declared an interest in respect of agenda item 6, P/11388/005 – Manor Farm, Poyle Road, Poyle, Slough, in that he was acquainted with the owner of Manor Farm, and that the address was within his ward. In addition, Councillor Smith confirmed that agenda item 7 was also located within his ward. Councillor Smith confirmed however that he had no predisposition or predetermination in respect of the applications, had an open mind, and would debate and vote on the items.

3. Guidance on Predetermination/Predisposition - To Note

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

4. Minutes of the Last Meeting held on 7th May, 2014

Resolved – That the minutes of the meeting of the Planning Committee held on 7th May 2014 be approved as a correct record.

5. Human Rights Act Statement - To Note

The Human Rights Act statement was noted.

6. P/11388/005 - Manor Farm, Poyle Road, Poyle, Slough, Berks, SL3 0BL

Application	Decision
Regrading of fields to restore 1992 post restoration contours	Approved, with conditions

Planning Committee - 19.06.14

7. P/09961/003 - Brook House & Future House, Poyle Road, Colnbrook, Slough, SL3 0AA

Application	Decision
Application for reserved matters relating to appearance landscaping layout and scale pursuant to condition 01 of planning permission reference P/09961/002 dated 20/11/2012 for erection of a new building for class B1 (B) (research, development, high technology) or class B1 (C) light industrial, and or a class B2 (general industry) and or class B8 (storage and distribution) with improved access, new perimeter fence, parking and landscaping (outline).	Delegate to Development Management Lead Officer for consideration of any substantive objections and responses from statutory consultees, finalising conditions and final determination for approval. In the event that the outstanding issues cannot be satisfactorily resolved that the Development Management Lead Officer would retain the right to refuse planning permission.

8. Proposed Adoption Of The Slough Trading Estate Simplified Planning Zone (SPZ)

The Strategic Lead Planning Policy and Projects Officer introduced a report on the proposed adoption of the Slough Trading Estate Simplified Planning Zone (SPZ).

The Officer advised that the purpose of the report was to allow the Committee to note the response to the public consultation of the Deposit Draft Simplified Planning Zone (SPZ) scheme for Slough Trading Estate and propose some minor amendments. The Committee was also requested to recommend that Cabinet adopt the new SPZ scheme at its meeting on 14th July. It was highlighted that the scheme would come into effect on the 12th November 2014 for a 10 year period.

Members were reminded that the purpose of the SPZ was to allow SEGRO, the owners of the Estate a number of commercial advantages as they sought to deliver bespoke premises which served the needs of modern businesses and provided facilities that were necessary to continue to attract inward investment. These advantages included:

- Flexibility to respond quickly and effectively to changes in market demands and tenant requirements
- Certainty for owners and occupiers about what development was acceptable to the Council under the scheme, and therefore not require detailed planning approval
- Speed of development being brought forward – as individual applications were not required and consistent parameters were established by the SPZ, they were not subject to the normal planning permission timeframes

Planning Committee - 19.06.14

- Marketability of the Estate in a way which would enhance its perception for investment, leading directly to companies choosing to locate on the Estate.

It was considered that the SPZ would help implement the objectives of the Core Strategy and the Site Allocation Document (which included SEGRO's Master Plan for the Trading Estate) which together formed the planning framework for the Trading Estate.

Details of the height restrictions in place on the Estate, particularly for those sites close to residential areas were highlighted. In addition, the results of public and statutory consultations were outlined, and it was confirmed that no significant objections had been received. Subject to a few minor tweaks and conditions, all statutory consultation responses supported the renewal of the SPZ. Although the Committee supported the renewal of the SPZ there remained some concern over the depth of the Height Controlled Zone along the northern boundary. Following discussion by Members it was proposed that that the depth of this zone be extended from 15 to 30 metres.

Members also requested clarity around whether permissions for more controversial actions such as fracking would be covered by the SPZ and the Officer confirmed that such practices would not be included. The SPZ related only to basic planning permissions. Anything in addition to this would require further planning permission.

Members questioned whether additional greenery and green spaces could be incorporated into the area as part of the SPZ. It was confirmed that at a minimum, 6% of the site would be given over to landscaping, and that the plan showed strategic landscaping zones, predominantly on the frontage or close to residential areas.

Resolved- That Cabinet be recommended to adopt the new Slough Trading Estate Simplified Planning Zone Scheme with effect from 12th November 2014, for 10 years subject to the Height Controlled Zone along the northern boundary being extended in depth from 15 to 30 metres.

9. Planning Appeal Decisions

Resolved – That the Planning Appeal Decisions be noted.

10. Members Attendance Record

Resolved – That the Members Attendance Record be noted.

11. Date of Next Meeting

The date of the next meeting was confirmed as Thursday, 24th July 2014.

(Note: The Meeting opened at 6.30 pm and closed at 7.20 pm).

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

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

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

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

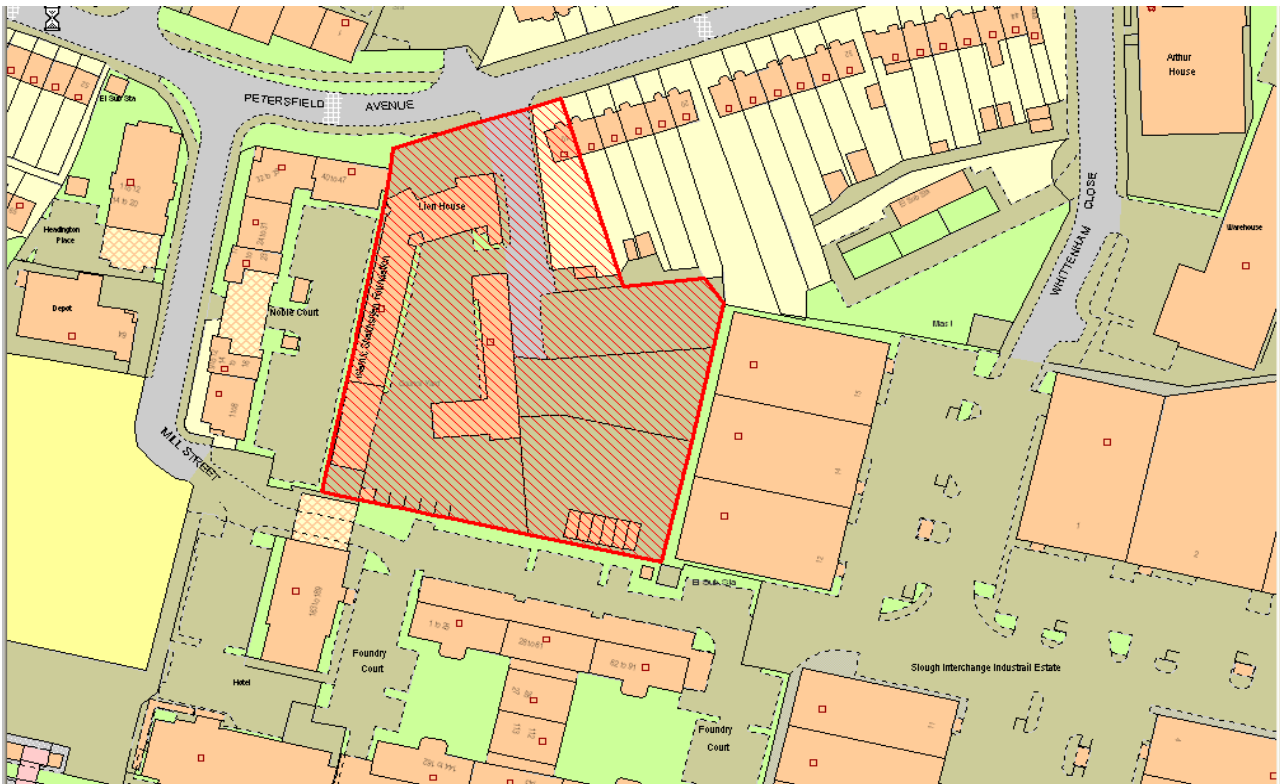
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House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

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

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Registration Date:	01-Sep-2011	Applic. No:	P/06348/008
Officer:	Mr. Albertini	Ward:	Central
Applicant:	O F Chaudhry & OC Ventures Ltd, acting J Pitt & B Moon Fixed Charge Rece		
Agent:	Nicola Forster, BNP Paribas Real Estate 5, Aldermanbury Square, London, EC2V 7PB		
Location:	Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN		
Proposal:	APPLICATION FOR AN EXTENSION OF TIME FOR THE IMPLEMENTATION OF AN EXISTING PLANNING PERMISSION (REF. P/06348/007 DATED 23/10/2008) DEMOLITION OF BUILDINGS; ERECTION OF BUILDING (3 / 5 STOREY) CONTAINING 90 APARTMENTS AND A HEALTH CENTRE; CONVERSION OF 10 PETERSFIELD AVENUE FROM FLATS TO A HOUSE (3 BEDROOM) WITH PARKING AND LANDSCAPING		

Recommendation: Delegate to HPPP for S106



1.0 SUMMARY OF RECOMMENDATION

Delegate to Development Management Lead Officer for a Section 106 planning obligation.

PART A: BACKGROUND

2.0 Revisions since the last Committee meeting

- 2.1 A decision on this application was deferred at the 7th May 2014 meeting for 'submission of a reviewed Heads of Terms that address Members concerns regarding the viability of Sec 106 reductions and car parking management.'
- 2.2 The original officer report is attached (appendix B) and below is an update regarding Section 106 and car parking management matter.
- 2.3 The Principal Asset Manager has confirmed that the amended viability study and the negotiated reduced Section 106 contributions are reasonable.
- 2.4 Regarding capturing additional Section 106 contributions if development values change in the future the applicant has agreed to a second provision. In addition to the existing provision to gain the original Section 106 package if development does not progress in a reasonable timescale the second provision provides for any development profit, at the time of construction/occupation, to be shared between the Council and the developer up to the limit of the original 2008 Section 106 agreement.
- 2.5 Regarding car parking management the applicant is willing to have these controls in the Section 106 rather than the previously proposed condition. This will limit opportunities for a future developer to try to change the requirement. The management scheme will include allocation of spaces to particular flats, but not all flats, to avoid problems associated with communal parking where all residents have an expectation to be able to park.
- 2.6 The applicant has agreed to a residential travel plan. This can encourage new residents to use non car modes of travel.
- 2.7 The applicant has highlighted that the proposed reduced Section 106 financial contribution includes provision for money to be spent on transport which can include improved public transport.
- 2.8 The applicant points out that street controlled car parking, such as a residents parking permit scheme, would be helpful. This would have to be introduced by the Council and be funded by the Council or from the Section 106 contribution.
- 2.9 The applicants have agreed to greater flexibility on how the Section 106 financial contributions are spent by the Council. In particular this allows the Council to address a wider range of transport and parking measures than before.
- 2.10 New residents will be restricted from obtaining residents parking permits.
- 2.11 The applicants have been asked to increase the basement parking area but have not agreed. This would have substantially addressed car parking issues however because this is an extension of time application (see Section 14 of May report) there are limited opportunities to insist upon a change to the development in terms of building works.

2.12 The applicants have asked for the attached note 'Approach to assessment of economic viability' to be made available to Committee members. It is a brief summary of how viability of development schemes are prepared and is at Appendix A.

2.13 More detail of the complete Section 106 package as revised is below.

3.0 Baseline Section 106

3.1 Affordable Housing - The package provides for 30 % affordable housing as described in paragraph 3.2 of the May report. 40% had been agreed in 2008.

3.2 Education; transport and recreation financial contributions - a reduced financial contribution equivalent to approximately 50% of the 2008 Section 106 agreement.

3.3 The package provides for flexibility on how the transport financial contribution is spent compared to the 2008 agreement. The money can be spent on pedestrian/cycle links or station (north) forecourt enhancement.

3.4 As a result of negotiations since May the money can also be spent on street parking controls, car club, public transport infrastructure, traffic signal enhancements junction of Mill Street, travel plan monitoring, traffic regulation order changes.

3.5 At present the spending of the total financial contribution is split as follows : Education 67 %, Transport 27 % and Recreation 6 %. Because of the need to address parking related issues it would be beneficial if the Council had the flexibility to spend a greater proportion on parking/non-car modes of travel if needed at the time of implementation of the transport/parking measures. The Section 106 will be drafted on this basis.

3.6 The education, transport and recreation money will be paid at the start of development. This is better than the 2008 agreement which had some phased payments.

3.7 Transport and parking - Travel Plan to be implemented and new residents to be restricted from any residents parking scheme.

3.8 Sustainable Development - Build to the Code for Sustainable Homes level 3 standard (unchanged since 2008 agreement).

3.9 Health Centre - Offer the health centre to a health care provider. If no agreement reached within a period of one year after starting development developer can offer space to an education/training provider.(unchanged since 2008 agreement)

4.0 Provision to capture greater Section 106 contributions

4.1 Provision for the reduced Section 106 package to not apply long term if development does not progress beyond floor level during the life of the planning permission. Planning permissions normally last 3 years but the Council needs to guard against a token start being made on site and then development delayed to a later date when values are rising. The original Section 106 package applies in terms of contributions and 40% affordable housing apply if this threshold is reached. It will incentivise a developer to build out.

4.2 Negotiated since May is provision for the Council to capture additional Section 106 financial contributions if development values change in the future at the time of development. This review mechanism provides for any extra development profit to be shared equally between the developer and the Council. The review would take place at 2 points – prior to occupation

of 50% and 90 % of residential units. The additional sums would be capped at the value of the original 2008 agreement (plus indexation). 67% of any additional financial contribution would go towards affordable housing (instead of extra units on site) and the rest would go towards education, transport and recreation (as described in para 3.5 above).

5.0 Summary

5.1 This summary is an update of that in the May Committee report.

This proposal has not changed since 2008 other than the Section 106 package. Taking account of material considerations that have changed since 2008 the building is still acceptable in terms of use and design. Regarding the Section 106 package Government guidance regarding extension of time applications indicates Council's should be positive about them during the economic downturn. The applicants say the original Sec. 106 makes the development unviable in the current market.

5.2 The renegotiated Section 106 package is backed up by a viability study. Compared to the original Section 106 it provides for a minimum 75% of the affordable housing and approximately 50 % of financial contributions but on slightly better terms of timing of payment and flexibility of how spent.

5.3 In addition the new package provides an incentive for the developer to progress with development otherwise the original 2008 Section 106 will apply – i.e no reduction in Section 106.

5.4 Negotiated since the May Planning Committee are various transport and parking measures plus a review mechanism that provides for the Council to receive additional section 106 payments, including for affordable housing, up to the value of the original 2008 agreement. This mechanism would take effect while the development is underway and partway through occupation of flats.

PART C: RECOMMENDATION

6.0 Recommendation

6.1 Delegate a decision to the Development Management Lead Officer for the signing of a satisfactory Section 106 planning obligation.

6.2 Having considered the relevant policies and comments from consultees and those notified the development is considered to be acceptable subject to conditions and the completion of a planning obligation.

PART D: CONDITIONS

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

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

2. Approved plans

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. 1680-09 C SITE LAYOUT AND ROOF PLAN
- (b) Drawing No. 1680-18H GROUND FLOOR
- (c) Drawing No. 1680-19C FIRST FLOOR
- (d) Drawing No. 1680-20D SECOND FLOOR
- (e) Drawing No. 1680-21E THIRD FLOOR
- (f) Drawing No. 1680-22D FOURTH FLOOR
- (g) Drawing No. 1680-17D BASEMENT1
- (h) Drawing No. 1680-35 A Ramp Detail
- (i) Drawing Nos. 1680-23B 24 25C 26C 27 28C 16C Elevations
- (j) Drawing Nos. 1680-31A Sections
- (k) Drawing Nos. 1680-10 11 12 13a 14 floor plans.
- (l) Drawing Nos. 1680- 34 Store
- (m) Drawing Nos. 1680-29 and 30 (floor plans for house)
- (n) Drawing No. 1680-32A (Elevations of House)

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. Samples of materials

Details and samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced on site and the development shall be carried out in accordance with the details approved. (Please liaise with the planning department regarding which samples are required).

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

4. Lighting Scheme

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

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

5. Bin storage

The bin stores on the approved drawings shall be completed prior to first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

6. Noise attenuation and ventilation.

No dwelling on the east elevation of the building (that which faces the industrial unit in

Whittenham Close) shall be occupied until its respective approved noise attenuation and associated ventilation measures have been installed. The noise attenuation measures and associated ventilation measures shall have first been submitted to and have been approved in writing by the Local Planning Authority. Details of ventilation measures shall include air change information for habitable rooms (on the east elevation) at times when windows are closed.

REASON To protect the occupiers of the flats from the external noise environment in the interests of residential amenity and in accordance with Core Policy 2 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and National Planning Policy Guidance.

7. Soil - Phase 1 Desk Study

Development works shall not commence until a Phase 1 Desk Study has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for the Management of Land Contamination CLR11 and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM).

REASON: To ensure that the site is adequately risk assessed for the proposed development and in accordance with Policy 8 of the Core Strategy 2008.

8. Soil - Phase 2 Intrusive Investigation Method Statement

Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON : To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Policy 8 of the Core Strategy 2008.

9. Soil - Phase 3 Site Specific Remediation Strategy

Development works shall not commence until a Site Specific Remediation Strategy (SSRS) has been carried out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The SSRS shall, as a minimum, contain details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM), the precise location of the remediation strategy works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any

validation requirements.

REASON : To ensure that remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Policy 8 of the Core Strategy 2008.

10. Soil - Remediation Validation

No development within or adjacent to any area(s) subject to remediation work carried out pursuant to the Phase 3 Site Specific Remediation Strategy condition shall be occupied until a full validation report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Policy 8 of the Core Strategy 2008.

11. Landscaping Scheme

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

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

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

12. 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. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

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

13. Alterations to existing access and sightline

No development shall commence until details of the alterations to the existing point of access between the application site and the highway have been submitted to and

approved in writing by the Local Planning Authority and the access alterations shall be implemented in accordance with the details approved prior to occupation of the development. The details shall include sightlines of 2.4m by 43m. The sightlines shall be kept free of all obstructions higher than 600 mm above the adjoining carriageway level.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Policy 7 of the Local Development Framework Core Strategy 2006-2026 adopted 2008.

14. Off Site Highway Works

No development shall be occupied until off site highway works have been carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of any development. The off site works shall comprise Installation of access on Petersfield Avenue, reinstating redundant access to 10 Petersfield Avenue as standard footway construction, drainage connections, dedication of sight line areas, if required .

REASON In the interest of conditions of general safety on the adjacent highway network.

15. Internal access roads

Prior to first occupation of the development, the internal access roads footpath and vehicular parking and turning provision shall be provided in accordance with approved plans. The access road shall include a connection with the existing rear vehicular access for existing houses in Petersfield Avenue.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on the local highway network in accordance with Policy 7 of Local Development Framework Core Strategy 2006-2026 adopted 2008.

16. Cycle parking

No development shall be begun until details of the cycle parking stand and security 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 and the storage areas on the approved drawings prior to the occupation of the development and shall be retained at all times in the future for this purpose.

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

17. Car Park Allocation

The car parking for dwellings and the D1 use shall be allocated and managed in accordance with a scheme that shall have first been approved in writing by the Local Planning Authority prior to the commencement of development.

REASON In the interest of the free flow of traffic and conditions of general safety on the adjoining highway and in the interest of comprehensive planning of the area.

18. Surface Water Drainage

The construction of the surface water drainage system shall be carried out in accordance with details submitted and approved in writing by the Local Planning Authority before the development commences. The drainage works shall be completed in accordance with those details prior to the occupation of any dwelling. The system may require balancing of surface water on site. Soakaways shall not penetrate the water table and they shall not in any event exceed 2 metres in depth below existing ground level nor be within contaminated ground.

REASON To prevent the increased risk of flooding and pollution of the water environment.

19. Security

Each entry point to the building (including bin and cycle stores and basement car park), the entry to the main surface car park and the access to the two parking spaces for number 10 Petersfield Avenue shall have installed a secure entry system prior to occupation of any dwelling served by its associated entry point. The system shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of crime prevention.

20. External Appearance Details

No development shall commence until detail elevational and section drawings of windows, doors, eaves and balconies have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at 1:100 scale.

REASON In the interest of visual amenity.

21. Archaeology

No development shall take place until the applicant has secured and implemented an archaeological watching brief as part of phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has first been submitted to and been approved by the Local Planning Authority.

REASON The site is within an area of archaeological potential. An archaeological watching brief is required to mitigate the impact of development and ensure preservation 'by record' of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation.

INFORMATIVE(S):

1. The applicant is reminded that a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.
2. Highway Matters

It is intended to declare the access road as a 'Prospectively Maintainable Highway' under Section 87 of the New Roads and Street Works Act 1991.

The access road will be subject to Section 219/220 of the Highways Act 1980. It is

recommended that the road is designed and built under a Section 38 Agreement of the said Act for its ultimate adoption.

The applicant will need to enter into a section 279 agreement for any basement area under sailing an adopted highway.

The applicant will need to enter into a section 278 Agreement for works within the existing highway.

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

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

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system. In order to comply with this condition, the developer is required to submit a longitudinal detailed drawing indicating the location of the highway boundary.

3. The developer is asked to ensure that purchasers of flats are fully aware of the limited parking space on the development and that they purchasers should not expect to park on the public highway nearby. This is to help ensure flat owners do not have more cars than parking spaces available to them on site.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. 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.

7.2 **CONDITION(S)**

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

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

2. Approved plans

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. 1680-09 C SITE LAYOUT AND ROOF PLAN
- (b) Drawing No. 1680-18H GROUND FLOOR
- (c) Drawing No. 1680-19C FIRST FLOOR
- (d) Drawing No. 1680-20D SECOND FLOOR
- (e) Drawing No. 1680-21E THIRD FLOOR
- (f) Drawing No. 1680-22D FOURTH FLOOR
- (g) Drawing No. 1680-17D BASEMENT1

- (h) Drawing No. 1680-35 A Ramp Detail
- (i) Drawing Nos. 1680-23B 24 25C 26C 27 28C 16C Elevations
- (j) Drawing Nos. 1680-31A Sections
- (k) Drawing Nos. 1680-10 11 12 13a 14 floor plans.
- (l) Drawing Nos. 1680- 34 Store
- (m) Drawing Nos. 1680-29 and 30 (floor plans for house)
- (n) Drawing No. 1680-32A (Elevations of House)

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. Samples of materials

Details and samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced on site and the development shall be carried out in accordance with the details approved. (Please liaise with the planning department regarding which samples are required).

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

4. Lighting Scheme

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

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

5. Bin storage

The bin stores on the approved drawings shall be completed prior to first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

6. Noise attenuation and ventilation.

No dwelling on the east elevation of the building (that which faces the industrial unit in Whittenham Close) shall be occupied until its respective approved noise attenuation and associated ventilation measures have been installed. The noise attenuation measures and associated ventilation measures shall have first been submitted to and have been approved in writing by the Local Planning Authority. Details of ventilation measures shall include air change information for habitable rooms (on the east elevation) at times when windows are closed.

REASON To protect the occupiers of the flats from the external noise environment in the interests of residential amenity and in accordance with Core Policy 2 of The Slough

7. Soil - Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater's and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

8. Soil - Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. Soil - Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

10. Soil - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. Landscaping Scheme

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

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

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

12. 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. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

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

13. Alterations to existing access and sightline

No development shall commence until details of the alterations to the existing point of access between the application site and the highway have been submitted to and approved in writing by the Local Planning Authority and the access alterations shall be implemented in accordance with the details approved prior to occupation of the development. The details shall include sightlines of 2.4m by 43m. The sightlines shall be kept free of all obstructions higher than 600 mm above the adjoining carriageway level.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Policy 7 of the Local Development Framework Core Strategy 2006-2026 adopted 2008.

14. Off Site Highway Works

No development shall be occupied until off site highway works have been carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of any development. The off site works shall comprise Installation of access on Petersfield Avenue, reinstating redundant access to 10 Petersfield Avenue as standard footway construction, drainage connections, dedication of sight line areas, if required .

REASON In the interest of conditions of general safety on the adjacent highway network.

15. Internal access roads

Prior to first occupation of the development, the internal access roads footpath and vehicular parking and turning provision shall be provided in accordance with approved plans. The access road shall include a connection with the existing rear vehicular access for existing houses in Petersfield Avenue.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on the local highway network in accordance with Policy 7 of Local Development Framework Core Strategy 2006-2026 adopted 2008.

16. Cycle parking

No development shall be begun until details of the cycle parking 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 and the storage areas on the approved drawings prior to the occupation of the development and shall be retained at all times in the future for this purpose.

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

17. Car Park Allocation

The car parking for dwellings and the D1 use shall be allocated and managed in accordance with a scheme that shall have first been approved in writing by the Local Planning Authority prior to the commencement of development.

REASON In the interest of the free flow of traffic and conditions of general safety on the adjoining highway and in the interest of comprehensive planning of the area.

18. Surface Water Drainage

The construction of the surface water drainage system shall be carried out in accordance with details submitted and approved in writing by the Local Planning Authority before the development commences. The drainage works shall be completed in accordance with those details prior to the occupation of any dwelling. The system may require balancing of surface water on site. Soakaways shall not penetrate the water table and they shall not in any event exceed 2 metres in depth below existing ground level nor be within contaminated ground.

REASON To prevent the increased risk of flooding and pollution of the water environment.

19. Security

Each entry point to the building (including bin and cycle stores and basement car park), the entry to the main surface car park and the access to the two parking spaces for number 10 Petersfield Avenue shall have installed a secure entry system prior to occupation of any dwelling served by its associated entry point. The system shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of crime prevention.

20. External Appearance Details

No development shall commence until detail elevational and section drawings of windows, doors, eaves and balconies have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at 1:100 scale.

REASON In the interest of visual amenity.

21. Archaeology

No development shall take place until the applicant has secured and implemented an archaeological watching brief as part of phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has first been submitted to and been approved by the Local Planning Authority.

