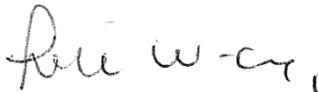


Date of issue: Tuesday, 7 January 2020

MEETING	PLANNING COMMITTEE (Councillors Dar (Chair), M Holledge (Vice-Chair), Davis, Gahir, Mann, Minhas, Plenty, Sabah and Smith)
DATE AND TIME:	WEDNESDAY, 15TH JANUARY, 2020 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 01753 875120

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.



JOSIE WRAGG
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

APOLOGIES FOR ABSENCE

CONSTITUTIONAL MATTERS

1. Declarations of Interest

-

-

All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 4th December 2019	3 - 6	-
4.	Human Rights Act Statement - To Note	7 - 8	-

PLANNING APPLICATIONS

5.	P/12604/002 - 12-14 Lynwood Avenue, Slough, SL3 7BH <i>Officer's Recommendation: Refuse</i>	9 - 30	Upton
6.	P/09881/008 - Unit 3, Blackthorne Road, Slough, SL3 0DA <i>Officer's Recommendation: Delegate to Planning Manager for approval</i>	31 - 66	Colnbrook with Poyle

MATTERS FOR INFORMATION

7.	Members Attendance Record	67 - 68	-
8.	Date of Next Meeting - 19th February 2020	-	-

Press and Public

Attendance and accessibility: 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 any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

Webcasting and recording: The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so 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.

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

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 Wednesday, 4th December, 2019.

Present:- Councillors Dar (Chair), M Holledge (Vice-Chair), Davis, Gahir, Mann, Minhas, Plenty, Sabah and Smith

Apologies for Absence:- None.

PART I

54. Declarations of Interest

Agenda item 8 (Minute 62): Response to the Consultation on Windsor & Maidenhead, Spelthorne and Aylesbury Vale Local Plans – Councillor Mann declared a personal interest in that she was the Labour Party's Parliamentary Candidate for Spelthorne for the General Election to be held on 12th December 2019. She stated that she did not have a pecuniary or prejudicial interest in the matter and would participate and vote on the recommendations in the report.

55. Guidance on Predetermination/Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

56. Minutes of the Last Meeting held on 6th November 2019

Resolved – That the minutes of the meeting held on 6th November 2019 be approved as a correct record.

57. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

58. Planning Applications

Details were tabled in an amendment sheet of alterations and amendments received since the agenda was circulated. The committee adjourned at the commencement of the meeting to read the amendment sheet.

Oral representations were made to the Committee under the Public Participation Scheme, prior to the application being considered by the Committee as follows:-

Application P/05806/007 – 23-25 Mill Street, Slough; the agent addressed the committee.

Resolved – That the decisions be taken in respect of the planning applications as set out in the minutes below, subject to the information, including conditions and informatives set out in the

Planning Committee - 04.12.19

report of the Planning Manager and the amendments sheet tabled at the meeting and subject to any further amendments and conditions agreed by the Committee.

59. P/06033/018 - 15, Bath Road, Slough, SL1 3UF

Application	Decision
Demolition of existing roof. Three storey extension above existing second floor and part 4 and part 6 storey rear extension to existing building to provide 24 residential flats (17 x 1 bed; 7 x 2 bed). Installation of vehicle access gates, fencing, change of access to 17 Bath Road, provision of car parking, cycle storage, refuse storage area. External alterations to existing building including revisions to fenestration, elevations and addition of terraces. Boundary treatment and landscaping.	Delegated to the Planning Manager for approval.

60. P/05806/007 - 23-25, Mill Street, Slough, Berkshire, SL2 5AD

Application	Decision
Demolition of the existing building and redevelopment of the site to provide two connected residential blocks for 30 x 2 bedroom and 25 x 1 bedroom units, associated parking and cycle parking facilities; with a new public pedestrian and cycle route connecting Fleetwood Road and Mill Street.	Delegated to the Planning Manager for approval.

61. Former Octagon Site, Station Square, Slough, SL1 1QY

The Committee received a pre-application presentation on the proposals for the former Octagon site, Station Square, Slough. Members were reminded of the purpose, scope and format of the discussion, as outlined in the Code of Conduct for Councillors and Officers in relation to planning and licensing matters.