REASON The site is within an area of archaeological potential. An archaeological watching brief is required to mitigate the impact of development and ensure preservation

'by record' of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation.

INFORMATIVE(S):

1. The applicant is reminded that a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

2. Highway Matters

It is intended to declare the access road as a 'Prospectively Maintainable Highway' under Section 87 of the New Roads and Street Works Act 1991.

The access road will be subject to Section 219/220 of the Highways Act 1980. It is recommended that the road is designed and built under a Section 38 Agreement of the said Act for its ultimate adoption.

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

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3. The developer is asked to ensure that purchasers of flats are fully aware of the limited parking space on the development and that they purchasers should not expect to park on the public highway nearby. This is to help ensure flat owners do not have more cars than parking spaces available to them on site.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. 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.

Informative

This notice DOES NOT convey any consent that you may require for Building Regulations. If you are unsure whether you need Building Regulations approval and before you start any work please contact Building Control Services independently on (01753) 875810 to check whether they require an application.

Development at Lion House, Slough

Approach to assessment of economic viability

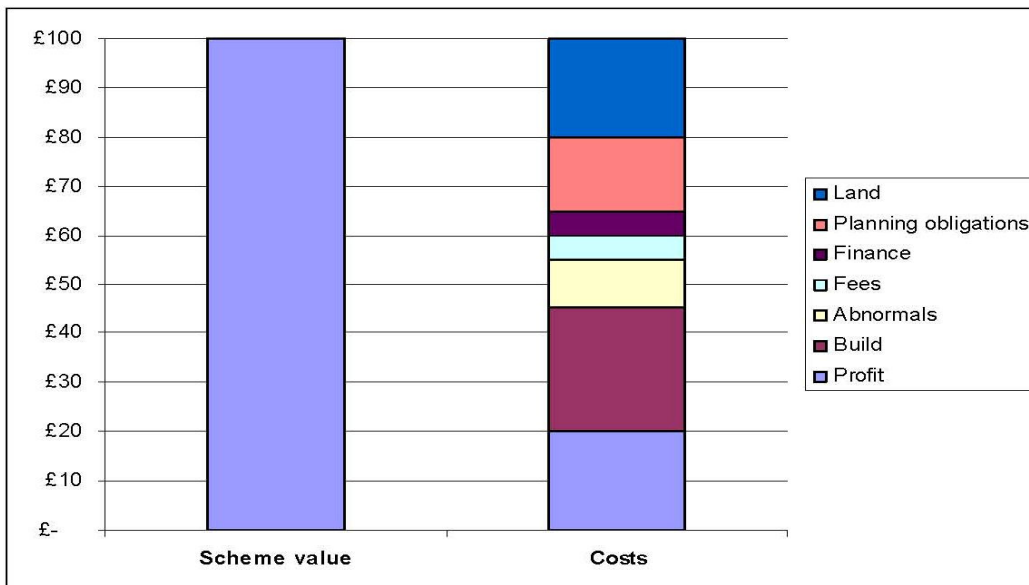
Introduction

LPA Receivers ('LPA') have submitted a planning application to renew a previously granted mixed use development scheme at Lion House Depot, Petersfield Avenue, Slough. LPA have commissioned BNP Paribas Real Estate ('BNPPRE') to undertake an assessment of the economic viability of the proposed development. This briefing note has been prepared by BNPPRE in order to outline the approach that has been undertaken to the test of the economic viability of the development proposals. Our terms of reference are summarised as follows:

- Assess the residual land value generated by the Development;
- Using the outputs of the appraisal, consider the proposed level of affordable housing requirements and determine the maximum level of Section 106 contributions that can viably be provided.

Principles of economic viability assessments

Appraisal models can be summarised via the following diagram. The total scheme value is calculated, as represented by the left hand bar. This includes the sales receipts from the private housing and private commercial accommodation and the payment from a Registered Social Landlord ('RSL') for the affordable housing units. The model then deducts the build costs, abnormal costs, fees, interest, planning obligations and developer's profit. A 'residual' amount that is left after all these costs are deducted is the land value that the developer would pay to the landowner. This Residual Land Value ('RLV') is represented by the blue portion of the right hand bar in the diagram.



The RLV is normally a key variable in determining whether a scheme will proceed. If a proposal generates sufficient positive land value (when compared with an appropriate benchmark land value) it will be implemented. If not, the proposal will not go ahead, unless there are alternative funding sources to bridge the 'gap'.

When running a development appraisal, it is necessary to identify the key variables – sales values, build costs etc – with some degree of accuracy in advance of implementation of a scheme. Below we consider some key variables in more detail (please note that this is not an exhaustive list):

- **Scheme value** will be assessed with reference to the value of existing nearby comparable premises (usually demonstrated through the completion of sales and / or letting transactions). Care must be taken to consider the rate at which the local market will be capable of absorbing the additional supply generated by the development proposals and whether this will impact upon achievable values.
- **Development costs** are subject to national and local monitoring and can be reasonably accurately assessed in 'normal' circumstances. This might include site wide infrastructure costs where land has not previously been developed. Developers will also build in contingency allowances to mitigate the risk of unforeseen development costs being incurred.
- **Abnormal costs** will be linked to the specifics of the site and the development proposals and can therefore be more difficult to assess.
- **Finance costs** will be determined by the cost of securing finance (i.e. the interest rate and bank fees that are charged) and the phasing of costs and receipts across the development period. Where costs are incurred earlier in the development period, finance costs will be higher.
- **Developer's profit** is closely correlated with risk. The greater the risk, the higher the profit level required by lenders. While profit levels were typically up to around 15% of Gross Development Value ('GDV') at the peak of the market in 2007, banks now require schemes to show a higher profit to reflect the current risk. Typically developers and banks are targeting 20% - 25% profit on GDV on a typical development scheme. Internal Rate of Return ('IRR') is another measure used in determining viability for large schemes with long development periods, since it accounts for the length of time a development takes, with a higher IRR reflecting a shorter period to realise a return on an investment. For large, complex development schemes IRR's of at least 20% to 25% are targeted in the current market.
- **The benchmark land value** will be a key consideration as this will form the basis against which the viability of the development is assessed. Ultimately, the landowner will make a decision on implementing a project on the basis of return and the potential for market change, and whether alternative developments might yield a higher value. Therefore the landowner's 'bottom line' will be the Market Value of the site and this will constitute the benchmark land value accordingly.

Assessment of the Lion House development proposals

In our assessment we undertook appraisals for the Lion House development proposals. Our aim was to establish:

- 1 Whether the development can be delivered; and
- 2 The ability of developments with differing numbers of units to deliver the heritage and other benefits.

The test of viability is whether the RLV is equal to or higher than the benchmark land value. Once complete, our appraisals established the level of planning obligations that can reasonably be secured. It should be noted that any such planning obligations would be provided in addition to the inherent benefits of the development proposals.

Appraisal tool

Our appraisals have been undertaken using Argus Developer ('Argus'). Argus is a commercially available development appraisal package in widespread use throughout the industry. It has been accepted by a number of local planning authorities for the purpose of viability assessments and has also been accepted at planning appeals. Banks also consider Argus to be a reliable tool for secured lending valuations. Further details can be accessed at www.argussoftware.com.

Essentially, such models all work on a similar basis:

- Firstly the value of the completed development is assessed.
- Secondly the development costs are calculated, including the developer's profit margin.

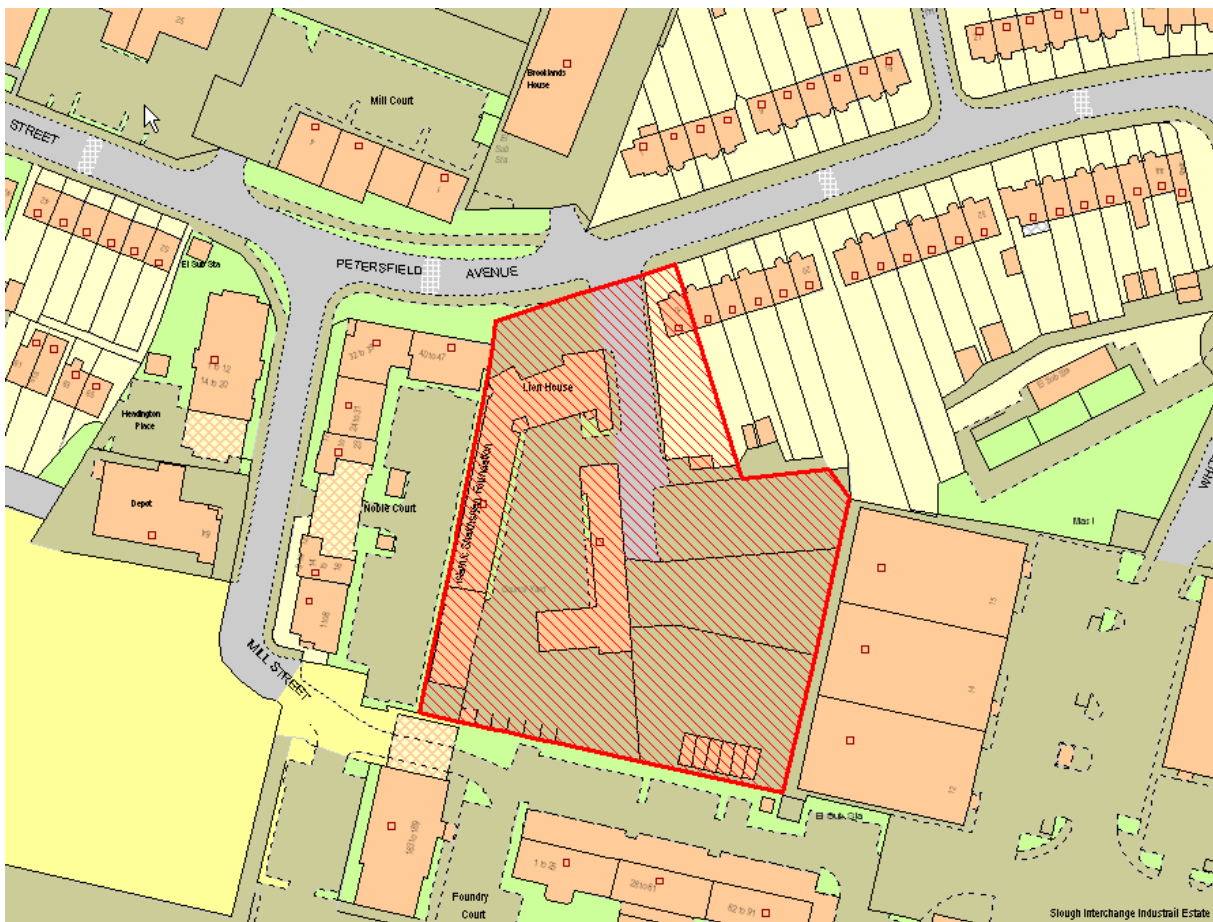
The difference between the total development value and total costs equates to the RLV. The model is normally set up to run over a development period from the date of the commencement of the project until the project completion, when the development has been constructed and is occupied. The cash-flow approach allows the finance charges to be accurately calculated over the development period. This approach can accommodate more complex arrangements where a number of different uses are provided or development is phased.

APPENDIX B

**OFFICER REPORT 7th May 2014
Planning Committee**

Registration Date:	01-Sep-2011	Application No:	P/06348/008
Officer:	Mr. Albertini	Ward:	Central
		Application type:	Major
		13 week date:	
Applicant:	O.F Chaudhry and OC Ventures Ltd acting by J Pitt and B Moon, Joint Fixed Charge Receiver of the Property.		
Agent:	Miss Lisa Bowden, BNP Paribas Real Estate 5, Aldermanbury Square, London, EC2V 7PB		
Location:	Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN		
Proposal:	APPLICATION FOR AN EXTENSION OF TIME FOR THE IMPLEMENTATION OF AN EXISTING PLANNING PERMISSION (REF. P/06348/007 DATED 23/10/2008) DEMOLITION OF BUILDINGS; ERECTION OF BUILDING (3 / 5 STOREY) CONTAINING 90 APARTMENTS AND A HEALTH CENTRE; CONVERSION OF 10 PETERSFIELD AVENUE FROM FLATS TO A HOUSE (3 BEDROOM) WITH PARKING AND LANDSCAPING		

Recommendation: Delegate to Development Management Lead Officer for S106



1.0 SUMMARY OF RECOMMENDATION

Delegate to Development Management Lead Officer for a Section 106 planning obligation.

PART A: BACKGROUND

2.0 Background

- 2.1 This application was presented to the December 2011 Planning Committee. It was recommended for approval subject to the existing Section 106 planning obligation being linked to the new permission. The applicant requested, immediately prior to the Committee meeting, a decision be deferred to a future meeting pending discussion about revisions to the Section 106. They said the development was not viable with the existing Section 106 package. Negotiations on key elements of the reduced package have recently been concluded.
- 2.2 For this category of application the scheme of delegation allows for the Development Management Lead Officer to decide it however a Ward Councilor has asked (in 2011) for it to be presented to the Planning Committee.

3.0 Proposal

- 3.1 This is an application by receivers to extend the time limit for implementation of development originally approved in October 2008. The development proposed remains the same as the 2008 permission and descriptions below are based upon the previous 2008 Committee report (as amended) with updates to reflect the renegotiated Section 106 planning obligation.
- 3.2 The renegotiated Section 106 provides for 30% affordable housing on the site instead of 40%. The revised proposal comprises 14 one bedroom and 13 two bedroom flats 20 of which are social rent and 7 shared ownership tenure.
- 3.3 The 2008 permission had 40 % affordable housing comprising 17 one bedroom and 18 two bedroom flats plus a 3 bedroom house for rent. (26 for social rent and 10 shared ownership flats).
- 3.4 The renegotiated Section 106 package provides for a financial contribution towards education, transport and recreation infrastructure. The total sum will be 50 % of the original sum in the 2008 Section 106.
- 3.5 A viability study has been submitted and assessed by Asset Management to establish that the reduced Section 106 package is justified if the development is to be viable in the current economic climate.

4.0 The proposed development (2008 permission)

- 4.1 The scheme comprises 40 one bedroom and 50 two bedroom flats in a U shaped building. In addition a house, currently two flats, will be converted back to a three bedroom house. The ground and first floor of the front of the building are designed for a health centre with 5 consulting rooms. The rear of the building will be 5 storey stepping down on each wing to four then three at the Petersfield Ave end with a very small two storey portion on the west wing (part of the health centre).
- 4.2 Parking at a ratio of 0.8 spaces per flat plus cycle storage is accommodated mostly in a

basement but with some surface parking on the east side of the site. Parking for the health centre will be a combination of basement parking, for staff, and 5 surface parking places for patients. In addition two spaces are allocated to the house. The existing site access will be reformed to serve the site. It will also serve some existing garages located at the rear of adjacent houses.

- 4.3 Amenity space for the flats is proposed at the rear of the site, adjacent to the flats on the east side and a small area near the entrance between the two wings. All flats have balconies. Part of the garden for existing flats at 10 Petersfield Ave. will be used for parking and screen tree planting. The remainder will serve the converted house.
- 4.4 Existing trees near adjacent gardens are to be replaced with new trees. New trees are proposed around the outside edge of the site
- 4.5 The elevational treatment will be contemporary in style using buff bricks at lower level, cedar cladding above and silver cladding at upper levels. A mono pitch roof is proposed with a shallow pitch.
- 4.6 The west wing is parallel to the Noble Court flats to the west about 26/28 metres away. The rear is parallel to Foundry Court flats off Mill St. Separation distance is 28.5 m. The east façade is 17.6 metres from adjacent industrial units. Distances to adjacent houses are referred to below.
- 4.7 The supporting information submitted includes design information, transport assessment, planning statement, day light study, archaeology, drainage and ground investigation. The transport assessment concludes that traffic flows will be less than the existing use.

5.0 Application Site

- 5.1 The 0.6 hectare site currently contains a three storey office building (partly used as a school at present) plus offices, the yard of Interserve, the Council's property maintenance contractor and a house converted to flats. There are four trees on the site near the boundary with existing gardens.
- 5.2 To the west are 4 and 5 storey flats and car park (Noble Ct.). To the south is a 7 storey building part of the recently completed Linden Homes flats scheme. To the east is the rear of a large, new industrial/business unit. On the Petersfield Ave. frontage two storey houses with large rear gardens adjoin the site. Opposite is the entry to a commercial site with houses adjacent. Since the previous application was approved one of the commercial buildings is now used as a church

6.0 Site History

- 6.1 Part of Lion House was approved in 2006 for use as a private school.

Application for 119 flats (4/5 storey) refused October 2007; Appeal dismissed May 2008 (P/6348/5).

Application for 92 flats (3/4 storey) refused January 2008, Appeal dismissed May 2008 (P/6348/006).

The key issues considered at the appeal (for both the above schemes) related to the reasons for refusal comprised :

- Would loss of employment land be acceptable.

- Effect of building on the appearance and character of the surroundings (design/residential amenity).
- Adequacy of provision for family housing.
- Adequacy of provision for car parking.

The key reasons that the appeal Inspector used to dismiss the appeals were :

The design issues regarding the affect of the frontage of the larger building on the character of Petersfield Avenue.

The proximity and height of the building in relation to nearby Petersfield Ave. homes more so for the larger 119 unit scheme.

Inadequate car parking of the larger scheme (0.6 spaces per unit).

Lack of adequate landscape setting.

Concerns relating to family housing were not supported; loss of employment land was not supported because the Core Strategy, that firms up this policy was not, at the time of the inquiry, declared sound. The Strategy has since been found 'sound'.

- 6.2 90 flats (3/5 storey) and conversion of 2 flats to a 3 bedroom house. Approved 23 October 2008 (P66348/7). This permission expired October 2011. However it can be resurrected if this 2011 extension of time application is approved it having been submitted before the permission expired.

7.0 Neighbour Notification

- 7.1 Petersfield Ave 1-7 odd 10. 10A – 32 even. Systems House
Mill St. Noble Court 1-47 incl; Mill Court 1-4
Whittenham Close units 12, 14, 15.
Foundry Court.
3,4,7,8,11,12,15,16,19,20,23,24,32,33,38,39,44,45,50,51,56,57,60,61,64,65,66,69,70,71,74,75
,76,79,80,81,84,85,86,89,90,173,180,181,188,189.

- 7.2 3 letters of objection received raising issues of:
Appeal rejected re previous proposal
- Developments near the station provide housing demand – this proposal is unnecessary.
 - No consideration of spill over issues likely to impact residents.
 - Intrusion of privacy/overlooking
 - Make traffic conditions worse/noise/safety risk.
 - Petersfield Ave used for parking by residents of new flats nearby
 - Building would create shadows
 - Out of keeping with streetscape
 - Church opened opposite since permission granted; this has lead to increased car parking in the street; the proposal site is used for overflow car parking.

- 7.3 Petition of 56 signatures objecting to proposal on grounds of :

Appeal planning inspectors concerns not addressed when subsequent application approved. Inspector's summary re design issues quoted.

Traffic Generation
Parking
Pollution
Effect on Trees
Loss of amenities
Noise
Design
Ask Council to consult Thames Valley police

8.0 Consultation

- 8.1 Traffic:
Request existing Sec 106 obligations and conditions applied.
- 8.2 Highways:
Request existing Sec 106 obligations and conditions applied
- 8.3 Environmental Protection:
Existing conditions to be applied but with updates to take account of change guidelines.
- 8.4 Housing:
Request existing Sec 106 obligations applied but with updating of out of date definitions.
Reduced amount of affordable housing accepted if justified by viability study and if social rent provided for rather than affordable rent proposed by applicant.
- 8.5 Education:
Request existing Sec 106 obligations applied

PART B: PLANNING APPRAISAL

Sections 9, 11, 12 below are extracts of the 2008 Committee report (as amended) which are still relevant. Section 14 addresses the extension of time issues.

9.0 Policy Background (re 2008 permission scheme)

- 9.1 The site is an existing business area. The adopted Local Development Framework Core Strategy seeks retention of business use. Local Plan policy EMP 6 encourages mixed use redevelopment in the Stoke Road/Mill Street area. This site can be considered to be an extension of this area; the inquiry Inspector supported this view. The health centre can be counted as an employment use such that the proposal does, just, comply with this policy and the Core Strategy. Nearby redevelopment has been approved as an exception to the previous Local Plan policy regarding retention of business use.
- 9.2 Whilst the Core Strategy seeks to concentrate high density development in the town centre this site is so close to the expanded town centre area (Mill Street being the new boundary) an exception can be made. Consequently the scheme can be considered acceptable in terms of land use/density provided that quality design and Section 106 matters are satisfactory including securing the employment use.
- 9.3 Key criteria in Local Plan policy EMP 6 that need to be met include no adverse affect on amenities of neighbouring residential areas, car parking limited to reflect good public transport links and making a positive contribution to enhancing the local environment. These issues are dealt with below.

10.0 Transport and Highway Matters

- 10.1 There are no vehicle traffic impact problems compared to the existing use of the site. To help reduce car use convenient and attractive pedestrian and cycle links to the town centre (and other local facilities) are important.
- 10.2 The parking ratio of 0.8 spaces per dwelling is acceptable subject to the enhancements to non car modes of travel referred to above. The appeal Inspector was happy with this ratio. The site is quite accessible but not highly accessible because of the walk distance to the town centre. By condition a parking management plan will be agreed to ensure affordable housing, visitors and health centre users will each have acceptable levels of parking.
- 10.3 The requested financial contribution to enhance non car modes of travel is important. However, as indicated in Section 13 & 14 below the renegotiated Section 106 package means these payments are less than originally proposed to make the scheme viable. Affordable housing has been prioritised over financial sums for infrastructure at the request of the Council.

11.0 Design Matters (re 2008 permission scheme)

- 11.1 The scale of the scheme fits in with the completed schemes to the south and adjacent to the station but it will contrast with the 2 storey houses along Petersfield Ave. This site is on the edge of the area promoted as an area for redevelopment because of its sustainable location near the station. The submitted scheme can be considered acceptable in terms of overall scale as the separation distances for adjacent dwellings are acceptable and the narrow frontage means the overall bulk of the scheme will not be so noticeable when passing along Petersfield Ave.
- 11.2 This proposal addresses the appeal Inspectors concerns by reducing bulk on the frontage above two storey height. However the two storey health centre will project forward more than the previous schemes but it will not come forward of the building line formed by Petersfield Ave. houses.
- 11.3 Retention of existing boundary trees between the site and the garage access of adjacent houses is impractical because of root disturbance through construction. Bearing in mind they are not good specimens the proposed replacement and additional tree planting is supported.
- 11.4 Regarding appearance the contemporary design fits in with some of the schemes near the station. It will however contrast with the more traditional designs on Petersfield Avenue. The site does however have a limited frontage onto the road and the use of cedar cladding is softer in appearance than metal cladding such that overall the appearance of the flats is acceptable. The inquiry Inspector did not think contemporary design a problem.

12.0 Residential Amenity (re 2008 permission scheme)

- 12.1 The east wing will be three storey at the point behind Petersfield Ave. homes. This is the same as the previous smaller scheme but half of the previous stepped flank wall (containing stairwell windows) will be set back between 1 and 2.5 metres further away from the rear of Petersfield Ave houses and the window area reduced. The overall distance between the building and the rear of 10 Petersfield Avenue will be between 33.5/35.5 metres (previously 33 metres) to the now stepped flank.
- 12.2 The west wing, at third storey level, will not come as far forward compared to the previous larger scheme such that it will have less effect on Petersfield Ave. homes. Compared to the

previous smaller scheme the building will come forward a few metres at this level only. Immediately adjacent to number 10 Petersfield Avenue the new building (three storey) will be 8 metres away; this is less than the previous scheme.

- 12.3 The flats will significantly change the view from nearby houses but the separation distances are adequate for privacy. The distance (diagonally) to houses opposite is 35m at third storey (as before) or 30 m at two storey level. Rear gardens will feel overlooked because of the height of the new buildings but this relationship is not unusual for an edge of town centre site.
- 12.4 The distance to adjacent flats is reasonably acceptable for high density development in terms of overlooking. Within the scheme some windows are 21m apart on the 3 and 4 storey element. The applicants study indicates rooms will still have acceptable levels of light. The proximity of the 5 storey block to the recently built 7 storey block to the south may result in some less desirable conditions in terms of light to lower rooms.
- 12.5 Flats on the east side might suffer if noisy equipment, that does not require planning permission, is mounted on the adjacent industrial building. Consequently a condition will be added to ensure adequate insulation and ventilation is incorporated within the affected flats.

13.0 Section 106 matters

- 13.1 The applicant's unilateral section 106 planning obligation was accepted by the Council when planning permission was granted in 2008. The renegotiated package provides for :
- Affordable Housing package provides for 30 % as described in paragraph 3.2.
 - A reduced financial contribution to education; transport (pedestrian/cycle links including; station (north) forecourt enhancement) and recreation.
 - Provision for the reduced Section 106 package to not apply long term if development does not progress beyond floor level during the life of the planning permission. Planning permissions normally last 3 years but the Council needs to guard against a token start being made on site and then development delayed to a later date when values are rising. Extra payments and affordable housing apply if this threshold is breached.

These items remain unchanged :

- Sustainable Development; build to the Code for Sustainable Homes level 3 standard.
 - Offer the health centre to a health care provider. If no agreement reached within a period of one year after starting development developer can offer space to an education/training provider.
- 13.2 The reduced package is supported by a viability study that has been checked by the Asset Management Section. Bearing in mind the considerations in Section 14 below the package is acceptable in principle. On the basis that there is only a limited sum available for all Section 106 items Affordable Housing has been prioritised above the financial contributions for education, transport and recreation as it provides a significant benefit to the Borough. The reduced financial contribution is split pro-rata in line with the original split of Section 106 money i.e. 67 % education 27 % transport 6% recreation.
- 13.3 The obligation needs to be varied to make it apply to the current 'extension of time' application, update some references which are out of date and accommodate the renegotiated package.

14.0 Considerations regarding extension of time

- 14.1 Government guidance regarding extension of time applications asks Council's to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. However Council's, when making decisions, can take account of policy and other material considerations that have changed significantly since the original grant of permission in October 2008.
- 14.2 The full adoption of the Core Strategy in November 2008 is a new material consideration. However the relevant policies relating to loss of business use and seeking predominantly family housing outside the town centre (policy CS4) were considered in their draft form before the 2008 permission was granted. See section 9 above.
- 14.3 It is also relevant to point out that the appeal Inspector for the earlier applications was aware of the 'family housing' policy in the then draft Core Strategy but he did not think it justified refusal of a flatted scheme in this location.
- 14.4 Because of the particular circumstances of this site in particular it being adjacent to the Town Centre boundary where, within it, higher density development is encouraged the significance of this now adopted policy is reduced.
- 14.5 Furthermore in the current economic conditions the development is most unlikely to be viable if the amount of saleable development on the site reduces. If the site was developed with houses the amount of saleable floor space would be less than that proposed.
- 14.6 The 2010 Proposals Map identifies the area north of the Station, including this site, as a selected key location where some policies can be relaxed if proposals provide comprehensive regeneration in particular residential or mixed uses.

15.0 Objectors observations

- 15.1 With regard to the objectors comments most were raised and considered in connection with the approved development. Whilst some comments are clearly relevant and need to be addressed as part of the development (e.g. by condition or planning obligations) none are significant new material considerations that would justify a different recommendation from that made previously. This approach is in line with Government guidance referred to in paragraph 16.1.
- 15.2 Objectors highlight that the appeal Inspector rejected a scheme of flats and expect that decision to influence a decision on this new application. The existing planning application was submitted and approved after the appeal decision. The appeal decision related solely to the earlier schemes. The permitted scheme, whilst still a very substantial building next to houses, addressed the specific concerns raised by the Inspector when rejecting the earlier proposals.
- 15.3 One matter that has changed in recent years is the opening of a Church in one of the former commercial buildings off Mill Street. Residents refer to overflow parking taking place on Petersfield Avenue. However this is not considered a significant issue bearing in mind the proposed flats scheme has a reasonable amount of parking on site for its location near the town centre.

16.0 Summary

- 16.1 This proposal has not changed since 2008 other than the Section 106 package. Taking account of material considerations that have changed since 2008 the building is still acceptable in terms of use and design. Regarding the Section 106 package Government guidance regarding extension of time applications indicates Council's should be positive about them during the

economic downturn. The applicants say the original Sec. 106 makes the development unviable in the current market. The renegotiated Section 106 package is backed up by a viability study. Compared to the original Section 106 it provides for 75% of the affordable housing and 50 % of financial contributions. The reduced package will only be applicable if a substantial start is made on the development within the life of the permission. The recommendation of approval is however subject to a satisfactory variation of the existing planning obligation being completed. of some items in the viability study and agreement of provision for long term restrictions on the reduced Section 106 package.

PART C: RECOMMENDATION

17.0 Recommendation

- 17.1 Delegate a decision to the Development Management Lead Officer for the signing of a satisfactory Section 106 planning obligation and updating of soil quality conditions.
- 17.2 Having considered the relevant policies and comments from consultees and those notified the development is considered to be acceptable subject to conditions and the completion of a planning obligation.

Extract of 7th May 2014 Planning Committee Amendment Sheet

P/06348/008 - Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN

A new petition, objecting to the proposal, has been received. It is from the Residents Association of Petersfield Avenue and has 51 signatures from residents of Petersfield Ave and Benson Close. It includes many names from the existing 2011 petition. A new letter from the Association raises the following matters :

The previous application was approved by accident/deception.

It was strongly opposed by residents – it had been rejected twice and at a public enquiry.

Only 3 people received notification of the application being resubmitted.

When the application was passed no residents were notified and, as a result, no one from the Association attended the Planning Committee.

The application should be denied because of huge opposition and over development of the area (referring to recent developments nearby).

A full impact assessment should be carried out.

Does the proposal meet the public inquiry Inspectors recommendations ?.

Local people will have to put up with areas social problems.

In response the existing permitted scheme is different to the 2 schemes previously refused. It is smaller and addresses the concerns raised by the public inquiry Inspector. Council records show that neighbours in the area were notified of the application for the permitted scheme and the associated 2011 extension of time application. When the permitted scheme was approved in principle (23rd September 2008) minutes record that an objector(s) spoke at the Committee meeting. (Point to note : when the current (extension of time) application was first presented to Planning Committee in Dec 2011 no discussion took place and a decision was deferred. One objector had registered to speak). The Officers report addresses issues of the impact of the proposal. The 2008 Committee report addressed issues raised by the Inspector in particular the height of the building in relation to the proximity of existing homes and design issues regarding the frontage.

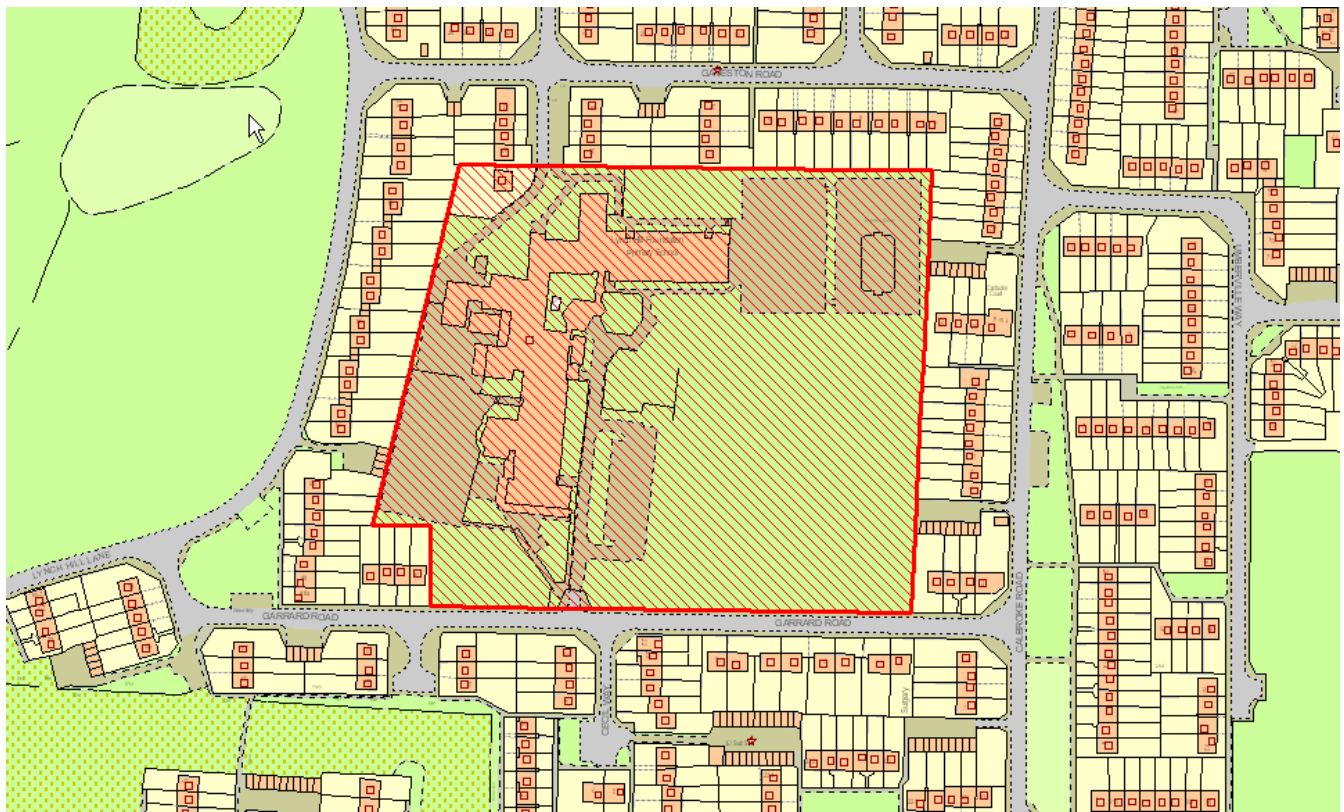
One objector has sent in a second letter raising similar issues as those reported in the Neighbour Notification section.

NO CHANGE TO RECOMMENDATION

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Registration Date:	21-May-2014	Applic. No:	P/07830/015
Officer:	Neetal Rajput	Ward:	Britwell
Applicant:	Mrs. Lyn Hazell, Lynch Hill Primary School		
Agent:	Mr. David Russell, Stratton Associates 7A, BURKES COURT, BURKES ROAD, BEACONSFIELD, BUCKS, HP9 1NZ		
Location:	LYNCH HILL (PRIMARY) SCHOOL, GARRARD ROAD, SLOUGH, BERKSHIRE, SL2 2HX		
Proposal:	CONSTRUCTION AND TEMPORARY USE OF A SINGLE STOREY BUILDING TO ACCOMMODATE ADDITIONAL CLASSROOMS AND TOILET FACILITIES. (AMENDED PLANS)		

Recommendation: Delegate to the Development Management Lead Officer



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the relevant policies set out below, the representations received from consultees and other interested parties, and all other relevant material considerations, it is recommended that the application be delegated to the Development Management Lead Officer for formal determination following the consideration of any additional comments received from consultees and consideration of further information regarding highway and transport matters.
- 1.2 This application has been referred to the Planning Committee for consideration as the application is for a Major Development.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is a full planning application for the construction and temporary use of a single storey building to accommodate four additional classrooms and toilet facilities.
- 2.2 The proposed building would comprise of a single storey modular building. The proposed gross internal floor area of the building would be 285.42 square metres. The school needs to accommodate 80no. year 7 pupils and 6 staff. This is to accommodate the secondary school for a temporary period of one year, until the Lynch Hill Enterprise Academy is built at the former Arbour Vale site. Thereafter, the proposed building is intended to support teaching and staff training, when the secondary school moves to the Arbour Vale site.
- 2.3 The proposed building would be 3.7 metres in height and there are a number of windows and doors proposed for adequate access and natural daylight. The proposed building is proposed on grass close to the games courts. The grassland is not a formal playing area.

3.0 Application Site

- 3.1 The site is currently used as a primary school. The school site is 2.875 hectares in area. Lynch Hill School is bordered on three sides by residential dwelling houses forming Gaveston Road, Calbroke Road and Lynch Hill Lane. The playing fields border Garrard Road with the school set back from this elevation. The main pedestrian access to the school is via Garrard Road.
- 3.2 The school is a 4 form entry and has capacity for 1000 pupils. Currently the school has 900 pupils.

4.0 Site History

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

P/07830/014
Erection of single storey building.
Approved with conditions; informatives; 1st May 2012

P/07830/013
Erection of single storey building to accommodate head teacher and ancillary offices, lecture rooms and changing facilities. Approved with conditions; informatives; 14th September 2011

P/07830/012

Modular Classroom block. Approved with conditions; informatives; 24th September 2013

P/07830/011

Erection of extension to existing nursery. Approved with conditions; informatives; 16th June 2011

P/07830/010

Extension to car park at Lynch Hill Primary School and creation of new access onto Garrard Road. Approved with conditions; informatives; 13th January 2012

P/07830/009

Erection of single storey buildings for storage and change rooms. Approved with conditions; informatives; 3rd July 2007

P/07830/008

Erection of 4 No: 2 bedroom terraced dwellings and 1 No: 2 bedroom detached dwellings. Refused; 20th June 2005

P/07830/007

Erection of new day care centre. Approved with conditions; informatives; 20th July 2004

P/07830/006

Erection of a single storey pitched roof extension to provide additional classroom. Approved with conditions; 13th February 2002

P/07830/005

Retention of replacement entrance gates and fencing. Approved with conditions; 21st November 2000

P/07830/004

Erection of single storey extension. Approved with conditions; 22nd April 1997

P/07830/003

Erection of single storey extension to administration block. Approved with conditions; 27th April 1994

P/07830/002

Submission of details of landscaping pursuant to planning consent P/07830/001 dated 28/07/1989 for extensions to the school. Withdrawn; 8th January 1990

P/07830/001

Alterations and extensions to existing school. Approved with conditions; 25th August 1989

P/07830/000

Erection of two temporary classrooms (reg 4) as amended 25/03/1988). Approved with conditions; 20th May 1988

5.0 Neighbour Notification

- 5.1 29, Garrard Road, Slough, SL2 2QN, 41, Calbroke Road, Slough, SL2 2HY, 33, Garrard Road, Slough, SL2 2QN, 43, Calbroke Road, Slough, SL2 2HY, 19, Garrard Road, Slough, SL2 2QW, 47, Calbroke Road, Slough, SL2 2HY, 13, Gaveston Road, Slough, SL2 2HW, 17, Garrard Road, Slough, SL2 2QW, 31, Garrard Road, Slough, SL2 2QN, 44, Lynch Hill Lane, Slough, SL2 2QL, 46, Lynch Hill Lane, Slough, SL2 2QL, 27, Calbroke Road, Slough, SL2 2HY, 13, Garrard Road, Slough, SL2 2QW, 7, Garrard Road, Slough, SL2 2QW, 5, Calbroke Road,

Slough, SL2 2HZ, 16, Cecil Way, Slough, SL2 2QP, 18, Cecil Way, Slough, SL2 2QP, 17, Gaveston Road, Slough, SL2 2HW, 28, Lynch Hill Lane, Slough, SL2 2QL, 48a, Garrard Road, Slough, SL2 2QN, 30, Lynch Hill Lane, Slough, SL2 2QL, 44, Garrard Road, Slough, SL2 2QW, 20, Cecil Way, Slough, SL2 2QP, 3, Gaveston Road, Slough, SL2 2HW, 15, Cecil Way, Slough, SL2 2QP, 48, Garrard Road, Slough, SL2 2QN, 9, Cecil Way, Slough, SL2 2QP, 13, Calbroke Road, Slough, SL2 2HY, 15, Calbroke Road, Slough, SL2 2HY, 17, Calbroke Road, Slough, SL2 2HY, 4, Garrard Road, Slough, SL2 2QW, 50, Garrard Road, Slough, SL2 2QN, 32, Lynch Hill Lane, Slough, SL2 2QL, 34, Lynch Hill Lane, Slough, SL2 2QL, 50, Lynch Hill Lane, Slough, SL2 2QL, 14, Cecil Way, Slough, SL2 2QP, 11, Cecil Way, Slough, SL2 2QP, 13, Cecil Way, Slough, SL2 2QP, 3, Garrard Road, Slough, SL2 2QW, 7, Gaveston Road, Slough, SL2 2HW, 9, Calbroke Road, Slough, SL2 2HY, 26, Lynch Hill Lane, Slough, SL2 2QL, 43, Garrard Road, Slough, SL2 2QN, 19, Calbroke Road, Slough, SL2 2HY, 21, Calbroke Road, Slough, SL2 2HY, 48, Lynch Hill Lane, Slough, SL2 2QL, 23, Gaveston Road, Slough, SL2 2HW, 9, Garrard Road, Slough, SL2 2QW, 11, Gaveston Road, Slough, SL2 2HW, 11, Calbroke Road, Slough, SL2 2HY, 27, Gaveston Road, Slough, SL2 2HW, 41, Garrard Road, Slough, SL2 2QN, 21, Gaveston Road, Slough, SL2 2HW, 29, Calbroke Road, Slough, SL2 2HY, 25, Gaveston Road, Slough, SL2 2HW, 24, Lynch Hill Lane, Slough, SL2 2QL, 42, Garrard Road, Slough, SL2 2QW, 23, Calbroke Road, Slough, SL2 2HY, 52, Garrard Road, Slough, SL2 2QN, 52, Lynch Hill Lane, Slough, SL2 2QL, 54, Lynch Hill Lane, Slough, SL2 2QL, 5, Garrard Road, Slough, SL2 2QW, 1, Gaveston Road, Slough, SL2 2HW, 58, Lynch Hill Lane, Slough, SL2 2QL, 1 Calbroke Court, 31, Calbroke Road, Slough, SL2 2HY, 2 Calbroke Court, 31, Calbroke Road, Slough, SL2 2HY, 3 Calbroke Court, 31, Calbroke Road, Slough, SL2 2HY, 4 Calbroke Court, 31, Calbroke Road, Slough, SL2 2HY, 39, Garrard Road, Slough, SL2 2QN, 8, Garrard Road, Slough, SL2 2QW, 54, Garrard Road, Slough, SL2 2QN, 58, Garrard Road, Slough, SL2 2QN, Lynch Hill School, Garrard Road, Slough, SL2 2AN, 60, Garrard Road, Slough, SL2 2QN, 56, Lynch Hill Lane, Slough, SL2 2QL, 15, Gaveston Road, Slough, SL2 2HW, 22, Lynch Hill Lane, Slough, SL2 2QL, 37, Garrard Road, Slough, SL2 2QN, 2, Garrard Road, Slough, SL2 2QW, 56, Garrard Road, Slough, SL2 2QN, 36, Lynch Hill Lane, Slough, SL2 2QL, 38, Lynch Hill Lane, Slough, SL2 2QL, 5, Gaveston Road, Slough, SL2 2HW, 15, Garrard Road, Slough, SL2 2QW, 35, Garrard Road, Slough, SL2 2QN, 27, Garrard Road, Slough, SL2 2QW, 7, Calbroke Road, Slough, SL2 2HZ, Thames Valley Police, 36, Buckingham Avenue, Slough, SL1 4QB, 35, Gaveston Road, Slough, SL2 2HX, 23, Garrard Road, Slough, SL2 2QW, 26a, Lynch Hill Lane, Slough, SL2 2QL, 25, Calbroke Road, Slough, SL2 2HY, 25, Garrard Road, Slough, SL2 2QW, 33, Gaveston Road, Slough, SL2 2HX, 1, Garrard Road, Slough, SL2 2QW, 19, Gaveston Road, Slough, SL2 2HW, 31, Gaveston Road, Slough, SL2 2HX, 40, Lynch Hill Lane, Slough, SL2 2QL, 43, Gaveston Road, Slough, SL2 2HX, 29, Gaveston Road, Slough, SL2 2HX, 42, Lynch Hill Lane, Slough, SL2 2QL, 33, Calbroke Road, Slough, SL2 2HY, 46, Garrard Road, Slough, SL2 2QW, School House, Gaveston Road, Slough, SL2 2HX, 37, Calbroke Road, Slough, SL2 2HY, 37, Gaveston Road, Slough, SL2 2HX, 39, Gaveston Road, Slough, SL2 2HX, 9, Gaveston Road, Slough, SL2 2HW, 41, Gaveston Road, Slough, SL2 2HX, 6, Garrard Road, Slough, SL2 2QW, 40, Garrard Road, Slough, SL2 2QW, 35, Calbroke Road, Slough, SL2 2HY, 39, Calbroke Road, Slough, SL2 2HY, 45, Calbroke Road, Slough, SL2 2HY, 11, Garrard Road, Slough, SL2 2QW, 22, Cecil Way, Slough, SL2 2QP

- 5.2 In accordance with Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, a site notice was displayed at the site. The application was advertised in the 4th July 2014 edition of the Slough Express.
- 5.3 Six letters of objection have been received. The concerns raised in these letters are summarised as follows:
- 5.4
- Works have already commenced on site – heavy plant and digging taking place;
 - Arbour Vale site has been selected for redevelopment for a new school – not convinced that this building is necessary given the traffic in the local area, noise, pollution and

inconvenience in the locality and a catastrophic waste of money for something that is a short term fix.

- Anticipated flooding.
- Past several years this school has had extensive building works which has resulted in the number of pupils attending grow substantially.
- Insufficient information submitted to ensure adequate traffic & highways implications.
- The proposal would create more traffic congestion, impact on highway safety.
- It will increase noise, especially when parents are taking or collecting their children.
- It will increase parking congestion – lack of provision and no parent car parking is managed.
- There is no drop off or pick up zone, parents already parking on drives and residential areas, there has already been several accidents due to too many cars in such a small space.
- Increase in litter during school term.
- The removal of yet another tree from the Lynch Hill School impacting on wild life.
- 4 more classes would bring another 120 children +staff increasing the traffic on already over congested small roads, severely impacting on the local area. The local roads to the school have already undergone extreme traffic calming schemes which severely affects residents.
- Government are now trying to encourage physical education (following the Olympics) this build would reduce the amount of green field for such activities whilst increasing the volume of pupils.
- Air quality would be affected by more traffic.
- Local natural environment would be severely affected, Foxes, Robuck Deer, Hedgehogs and Slow Worms in the close vicinity to Lynch Hill School. We must protect animals that use this area.
- Insufficient thought put into the disturbance of the habitat of species in the local area (all the building work going on around here)& forcing wildlife (deer & foxes) onto crowded roads, causing even more traffic hazards.
- Although this development is deemed as "temporary" these building will become part of the long term infrastructure of the schools plans.
- Why can't the alternate site that has been agreed as the new school have the "temporary" Classes put in place on the site giving continuity to the pupils.
- The introduction of many more pupils will bring a more highly intensive use of the roads, and increased levels of noise & vehicular movements which will impair the lives of residents living in close proximity of Lynch Hill School.
- How can a planning application be accepted for these modular 'temporary' classrooms to take the prospective pupils for a new school before the site of that new school has been agreed.
- Original plans were to site the school in an existing building around Slough Trading Estate (T/E) in order to work with Slough Estates Aspire programme. Although advised that some 50 sites were not suitable, no detail has ever been given of what & where those sites were, they appear to have been discarded out of hand. If one of these sites had been chosen, the work could have been completed in the year that has passed & new pupils would have access to their new school this September, instead of putting around 120 children into an already crowded school, & area, only to uproot them in 18 months or so, when a new building will be ready, also making it doubtful that these 'temporary classrooms would ever be dismantled.
- Informed that the air was too polluted on the Trading Estate for this school; however, the Citroen showroom on the A4 on the T/E has got permission for a Seik learning centre with a nursery facility.

The Local Planning Authorities response is below in regard to the objections:

- In relation to the carrying out of works before consent has been granted, the works are

undertaken at their own risk and should planning permission be refused, this will become a matter for Planning Enforcement to investigate.

- Although the Arbour Vale site has been selected for the proposed Lynch Hill Enterprise Academy, it is not anticipated that this will be completed until September 2015 and therefore there is a requirement to accommodate these pupils within a school in Slough.
- The site falls outside of a designated flood risk zone.
- The objections relating to traffic, including congestion and parking will be assessed when the Transport Statement is received and the impact on the above matters will be determined by the Council's Highway Consultant.
- In regard to noise and disturbance of the habitat of species in the local area, this is a proposal within the boundary of an existing school site and as such it is not considered that there will be an adverse impact on noise nor the loss of species given the proposed use and location of the building.
- A condition has been recommended with regard to hours of construction to mitigate potential noise impacts from the proposed development.
- The location of the proposed building is not currently used for physical education and the existing open area including the grassland, playground and games court will be retained.
- A condition has been recommended for replacement of trees to mitigate the loss of existing trees.
- In reference to the use of the classrooms for a temporary period, a condition has been attached to ensure that the use reverts to specialist teaching and staff training prior to September 2015.
- It is not considered that the addition of a new building to accommodate four additional classrooms will not give rise to unacceptable levels of air quality that will be to the detriment of neighbouring occupiers.
- The issue raised in regard to the litter falls outside of the planning remit.
- There has been no information submitted in relation to the alternative sites for schools as part of this application and as such cannot comment on this point.

6.0 Consultation

6.1 Traffic and Road Safety/Highways Development

6.2 Further information requested in the form of a Transport Statement to assess the impact of the proposal.

6.3 Britwell Parish Council

The Council objects on the following grounds:

- Concerned that the school site is becoming over developed.
- The Children's play areas are gradually being eroded and there will not be sufficient space for them to play.
- Mature trees are being felled to make room for this construction.
- The roads surrounding Lynch Hill School are already very heavily congested during the morning and afternoons and will not be able to accommodate the extra traffic that any extension of the school will bring.
- Intention to re open the back entrance to the school but this is only a temporary measure and the entrance will be closed permanently within 1 year.

PART B: PLANNING APPRAISAL

7.0 Policy Background

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

National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework

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

Core Policy 1 – Spatial Strategy
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 11 – Social Cohesiveness
Core Policy 12 – Community Safety

Local Plan for Slough March 2004 policies:

EN1 – Standard of Design
EN3 – Landscaping Requirements
EN5 – Design and Crime Prevention
T2 – Parking Restraint
T8 – Cycling Network and Facilities
OSC2 – Protection of School Playing Fields

Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Visual impact;
- 3) Potential impact on neighbouring properties;
- 4) Transport, parking/highway safety.

8.0 Principle of Development

8.1 As will be noted from the planning history of the site, there is an extensive history of planning applications relating to the development of the modular classrooms.

8.2 The most relevant previous planning application relating to this proposal (P/07830/013) was for the erection of single storey building (floor area of 392m²) to accommodate head teacher and ancillary offices, lecture rooms and changing facilities, approved on 14th September 2011. The latter permission was only part implemented by the erection of the head teacher and ancillary office block. The lecture rooms and changing facilities were not undertaken due to a lack of funds and an appreciation that further space was likely to be needed for classroom accommodation both in the short and long term. This proposal seeks to accommodate those requirements. The footprint of the proposed building is smaller than was previously approved and is required to accommodate classrooms for pupils for year 7 until the Lynch Hill Enterprise Academy on the Arbour Vale site in September 2015 is completed.

8.3 The additional pupils for the Lynch Hill Enterprise Academy will only fill the spare capacity and as such the overall capacity is not increasing. Accommodating year 7 of the secondary school is a temporary arrangement and is required for one year only.

A condition has been proposed in relation to the capacity of the number of pupil intake should not exceed 1000 and to ensure that the temporary classrooms revert to specialist teaching and staff training prior to September 2015.

8.4 The National Planning Policy Framework states at para. 72 that “local planning authorities should take a proactive, positive and collaborative approach to ... development that will widen choice in education.”

8.5 Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document similarly supports the provision of community facilities including education uses.