The pre-application presentation was given by representatives of the applicant, Exton Estates/Aberdeen Standard Investments. The 0.41 hectare site was located in an area where it was envisaged significant further regeneration would take place and Members noted the reasons given by the

Planning Committee - 04.12.19

applicant for the withdrawal of two recent planning applications for mixed use development, which included a hotel operator pulling out of the first scheme and viability issues relating to the second. The revised proposal was for a 7 storey office building to provide 12,401 square metres of office space, two ground floor cafes and 120 car parking spaces. The offices would be designed flexibility to accommodate either a single occupier or multiple occupiers.

During the course of a question and answer session, Members raised a number of points including how the development could achieve a net ecological gain; how the development would align with the planned redevelopment of adjoining sites; the public realm and access to the bus station; and the choice of external materials and glazing finishes.

At the conclusion of the discussion, the presentation was noted.

Resolved – That the pre-application presentation be noted.

62. Response to Consultations on Windsor & Maidenhead, Spelthorne and Aylesbury Vale Local Plans

The Planning Policy Lead Officer introduced a report that sought approval for the proposed response to consultations on proposed modifications to the Royal Borough of Windsor & Maidenhead (RBWM) Local Plan and Vale of Aylesbury Local Plan. Approval was also sought for the Council's response to the Spelthorne Preferred Options Local Plan consultation. Members considered the information in the Supplementary Agenda and an additional recommendation (d) in relation to the Draft Bracknell Forest Local Plan Revised Growth Strategy.

The proposed representations on the Windsor & Maidenhead Local Plan were summarised. Slough Borough Council had previously objected to the lack of any requirement in Policy H03 to require any development to provide affordable housing to rent. The revised plan included a policy, as set out in paragraph 5.16 of the report, and it was recommended that this objection therefore be withdrawn. The objection relating to RBWMs failure to allocate the land at Austen Way as a housing site would still stand as it was considered that this would help meet Slough's unmet housing need.

The site east of Queen Mary Reservoir, Horton, which adjoined Brands Hill remained on the list of housing allocation sites. Councillor Smith, a Ward Member for Colnbrook with Poyle, raised concern about the impact of such development on the residents of Springfield Road, in particular that it could become a 'rat run' if it was made into a through road. It was proposed and agreed that the response include a statement that the Council's position was that Springfield Road's status as a no through road be retained.

Members considered the recommendations in relation to Aylesbury Vale's Local Plan modifications, Spelthorne Preferred Options Local Plan consultation and the Draft Bracknell Forest Local Plan Revised Strategy as

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detailed in paragraphs 5.22 to 5.32 of the report and in the Amendment Sheet. The Committee approved the recommendations.

Resolved –

- (a) That the proposed representations on the Windsor and Maidenhead Borough Local Plan (2013 - 2033) Submission Version Incorporating Proposed Changes (October 2019) be approved and submitted to the Council.
- (b) That the proposed representations on the Aylesbury Vale Local Plan Main Modifications consultation (November 2019) be approved and submitted to the Council.
- (c) That no objections be made to the Spelthorne Preferred Options Local Plan Consultation: Sites and Policies document (November 2019).
- (d) That no objections be made to the Draft Bracknell Forest Local Plan Revised Growth Strategy.

63. Members' Attendance Record

Resolved – That the Members' Attendance Record be noted.

64. Date of Next Meeting - 15th January 2020

The date of the next meeting was confirmed as 15th January 2020.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.15 pm)