8.6 The supplementary text to Core Policy 5 of the Core Strategy which relates to employment identifies that there is a need for better education and training opportunities in order to improve the skills of some of the resident work force. It is envisaged that the current skills gap will be reduced over time as a result of the continuing success of students attending schools and colleges.

8.7 Given the shortage of places SBC has undertaken a ‘School Places Strategy’ Part I Consideration and Comment, Dated 5 December 2013’ which has involved site identification:

- Examining existing school sites for expansion and/or ability to accommodate entirely new schools easily accessible to the site
- Examining sites within the Council’s ownership
- Identifying sites adjoining or nearby secondary schools to create annexes
- Identifying suitable sites within the borough for new primary or secondary schools. This has included considering sites identified for the Local Asset Backed Vehicle.
- Identifying sites immediately outside the borough for new secondary schools.

It is considered that this proposal is seeking to expand the existing school until the new school is built and ready for occupation for the intake of secondary school pupils. Although this is not an ideal situation for the pupils, it does provide them with a school space for September 2014 and ensuring that they receive full access to education. The planning application (14/00471/FUL) for the proposed Lynch Hill Academy School on Farnham Lane was refused by South Bucks District Council and as such the Arbour Vale site has come forward as the new

location of the secondary school.

8.8 It is recognised that uses such as education are in themselves an important source of jobs. They are therefore classed an employment use for the purposes of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document. It is proposed that six staff will be employed as a result of this proposal.

8.9 The proposal would support the ongoing and established use of the site as a school to provide spaces for pupils where there is a current shortage of spaces in the borough to cater for Slough residents. The proposal is required in order that the school can provide additional facilities to meet the demand for 7 year pupil numbers. The principle of the proposal is therefore considered to be acceptable. The principle of the proposal would comply with Core Policies 5 and 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

9.0 Visual Impact

9.1 The proposed buildings would be of modular construction. The proposed material would be render with aluminium doors and windows.

9.2 It is considered that the design and appearance of the proposed buildings would be inkeeping with the design and appearance of the adjacent recently constructed buildings.

9.3 It is considered that the proposed buildings would be well related to the existing school buildings. It is considered that the proposed buildings would have no adverse impact on the street scene as it is situated within the confines of the school grounds.

9.4 The modular classroom is single storey and has a floor area of 285.42m², whilst it will be positioned on existing grassland, it is not a formal playing field therefore complying with policy OCS2.

9.5 It has been noted that the school has implemented an attractive landscaping strategy and unfortunately one tree was felled earlier in the year following the winter storms at the siting of the proposed building. The tree felled was not protected by a Tree Preservation Order and a condition has been attached for the replacement of two Cherry trees to ensure that the visual amenities of soft landscaping within the school are retained and enhanced.

9.6 The proposal is considered to be acceptable in design and street scene terms and would comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; Policy EN1 of The Adopted Local Plan for Slough 2004; and the National Planning Policy Framework.

10.0 Potential Impact on Neighbouring Properties

10.1 The proposed building would be erected on the site of an existing school building. It is considered to be well-related to the existing school buildings and would have no potential adverse impact on neighbour amenity.

10.2 The closest dwellinghouse to the proposed building is No. 21 Gaveston Road and the distance to this dwelling is over 40m.

10.3 To the east of the proposed building is the boundary of the school site. The rear gardens of the properties fronting Calbroke Road are situated beyond this boundary.

- 10.4 The building proposed is single storey and as such will not result in any adverse visual impact for the existing residential development.
- 10.5 It is considered that reasonable separation distance would be maintained between the proposed building and the neighbouring residential properties. It is not considered that the proposed building would have a detrimental impact on neighbour amenity by reason of overdominance or loss of light.
- 10.6 The agent has submitted revised plans to reduce the footprint of the proposed building size due to budget constraints and affordability of construction.
- 10.7 It should be noted that the southern boundary with Garrard Road is interspersed with trees which would provide visual screening of the proposed development.
- 10.8 The proposal would thus comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; Policy 8 of The Adopted Local Plan for Slough 2004; and the National Planning Policy Framework.

11.0 Transport, Parking/Highway Safety

- 11.1 Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.
- 11.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.
- 11.3 The Council's Transport consultant has commented that further information is required. A Transport Statement has been requested. An update will be provided in relation to these matters.
- 11.4 The secondary pupils will use the Gaveston Road entrance as their main gate, thereby alleviating any further traffic problems on Garrard Road, the impact of this will be assessed by the Council's Transport consultant.
- 11.5 Further consideration will be given to transport matters once additional information has been received. Further conditions may be recommended accordingly.

12.0 Summary

- 12.1 The proposal has been considered against relevant development plan policies, and regard has been had to the comments made by neighbouring residents, and all other relevant material considerations.
- 12.2 It is recommended that the application be delegated to the Development Management Lead Officer for formal determination following the consideration of any additional comments received from consultees, consideration of further information regarding highway and transport matters.

PART C: RECOMMENDATION

- 13.0 Delegate to the Development Management Lead Officer for formal determination following the consideration of any additional comments received from consultees, consideration of further information regarding highway and transport matters.**

14.0 PART D: LIST OF CONDITIONS

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

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

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

- (a) Drawing No. P01348-P650 TEMP, Dated JANUARY 2014, Recd On 09/04/2014
- (b) Drawing No. 20363:1, Dated MAY 14, Recd On 17/06/2014
- (c) Drawing No. 20363:2, Dated MAY 14, Recd On 17/06/2014
- (d) Letter from Mrs G Coffey OBE, Exective Headteacher, DATED 08/07/14, Recd On 08/07/14

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

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

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

4. The use of the four classrooms hereby granted on a temporary basis, shall revert to specailst teaching and staff traning before 30 September 2015 and shall not be used to cater for any additional pupil intake.

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

5. No increase in pupil numbers above existing capacity of 1000.

REASON In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

6. 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.

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

7. No development shall commence until the trees lost as a result of this proposal are replaced with two Cherry trees.

If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place.

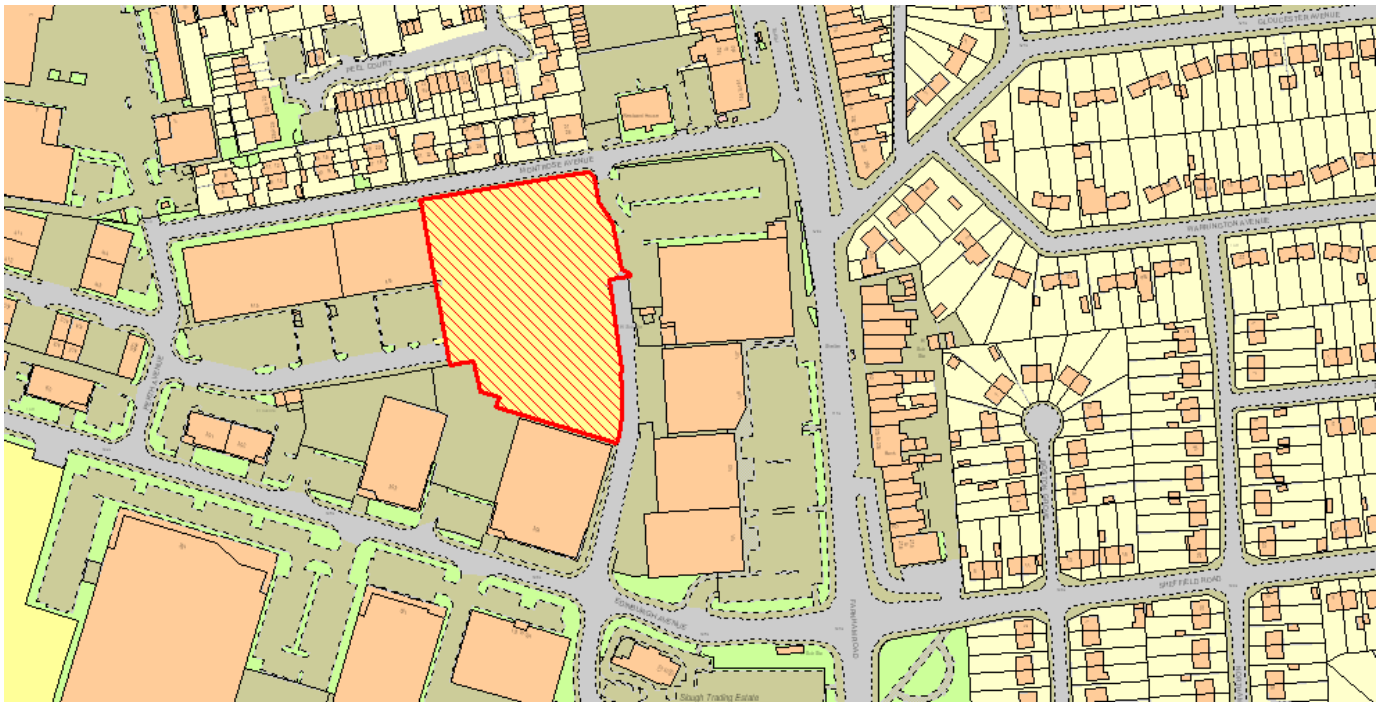
REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

INFORMATIVE(S):

1. 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:	16-May-2014	Applic. No:	P/15809/000
Officer:	Mr. J. Dymond	Ward:	Farnham
Applicant:	Mr. Mark Snow, Slough Trading Estate Limited		
Agent:	Mr. Mark Sitch, Barton Willmore Barton Willmore, Regent House, 4, Princes Gate, Homer Road, Solihull, West Midlands, B91 3QS		
Location:	412-426, Montrose Avenue, Slough		
Proposal:	ERECTION OF A 2,995 SQM (GROSS EXTERNAL AREA) CLASS A1 BUILDING, COMPRISING TWO INDIVIDUAL RETAIL UNITS OF 2,285 SQM AND 710 SQM, NEW CAR PARKING, ACCESS, LANDSCAPING AND ALL ASSOCIATED WORKS		

Recommendation: Delegate to the Development Management Lead Officer



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be delegated to Development Management Lead Officer for consideration of consultee responses and further consideration of relevant issues, formal determination following completion of a Section 106 Agreement and finalising of conditions.
- 1.2 This application has been referred to the Planning Committee for consideration as the application is for a major development.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is a full planning application for the proposed erection of a 2,995 sqm (gross external area) Class A1 building, comprising two individual retail units of 2,285 sqm and 710 sqm respectively, the formation of new car parking, access, landscaping and associated works.
- 2.2 The floorspace of the units would be as follows:

Unit	Floorspace (sq m gross)	Floorspace (sq m net)	Goods Type
Unit 2	678	427	Convenience
Sub-Total	678	47	Comparison
Unit 1	2,230	663	Convenience
Sub-Total	2,230	1,232	Comparison
Total	-	1,091	-
Convenience	-	1,279	-
Total Comparison	-	-	-
Total	2,908	2,370	-

- 2.3 The proposed development has been the subject of pre-application advice. Changes have been undertaken to the proposed development in response to the advice provided by officers.

3.0 Application Site

- 3.1 The site is 0.75 hectares in area and is situated to the west of the existing Sainsbury's Farnham Road store. The site is currently vacant following the demolition of the industrial and commercial buildings that formerly stood on the site.
- 3.2 To the north of the site, on the opposite side of Montrose Avenue are the semi-detached properties of numbers 5-30 Montrose Avenue and 37-38 Montrose Avenue, a building comprising of four flats. Numbers 21-38 Montrose Avenue are opposite the site. To the north east is Westward House, a three storey building currently in use as a place of worship/non-residential education and training centre and offices. A three storey building located at 155-161 Farnham Road is situated adjacent to the junction with Montrose Avenue and Farnham

Road.

- 3.3 To the south of the site are the industrial units of 393 and 394 Edinburgh Avenue. To the south east are the retail units of 144, 143, 145 and 147 Farnham Road. These units front Farnham Road and are serviced from the rear. Access to the rear service road is from Edinburgh Avenue.
- 3.4 To the east of the site is the existing Sainsbury's supermarket. This store is understood to have a gross floor area of 2,596 sq m, with a net sales area of 1,596 sq m. The car park associated with the supermarket is located to the front of the store, adjacent to Montrose Avenue. The access to the car park is situated to the north eastern corner of the car park. The entrance to the store is from the north, and the store frontage faces towards Montrose Avenue.
- 3.5 To the west of the site are the industrial units of 415-416 Montrose Avenue. The units are accommodated within a building erected under the Simplified Planning Zone Scheme. The building is sited adjacent to Montrose Avenue and extends along the northern boundary towards the junction with Perth Avenue. The car park and turning areas associated with these units is situated to the south of the building. Access to the site is from the realigned service road.
- 3.6 The application site is located with Slough Trading Estate Existing Business Area and within the area covered by the Slough Trading Estate Simplified Planning Zone Scheme. The development however falls outside the scope of this Scheme and requires planning permission.
- 3.7 The site forms part of allocation SSA5 in the Site Allocations Development Plan Document. The allocation is for retail purposes for the extension or redevelopment of the existing supermarket with car parking.
- 3.8 Farnham Road is identified as a district centre under Policy S1 of The Adopted Local Plan for Slough. Within the district centre, there are primary and secondary retail frontages.
- 3.9 The site is located within Flood Zone 1 and the site therefore is considered to comprise land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).
- 3.10 There appear to be no listed buildings on or near the site and the site is not located within a Conservation Area.

4.0 Site History

- 4.1 The site is currently vacant following the demolition of the industrial/commercial buildings formerly occupying the site. A previous application relating to the site is as follows:

448, Perth Avenue

P/01404/010 RENEWAL OF TEMPORARY PLANNING PERMISSION TO USE BUILDING FOR CLASS D1 AND D2 USES (NON RESIDENTIAL, INSTITUTIONS, ASSEMBLY AND LEISURE). – Approved with Conditions 22-Feb-2005

Other applications in the vicinity of the site of relevance are considered to be as follows:

145-147, Farnham Road

P/00488/035 VARIATION OF CONDITION 2 OF PLANNING PERMISSION P/00488/034

FOR DEMOLITION OF EXISTING B2 INDUSTRIAL UNIT AND REPLACEMENT WITH TWO CLASS A1 RETAIL UNITS INCLUDING CAR PARKING, SERVICING AND LANDSCAPING TO INCORPORATE MINOR ALTERATIONS TO THE EXTERNAL APPEARANCE OF THE BUILDING (COMPRISING THE REMOVAL OF GLAZING AND ENTRANCE DOORS TO THE FRONT OF THE BUILDING AN REMOVAL OF A LOADING DOOR TO THE REAR) TO CREATE A SINGLE CLASS A1 RETAIL UNIT AND THE INSERTION OF A 464.5 SQ. METRE MEZZANINE FLOOR. – Approved with Conditions 04-Aug-2011

141-143, Farnham Road

P/07074/011 REMOVAL OF CONDITION NO. 7 OF PLANNING PERMISSION P/07074/002 DATED 29/05/96 FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 2 NO. RETAIL UNITS WITH CAR PARKING – Approved with Conditions 02-Feb-2012

P/07074/010 CHANGE OF USE OF PART OF RETAIL WAREHOUSE TO PET CARE AND TREATMENT FACILITY (SUI GENERIS). – Approved with Conditions 24-Aug-2010

Westward House, 39, Montrose Avenue

P/00913/026 CHANGE OF USE FROM OFFICES (B1) TO A PLACE OF WORSHIP / NON RESIDENTIAL EDUCATION AND TRAINING CENTRE (D1) AND OFFICES (B1) – Approved with Conditions 14-Dec-2010

5.0 Neighbour Notification

- 5.1 Black Horse Ltd, Montrose House 155-161, Farnham Road, Slough, SL1 4XP, 12, Montrose Avenue, Slough, SL1 4TN, 11, Montrose Avenue, Slough, SL1 4TN, 23, Montrose Avenue, Slough, SL1 4TN, 24, Montrose Avenue, Slough, SL1 4TN, 9, Montrose Avenue, Slough, SL1 4TN, 10, Montrose Avenue, Slough, SL1 4TN, Global Crossing, 394, Edinburgh Avenue, Slough, SL1 4UF, Amtred Ltd, 393, Edinburgh Avenue, Slough, SL1 4UF, 22, Montrose Avenue, Slough, SL1 4TN, 21, Montrose Avenue, Slough, SL1 4TN, 415-416, Montrose Avenue, Slough, SL1 4TJ, 155a, Farnham Road, Slough, SL1 4XP, 15, Montrose Avenue, Slough, SL1 4TN, 16, Montrose Avenue, Slough, SL1 4TN, 13, Montrose Avenue, Slough, SL1 4TN, 14, Montrose Avenue, Slough, SL1 4TN, 27, Montrose Avenue, Slough, SL1 4TN, 28, Montrose Avenue, Slough, SL1 4TN, 6, Montrose Avenue, Slough, SL1 4TN, 7, Montrose Avenue, Slough, SL1 4TN, 8, Montrose Avenue, Slough, SL1 4TN, 26, Montrose Avenue, Slough, SL1 4TN, 25, Montrose Avenue, Slough, SL1 4TN, 17, Montrose Avenue, Slough, SL1 4TN, 18, Montrose Avenue, Slough, SL1 4TN, 20, Montrose Avenue, Slough, SL1 4TN, 145-147, Farnham Road, Slough, SL1 4XB, 5, Montrose Avenue, Slough, SL1 4TN, 29, Montrose Avenue, Slough, SL1 4TN, 30, Montrose Avenue, Slough, SL1 4TN, 31, Montrose Avenue, Slough, SL1 4TN, 32, Montrose Avenue, Slough, SL1 4TN, Petsmart, 141, Farnham Road, Slough, SL1 4XB, Staples Ltd, 143, Farnham Road, Slough, SL1 4XB, 19, Montrose Avenue, Slough, SL1 4TN

In accordance with Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, a site notice was displayed at the site and the application has been advertised in The Slough Express.

- 5.2 Two objections have been received, as follows:

21 Montrose Ave – Object on the following grounds in summary:

- The placement of the entrance to the proposed car park which will be exactly opposite my drive;

- There are cars parked from my drive down to end of road turning that part of the road into a single lane, having the entrance there would cause major congestion in front of my drive turning my life into a nightmare;
- The entrance should not change my access in any way - highway safety issues and loss of privacy will only add to the already awkward access.

22 Montrose Avenue – Object on the following grounds in summary:

- Volume of Traffic;
- Noise and disturbance;
- The width of the present road and the volume of traffic that use it to gain access to the trading estate and also who will be trying to gain/leave said new site;
- There is already a Sainsbury car park and entrance on that side of the road and at various times does cause a great deal of traffic on this road;
- Opposite to the Sainsbury car park and on the residential side of Montrose Avenue there was an office building, Westwood House which was allowed to be changed over to the Al Quaim Islamic Mission which has also got a new planning application in at the present time.

6.0 Consultation

6.1 Environmental Protection

6.2 No comments received. An update will be provided on the Committee amendments sheet if necessary.

6.3 Environmental Quality

6.4 No comments received. An update will be provided on the Committee amendments sheet if necessary.

6.5 Transport and Highways

6.6 No comments received. An update will be provided on the Committee amendments sheet if necessary.

PART B: PLANNING APPRAISAL

7.0 Policy Background

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

The National Planning Policy Framework and the Planning Practice Guidance

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

Core Policy 1 – Spatial Strategy

Core Policy 5 – Employment

Core Policy 6 – Retail, Leisure and Community Facilities

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 10 – Infrastructure

Core Policy 11 – Social Cohesiveness

Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

Policy EN1 – Standard of Design
Policy EN3 – Landscaping Requirements
Policy EN5 – Design and Crime Prevention
Policy S1 – Retail Hierarchy
Policy S3 – Major Non-Food Retail Development
Policy S6 – Food Superstores
Policy S18 – Security Shutters
Policy T2 – Parking Restraint
Policy T8 – Cycling Network and Facilities
Policy T9 – Bus Network and Facilities
Policy EMP2 – Criteria for Business Developments
Policy EMP7 – Slough Trading Estate
Policy EMP12 – Remaining Existing Business Areas

Slough Local Development Framework Site Allocations Development Plan Document

SSA5 – 149-153 Farnham Road and 415-426 Montrose Avenue and 427-448 Perth Avenue

Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Impact on the vitality and viability of existing centres;
- 3) Design and Impact on the street scene;
- 4) Potential impact on neighbouring properties;
- 5) Parking and highway safety;
- 6) Planning obligations;
- 7) Other issues.

8.0 Principle of Development

8.1 Relationship with Site Allocation

8.2 The site forms part of a larger area allocated for retail, for the extension or redevelopment of the existing Sainsbury's supermarket with car parking in the Site Allocations Development Plan Document (site reference SSA5).

8.3 It is important to note the background to the site allocation. The reason for the allocation was to reinforce the role of the Farnham Road district shopping centre and enhance its vitality and viability. In addition, it sought the implementation of part of the Trading Estate Masterplan.

8.4 The proposal to expand the supermarket was considered in part through the production of the Core Strategy and was supported at the time by a Retail Impact Assessment. The Retail Impact Assessment, prepared in October 2007, demonstrated that a quantitative need existed for additional convenience floorspace in this location at that time. The principle to extend the supermarket was supported given the qualitative need for an anchor store in this location to enhance the retail offer of the Farnham Road Centre.

8.5 The site planning requirements state that development proposals should:

- Relocate the store to the west of the site towards the proposed Leigh Road hub (away from the Farnham road, between Montrose Avenue and Perth Avenue);
- Provide a car park on the east of the site fronting Farnham Road that is accessible to both users of the supermarket and to persons wishing to use the Farnham Road shopping centre and allows parking for long enough to undertake joint trips;
- Allow for access to the site off Montrose Avenue; making provision for the necessary transport and highway improvements along the Farnham Road and all other affected roads and junctions;
- Improve pedestrian and cycle access to Farnham Road and include a design and layout attractive and accessible to pedestrians and cyclists;
- Improve pedestrian and cycle access to Slough Trading Estate in accordance with the Masterplan and ensure that the design and layout is attractive and accessible to pedestrians and cyclists coming from the Estate.

8.6 Following advice given by officers, suitable pedestrian links are now shown adjoining the Sainsbury store. Also the car park at the proposed development is now able to be used by shoppers using the Farnham Road, which allows linked trips.

8.7 This allocation includes the land to the west of the application site, and the existing supermarket and car park to the east.

8.8 Whilst the allocation allows for the extension or redevelopment of the existing supermarket, the applicant has stated that Sainsbury's have confirmed that they no longer intend to either redevelop or extend their store. Therefore, notwithstanding any planning applications for alterations or extensions which may be submitted in the future, it is understood that the supermarket will continue to trade in its current form for the time being.

8.9 Furthermore, an industrial building has been erected at 415-416 Montrose Avenue, under the Simplified Planning Zone Scheme. Retail development on that part of the site, pursuant to the site allocation has therefore not been pursued.

8.10 As a result, the site the subject of this application constitutes the remainder of the area covered by the allocation for retail purposes.

- 8.11 The proposed development is not for the extension or redevelopment of the existing supermarket, however additional retail floorspace is proposed. Against the background of site allocation SSA5, it is considered that a proposal for additional retail floorspace could be considered acceptable in principle.
- 8.12 Considerations relating to the impact on the vitality and viability of existing centres are discussed below. Notwithstanding this assessment, the key issue in considering the acceptability of the principle of the proposal is considered to be the extent to which this proposed retail development would achieve relevant aims and enhance the retail offer of the Farnham Road Centre. It is considered that opportunities for linked trips and pedestrian movements can be provided. Whilst the site is in an edge of centre location, it is considered that the proposal would provide an important contribution to the centre and effectively function as part of it.
- 8.13 Employment
- 8.14 The applicant has stated that the proposal would provide employment for 141 full time equivalent employees.
- 8.15 Core Policy 5 of the Core Strategy relates to employment. The site is located within the Slough Trading Estate Existing Business Area. There is a general presumption against the loss of employment generating uses within the Existing Business Areas.
- 8.16 This policy sets out that the continued success of the Trading Estate as an employment centre is of great importance to the local economy and the prosperity of the town as a whole. It is also recognised that retailing, leisure, education, health and other service industries are an important source of jobs. As a result they are all classed as “employment” uses for the purposes of this policy
- 8.17 It is considered that the proposal would bring employment benefits through the creation of a significant number of jobs. A currently vacant site would be brought back into employment use and the continued success of the Existing Business Area would be supported. The proposed development would be acceptable in terms of employment and compliant with Core Policy 5 of the Core Strategy.

9.0 Impact on the vitality and viability of existing centres

- 9.1 The site allocation acknowledges that since the time that the original Retail Impact Assessment was undertaken in October 2007, there have been a number of planning proposals for new supermarkets and convenience floorspace that collectively will have the potential to increase the amount of convenience floorspace within Slough over the plan period.
- 9.2 As such, it was stated that any planning application to extend the supermarket will need to recognise this and a revised Retail Impact Assessment will need to be prepared in support of the planning application. This will be used to identify the scale of development appropriate for the site.
- 9.3 The applicant has prepared and submitted a Planning and Retail Statement in support of the application. This statement includes a Retail Impact Assessment. Having regard to this, it is therefore necessary to assess the impact of the proposal to identify the scale of development appropriate for the site.
- 9.4 The National Planning Policy Framework requires that Local Planning Authorities should plan

positively to ensure the vitality and viability of town centres is supported. A 'town centre first' approach should be adopted.

- 9.5 The National Planning Policy Framework sets out two key tests that should be applied when planning for town centre uses which are not in an existing town centre and which are not in accord with an up to date Local Plan: the sequential test and the impact test.
- 9.6 The Planning Practice Guidance states that the sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses. The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).
- 9.7 Planning Policy have been consulted and the applicant's Planning and Retail Statement has been assessed.
- 9.8 Sequential Assessment
- 9.9 A sequential test has been undertaken to establish whether or not there would be sequentially preferable sites for accommodating the proposed use.
- 9.10 Following advice given by Officers at the pre-application stage, the applicant has considered two sites in the Farnham Road district centre as part of the sequential test: 193-199 Farnham Road and 370-386 Farnham Road.
- 9.11 The sequential assessment within the Planning and Retail Statement submitted by the applicant has identified that the retail units at 193-199 are too small to accommodate the proposed development. These units are therefore not considered to be suitable. A planning application is currently under consideration in relation to the other site at 370-386 Farnham Road. The proposed scheme is too small to accommodate the proposed development.
- 9.12 The other vacant units in Farnham Road District Centre are all small individual units and could not accommodate the proposed development.
- 9.13 It is considered that compliance with the sequential approach under National Planning Policy Framework has been demonstrated as there are no sequentially preferable sites within Farnham Road District Centre which are available, suitable and viable for the proposed development.
- 9.14 Retail Impact Assessment
- 9.15 With regard to retail impact, as noted above, this is necessary in order that the scale of development appropriate for the site can be identified.
- 9.16 In any event, the quantum of floorspace to be created would appear to exceed the default threshold set out in the National Planning Policy Framework of 2,500 sq.m. There is no locally set threshold and it is therefore considered that consideration of retail impact on existing, committed and planned investment in the retail catchment would generally be required for any additional retail floor space.
- 9.17 Two units are proposed: Unit 1 (to the western end of the building); and Unit 2 (to the eastern end of the building). There are therefore two components to the scheme, as follows:

- Unit 1 would be occupied by a non-food retailer and would sell primarily non-food products across a range of sectors with a focus generally on homewares and seasonal products;
- Unit 2 would comprise a new convenience store and would sell primarily convenience goods.

9.18 The following table sets out the scheme turnover:

Unit	Floorspace (sq m gross)	Floorspace (sq m net)	Goods Type	Turnover (£ per sq m)	Total Turnover (£m)
Unit 1	2,230	663 1,232	Convenience Comparison	4,500 4,500	2.98 5.54
Sub-Total	2,230	1,895	-	-	8.53
Unit 2	678	427 47	Convenience Comparison	7,000 7,000	2.99 0.33
Sub-Total	678	475	-	-	3.32
Total Convenience	-	1,091	-	-	5.98
Total Comparison	-	1,279	-	-	5.98
Total	2,908	2,370	-	-	2,370

9.20 With regard to trade diversion, the estimated trade diversion for convenience goods from the proposed development shows that the greatest impact in percentage terms falls on stores in Farnham Road District Centre, such as Lidl and Iceland. However, this impact would be below 6% which is not considered to be significant.

9.21 For comparison goods, the estimated trade diversion from the proposed development will have an impact mainly on Farnham Road – identified impacts are at or below 4%. Impact on the town centre is not considered to be significant at 1.55%, which includes convenience stores with a comparison goods element.

9.22 Overall, it is considered that the impacts identified will not have a significant adverse impact on the Farnham Road district centre.

9.23 Turning to planned investment, the Retail Impact Assessment identifies that the only planned investment in Farnham Road that the proposed development could have an impact on is the proposed store at 380-396 Farnham Road. It is understood that this development would be occupied by a specialist retailer and as such there may be minimal impact on this proposed development.

9.24 It is noted that Farnham Road is a healthy centre with a low vacancy rate. It is considered that the proposed development should not have an adverse impact on the vitality and viability of the centre.

9.25 The Retail Impact Assessment shows that the proposal would not likely lead to significant

adverse impacts on Farnham Road District Centre or other defined centres in terms of investment, trade/turnover and overall vitality and viability. Subject to controls regarding the use, the proposal would be acceptable and would comply with the National Planning Policy Framework and Core Policy 6 of the Core Strategy.

10.0 Design and Impact on the Street Scene

- 10.1 The proposed building would be single storey with no mezzanine floor. The proposed building would be 71 metres in width and 45 metres in depth. The height of the proposed building would be 7.5 metres to parapet level and 8.6 metres high to the ridge of the roof. The roof would have a shallow pitch and would be set behind a parapet.
- 10.2 The proposed building would be sited 44 metres to the south of Montrose Avenue. The customer car park would be situated between the proposed building and Montrose Avenue. The front elevation of the building is broadly in line with the front elevation of the neighbouring Sainsbury's store.
- 10.3 The proposed building would have two customer entrances. These entrances would be expressed with brick surrounds. The elevations would be clad with aluminium cladding. Glazed curtain walling has been incorporated at ground floor level either side of the entrance to Unit 1.
- 10.4 The neighbouring building at 415-416 Montrose Avenue is finished in similar materials. The front of the Sainsbury's store is predominantly glazed. It is considered that the proposed building would be in keeping with surrounding development in terms of the materials to be used and the appearance of the proposed building. Furthermore, the form, scale, height and massing of the proposal is considered to be acceptable.
- 10.5 In this context, it is considered that the design of the proposal would be acceptable. There is an opportunity to provide landscaping to soften the appearance of the car park and store when viewed from Montrose Avenue and a condition will be recommended regarding the submission and approval of a landscaping scheme.
- 10.6 It is considered that the proposed development would comply with Core Policy 8 of the Core Strategy and Policies EN1 and EN3 of The Adopted Local Plan for Slough.

11.0 Potential Impact on Neighbouring Properties

- 11.1 It is considered that the main areas for consideration in relation to the potential impact on neighbouring occupiers would be with respect to the separation distance between the proposed building and neighbouring properties in terms of overshadowing, overdominance and loss of light; hours of operation and noise; and light pollution. Concerns have also been raised in representations received regarding the position of the access.
- 11.2 Separation Distance
- 11.3 The separation distance between the front elevation of the proposed building and the residential properties on Montrose Avenue to the north would appear to be 55 metres.
- 11.4 The applicant submits that the height of the proposed building would be equivalent to the height of a two storey commercial building. It has been sited to the rear of the site to maximise the separation distance between the residential properties opposite the site and the front of the proposed building.
- 11.5 It is considered that the siting of the proposed building would not give rise to unacceptable

impacts in terms of overshadowing, overdominance and loss of light. The customer car park would be situated between the proposed building and Montrose Avenue.

11.6 Hours of Operation and Noise

11.7 The stated hours of opening of the proposed stores would be as follows:

Monday to Friday		Saturday		Sunday and Bank Holiday	
Start	End	Start	End	Start	End
07:00	21:00	07:00	21:00	10:00	17:00

11.8 It is considered that these hours of use would be acceptable and would be commensurate with the hours of operation of the Sainsbury's store.

11.9 Sources of noise which could potentially impact nearby residential properties would include vehicular traffic entering and exiting the site and manoeuvring in the car park, and pedestrian activity. A Noise Assessment has been submitted in support of the proposed development. this Assessment concludes that the proposed development will not have a significant adverse impact on health or quality of life through increased noise.

11.10 As noted above, the proposed retail units would operate between 07:00 – 21:00 Monday-Saturday and 10:00 – 17:00 on Sundays and Bank Holidays.

11.11 The access to the proposed car park is situated to the north western corner of the site. The access to the Sainsbury's supermarket is situated to the east. Whilst the concerns of neighbouring residents are noted, it is considered that the proposed access arrangements would not give rise to unacceptable adverse impacts.

11.12 Staff parking is located to the rear of the building. Deliveries would also take place to the rear of the building and a condition is recommended regarding the hours of deliveries.

11.13 Light Pollution

11.14 The front elevation of the building includes glazing at ground floor level. The extent of this glazing would however be limited and light spill from within the building would unlikely be significant.

11.15 A condition is however recommended with respect to the submission of a lighting scheme for the site including the car park area, as the design of external lighting will be important in ensuring that any potentially light pollution is controlled.

11.16 Signage would be subject to control under the Town and Country Planning (Control of Advertisements) Regulations 2007.

11.17 It is not considered that the proposal would have the potential to give rise to noise levels that would be undue and should give rise to the refusal of the application.

12.0 Parking and Highway Safety

12.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

- 12.2 Policy T2 of The Adopted Local Plan for Slough seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.
- 12.3 Policy T8 of The Adopted Local Plan for Slough relates to Cycling Network and Facilities. This policy states that permission will not be granted for proposals which do not include suitable cycle access to and through the site and cycle parking racks and other facilities for cyclists as an integral part of the development.
- 12.4 A Transport Assessment and Travel Plan has been submitted in support of the proposal. The Council's Transport consultant has been consulted and comments are awaited. An update will be provided on the Committee amendment sheet.

13.0 Planning obligations

- 13.1 The need for planning obligations will be considered in light of the comments received from consultees; however it is anticipated that matters to be included in a Section 106 Agreement could include obligations relating to the use of the units and mitigation necessary to make the development acceptable in planning terms. An update will be provided on the Committee amendments sheet.

14.0 Process

- 14.1 In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. The development is considered to be sustainable and in accordance with the requirements of the National Planning Policy Framework.

15.0 Summary

- 15.1 The proposal has been considered against relevant development plan policies, and regard has been had to the comments received and letters of objection received from residents living near the site, and all other relevant material considerations.
- 16.2 It is recommended that the application be delegated to Strategic Lead Planning Policy for consideration of consultee responses and further consideration of relevant issues, formal determination following completion of a Section 106 Agreement and finalising of conditions.

PART C: RECOMMENDATION

17.0 Recommendation

- 17.1 Delegate to the Development Management Lead Officer for consideration of consultee responses and further consideration of relevant issues, formal determination following completion of a Section 106 Agreement and finalising of conditions.

PART D: LIST OF CONDITIONS - HEADINGS

Commencement within three years from the date of this permission;
Development to be carried out in accordance with approved plans;
Submission of materials for approval;
Submission of details of surfaces for approval;
Submission of details of boundary treatment;

Submission of details of cycle parking;
Submission of details of bin storage;
Definition of permitted use;
Removal of permitted development rights for alterations and extensions;
No extension, mezzanine floor or sub-division;
No storage of goods or materials in the open air;
No external security shutters to be installed without planning permission;
Hours of use;
Hours of deliveries;
Use of the car park;
Protection of noise climate;
Submission of details of plant and machinery;
Submission of details of landscaping scheme;
Submission of details of lighting scheme;
Submission of details of drainage;
Hours of construction;
Submission of Working Method Statement;
Submission of measures to control waste during construction.

Registration Date:	15-May-2014	Applic. No:	P/01913/010
Officer:	Ian Hann	Ward:	Upton
Applicant:	Mr. Iftakhar Ahmed	Applic type:	Major
Agent:	Mr. Alan Counter 33, CHAUCER WAY, COOMBELANDS, ADDLESTONE, SURREY, KT15 1LQ	13 week date:	14th August 2014
Location:	9-10, Chapel Street, Slough, SL1 1PF		
Proposal:	<p>ERECTION OF 5 STOREY BUILDING PLUS BASEMENT TO PROVIDE A MIXED USE DEVELOPMENT COMPRISING;</p> <p>A) GYMNASIUM, HAIR SALON / BEAUTICIANS AND SAUNA / AEROBICS ROOM AT BASEMENT LEVEL</p> <p>B) 126 SQ METRES OF CLASS A2 OFFICES AT GROUND FLOOR LEVEL</p> <p>C) 2 NO. X ONE BEDROOM FLATS AND 19 NO. BEDSIT FLATS ON FOUR UPPER LEVELS TOGETHER WITH ON SITE CYCLE AND REFUSE STORAGE AT GROUND FLOOR LEVEL(OUTLINE APPLICATION WITH APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL)</p>		

Recommendation: Refuse



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the policy background, comments from consultees and the impacts of the proposed development it is recommended that the application be refused planning permission for the reasons set out in this report.
- 1.2 This application is to be decided at planning committee as it is for a major development.

PART A: BACKGROUND

2.0 Proposal

- 2.1 An outline planning application has been submitted for a detached five storey building with a basement, comprising gymnasium, keep fit, hair salon, beautician, sauna or aerobic uses at basement level, office accommodation at ground floor level and residential uses in the four floors above consisting of 21 residential units (19 x bedsits / studio apartments and 2 x one bedroom units). Also provided on the first floor are 2 common meeting rooms and a utility room. Cycle and bin stores are also proposed, to the ground floor rear and side of the property respectively. This application follows a previously approved scheme for a four storey building with basement comprising a gym at basement level, offices uses at ground floor level and 8 no. one bedroom flats and 8 bedsits / studio apartments. These proposals would therefore see the introduction of an additional floor added to the building with an increase of 5 residential units, some common areas, a reduction of 64.51m² of office floor area due to the increased cycle and bin storage. The previous application was approved by Planning Committee in November 2010 (reference P01913/006) and an application to extend the time limit to agree the reserved matters was granted in December 2013 for an additional 3 years.
- 2.2 The proposed building will have a width of 10.5m, depth of 24.8m and will have a height of 14.3m with a flat roof with almost 100% site coverage save for a 1.5m wide access path down the side of the proposed building.
- 2.3 This is an outline application with access, scale and layout to be agreed at this stage and appearance and landscaping to be reserved matters to be agreed at a later stage, if planning permission is granted.

3.0 Application Site

- 3.1 The application site is located on the north eastern side of Chapel Street, which is a service road that predominantly serves the rear of the properties in High Street.
- 3.2 The site is surrounded with commercial buildings on the north eastern side of the site, with most of them being rear accesses to High Street units and two storey residential properties to the south and south west of the site. These residential properties face onto Herschel Street with the rear of the properties on Chapel Street with parking areas and gardens adjacent to Chapel Street itself.
- 3.3 The site is situated within the Slough Town Centre Boundary and Slough Town Centre Shopping Centre as defined in the proposals map for Slough.

4.0 Site History

- 4.1 Planning permission was granted in September 1992 for a photographic and recording studio with ancillary parking and offices (P/01913/003) and permission for its continued use was

granted in December 1996 (P/01913/004) and July 1999 (P/01913/005).

- 4.2 Planning permission was then granted for demolition of existing buildings and erection of a two storey office building with undercroft parking (S/00618/000). This was followed by two outline applications that were granted planning permission two storey office buildings in September 2005 (S/00618/001) and January 2006 (S/00618/002) but buildings works have not commenced and have now expired. At the time that the applications were determined they were adjudged to have established an appropriate size, scale and bulk of building for the site.
- 4.3 Planning permission was granted for a smaller scale scheme than that which is currently sort, being a four storey building with basement comprising similar uses at basement and ground floor level but with 8no. one bed and 8no. bedsit units in November 2010 (P/01913/006).
- 4.4 Planning permission was applied for in December 2011 for a seven storey building plus basement to provide a gymnasium, hair salon, beauticians, sauna and aerobics room at basement level, 334m² of office space on the ground and first floor and 25 residential units (10no. 1 bed flats and 15no. studio flats) on the floors above, but was withdrawn prior to determination (P/01913/007).
- 4.5 Planning permission was refused in September 2013 for a six storey building plus basement to provide a gymnasium, hair salon, beauticians, sauna and aerobics room at basement level, 334m² of office space on the ground and first floor and 30no. bedsits on the floors above for the following reasons (P/01913/007):
 1. The applicant has failed to demonstrate that the level of development being applied for can be provided on this site without compromising the character and appearance of the area through the buildings excessive bulk, scale and height. Furthermore at a proposed height of six stories the building will be visible from the High Street and will appear as an isolated and intrusive form of development given the domestic scale of the rest of the High Street. The applicant has failed to show that the amount of development sort can be delivered on this site without comprising the otherwise domestic scale of this part of the Town Centre and therefore the proposed development is thereby contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
 2. The siting and juxtaposition of the proposed building would introduce an unacceptable form of development for the occupiers of the residential properties at 6-10 Herschel Street, the rears of which face onto the south side of Chapel Street resulting in an overbearing form of development, and a loss of privacy for these occupiers and be visually intrusive for the occupiers of those properties with their amenity affected to an unacceptable degree. The development therefore has an unacceptable impact upon the amenities of neighbouring properties contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1 and H13 of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
 3. Given the layout and scale of the building with its increased provision of flank windows over and above that previously approved will result in potential and perceived overlooking over neighbouring sites, to the extent that it would significantly affect the chances of future development on neighbouring sites, therefore having an unacceptable impact upon the amenities of neighbouring properties. The development is therefore contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework

Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1 and H13 of the Adopted Local Plan for Slough: 2004 (incorporated in the Composite Local Plan for Slough 2013)

4. Given the layout and scale of the building and its proximity to the rear of the properties in High Street with habitable room windows facing onto properties on High Street will result in overlooking to the proposed residential units, contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Slough: 2004 (incorporated in the Composite Local Plan for Slough 2013)
 5. The proposed building by virtue of its internal layout will result in a number of the residential units having inappropriately sized rooms and rooms that will have inappropriate outlook and access to sunlight / daylight, thereby impacting on the amenity of future residents and failing to provide high quality housing, contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Slough: 2004. (incorporated in the Composite Local Plan for Slough 2013)
 6. The proposed building would result in an unsuitable singular entrance for all uses resulting in a crowded and congested entrance leading to security and amenity issues with concerns over security and the failure to design out crime, and given the scale and intensity of the layout could not be adequately designed out at the reserved matters stage. The development is therefore contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Slough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
 7. Insufficient provision has been made for secure cycle parking to the detriment of the efficiency of the highway network and given the scale and intensity of the layout this could not be incorporated without the loss of office floor space or dwelling units. As such the proposal is contrary to Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document, December 2007) (incorporated in the Composite Local Plan for Slough 2013).
 8. A holding objection is raised on the grounds that the applicant has failed to enter into an Agreement under Section 106 of the Town and Country Planning Act for payment of a general transportation contribution and affordable housing contribution contrary to Core Policy 7 of the Local Development Framework Core Strategy (2006 - 2026), Development Plan Document, December 2008 (incorporated in the Composite Local Plan for Slough 2013).
- 4.6 Planning permission was granted to extend the time to implement the previously approved planning application as outlined in paragraph 4.3 in December 2013 (P/01913/090).
- 4.7 The site was previously used as a shisha lounge with the erection of marquee and new toilet without the benefit of planning permission. A temporary stop notice was served in June 2013 with a further stop notice served and an enforcement notice in July 2013 (due to the harm caused to interests of residential amenity and the character and appearance of the area). The enforcement notice was appealed and the appeal was dismissed in May 2014 with the use to be ceased within 2 months from the date of the appeal decision.

5.0 Neighbour Notification

- 5.1 164, 166, 172, 174, High Street, Slough.
7, 8, 9, 10, Herschel Street, Slough.

No responses have been received. Should any response be received this will be reported to Members on the amendment sheet.

6.0 Consultation

6.1 Environmental Services

No response has been received. Should any response be received this will be reported to Members on the amendment sheet.

6.2 Public Protection Services, Neighbourhood Enforcement.

No response has been received. Should any response be received this will be reported to Members on the amendment sheet.

6.3 Transport

No response has been received. Should any response be received this will be reported to Members on the amendment sheet. Comments for the previous scheme confirmed that on that scheme additional demands would be placed on the highway network for which a contribution would need to be sort towards improving local parking facilities and real time passenger information. It was also recommended that an area of the footpath to the front of the site be dedicated as a public footway and that as the scheme would be car free appropriate cycle storage would need to be provided and the as this fell short of the required standard the application was recommended for refusal.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National guidance

- National Planning Policy Framework

Local Development Framework, Core Strategy, Submission Document

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 4 (Type of Housing)
- 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

- H14 (Amenity Space)
- EN1 (Standard of Design)
- T2 (Parking Restraint)

- 7.2 The planning considerations for this proposal are:

- Principle of use
- Scale, massing, bulk and layout
- Impact to neighbouring residential properties / relationships to neighbouring buildings
- Standard of accommodation
- Amenity Space
- Traffic and Highways

8.0 Principle of use

- 8.1 The mixed use scheme would comply with the National Planning Policy Framework in principle, as it is a brownfield site and makes efficient use of an underutilised site, but there are some fundamental issues of scale, bulk and height of the development, design, amenity issues and environmental impacts that are considered in detail below.
- 8.2 Core Policy 1 (Spatial Strategy) states that “proposals for high density housing ... will be located in the appropriate parts of Slough Town Centre.” Paragraph 7.68 of the Core Strategy states that “the actual density that will be permitted on an individual site will be dependant upon the overall strategy for that location and upon achieving a high standard of design which creates attractive living conditions”. While the principle of the use can be accepted in planning terms there are significant issues in terms of the scale of the proposals and its failure to respect its surroundings as well as issues involving amenity, living standards and transport as well as failing to provide a suitable mix of accommodation. As such the Applicant must demonstrate that the development is appropriate to the site as well providing high quality housing and this is discussed below.
- 8.3 This site is not a site that has been identified in the Councils Site Allocations Document. Although this in itself does not stop it from being developed it should be noted that the Council has a 5, 10 and 15 year supply of dwellings and therefore any proposals that come forward have to be in accordance with the Councils approved and adopted policies.

9.0 Scale, massing, bulk and layout

- 9.1 Design and external appearance is assessed against the National Planning Policy Framework, Core Policy 8 and Local Plan Policy EN1.

- 9.2 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).

- 9.3 Core Policy 8 of the Local Development Framework, Core Strategy, states that: "All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change." Part 2 to that policy covers design and in sub section b) it states: "all development will respect its location and surroundings".
- 9.4 Policy EN1 of the Adopted Local Plan states that "all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding", in accordance with the criteria set out in that policy.
- 9.5 The design / appearance of the proposed building is not a consideration as part of this application, as it would be a reserved matter to be assessed at a later stage if planning permission is to be granted, however the scale massing and layout is. The scale and massing of the proposed building at five storeys in height will be larger and bulkier than the immediate neighbouring properties or any other property in Chapel Street. The extant outline planning permission permits in principle a 4 storey building, albeit with a set back at 4th floor level, which already sits one storey higher (2.7m) than surrounding buildings and therefore establishes a benchmark as to the maximum height, scale and bulk which is appropriate for the site. Taller buildings are generally contained to land west of Church Street with properties to the east, as is the application site, being more modest in height at a pedestrian scale and in keeping with the character of the area. Although there is a backdrop of taller buildings within the Town Centre, these are not immediate to the application site and do not form part of the character of the immediate area and do not justify additional height being supported on the application site. Furthermore a building five stories in height would be visible from the town centre and would result in an inappropriate and overbearing form of development within this part of the town centre. While it is noted that the top floor of the building has been designed with the balconies being enclosed with tinted glazing this still provides a further degree of mass and bulk. This will be in excess of that previously approved, which set a benchmark of what can be achieved on the site.
- 9.6 Paragraph 7.162 of the Core Strategy states that the Council will continue to develop an urban design and tall buildings strategy for the town centre based upon the principles that are emerging from the Heart of Slough comprehensive development scheme. This has identified that all development in the High Street should be of a "pedestrian scale". Chapel Street is a service road at the rear of the High Street and it is considered that development should not be any taller than that which has been previously approved.
- 9.7 The character of Chapel Street itself is characterised with 2 / 2.5 storey buildings, although there are small variations to this norm. The height issues will be further compounded by the fact that the building will occupy almost the entire site apart from a 1.5m strip to the western boundary and there would be no meaningful setting around the building. This will result in the building coming right upto the edge of the future widened footpath, further adding to a dominant and overbearing form of development which would be out of context with the existing street scene. While taller buildings could be supported in a Town Centre location they will still have to have a form of context with the surrounding area. With no other taller buildings in the immediate surrounding area, this building will look out of context with its location. Furthermore the top floor will have a balcony, which was previously approved so that the top floor of the building stepped back to provide some relieve, is now proposed to be enclosed by a tinted glazed window which would add further bulk and mass, causing further impact upon the character of the area. The building will be substantially higher than the

immediate surrounding buildings and taller than what has been previously approved on the site and would result in a development that is out of character with its surroundings. This is accentuated by the lack of any setting for the building due to its excessive site coverage. It is considered that the previously approved scheme was the very maximum that could have been achieved on the site and the further intensification of this would not be acceptable in terms of scale massing and bulk.

- 9.8 The development is effectively an infilling development between the rear properties of retail units that front onto the High Street. The current appearance is one of substantial flank walls with no active frontage onto Chapel Street. The proposal for ground floor A2 units will provide some active frontage at street level and this is a positive attribute of the scheme, although given that the building fronts a rear service road, an active road frontage would not normally be anticipated.
- 9.9 Notwithstanding the fact that matters of design and appearance are reserved for subsequent approval it is not considered that the harm caused by the excessive bulk, height and scale could be masked or minimalised through a different design approach.
- 9.10 An objection is therefore raised in terms of the scale, massing, bulk and positioning of the development as the Applicant has not demonstrated that the amount of development being sought can be satisfactorily contained within the site. The proposal is therefore considered to be in contrast with guidance given in National Planning Policy Framework, Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan.

10.0 Impact to neighbouring residential properties / relationships to neighbouring buildings

- 10.1 The impact on adjacent residential properties is assessed against Core Policy 8 and Local Plan Policy EN1.
- 10.2 Core Policy 8 of the Local Development Framework, Core Strategy, states that the design of all development within existing residential areas should respect its location and surroundings.
- 10.3 Policy EN1 of the Adopted Local Plan states that “all development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surrounding”, in accordance with the criteria set out in that policy.
- 10.4 The proposed building will be sited so that it will be positioned a maximum of 22m from the rear habitable room windows of the dwellings that face onto Herschel Street but back onto Chapel Street. With the building increasing in size from that which was previously approved by an additional floor would have an overly large and overbearing appearance, as discussed above, this will result in an overbearing form of development when viewed from the rear of these properties. As previously discussed the fact that the top floor will have a balcony enclosed by tinted glass will do nothing in order to reduce the mass and bulk of the building and will still result in a building being larger and bulkier than that which was previously approved. While the separation distance, as discussed above, remains the same from the previously approved scheme (as a minimum it would be expected that the additional floor should be set back from the front elevation of the building to increase the separation distance between the new building and the residential properties opposite), the amount of development now sort could not be achieved on the site without impacting on the amenity of neighbouring properties. The increase in the height of the proposed building would have a greater impact upon the neighbouring properties in terms of overlooking and overbearing impact and a greater degree of separation would be required with a building that is substantially higher than that which was previously granted planning permission. This situation would be exacerbated furthermore for those who still retain a rear garden, having a detrimental impact upon the use

of these gardens also. It is considered that anything over and above that which was previously approved would result in further unacceptable impact on these residential dwellings.