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

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

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

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

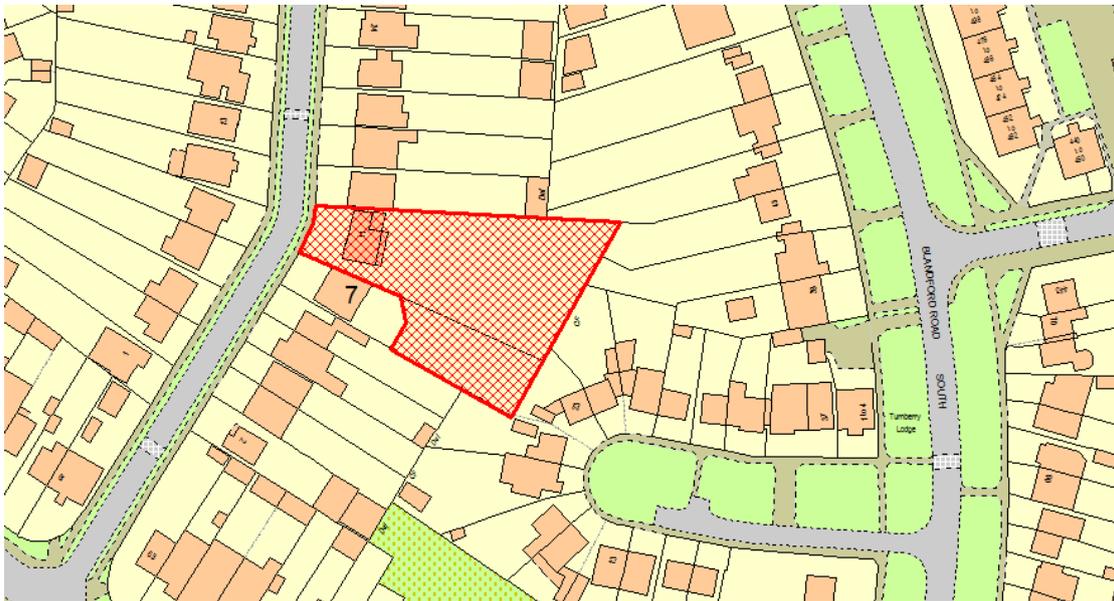
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House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

	OFFICER ABBREVIATIONS
LM	Laurence Moore
DC	David Cooper
PS	Paul Stimpson
NR	Neetal Rajput
HA	Howard Albertini
JG	James Guthrie
SB	Sharon Belcher
IK	Ismat Kausar
CM	Christian Morrone
CL	Caroline Longman
NB	Neil Button
MS	Michael Scott

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Registration Date:	26 th September 2019	Application No:	P/12604/002
Officer:	Caroline Longman	Ward:	Upton
Applicant:	Matt Taylor	Application Type:	Minor
		8 Week Date:	21 st November 2019
Agent:	None		
Location:	12-14 Lynwood Avenue, Slough, SL3 7BH		
Proposal:	Demolition of existing dwelling and construction of 4no. three bedroom dwellings and 2no. four bedroom dwellings with associated access, parking and amenity space		

Recommendation: Refusal



P/12604/002– 12-14 Lynwood Avenue, Slough, SL3 7BH

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Under the current constitution this application is being brought to Committee for decision as it has been called in by a Ward Member.
- 1.2 Having considered the relevant policies set out below, the representations received from all consultees and neighbouring residents, as well as all other relevant material considerations, it is recommended that the application be refused.

PART A: BACKGROUND

2.0 Proposal

- 2.1 Planning permission is sought for the demolition of number 14 Lynwood Avenue and the erection six residential dwellings with associated access, parking and amenity space.
- 2.2 The proposal includes four x three bedroom properties and two x four bedroom properties on the site. Plot 1 replaces number 14 Lynwood Avenue and consists of a three bedroom detached dwelling. Five additional dwellings are proposed to the rear of number 12 and number 14 Lynwood Close. The overall proposal consists of the following with the approximate internal floor area in brackets):
- Plot 1 – 1 x three bedroom detached dwelling (130sq.m)
 - Plots 2/3 – 2 x three bedroom semi detached dwellings (115sq.m each)
 - Plot 4 – 1 x three bedroom detached dwelling (130sq.m)
 - Plot 5 – 1 x four bedroom detached dwelling (170sq.m)
 - Plot 6 – 1 x four bedroom detached dwelling (168sq.m)
- 2.3 Two car parking spaces are provided each of the new dwellings apart from plots 5 and 6 where three car parking spaces are provided. There are two carports associated with plots 5 and 6. Two car parking spaces are retained for number 12 Lynwood Avenue.
- 2.4 Amenity space is provided for each of the new dwellings and garden space is retained for number 12 Lynwood Avenue. Plots 2 to 6 are positioned within the existing rear gardens of 12 and 14 Lynwood Avenue. A new access is to be provided between 12 Lynwood Avenue and the new dwelling replacing number 14 Lynwood Avenue (plot 1).