- 10.5 There is a potential conflict between the existing clear fenestration within the rear elevation of MacDonald's close to the rear elevation of the proposed building (approximately between 7m and 9m) which is to include principle habitable room windows, and which could lead to a loss of privacy and amenity for future occupiers of the affected units. While the plans show that some of these windows would be obscurely glazed this would still result in issues of perceived overlooking and also impact upon the amenity of users of the proposed residential units as discussed further below.
- 10.6 Further impacts on neighbouring properties will be experienced by the fact that the proposal could inhibit future development/redevelopment options on neighbouring sites. The proposed building will be set off the eastern boundary by 0.5m and by 1.2m from the western boundary and with the installation of primary windows into the flank wall and rear elevations this will be a material consideration and potential restricting factor if neighbouring sites choose to redevelop in the future and would mean that these sites could not redevelop due to the impact that they would have on the proposed building. While it is accepted that this situation exists with the previously approved scheme the potential for the sterilisation of neighbouring land is increased under this application due to the additional number of side facing windows and may restrict the redevelopment of neighbouring land. No attempt has been made to try to overcome this problem by redesigning the internal layout of the flats or by providing larger flats which may overcome the issue.
- 10.7 Increase in noise and disturbance would not be materially worse from the previously approved scheme to warrant refusal and could be controlled by a certain extent via condition if the scheme was to be approved.
- 10.8 An objection is therefore raised on the Grounds that the applicant has failed to demonstrate that the layout, height, bulk and scale of the development would not harm the neighbouring residential amenity through overlooking, loss of privacy, overbearing impact and the potential sterilisation of neighbouring land. The proposal is considered to be inconsistent with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan.

11.0 Standard of accommodation

11.1 Room Sizes:

The Council's approved Guidelines for Provision for flat conversions, 1992 requires a minimum room size for the type of development proposed. Although these guidelines relate to conversions of flats they do provide a guide for new build development, such as proposed in this application. The guidelines state that living areas (sitting and dining) for 1 bed room flats requires an area of 14.86m², kitchen areas require 5.57m² and bedrooms require 11.14m². These guidelines go further to say that in the case of bedsits (studio units) the total floor space should not fall below those laid down for one bedroom flats 31.57 m². The studio flats that form the basis of this application have a floor area (living area and kitchen) of between just 24.88m² and 25.45m² as opposed to the minimum of 31.57m² leading to a shortfall of between approximately 6.69m² to 6.12m² and would result in an unacceptable cramped form of accommodation for future occupiers of these units having a detrimental impact upon their living standards, while failing to provide high quality housing. While it is accepted that some of the bedsits fell below these standards in the previously refused scheme the number of units and the amount by which they are substandard is increased under this application and such a shortfall is not considered to be acceptable and with an increased number of units an increase in the mix of type of unit would also be considered to

be appropriate. The proposed one bedroom dwellings would meet these room size standards.

11.2 Sunlight / Daylight:

Although no details have been provided to assess daylight and sunlight issues the living conditions for future occupiers have been improved by some degree with the inclusion of two common / meeting rooms and a utility room on the side facing the flank elevation of the neighbouring building that could result in an impact upon light and outlook to these rooms. While they are rooms that would benefit the occupiers of the property they are not considered to be habitable rooms as such and therefore overcomes the previous reason for refusal with regards to lack of light and outlook to these windows.

11.3 Entrance:

While it is acknowledged that a second entrance has been provided for the basement uses there is still only one shared entrance to the office and residential uses. While this was deemed to be acceptable for the previously approved scheme with the increase in the number of residents using the building it will result in congestion and conflict within the small entrance / lobby area and will also create security issues with a greater range of people having access to the residential and office areas of the building which will further impact upon the amenities of future residents, both residential and commercial.

11.4 Tenure:

The Applicant has sought to supply an increased number of small units at the lower end of the market, above that which was previously considered to be acceptable, but has failed at this stage to provide the necessary justification in the way of a market needs argument. However this would need to be considered in the round and it would not justify substandard accommodation. Whilst the previous tenure argument was never proven given the view taken on this application a reason for refusal could not be sustained on this occasion.

11.5 Whilst tenure can not normally be controlled through the planning system, the applicant previously sort to justify the standard of provision by entering into a legal agreement with the Council confirming that the properties would only be used for short term lets. It is not considered that this agreement can be carried forward to the current application which seeks to increase the number of units and the number of bed sits within the development. It is not considered that the development provides an adequate mix of dwellings in accordance with Core Policy 4.

11.6 It is not considered that issues relating to the layout and resulting quality of housing can be addressed through detailed design given the floorspace and dwelling unit numbers for which outline planning permission is sort and would not be in compliance with the National Planning Policy Framework and Core Policy 8 of the Local Development Framework Core Strategy.

12.0 Amenity Space

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

12.2 Policy H14 of the Adopted Local Plan states that development will only be allowed with the provision of the appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities. This policy goes further to say that in smaller schemes, such as one bedroom flats, demand for real gardens is not so strong.

12.3 This scheme proposes mostly bed sit apartments and a few one bedroom units with no usable amenity area. Although not ideal the development does not comprise of family

accommodation for which the provision of amenity space is important it would not form a basis for refusal of the application as the site is within a Town Centre location where there is very limited private amenity space but is in close reach to publicly accessible amenity areas, such as at the High Street / Yew Tree Road junction or Upton Park slightly further afield.

- 12.4 The proposal is considered to be in accordance with guidance given in National Planning Policy Framework and Policy H14 of the Adopted Local Plan in terms of amenity space requirements.

13.0 Traffic and Highways

- 13.1 The relevant policies in terms of assessing traffic and highway impacts are Core Policy 7, Local Plan Policy T2 and the adopted parking standards.
- 13.2 Core Policy 7 requires that development proposals will have to make appropriate provisions for reducing the need to travel, widening travel choices and making travel by sustainable means of transport more attractive than the private car, improving road safety, improving air quality and reducing the impact of travel upon the environment.
- 13.3 Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location and overcome road safety problems while protecting the amenities of adjoining residents and the visual amenities of the area.
- 13.4 The applicant is not required to provide any parking spaces for this development, which is consistent with Policy T2 in the Slough Local Plan. As the development is located in a sustainable location in close proximity to the railway station, bus station and other facilities, including 24 hour car parks, there is no objection in principle to the development providing no parking.
- 13.5 With this development a car free development, it is vital to both the residential and commercial elements of the scheme provide high quality cycle parking provision. The application proposes an area with larger cycle parking provision as the previously approved scheme, but no details are given as to how the storage area will work. Cycle parking must be installed to meet the Council's Cycle Parking Standards as set out in the Developer's Guide Part 3, Section 7 and no indication has been given at this stage as to how the cycle parking will be provided within this store.
- 13.6 An objection is therefore raised in terms of lack of cycle parking. The proposal is considered to be inconsistent with Core Policy 7 of the Local Development Framework Core Strategy and Policy T2 of the Adopted Local Plan.

14.0 Other Issues

- 14.1 This application involves the provision of more than 24 dwelling units and to comply with the requirements of Core Policy 4, 30% of the provision should be in the form of on site affordable housing. With respect to the extant outline planning permission, given the high proportion of bed sits equating to 66% of the total provision and the poor internal space standards, that such accommodation would be serving the lower end of the rental market and a proportion at lease being tied to short term lets only, a view was taken at that time, that the normal affordable housing provisions would not apply. However these proposals see an increase in the number of units to be provided a contribution should now be sort in relation to the additional number of units over and above that previously approved, for off site affordable housing as the type of development proposed would not meet the needs of people on the Council's waiting list. No viability statement has been produced with the application and the

applicant has stated that they are willing to enter a Section 106 Agreement towards transport or leisure facilities only.

- 14.2 Were this planning application to have been supported in planning terms, the applicant would have been required to enter into a Section 106 Planning Obligation Agreement the starting point for negotiations being payment of a financial contribution in full, in lieu of provision on site.
- 14.3 With respect to education contributions, similarly in respect of the extant outline planning permission, given the high proportion of bedsits within the overall scheme, it was decided at the time not to apply the normal requirements on the grounds that the type of accommodation was unlikely to attract families.
- 14.4 The thread that runs through the National Planning Policy Framework is that planning permission should be granted for sustainable development without delay. However these proposals are not considered to be sustainable for the reasons outlined in this report.

15.0 Summary and Conclusions

- 15.1 The Applicant has failed to demonstrate through the submission of illustrative plans and other details that the site is capable of accommodating a building of the height, scale and bulk proposed, nor the number of residential units proposed insofar as; this level of residential accommodation cannot be satisfactory accommodated on the site without prejudicing the privacy and outlook for nearby residential properties; that having due regard to the siting of the development in relation to neighbouring uses it would potentially restrict development / redevelopment opportunities on those sites; that the quality and standard of accommodation for some future occupiers due to the cramped and inappropriate accommodation / room sizes would result in sub standard housing; and that the height coupled with a lack of any setting around the building results in a building which is out of context with its immediate surroundings. It is therefore considered that the scheme represents an over development of the site.

16.0 PART C: RECOMMENDATION

- 16.1 Refuse.

17.0 PART D: LIST OF REASONS FOR REFUSAL

1. The applicant has failed to demonstrate that the level of development being applied for can be provided on this site without compromising the character and appearance of the area through the buildings excessive bulk, scale and height. Furthermore at a proposed height of five stories the building will be visible from the High Street and will appear as an isolated and intrusive form of development given the domestic scale of the rest of the High Street. The applicant has failed to show that the amount of development sort can be delivered on this site without comprising the otherwise domestic scale of this part of the Town Centre and therefore the proposed development is thereby contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
2. The siting and juxtaposition of the proposed building would introduce an unacceptable

form of development for the occupiers of the residential properties at 6-10 Herschel Street, the rears of which face onto the south side of Chapel Street resulting in an overbearing form of development, and a loss of privacy for these occupiers and be visually intrusive for the occupiers of those properties with their amenity affected to an unacceptable degree. The development therefore has an unacceptable impact upon the amenities of neighbouring properties contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1 and H13 of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).

3. Given the layout and scale of the building with its increased provision of flank windows over and above that previously approved will result in potential and perceived overlooking over neighbouring sites, to the extent that it would significantly affect the chances of future development on neighbouring sites, therefore having an unacceptable impact upon the amenities of neighbouring properties. The development is therefore contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1 and H13 of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
4. Given the layout and scale of the building and its proximity to the rear of the properties in High Street with habitable room windows facing onto properties on High Street will result in overlooking to the proposed residential units, contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
5. The proposed building by virtue of its internal layout will result in a number of the residential units having inappropriately sized rooms, thereby impacting on the amenity of future residents and failing to provide high quality housing, contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004. (incorporated in the Composite Local Plan for Slough 2013).
6. The proposed building would result in an unsuitable singular entrance for commercial and housing resulting in a crowded and congested entrance leading to security and amenity issues with concerns over security and the failure to design out crime, and given the scale and intensity of the layout could not be adequately designed out at the reserved matters stage. The development is therefore contrary to National Planning Policy Framework, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document: December 2008 and Policies EN1, of the Adopted Local Plan for Sough: 2004 (incorporated in the Composite Local Plan for Slough 2013).
7. Insufficient provision has been made for secure cycle parking to the detriment of the efficiency of the highway network and given the scale and intensity of the layout this could not be incorporated without the loss of office floor space or dwelling units. As such the proposal is contrary to Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document, December 2007) (incorporated in the Composite Local Plan for Slough 2013).
8. A holding objection is raised on the grounds that the applicant has failed to enter into an Agreement under Section 106 of the Town and Country Planning Act for payment of affordable housing contribution contrary to Core Policy 7 of the Local Development

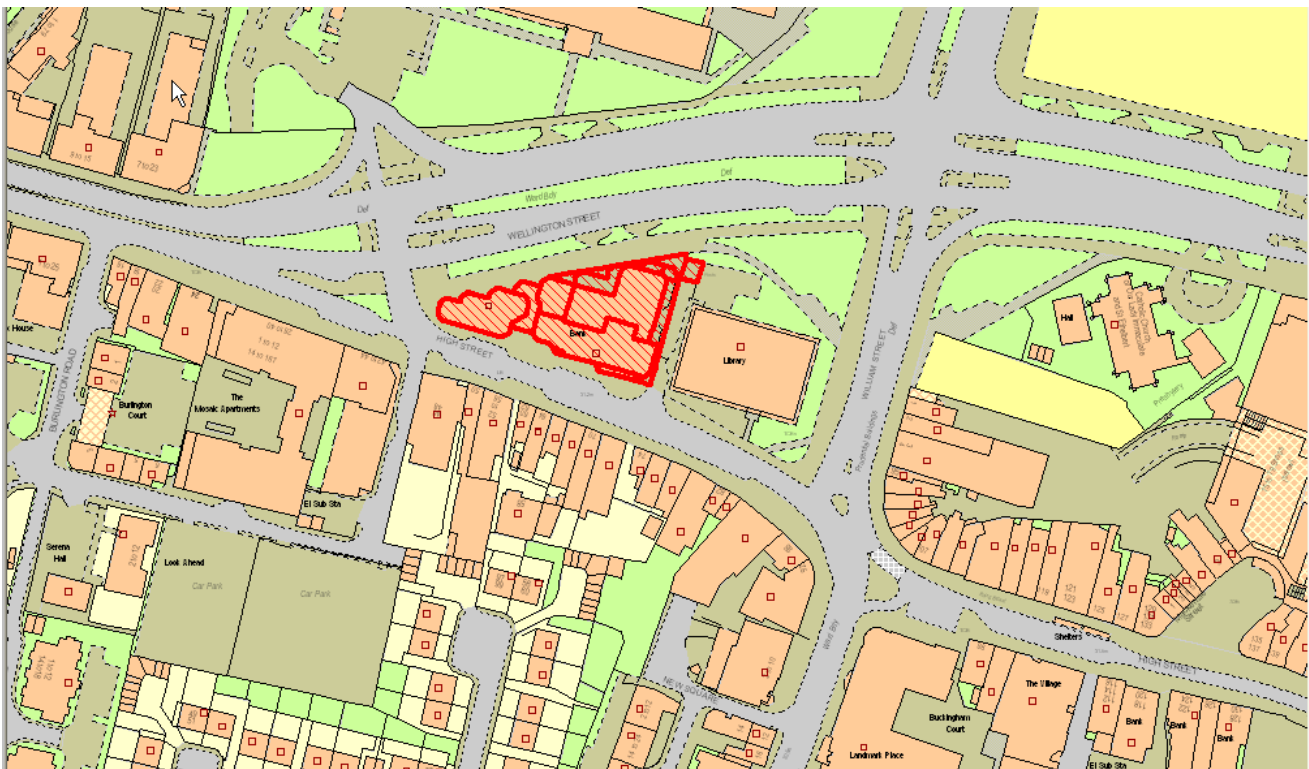
INFORMATIVE

1. The development hereby refused was submitted with the following plans and drawings:
 - (a) Drawing No. CS00 E, Dated 16/04/2014, Recd On 29/04/2014
 - (b) Drawing No. CS01 C, Dated 14/04/2014, Recd On 29/04/2014
 - (c) Drawing No. CS02 E, Dated 10/04/2014, Recd On 29/04/2014
 - (d) Drawing No. CS09 C, Dated 11/04/2014, Recd On 29/04/2014
 - (e) Drawing No. CS03 C, Dated 11/04/2014, Recd On 29/04/2014
 - (f) Drawing No. CS04 E, Dated 14/04/2014, Recd On 29/04/2014
 - (g) Drawing No. CS05 F, Dated 16/04/2014, Recd On 29/04/2014
 - (h) Drawing No. CS08 A, Dated 16/04/2014, Recd On 29/04/2014
 - (i) Drawing No. CS07 D, Dated 15/04/2014, Recd On 29/04/2014
 - (j) Drawing No. CS06 A, Dated 15/04/2014, Recd On 29/04/2014

2. In dealing with this application, the Local Planning Authority consider that no amendments would make the application acceptable and it is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.

Registration Date:	20-May-2014	Applic. No:	P/05898/023
Officer:	Mr. J. Dymond	Ward:	Chalvey
Applicant:	Grainmarket Properties Ltd		
Agent:	Geoff, Armstrong The Exchange, Colworth Science Park, Sharnbrook, Bedford, Bedfordshire, MK44 1LQ		
Location:	Cornwall House, 67, High Street, Slough, SL1 1BZ		
Proposal:	CHANGE OF USE OF UPPER FLOORS FROM OFFICES (CLASS B1A) TO RESIDENTIAL (CLASS C3) AND CONSTRUCTION OF EXTENSIONS TO BUILDING TO CREATE 53 NO. NEW APARTMENTS (27 NO. ONE BEDROOM, 23 NO. TWO BEDROOM, 3 NO. THREE BEDROOM), AND CHANGE OF USE AND EXTENSION TO EXISTING GROUND FLOOR UNIT TO LEISURE USE (CLASS D2)		

Recommendation: Delegate to Development Management Lead Officer



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be delegated to Development Management Lead Officer for consideration of further information relating to Environmental Quality, formal determination following completion of a Section 106 Agreement and finalising of conditions.
- 1.2 This application has been referred to the Planning Committee for consideration as the application is for a major development.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is a full planning application for the proposed change of use of the upper floors of Cornwall House from offices (Class B1a) to residential (Class C3) and construction of extensions to the building to create 53 no. new apartments (27 no. one bedroom, 23 no. two bedroom, 3 no. three bedroom), and the change of use and extension to existing ground floor unit to leisure use (Class D2). The applicant has advised that the finish and internal specification of the flats would be of a high quality.
- 2.2 Associated car parking provision would be provided at ground floor level, underneath the building. Associated car parking spaces would also continue to be available at the nearby Burlington Road car park which is situated to the south of the site.

3.0 Application Site

- 3.1 The site is situated on a prominent triangular shaped corner site adjacent to the junction between Wellington Street to the north, the High Street to the south and the library to the east. Cornwall House is located within the identified Slough town centre as shown on the Slough Local Development Framework Proposals Map and falls outside of the defined Primary and Secondary Shopping Frontages. The character of the area is considered to be urban in nature and there are a range of town centre uses in the immediate vicinity of the site.
- 3.2 The building is currently used for office purposes with a Class A2 bank and a retail annexe at ground floor level. It is understood that the offices are largely vacant – the office at fourth floor level is occupied however this is due to be come vacant within a year. It is understood that marketing of the offices and retail annexe has not been successful in attracting new tenants.
- 3.3 When viewed from Bath Road, it is considered that the floors of the building appear stepped and rise from the west to the east. The eastern end of the building is four storeys in height with a plant room above.
- 3.4 To the north of Cornwall House is Wellington Street, beyond which is the site of the former University of West London Slough campus. This site is understood to be currently vacant.
- 3.5 To the south of Cornwall House is the High Street. The buildings on the southern side of the High Street are mainly two to four storeys in height and part of this area is designated as falling within Slough Old Town. The Mosaic Apartments, situated to the west of Cornwall

House and the north of Burlington Car Park rises to eight storeys in height. Part of Burlington Road Car Park is utilised by Cornwall House on Monday-Friday.

- 3.6 To the east of Cornwall House is the library. This building is three storeys in height. It is proposed to redevelop this site as the library facilities will be accommodated within The Curve, which will be Slough's new learning and cultural centre. Construction of The Curve has commenced on site and it is expected to open in 2015.
- 3.7 To the west of Cornwall House is the High Street.
- 3.8 In terms of the constraints affecting the site, Cornwall House is located within flood zone 1 and as such there would be a low probability of flood risk. The site is located outside of a Conservation Area. Statutorily and non-statutorily listed buildings in the vicinity of the site are as follows:
- 3.9
- Church of Our Lady Immaculate & St Ethelbert, St Ethelbert's Presbytery – Grade II
 - Prudential Building, William Street – Locally listed
 - Grapes PH, High Street – Locally listed
- 3.10 It should be noted that Wellington Street is covered by Slough Borough Council Designated Air Quality Management Area 4 (Air Quality Management [No4] Order 2011) which covers the A4 Bath Road from the junction with Ledgers Road/Stoke Poges Lane in an easterly direction along Wellington Street, up to the Sussex Place junction.
- 3.11 The area has been designated as such in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations. The site is also subject to reasonably high levels of noise as a result of its proximity to the A4.

4.0 Site History

- 4.1 There have been previous planning applications relating to Cornwall House for the display of advertisements, addition of plant and other minor operational development. Previous applications considered to be of relevance relating to the site are as follows:

P/05898/020 ERECTION OF 2X FENCES TO PREVENT UNAUTHORISED ACCESS TO THE UNDERCROFT WALKWAY TO THE CENTRE OF THE PROPERTY LEADING FROM THE HIGH STREET TO WELLINGTON STREET

Approved with Conditions; Informatives 11-Jul-2007

P/05898/012 INSTALLATION OF GLAZING ON GROUND FLOOR.

Approved with Conditions 12-Jul-1985

P/05898/011 RETENTION OF USE OF INDEPENDENT RETAIL UNIT AS OFFICES

Approved with Conditions 03-Mar-1986

P/05898/010 CHANGE OF USE FROM INDEPENDENT OFFICE AND INDEPENDENT RETAIL UNIT TO A COMBINED OFFICES WITH RETAIL.

Approved with Conditions 19-Nov-1984

P/05898/009 CHANGE OF USE FROM PROPOSED PUBLIC HOUSE TO SHOWROOM

(37 2 SQ M).

Approved with Conditions 01-May-1984

P/05898/008 CHANGE OF USE OF PROPOSED PUBLIC HOUSE TO OFFICES E.G. B ANKS BUILDING SOCIETIES OR ESTATE AGENTS.(372 SQ M).

Withdrawn (Treated As) 23-Mar-1984

P/05898/006 INSTALLATION OF SHOPFRONT & INTERNAL FITTINGS FOR BANK

Approved with Conditions 07-Dec-1983

P/05898/005 ERECTION OF SINGLE STOREY EXTENSION AT REAR OF BUILDING

Approved with Conditions 21-Feb-1983

P/05898/004 RETENTION OF DEVELOPMENT WITHOUT COMPLIANCE WITH CONDITION NO 6 OF EXISTING PLANNING PERMISSION SB220 DATED 19/05/80

Approved with Conditions 21-Feb-1983

P/05898/002 REDEVELOPMENT TO PROVIDE 36 000 SQ FT OF OFFICES PUBLIC HOUSE WITH MANAGERS FLAT CARETAKERS FLAT ANCILLARY PLANT ROOM AND LAYOUT OF CAR PARKING

Approved with Conditions 24-Dec-1982

P/05898/001 ERECTION OF BUILDING WITH OFFICES ON GROUND AND FOUR UPPER FLOORS AND PUBLIC HOUSE (40 000 SQ FT) (RESERVED MATTERS)

Approved with Conditions 01-Feb-1982

P/05898/000 ERECTION OF OFFICE BUILDING ON GROUND AND FOUR UPPER FLOORS TOGETHER WITH A PUBLIC HOUSE

Approved with Conditions 27-Jul-1984

5.0 Neighbour Notification

5.1 C F B T Careers Services Ltd, 48, High Street, Slough, SL1 1EL, 79, Beechwood Gardens, Slough, SL1 2HP, 77, Beechwood Gardens, Slough, SL1 2HP, 81, Beechwood Gardens, Slough, SL1 2HP, 83, Beechwood Gardens, Slough, SL1 2HP, 85, Beechwood Gardens, Slough, SL1 2HP, 87, Beechwood Gardens, Slough, SL1 2HP, 64a, High Street, Slough, SL1 1EL, Harvey & Thompson Ltd, 64, High Street, Slough, SL1 1EL, Slough Borough Council, Slough Central Library, 85, High Street, Slough, SL1 1EA, 74a, High Street, Slough, SL1 1EL, Bhasin News, 74, High Street, Slough, SL1 1EL, 56, High Street, Slough, SL1 1EL, 69, Beechwood Gardens, Slough, SL1 2HP, 71, Beechwood Gardens, Slough, SL1 2HP, 59, Beechwood Gardens, Slough, SL1 2HP, 57, Beechwood Gardens, Slough, SL1 2HP, Mr Lai Chinese Restaurant, 70, High Street, Slough, SL1 1EL, 76a, High Street, Slough, SL1 1EL, 66a, High Street, Slough, SL1 1EL, 66, High Street, Slough, SL1 1EL, 75, Beechwood Gardens, Slough, SL1 2HP, 73, Beechwood Gardens, Slough, SL1 2HP, Caterpillar, Chalfont House, Regal Court 42-44, High Street, Slough, SL1 1EU, Stows, 72,

High Street, Slough, SL1 1EL, 65, Beechwood Gardens, Slough, SL1 2HP, 67, Beechwood Gardens, Slough, SL1 2HP, B Simmons & Son, 50, High Street, Slough, SL1 1EL, Collins Opticians, 60, High Street, Slough, SL1 1EL, 78a, High Street, Slough, SL1 1EL, Corals, 78, High Street, Slough, SL1 1EL, 89, Beechwood Gardens, Slough, SL1 2HP, 68a, High Street, Slough, SL1 1EL, 91, Beechwood Gardens, Slough, SL1 2HP, Fairrice Food & Wine, 68, High Street, Slough, SL1 1EL, 93, Beechwood Gardens, Slough, SL1 2HP, 95, Beechwood Gardens, Slough, SL1 2HP, 63, Beechwood Gardens, Slough, SL1 2HP, 61, Beechwood Gardens, Slough, SL1 2HP, 80, High Street, Slough, SL1 1EL, 66b, High Street, Slough, SL1 1EL, 66c, High Street, Slough, SL1 1EL, 52-54, High Street, Slough, SL1 1EL, Youth Offending Team, 48, High Street, Slough, SL1 1EL, 46, High Street, Slough, SL1 1EL, B C S Global Networks, Regal Court 42-44, High Street, Slough, SL1 1EL, Orega Slough Ltd, Regal Court 42-44, High Street, Slough, SL1 1EL, Venn Group Ltd, Regal Court 42-44, High Street, Slough, SL1 1EL, Barclay Kane Ltd, Regal Court 42-44, High Street, Slough, SL1 1EL, Unify Corporation Uk Ltd, Regal Court 42-44, High Street, Slough, SL1 1EL, 58, High Street, Slough, SL1 1EL, Caterpillar Impact Products Ltd, Regal Court 42-44, High Street, Slough, SL1 1EL, University Of West London, Slough Campus, Wellington Street, Slough, SL1 1YG

In accordance with Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2010, a site notice was displayed at the site and the application has been advertised in The Slough Express.

5.2 No representations received.

6.0 Consultation

6.1 Transport and Highways:

No objections; amended plans acceptable.

6.2 Drainage Engineer:

No comments received.

6.3 Environmental Protection:

Object to the proposal and express concerns regarding noise and air quality.

6.4 Thames Water:

No objections; comments provided.

6.5 Crime Prevention Design Advisor:

No comments received.

6.6 Environmental Quality:

- 1) The development is located within the Town Centre Air Quality Area. Passive monitoring at locations close to the site clearly indicate the northern boundary of the site is exposed to excessive NO₂ levels in breach of the national air quality objectives.
- 2) The air quality consultant confirms that exposure at 1st floor will be in breach of the annual NO₂ 40 ug^m³ limit – however air quality modelling needs to be treated with caution and there is ± 25% error within the model.
- 3) Worse case scenario would indicate breaches of the national air quality objective levels

up to the 4th floor.

- 4) There will also be exposure to the southern elevation which has not been modelled.
- 5) It is advised that a fresh air mechanical ventilation system (preferably climate control ventilation system) should be installed for the whole development in my opinion not just at 1st floor level to reduce the exposure of poor air quality exposure to future residents of the building.
- 6) The developer should submit details of mechanical ventilation system it proposes to install and how it will operate - and it is recommended the plant is installed on the roof of the development as this will be the location of cleanest air intake.
- 7) 2013 bias adjusted air quality levels show similar levels to 2012 and a plateau trend for air quality in this area – 2014 is currently showing deterioration of air quality in the locality although we require annualised data that has been bias corrected before drawing conclusions. The point is that air quality is not improving in the town centre, and will almost certainly require intervention measures (sustainable transport measures, traffic measures, low emission measures)
- 8) National trends indicate that reduction in NO_x emissions have not been achieved as originally modelled for the past 4-5 years.
- 9) New background NO₂ maps indicate significant reduction in NO₂ levels over the next 6 years to 2020 based on uptake of Euro 5 and 6 vehicles. This needs to be treated with caution because of the experience of previous modelling predictions.
- 10) Air quality monitoring is required both at the northern A4 (Wellington Street) elevation of the development and southern elevation (High Street) of the development along the slip road (which is particularly at risk of canyon effect).
- 11) Air quality monitoring contributions are sought towards new air quality monitoring network, reporting, and action planning over the next 6 years within the town centre up to 2020. It is suggested for a development of this size a contribution of £10,000 is reasonable. The monitoring will encompass both passive diffusion tube monitoring and analysis over 6 year period and the will pay towards continuous monitoring as we intend to install a new air quality monitoring station located on Bath Road.
- 12) In respect of proactive air quality management it is noted there will be no increase in the parking provision for the site. However, in compliance with the Borough's Air Quality Action Plan we are actively promoting sustainable transport and electric vehicle infrastructure. The Borough will have over 10 electric vehicle charging points for public use by the end of 2015, we require the developer to install electric vehicle charging infrastructure within the ground floor car park area of the development to be used by residents and business to promote low emission vehicle use. We recommend at least 5 electric vehicle charging points are installed this accounts for 10% of the residential parking allocation.
- 13) The site is affected by very high levels of road traffic noise, and comprehensive noise impact survey is required to determine the daytime and night-time environmental noise levels affecting the site.
- 14) The developer needs to design a sound insulation and ventilation scheme to adequately protect the habitable areas (living rooms and bedrooms) of the development from road traffic noise. It is recommended the developer refers to BS8233 standards for good internal noise levels taking account of both the LA_{eq} and LA_{max} exposure at night and LA_{eq} levels in the daytime.
- 15) This may require the windows being replaced so may potentially have a significant impact on the development.

PART B: PLANNING APPRAISAL

7.0 Policy Background

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

National Planning Policy Framework and the Planning Practice Guidance

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

Core Policy 1 – Spatial Strategy
Core Policy 3 – Housing Distribution
Core Policy 4 – Housing
Core Policy 5 – Employment
Core Policy 6 – Retail, Leisure and Community Facilities
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 9 – Natural and Built Environment
Core Policy 10 – Infrastructure
Core Policy 11 – Social Cohesiveness
Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

Policy EN1 – Standard of Design
Policy EN3 – Landscaping Requirements
Policy EN5 – Design and Crime Prevention
Policy EN17 – Locally Listed Buildings
Policy H9 – Comprehensive Planning
Policy H11 – Change of Use to Residential
Policy H14 – Amenity Space
Policy OSC15 – Provision of Facilities in new Residential Developments
Policy S1 – Retail Hierarchy
Policy S8 – Primary and Secondary Frontages
Policy S17 – New Shop Fronts
Policy S18 – Security Shutters
Policy T2 – Parking Restraint
Policy T8 – Cycling Network and Facilities
Policy TC2 – Slough Old Town

Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

Other relevant documents

Slough Local Development Framework, Site Allocations, Development Plan Document (adopted November 2010)

Slough Local Development Framework Proposals Map

Slough Borough Council Developer's Guide Parts 1-4

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

Guidelines for Flat Conversions (April 1992)

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Design and Impact on the street scene;
- 3) Relationship with and potential impact on neighbouring properties;
- 4) Amenity space for residents;
- 5) Parking and highway safety.

8.0 Principle of Development

8.1 Core Policy 1 of the Core Strategy sets out the overarching spatial strategy for development within the Borough. This policy requires that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings.

8.2 Core Policy 4 of the Core Strategy sets out the Council's approach to the consideration of proposed housing development within the Borough.

8.3 Core Policy 5 of the Core strategy states that outside Existing Business Areas, the change of use or redevelopment of existing offices to residential will be encouraged where this is considered appropriate. Policy H11 of The Adopted Local Plan for Slough states that proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to the proposal meeting relevant criteria.

8.4 It is considered that the proposed change of use and extension of the existing offices to provide Class C3 flats would be acceptable in principle having regard to the above policies. It should also be noted that the change of use of offices to flats can be carried out under permitted development, and the applicant has submitted drawings showing that a scheme for the conversion of the building to provide 50 no. flats could be delivered.

8.5 The total number of flats proposed and the mixture of 1, 2 and 3 bedroom (duplex) units would be acceptable in this location. It is considered that the intended high quality of the residential accommodation in terms of specification, facilities and room sizes is welcomed.

8.6 Turning to the proposed leisure unit, Core Policy 6 of the Core Strategy states that all new major retail, leisure and community developments will be located in the shopping area of Slough town centre in order to improve the town's image and to assist in enhancing its attractiveness as a Primary-Regional Shopping Centre.

- 8.7 Cornwall House is situated within the town centre; however the site falls outside of the defined primary and secondary shopping frontages as shown on the Slough Local Development Framework Proposals Map. The High Street frontage on the opposite side of the road to the south is identified as forming a secondary frontage.
- 8.8 There is currently a Class A2 bank situated at the ground floor level of Cornwall House and there are smaller units providing an active commercial frontage on the southern side of the High Street.
- 8.9 The site is situated on the opposite side of the High Street and outside of the defined shopping area. In the current climate, it is considered undesirable for further retail uses to be introduced outside of this area which may lead to a stretching of the retail core, and could result in vacancies were retailers to move to the new units, from the defined shopping area on the opposite side of the road. This was raised at pre-application stage and the applicant has sought to address this by proposing an assembly and leisure use in this ground floor unit. Such a use is considered to be acceptable in this location.

9.0 Design and Impact on the Street Scene

- 9.1 The thrust of Policy EN1 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy is that the design of proposed residential development should be of a high standard of design and reflect the character and appearance of the surrounding area.
- 9.2 The proposal involves the erection of extensions to the building. These extensions would be erected at first, second, third, fourth and fifth floor level. The proposed extensions would maintain the stepped appearance of the building and chamfered corners. The existing curtain walling and glazing is to be retained and replicated.
- 9.3 This design approach is considered to be acceptable, and the proposed extensions would be inkeeping with the character and appearance of the existing building and surrounding area.
- 9.4 Turning to the living conditions for future occupiers, the applicant has submitted an air quality assessment. This assessment considers the impact of air quality on the living conditions of future occupiers.
- 9.5 Environmental Quality have been consulted. Concerns have been raised regarding air quality and noise matters, and mitigation has been requested in the form of fresh air mechanical ventilation system; a contribution towards air quality monitoring; the provision of electric vehicle charging points and the designing of a sound insulation and ventilation scheme. The applicant will be providing further information relating to Environmental Quality comments. An update will be provided on the Committee Amendment sheet.
- 9.6 The proposal is not considered to have an adverse impact on the setting of statutory listed and locally listed buildings. The impact of the proposal on these heritage assets would be acceptable.

10.0 Relationship With and Potential Impact on Neighbouring Properties

- 10.1 It is considered that the main area for consideration in relation to the potential impact on neighbouring occupiers would be with respect to the potential impact of the proposed extensions in terms of overshadowing, loss of light and over dominance; as well as the relationship of the proposal with a future redevelopment on the site of the existing library, and the relationship between the proposed commercial and residential uses.

- 10.2 Impact of the Proposed Extensions
- 10.3 Core Policy 8 of The Core Strategy states that all development will be of a high quality and respect its location and surroundings.
- 10.4 There appear to be residential properties located to the south of the site, on the opposite side of the High Street. These properties comprise flats above ground floor commercial uses. It is not considered that the proposed change of use of the building would give rise to unacceptable adverse impacts. Furthermore, the proposed extensions would maintain the general massing and proportions of the building. It is not considered that the proposal would give rise to unacceptable overshadowing, loss of light or over dominance.
- 10.5 Future Redevelopment Proposals
- 10.6 Turning to the future redevelopment of the library site, it is considered necessary to ensure that the proposed development does not adversely impact or sterilise the future development potential of any adjacent key sites within the regeneration area.
- 10.7 Uses for the library site were shown as comprising either Class A1 retail or Class A3 restaurant/café uses to the William Street and High Street frontages, and a hotel to the Wellington Street frontage. For the upper storeys, it was proposed to provide a Class C1 hotel fronting Wellington Street and Class C3 residential use fronting William Street and High Street.
- 10.8 Policy H9 of the Adopted Local Plan for Slough states that a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.
- 10.9 It would appear that the proposal would not have a significant impact on the future redevelopment potential of the library. Plans have been prepared showing the proposed development in the context of a future development as shown on the submitted parameters plan. It is considered that the proposal would not lead to unacceptable undue overshadowing, loss of light or the potential for overlooking.
- 10.10 Relationship Between the Proposed Commercial and Residential Uses
- 10.11 It would appear that commercial servicing would be well separated from the entrances to the proposed flats. Separate refuse stores would be provided for residential and commercial occupiers.
- 10.12 The applicant has confirmed that noise transmission between demises through the existing structure will be checked and upgraded to meet Building Regulations where required.
- 10.13 A condition is recommended regarding the hours of operation and hours of deliveries for the proposed assembly and leisure unit.
- 10.14 It is considered that the proposed development would be acceptable and would comply with Core Policy 8 of the Core Strategy and the National Planning Policy Framework.
- 11.0 Amenity Space for Residents**
- 11.1 Terrace areas would be provided for use by future occupiers of some of the units.
- 11.2 The design of the proposed terraces is such that they would have the potential to provide a small usable outside area and the level of provision is considered to be acceptable given

the location of the site, the constraints of the existing building and the need to provide a satisfactory standard of living accommodation given issues regarding air quality and noise.

- 11.3 It is considered that the proposal would comply with Core Policy 8 of the Core Strategy, Policy H14 of The Adopted Local Plan for Slough and the National Planning Policy Framework.

12.0 Parking and Highway Safety

- 12.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.
- 12.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.
- 12.3 The site is located within the town centre and the Parking Standards within the Adopted Local Plan for Slough allow for nil car parking spaces to be provided in the case of residential development.
- 12.4 The ground floor layout has been amended in light of the comments made by the Council's Transport consultant.
- 12.5 The amended layout shows that 19 no. car spaces would be provided within the demise and 40 no. spaces would be retained in the allocated car park on Burlington Road. The applicant submits that this is the equivalent of one space for each of the 56 no. flats and three visitor spaces.
- 12.6 In addition, 46 no. cycle spaces are provided in the form of two-tier racks in an internal store. A separate new secure store would also be provided which would provide up to 16 no. single racks in the new secure store in the undercroft area. The applicant submits that this would equate to one per flat and up to six visitor spaces.
- 12.7 The revised plans have been assessed by Transport and are considered acceptable. Subject to conditions, the proposal is considered acceptable in parking and highway safety terms.

13.0 Planning Obligations

- 13.1 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.
- 13.2 Affordable Housing and Education
- 13.3 On sites of 1 hectare or 25 dwellings or more, 30% of dwellings in a development shall normally be social housing to meet those in most need as defined by the Council. The Developer's Guide sets out that in the case of developments comprising 15 or more dwellings, a financial contribution for education would be sought for each dwelling.
- 13.4 Whilst the proposed planning application scheme would be for 53 no. dwellings, the

applicant has highlighted the fact that this application must be considered in the context of recent changes to permitted development rights, which present the opportunity to convert the building to residential use without the need for a full planning application.

13.5 Given this position, and the fact that no objections would likely be raised on transport and highways impacts; contamination risks; and flooding risks as set out above, it is considered that it would be unreasonable to seek contributions for affordable housing and education.

13.6 Drawings have been submitted with this application showing that a scheme for the conversion of the building to provide 50 no. flats could be delivered under permitted development. The additional three units which would be provided through the extension scheme would only constitute a modest net increase and this increase in itself would not meet the above thresholds.

13.7 At pre-application stage, the applicant submitted copies of reports indicating that this approach has been taken elsewhere. Officers have however also recommended this approach in relation to a similar situation within the Borough, for example planning application P/11826/005 which related to Wellington House. This application involved the change of use of the existing offices to flats and the erection of an extension to form an additional floor.

13.8 Environmental Quality

13.9 A contribution of £10,000 has been requested for air quality monitoring. The monitoring will encompass both passive diffusion tube monitoring and analysis over 6 year period and the will pay towards continuous monitoring as it is proposed to install a new air quality monitoring station located on Bath Road.

13.10 Given the concerns raised by Environmental Quality, it is considered that this contribution would be reasonable and would comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that it would be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

13.11 The applicant has indicated that they are agreeable to this obligation and will be providing further information relating to Environmental Quality. An update will be provided on the Committee Amendment sheet.

14.0 Process

14.1 In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. Pre-application advice has been provided and amendments have been undertaken to the proposed development. The development is considered to be sustainable and in accordance with the requirements of the National Planning Policy Framework.

15.0 Summary

15.1 The proposal has been considered against relevant development plan policies, and regard has been had to the comments received, and all other relevant material considerations.

15.2 It is recommended that the application be delegated to the Development Management Lead Officer for consideration of further information relating to Environmental Quality,

formal determination following completion of a Section 106 Agreement and finalising of conditions.

PART C: RECOMMENDATION

16.0 Recommendation

- 16.1 Delegate to Development Management Lead Officer for consideration of further information relating to Environmental Quality, formal determination following completion of a Section 106 Agreement and finalising of conditions.

17.0 PART D: CONDITIONS

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

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

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

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. 4265 – L003 – P0, Dated May 14, Recd On 07/05/2014
- (b) Drawing No. 4265 – L002 – P0, Dated TBC Recd On TBC
- (c) Drawing No. 4265 – L120 – P5, Dated Apr 14, Recd On 23/05/2014
- (d) Drawing No. 4265 – L121 – P6, Dated Apr 14, Recd On 23/05/2014
- (e) Drawing No. 4265 – L122 – P6, Dated Apr 14, Recd On 23/05/2014
- (f) Drawing No. 4265 – L123 – P6, Dated Apr 14, Recd On 23/05/2014
- (g) Drawing No. 4265 – L124 – P6, Dated Apr 14, Recd On 23/05/2014
- (h) Drawing No. 4265 – L125 – P6, Dated Apr 14, Recd On 23/05/2014
- (i) Drawing No. 4265 – L210 – P1, Dated Apr 14, Recd On 23/05/2014
- (j) Drawing No. 4265 – L211 – P1, Dated Apr 14, Recd On 23/05/2014
- (k) Drawing No. 4265 – L212 – P1, Dated Apr 14, Recd On 23/05/2014
- (l) Drawing No. 4256 – L213 – P1, Dated Apr 14, Recd On 23/05/2014
- (m) Drawing No. 4265 – 3D1 – P0, Dated Apr 14, Recd On 23/05/2014
- (n) Drawing No. 4265 – 3D2 – P0, Dated Apr 14, Recd On 23/05/2014
- (o) Drawing No. 4265 – 3D3 – P0, Dated Apr 14, Recd On 23/05/2014
- (p) Drawing No. 4265_L200_P1, Dated Apr 14, Recd On 20/05/2014
- (q) Drawing No. 4265_L201_P0, Dated Apr 14, Recd On 20/05/2014
- (r) Drawing No. 4265_L202_P0, Dated Apr 14, Recd On 20/05/2014
- (s) Drawing No. 4265_L203_P0, Dated Apr 14, Recd On 20/05/2014
- (t) Drawing No. 4265_M900_P2, Dated Apr 14, Recd On 20/05/2014
- (u) Drawing No. 4265_M901_P2, Dated Apr 14, Recd On 20/05/2014
- (v) Drawing No. 4265_M902_P1, Dated Apr 14, Recd On 20/05/2014
- (w) Drawing No. 4265_M903_P1, Dated Apr 14, Recd On 20/05/2014
- (x) Drawing No. 4265_M904_P1, Dated Apr 14, Recd On 20/05/2014
- (y) Drawing No. 4265_M905_P2, Dated Apr 14, Recd On 23/05/2014

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

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

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

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

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to reflect the guidance contained in The National Planning Policy Framework.

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

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

6. No development shall commence until details of wall and floor sound insulation for the flats hereby approved has been submitted to the Local Planning Authority and approved in writing. Once approved, the approved details shall be implemented prior to the first occupation of the flats, and retained in that form thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON To protect the occupiers of the flats from internal noise transmission in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

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

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

the objectives of the Slough Integrated Transport Strategy.

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

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

9. No future occupier of the flats hereby approved shall be entitled to a car parking permit from the Council to park upon the public highway within any current or future local controlled parking zone.

REASON In order to ensure that the development does not harm the amenities of the occupiers of neighbouring residential properties by adding to on-street parking demand in the area in accordance with Policy T2 of The Adopted Local Plan for Slough 2004 and Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

10. Prior to the first occupation of the development hereby approved, details of electric vehicle charging points (to include the location, type and technical specification) shall be submitted to the Local Planning Authority and approved in writing. Once approved, the electric vehicle charging points shall be fully implemented prior to the first occupation of the development hereby approved and not subsequently altered thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON In the interests of the living conditions of future occupiers of the flats in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

11. The car parking spaces shall only be used by the occupiers of Cornwall House and not for any separate commercial use.

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

12. No development shall take place until details in respect of measures to:

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

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

13. 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) during the construction 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 the development and thereafter permanently retained.

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

14. No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

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

15. 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.

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

INFORMATIVES:

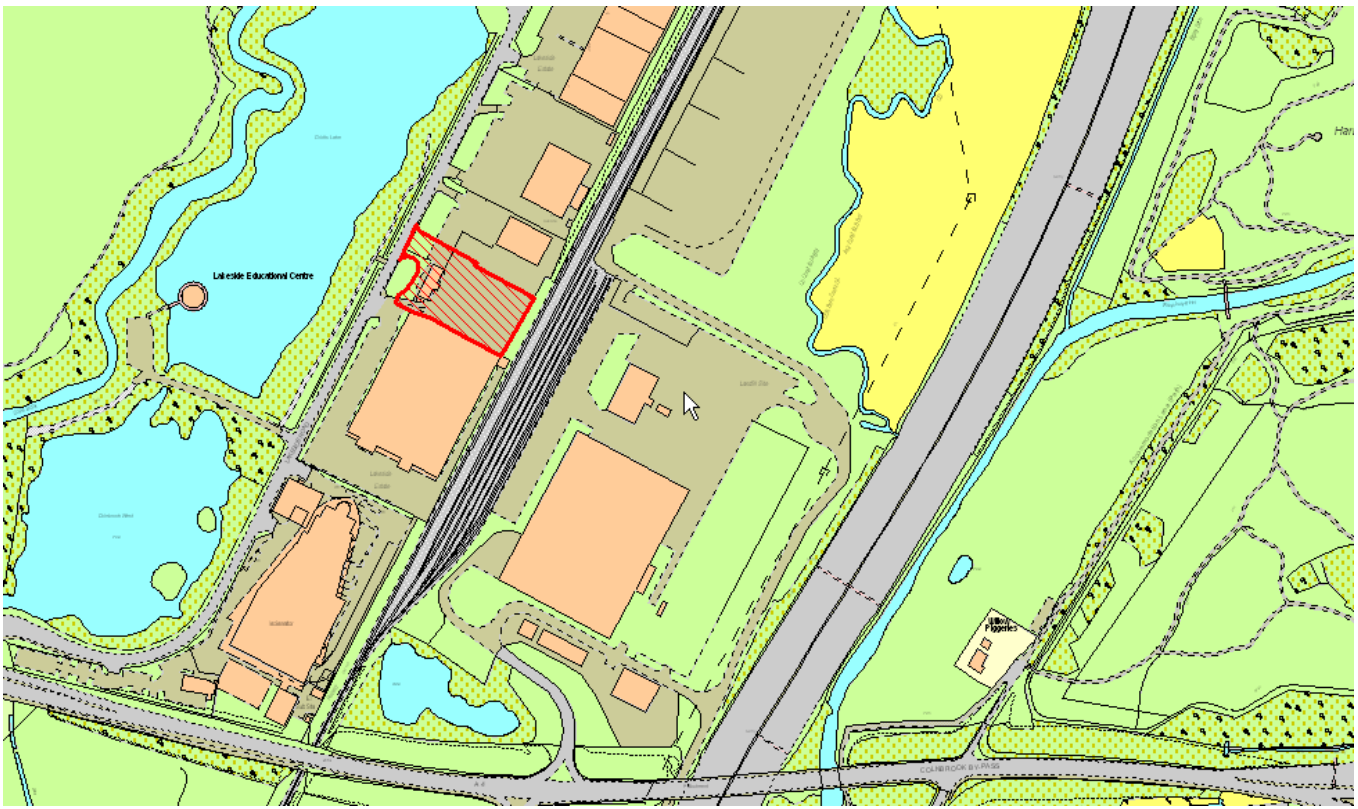
1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
2. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.
3. No water meters will be permitted within the public footway. The applicant will need to provide way leave to Thames Water Plc for installation of water meters within the site.
4. The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.

5. It is recommended that at least 5 electric vehicle charging points are installed.
6. The applicant is reminded that an Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

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Registration Date:	1 st July 2013	Applic. No:	P/10864/006
Officer:		Ward:	Colnbrook with Poyle
Applicant:	DHL Corporate Real Estate	Applic type:	Full Planning
Agent:	Barton Willmore		
Location:	Former Heathrow Coldstore, Lakeside Industrial Estate, Lakeside Road, Colnbrook, Slough, SL3 0ED		
Proposal:	ERECTION OF A WASTE PROCESSING FACILITY AND LINK CORRIDOR (TO AN EXISTING BUILDING USED FOR FOOD PREPARATION AND PROCESSING AND DISTRIBUTION) WITH ALTERATIONS TO EXISTING BUILDING		

Recommendation: Approve, with conditions.



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be approval, subject to conditions.

PART A: BACKGROUND

2.0 Proposal

- 2.1 The existing building operates as a food processing and distribution centre, serving Heathrow Airport with a large number of goods vehicles using this site. This operation involves handling substantial amounts of airline food and drink containers. A significant amount of airline containers are reused but large amounts of paper, plastic and food waste are handled at the existing centre before removed from site.
- 2.2 It is now proposed to construct an attached single storey building for handling waste separate from its adjoining food processing/distribution operation. This is likely to create additional space for food preparation in the existing building upon displacement of waste facilities.
- 2.3 As part of the proposed waste processing operation, a small biomass boiler and flue will be installed to burn approximately 550 tonnes of dried waste per year.
- 2.4 This scheme involves a reduction in the vehicle manoeuvring area and internal alterations within the existing building.

3.0 Application Site

- 3.1 The site forms part of the Lakeside Industrial Estate which is located to the east of Slough near to the junction of the M4 (to the north) and M25 (to the east) motorways, with the A4 Colnbrook By-pass to the south of the estate.
- 3.2 Running along the east boundary of the site is a railway branch line and joins the mainline to the north which runs between London and South Wales.
- 3.3 The Lakeside Industrial Estate is accessed from the A4 via Lakeside Road, and is made up of a number of large plots, each containing a range of industrial buildings which vary in terms of size, use class and age. The industrial estate is designated as an existing Business Area in Slough Borough Council's Local Plan.
- 3.4 The local topography is relatively flat with a mixture of developed areas and open spaces. Development tends to flow parallel to the main road networks with the spaces in between remaining as open landscape. One of these large open spaces is located to the west of the Lakeside Road, containing 4 interconnected open lakes, each bordered by a mixture of trees and other vegetation. These lakes form part of the Wildlife Heritage Site, which is part of the Green Belt.
- 3.5 Immediately to the south of the site, is the visually dominant Grundon "Lakeside Energy from Waste" redevelopment .This incorporates an energy from waste plant, a clinical waste incinerator, a materials recovery facility, a rail connection and new access onto Lakeside

Road, as well as the construction of a visitor centre.

- 3.6 The whole site is approximately 2.86 ha in size with a 115m deep plot and a 250m frontage along Lakeside Road. The whole site has 3 possible access points from Lakeside Road, one to the south, one at the north and the third between the office building and industrial unit.
- 3.7 Running along the western site boundary is the Lakeside road, a single carriageway which provides vehicular access from the A4 to each of the plots within the industrial estate. This edge of the site is secured by a concrete post and wire fence, behind which runs a landscape zone. This zone is shallow at the southern half where it is adjacent to the large industrial building, containing a buffer of established trees on a grass verge which help to shield the unit
- 3.8 Immediately to the east is the railway serving the Colnbrook Rail Depot site and the M25.

4.0 Site History

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

Application ref.	Description	Decision
C/00032/000	Provision of additional loading bays and alteration of existing loading bays	Approved 07 Jun '93
C/00032/001	Provision of additional loading bays and alteration to existing office accommodation and landscaping	Approved 01 Dec '93
P/10864/002	Change of Use to Food Preparation and processing, logistics and Distribution Centre	Approved 22 nd Jan '09

5.0 Neighbour Notification

- 5.1 The Occupier
N C N Parcel Service
Unit 6-7
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED
- The Occupier
Airport Connection
Unit 1
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED
- The Occupier
D S V Samsom Transport Ltd

Unit 1
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED

The Occupier
Terrys Trunk Store (aas)
Unit 1
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED

The Occupier
Imperial Polythene Products Ltd
Unit 3
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED

The Occupier
Classic Movements Ltd
Unit 6-7
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED

The Occupier
N C N Parcel Service
Unit 6-7
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough
SL3 0ED

The Occupier
Veterinary Drug Co Plc
Lakeside Industrial Estate
Colnbrook By Pass
Colnbrook
Slough

5.2 One letter of objection has been received from Lakeside EfW (who operate the adjoining Energy from Waste plant) on the following grounds:

- 1) This scheme involves small scale incinerator adjacent to the Lakeside EfW plant. It should be seen as poor planning policy to provide an alternative to an existing facility

already serving this locality.

- 2) This incineration operation may be different from the compliance level that the Lakeside EfW operates to.

5.3 Press Notice: No objection received

6.0 Consultation

6.1 Traffic and Road Safety/Highways Development

Following submissions of revised swept path manoeuvring plans within the yard and surface water drainage, no outstanding concerns remain.

6.2 Environmental Quality Officer

Accept the conclusions of the submitted screening assessment that no significant air quality impacts arise from the operation of the proposed biomass plant and from traffic movements to and from the site. Data used from the local air quality monitoring station and assessment takes account of Lakeside EfW. Whilst not entirely convinced by the consultant's view that this biomass facility does not come under the Environmental Permitting Regulations (as administered by Environment Agency), the consequence would then be that the Permit is sought from Slough BC under the Clean Air Act 1993 principally dealing with the height of the chimney and grit and dust arrestment. There are no air quality grounds for refusal.

6.3 Network Rail

No objection, subject to informative(s) added about

- (1) safe operation of railway and the protection of Network Rails adjoining land;
- (2) no soakaways within 20m of Network Rail's land regarding discharge of surface water;
- (3) materials not to be stored on boundary with Network Rail land;
- (4) adequate measures controlling dust and litter during construction and operation;
- (5) avoid scaffolding and cranes that might be prejudicial to the rail service during construction.

6.4 Environment Agency:

No objection, subject to following condition being imposed:

- 1) soil contamination
- 2) no infiltration of surface water drainage into ground

6.5 Affinity Water: No response

6.6 Colnbrook and Poyle Parish Council: No response

6.7 Aircraft Safeguarding: No objection:

6.8 Neighbourhood Enforcement: No response

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

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

National Planning Policy Framework and the Planning Practice Guidance

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

Core Policy 1 – Spatial Strategy
Core Policy 5 – Employment
Core Policy 6 – Retail, Leisure and Community Facilities
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 9 – Natural and Built Environment
Core Policy 10 – Infrastructure

The Local Plan for Slough, Adopted March 2004

Policy EN1 – Standard of Design
Policy EN2 – Extensions
Policy EN3 – Landscaping Requirements
Policy EN5 – Design and Crime Prevention
Policy T2 – Parking Restraint
Policy T8 – Cycling Network and Facilities
Policy OSC8 – Green Spaces

Other Relevant Documents/Statements

Slough Borough Council Developer's Guide Parts 1-4

7.2 Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

7.3 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Design and impact upon the Streetscene and setting of the green belt;
- 3) Transport and Highway;
- 4) Surface Water Drainage and Soil Contamination;
- 5) Air quality.

8.0 Principle of Development

- 8.1 The applicant wants to improve its waste handling and disposal arrangements for this site. It is proposed to achieve this by separating the main food production area (Class B2) on site from the waste handling / disposal process by operating its own small biomass incinerator. The entire site serves Heathrow Airport. At present, some of the waste generated on site is transferred to Lakeside EfW. It is likely to reduce waste volumes taken away from the site. Waste handling should be seen as a significant part of the whole operation.
- 8.2 In proposing a new waste processing building, it still has a link corridor with the main building. The footprint of this building will alter the circulation of vehicles between existing and proposed buildings on the site. The different uses across the wider estate, including Lakeside EfW generate significant traffic movements and require dedicated areas for loading and unloading, many of which are 24 hour a day serving the airport. Traffic generally flows freely along this part of the road. Each site provides its own off-street parking to prevent on-street parking affecting traffic movement or some use the nearby EfW visitor centre's car park. These matters are covered in the Traffic and Highways section.
- 8.3 The Saved Local Plan policies in Waste Local Plan for Berkshire remain in effect but are largely out of date. These largely relate to separate waste sites. Otherwise the recent Waste Management Plan for England and other UK and EU guidance all stress the significance of Waste Hierarchy Framework. These require waste minimisation and waste recycling wherever possible. To reduce waste volumes and increase calorific value, waste will pass through drying units. This waste can however be contaminated which prevents recycling. Waste is coming from the aircraft using Heathrow Airport. Waste-handling operation is integral to the whole operation. The small biomass incinerator produces limited energy generation for use at the plant.
- 8.4 It was necessary for this application to be assessed under the Environmental Impact Assessment Regulations. On the basis of evidence submitted after the request was made by this Council, a screening opinion has been given by Slough BC that no Environmental Statement is required.
- 8.5 There is no policy objection to improving waste handling on this site, subject to this waste operation remaining ancillary to the main food manufacture on site and the whole operation only serving Heathrow Airport.

9.0 Design and Impact on the street scene and green belt setting

- 9.1 The siting and footprint of the proposed L-shaped single storey industrial building with two of its walls close to the north (decked carpark) and the eastern boundary (next to railway land). Some waste handling will still remain in the original building. The proposed new building will accommodate Materials Recovery Facility, d-ryers, bailers, compactors and biomass boiler. It means that an area sufficient for vehicle manoeuvring still remains. This vehicle manoeuvring area will be used by the food distribution vehicles and the waste vehicles. There is an internal link corridor accommodating two-way traffic. The proposed building is lower than the adjoining existing building although higher than the decked carpark It will have silver coloured metal ribbed walling.

- 9.2 At present, no ventilation or dust extraction flues are illustrated on the external walling. It is considered that any flue extraction should be placed on the roof.
- 9.3 The proposed design of the building is compatible with the existing building and other business buildings on this estate. The proposed building is set away from the street. The whole estate is not in the Metropolitan Green Belt although the surrounding area is. There is no adverse impact upon the setting of the Green Belt.
- 9.4 The vehicle manoeuvring area remains appropriate for the scale of operations.
- 9.5 No objection is raised to the proposed design, scale and its siting.

10.0 Transport and Highways

- 10.1 Further vehicle tracking information has been supplied. The Head of Highways and Transport raise no objection to the area retained for vehicle manoeuvring. This area should be kept free of obstruction.

11.0 Surface Water Drainage and Soil Contamination

- 11.1 This proposed scheme is on a former landfill site. It also adjoins the Network Rail branch line. Both Network Rail and the Environment Agency require no infiltration of surface water across this site thereby preventing soakaways close to the railway land. Accordingly it is recommended to impose a planning condition requiring details of the surface water drainage to be submitted for approval. If approved, there should be a soil contamination investigation on this part of the site.

12.0 Air Quality

- 12.1 The submitted screening assessment states no significant air quality impacts arise from the operation of the proposed biomass plant and from traffic movements to and from the site. Data is used from the local air quality monitoring station and assessment takes account of Lakeside EfW. The Environmental Quality Officer is not entirely convinced about the consultant's view that the biomass facility is not a permitted process under the Environmental Permitting Regulations and administered by Environment Agency. As a Biomass incinerator, the alternative permitting regime is administered by Slough BC under the Clean Air Act 1993 and covers the height of the chimney and grit and dust arrestment. There are no air quality grounds for refusal.

13.0 Summary

- 13.1 The applicant is seeking to provide a separate building accommodating waste processing operation and disposal, either by recycling, disposal or small scale incineration. The scheme can be accommodated within the site without prejudicing the internal turning movements for the large number of vehicles operating from this site. The small scale biomass incinerator can also be accommodated because it will not be prejudicial to air quality within this locality. Its original consent for the food assembly centre limited the operation to only serve Heathrow Airport and a similar condition should be imposed for this new element.
- 13.2 On the basis of submitted evidence, this scheme is recommended for conditional approval.

PART C: RECOMMENDATION

14.0 Approve, with conditions

PART D: LIST OF CONDITIONS

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

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

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

	Drawing No.	Dated	Recd
Site Location Plan.....	P-100 Rev A ...	6/13	28 Jun 2013
Existing Site Plan.....	P-101 Rev A....	6/13	28 Jun 2013
Existing Roof Plan.....	P-102 Rev A	Jun13	28 Jun 2013
Proposed Site Plan.....	P-105 Rev A	6/13	28 Jun 2013
Proposed Roof Plan.....	P-106	5/6/13	28 Jun 2013
Existing Elevations.....	P-300 Rev A	5/6/13	28 Jun 2013
Proposed Elevations.....	P-305 Rev A	7/6/13	28 Jun 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.

3. The development/use hereby permitted shall only be operated ancillary to the approved Class B2 general industrial use scheme as approved under P/10864/002 dated 22 January 2009 and at no time shall the site be subdivided or operated independently from the Class B2 use. The development /use hereby permitted shall be restricted to an airport related use only and for no other purpose.

REASON That this use, being an airport related use, is being treated as an exception to Policy T2 of the Adopted Local Plan.

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

REASON To protect controlled waters from the effects of previous land use in accordance Core Policy 8(Sustainability and the Environment) of Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and the National Planning Policy Framework.

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

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

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

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

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

REASON In the interests of the safety of the future occupiers of the development and comply with Core Policy 8(Sustainability and the Environment) of Slough Local Development Framework, Core Strategy 2006-2026, Development plan Document, December 2008.

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

REASON To ensure the scheme is built in accordance with the approved materials so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of the Local Plan for Slough 2004.

7. Piling or an other foundation designs using penetrative methods shall not be permitted other than with the express written consent of Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON To protect controlled waters from the effects of previous land use in accordance with Core Policy 8 (Sustainability and the Environment) , Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

8. The applicant shall ensure that the noise generated by the proposed use does not, at any time, increase the pre-existing ambient equivalent noise level measured immediately outside of any adjoining or nearby premises.

REASON In the interests of general amenity of the area and to comply with Core Policy 8(Sustainability and the Environment) , Slough Local Development Framework, Development Plan Document, December 2008.

9. There shall be no outside storage of goods, materials or packaging at any time
REASON To safeguard the remaining vehicle turning arrangements serving the general industrial use and be in compliance with Core Policy 7(Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EMP 2 of the Adopted Local Plan for Slough 2004.

10. The use hereby permitted shall not be brought into use until measures to suppress and disperse fumes or smell produced by the processes for disposing of food waste and packaging have been submitted to and approved in writing by Local Planning Authority and thereafter the measures shall be operated in accordance with the approved scheme.

REASON In the interests of the amenities of the area and the amenities of the occupiers of nearby premises and to comply with Saved Policy WLP 16 of the Waste Local Plan for Berkshire 1998.

11. Change over of working shifts for non-office employees shall not be permitted to take place during the periods 0700-0930 and 1600-1830 Monday to Friday.

REASON To avoid additional traffic during the peak hour periods and to avoid congestion on local roads in accordance with Core Policy 7(Transport) of the Slough Local Development Core Strategy, core Strategy 2006-2026, Development Plan Document, December 2008.

12. The machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/ or attenuated that noise there from does not, at any time, increase the ambient equivalent noise level when the plant, etc, is in use as measured according to B.S. 4142: 1997 at any adjoining or nearby premises in separate operation.

REASON In the interest of the general amenity of the area and to comply with Core Policy 8(Sustainability and the Environment) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

13. External lighting shall be carried out in accordance with a scheme of lighting to be submitted and prior written approval obtained from the Local Planning Authority before commencement. The lighting shall comply with Advice Note 2 'Lighting near aerodromes'(available at www.caa.co.uk/srg/aerodrome) and shall specify that lighting is of flat glass, full cut off design with horizontal mounts, and ensure that there is no light spill above the horizontal. No subsequent alterations to the lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented prior to first occupation of the development hereby approved and maintained in accordance with the details approved.

REASON In the interest of amenity and aircraft safety and to comply with the requirements of Core Policy 8(Sustainability and the Environment) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

14. Notwithstanding the provisions of the Town and Country General Development Order 1988 the total gross floorspace of the building shall not exceed 1072 sq m and no extension or alteration either external or internal, involving an increase of floorspace, including a mezzanine floor, shall be carried out without the prior permission of the Local Planning Authority.

REASON To retain control over the intensification of the use of the site, particularly having regard to the provision of on-site parking in accordance with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

15. The applicant shall ensure that the development hereby approved complies with the safety requirements of Network Rail.

REASON In the interests of rail safety and comply with Core Policy 7(Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

16. The height of the emission flue for the biomass incineration unit shall not exceed more than 32.37metres AOD unless prior written approval obtained from Local Planning Authority.

REASON To comply with Core Policy 8(Sustainability and the Environment) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

No other part of the development shall begin until visibility splays have been provided on both sides of each access between a point 2.4metres along the centre line of the access measured from the edge of Lakeside Road (or any subsequent name if renamed in the future) and a point 90metres along the edge of the carriageway measured from the intersection of the centre line with the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6metres in height above the nearside channel level of the carriageway.

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

17. Prior to the commencement of the use as hereby approved a detailed drainage scheme for the disposal of surface water from the site and buildings and prior written approval obtained from the Local Planning Authority before commencement.

REASON To prevent flooding and contamination of controlled waters and to comply with Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

18. The annual amount of waste to be incinerated on site shall not exceed 600 tonnes per year unless prior written approval obtained from the Local Planning Authority.

REASON To comply with Policy WLP2 of the Waste Local Plan for Slough 1998 and be in accordance with the submitted evidence indicating only limited waste volumes will be generated from this site (which the assessment has been based upon).

Informatives

1. You are advised to seek a Permit for the proposed biomass incinerator from the Environmental Quality Manager of Community and Customer Services, Slough Borough Council prior to commencing this scheme.

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 24th July 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/10925/002	<p>32, Wexham Road, Slough, SL1 1UA</p> <p>RETENTION OF A CANVAS ADVERTISEMENT BANNER.</p> <p>A retrospective planning consent was sought for:</p> <p>To display a canvas advertisement banner</p> <p>Planning consent was refused on the following grounds:</p> <p>1- The proposed canvas advertisement banner by virtue of its size, siting and prominence at the junction of Wexham Road and Wellington Road (A4) would result in a cluttered image of the host dwelling with negative impact on the visual amenity of the area contrary to National Planning Policy Framework (NPPF), Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document (DPD), December 2008.</p> <p>The Inspector allowed the appeal and concluded that the main issue was:</p> <p>Whether the banner results in a 'cluttered image' on the host building and within the area</p> <p>And the reasons for supporting the appeal are as follows:</p> <p>Reasons:</p> <p>1. The appeal inspector with regards to officer's reference to paragraph 67 of the National Planning Policy Framework (NPPF) which states " that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment."</p> <p>Argues that whilst the officer report states:</p>	<p>Appeal Granted</p> <p>23rd May 2014</p>

	<p>“that the banner is not considered to have an appreciable impact on the host building or its surrounding area. Nevertheless the consent was refused on the basis that the display would result in a ‘cluttered image’ of [sic] (on) the building as well as the area.”</p> <p>2. Therefore the appeal inspector disagrees with the banner creating cluttered image of the building and states that “the banner itself is the only advertisement on the wall. It is also not seen in close or direct association with any other advertisements in the area.”</p> <p>Thus, the Council’s concern appears to relate to the content/design of the banner’s message.</p> <p>2. The appeal inspector acknowledges that the banner contains a rather lengthy message. However, this is set out in a way that does not result in the appearance of any obvious clutter when viewing it.</p> <p>The inspector further adds that given the temporary nature of this consent there is insufficient justification to refuse consent in this case given that the Council have concluded the banner itself does not have an appreciable impact on the building or its surroundings.</p> <p>3. The appeal inspector gives little weight to Core Policy 8 (Sustainability and the Environment) Local Development Framework and relates it to development rather than the display of advertisements.</p> <p>4. The appeal inspector has placed condition on the display of the banner for 3 years to ensure that the banner is genuinely a temporary feature.</p> <p>Conclusions:</p> <p>5. for the reasons given above the appeal officer concludes that the appeal should be allowed.</p>	
<p>P/00288/022</p>	<p>399, London Road, Slough, SL3 8PS</p> <p>APPLICATION FOR THE DISPLAY OF 4NO INTERNALLY ILLUMINATED FASCIA SIGNS AND 2NO REPLACEMENT PANELS NON ILLUMINATED SIGNS, 1 NO TOTEM SIGN INTERNALLY ILLUMINATED, 1NO POST MOUNTED SIGN INTERNALLY ILLUMINATED AND 1 NO POST MOUNTED SIGN EXTERNALLY ILLUMINATED.</p> <p>Advertisement consent was sort for the display of 4 fascia signs 2 replacement panels, 1 totem and 2 post mounted signs and advertisement consent was refused for 3 signs that were free standing and on the boundary to the A4 for the following reason: By virtue of their siting and appearance and overbearing appearance would detract from the character and appearance of</p>	<p>Appeal Partly Granted</p> <p>5th June 2014</p> <p>Appeal upheld in part and refused in part</p>

	<p>area with the site occupying a prominent location on the A4 contrary to National Planning Policy Framework (paragraph 67) and Policy EN11 of the of the Adopted Local plan for Slough 2004</p> <p>The Inspector concluded that:</p> <p>Sign D would be positioned immediately adjacent to another similar relatively large sized advertisement and, in view of the illuminated style proposed and very close proximity of this similar sign, would result in a cluttered appearance which would draw the eye in views from the road. As such, although replacing a slightly larger sign and taking into account the cleaner overall appearance of the new scheme proposed, sign D would nonetheless be to the detriment of the character of the area.</p> <p>Although Sign A would be of a significant size and level of illumination, it would not be seen immediately alongside other signage, would feature relatively restrained colours and would be of a simple design. Given that it would be seen in the context of the public house car park and hotel grounds and adjacent to a wide and busy road, it would not appear out of keeping with the immediate area. Sign Fi also would not be seen immediately alongside other advertisements and would be of a reasonably small scale, again featuring restrained colours and a clean design. Only the lettering of this sign would be illuminated, limiting further the visual impact of the sign.</p> <p>As such, due to their proposed positions, relatively restrained design and set back from the road, signs A and Fi would not appear as advertisement clutter and, even taking into account that the Council has identified the approach to the appeal site as an important entrance into Slough, signs A and Fi would not be materially detrimental to the interests of amenity.</p>	
P/12138/002	<p>107, Hurworth Avenue, Slough, SL3 7FG</p> <p>ERECTION OF A DETACHED DOUBLE GARAGE WITH BIN AND CYCLE STORE, IN THE FRONT GARDEN.</p>	<p>Appeal Dismissed</p> <p>11th June 2014</p>
P/15472/000	<p>Land ADJ to No 5, Pickwick Terrace, Maple Crescent, Slough, SL2 5LW</p> <p>CONSTRUCTION OF 1 NO. TWO BEDROOM DWELLING WITH A GABLE ROOF AT LAND ADJACENT TO NO. 5 PICKWICK TERRACE</p>	<p>Appeal Dismissed</p> <p>25th June 2014</p>
P/07591/003	<p>28, Seacourt Road, Slough, SL3 8EW</p> <p>RETROSPECTIVE PLANNING APPLICATION FOR RETENTION OF CONVERSION OF PART GARAGE/STORAGE AREA INTO A HABITABLE ROOM.</p> <p>Condition 2: 1. The Condition in dispute is No.2 which states that: Within one calendar month from the date of this planning</p>	<p>Appeal Granted</p> <p>26th June 2014</p>

	<p>permission details of parking to utilise the existing vehicle crossover together with details of a front boundary wall or landscaping not exceeding 600mm in height above the neighbouring carriageway shall be submitted to and approved in writing by the Local Planning Authority. The details of scheme as approved shall be implemented within a further 2 calendar months from the date of the Local Planning Authority's approval and shall be so maintained at all times</p> <p>REASON: To prevent vehicles accessing illegally from the highway and minimise danger, obstruction and inconvenience to users of the adjoining highway and to protect the amenities of the area in accordance with Core Policies 7 of the Slough Local Development Framework, Core Strategy (2006 – 2026), Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004.</p> <p>The Background and Main Issues</p> <p>2. Planning permission for the retention of conversion of part garage/storage area into a habitable room included a condition requiring the implementation of front boundary treatment in order to prevent cars from driving on to the parking area in front of the house up the kerb. The appellant objects to the condition as they consider that the surrounding nature of the street shows similar garage conversions with clear access to driveways without boundary walls.</p> <p>3. Taking the above background into account the main issue is whether the condition is reasonable and necessary in the interests of highway safety.</p> <p>Reasons</p> <p>3. The Inspector considered that the appeal property is a semi-detached dwelling located on the south side of Seacourt Road in a residential area of predominantly similar properties. The front gardens of the houses are wide and open, with houses set back from the road. Seacourt Road is wide, as is the majority of the footpath, except where trees are planted on the footpath close to the kerb. The trees along the road play an important role in the character and appearance of the area. There are no parking restrictions on the road.</p> <p>5. On my site visit, I noted that there are a few examples of fully paved front gardens within the wider area. However, the majority of driveways on Seacourt Road are shared between neighbouring properties with access via a shared drop kerb. Although there is some hardstanding or pavement in front of the houses, generally front gardens were also partially planted or grassed. Gardens are also separated from the footpath by planted or grassed areas.</p> <p>6. The front garden of the appeal property is given over to paving and hardstanding, there is a shared dropped kerb with No 30 Seacourt Road. On the boundary with No 26 is planting with shrubs which small to medium in size. At the time of my visit, two cars were parked on the parking area of No 28, with one car parked facing directly towards the house between a streetlight and adjacent to a tree on the footpath. The tree is</p>	
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	<p>medium in height with a broad trunk. It is on the footpath near to the roadside in between the boundary of No 28 and No 26.</p> <p>7. The trunk of the tree obstructs half of the footpath and pedestrians would need to step closer to the boundary of No 28 near to the hardstanding in order to avoid the trunk. Visibility from outside the appeal property along the road and footway from both east and west is generally good. However, due to the location of the tree and the presence of planting on the boundary with No 26, these restrict visibility somewhat. Therefore, there would be considerable risk to pedestrian safety and other road users approaching from the west, if a car were to reverse directly on to the road via the full height kerb.</p> <p>8. The street lighting column is located halfway across the width of the front boundary of No 28, towards the footpath and front boundary. Because of the proximity of the tree and lighting column to each other, if the parking area is accessed by car from the road directly over the full height kerb, there is also a risk of damage occurring to both these and also to the cars.</p> <p>9. The appellant refers to similar garage conversions without boundary treatments and clear driveway access, however no examples have been provided and therefore I am unable to assess whether these would be directly comparable with the proposal before me. In any event, I have determined the appeal on its own merits.</p> <p>10. Accordingly, I conclude that condition 2 is reasonable and necessary in the interests of highway safety and to comply with Policy 7 of the Slough Core Strategy 2008 and Policy T2 of the Local Plan for Slough 2004, which amongst other things seek to require development to overcome road safety problems.</p> <p>11. However, I propose to vary the condition to require that relevant details be submitted, for the Council's written approval, within one month of the date of this decision. As a result, the appeal is allowed but only in so far as altering the wording in relation to the timing of submission of details. My decision modifies the original permission and should be read in conjunction with it.</p> <p>Planning Officer's comment to the Planning Committee on the Inspector's varying the Condition is that the condition is still imposed but only affects the timing for 1 month. Therefore, from the Council's point of view, the result of the Appeal is a win, win for the Council because the appellant will still have to submit the details for approval and will have to be implemented as approved.</p>	
<p>P/15225/001</p>	<p>Land Adj To No. 6 No. 7 Copperfield Terrace, Mirador Crescent, Slough, SL2 5JY</p> <p>ERECTION OF 2 STOREY DWELLING WITH PITCHED ROOF BETWEEN AND ATTACHED TO EXISTING PROPERTIES.</p>	<p>Appeal Dismissed</p> <p>1st July 2014</p>

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MEMBERS' ATTENDANCE RECORD 2014/15
PLANNING COMMITTEE

COUNCILLOR	19/06/14	24/07/14	03/09/14	16/10/14	27/11/14	08/01/15	17/02/15	01/04/15	29/04/15
Ajaib	P								
Bains	P								
Dar	P								
M. Holledge	P								
Plenty	P								
Rasib	P								
Sidhu	P								
Smith	P								
Swindlehurst	P								

P = Present for whole meeting
 Ap = Apologies given

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

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