3.0 Application Site

3.1 Numbers 12 and 14 Lynwood Avenue are large detached, two storey dwellings located on the eastern side of Lynwood Avenue (red dots in aerial image below). No. 14 Lynwood is but one of a number of character detached properties in Lynwood Avenue, albeit it is perhaps more substantial than some of the other properties in the street. Lynwood Avenue itself has changed very little since most of the properties were built during the 1930s. There is some evidence of prominent extensions having been constructed in the street, but overall the impression is one of substantial character and interest.



3.2 Immediately adjoining the site are number 10 (to the south) and number 16 (to the north) Lynwood Avenue. The area is characterised by large detached or semi detached properties set within large plots. All residential properties front Lynwood Avenue with car parking provided off street to the front. Lynwood Avenue itself connects London Road with Langley Road and is heavily trafficked during the peak hours. Nonetheless, the combination of grass highway verges and its tree lined nature reinforce its particular character.

3.3 The site is located outside Slough Town Centre boundary and is not within a Conservation Area.

4.0 Site History

P/12604/000 - Demolition of existing house and erection of five detached 4 bedroom dwellings and four detached garages, together with the formation of access and parkway

Refused - 15 December 2003

The grounds for refusal as set out in the Decision Notice are as follows:

The proposal is contrary to Policies H13, H14, EN1 and T3 of The Adopted Local Plan for Slough 2004, the Council's approved guidelines for Backland/Infill Housing Development 1991 and the provision of amenity space around residential properties 1990, in that:

A) The density of the proposed development is considered to be excessive in an area which is characterised by low density housing and is therefore out of keeping with the general character and appearance of the locality

B) The form, character, design and external appearance of the proposed dwellings would be out of keeping with the existing street scene in Lynwood Avenue which is characterised by well established 1930's detached properties, set in substantial plots with long rear gardens

C) The proposed access road and rear parking areas would give rise to general noise and disturbance to neighbouring residential occupiers, particularly No. 16 Lynwood Avenue, resulting in a significant loss of residential amenity

D) There is insufficient rear amenity space to serve the proposed dwellings and in particular plots 1, 3 and 4 being substantial 4 bedroom dwellings and this coupled with the general siting, scale, massing and physical arrangement of the dwellings on site will lead to a cramped form of development, resulting in over-development and detracting from the character and setting of Lynwood Avenue

E) The proximity of the proposed dwellings and associated garages and in particular plots 2, 3, 4 and 5 to neighbouring residential boundaries will result in significant overlooking of neighbouring gardens giving rise to loss of privacy and amenity for neighbouring residential occupiers

F) The siting, scale, bulk and massing of the proposed dwellings will result in a significant loss of outlook from the rear gardens of neighbouring residential occupiers to the detriment of their amenity

G) The proposed development will result in a significant loss of trees and shrubs on site and whilst these may not be of a quality type or species

which would justify their protection by the making of a Tree Preservation Order, their loss would be detrimental of the general character of the area.

H)The development if approved would set an undesirable precedent leading to other backland housing schemes coming forward for approval the cumulative impact of which would be to erode the special character and appearance of Lynwood Avenue and its immediate surrounds.

I) The design of the bellmouth access does not include provision for the footpath to return into the site on either side of the access road, thereby leading to potential conflict between pedestrians and vehicles and increasing the risks of accidents occurring.

P/12604/001 - Demolition of existing dwelling and erection of 3no. four bedroom and 2no. three bedroom dwellings and 4no. garages together with the formation of access and parking

Refused – 13th October 2004

The grounds for refusal as set out in the Decision Notice are as follows:
The proposal is contrary to Policies H9 and EN1 of the Adopted Local Plan for Slough 1992 and Policies H13, H14, EN1 and T3 of the Review of the Local Plan for Slough Consolidated Draft 2002 in that:

The density of the proposed development is considered to be excessive in an area which is characterised by low density housing and is therefore out of keeping with the general character and appearance of the locality

The form, character, design and external appearance of the proposed dwellings would be out of keeping with the existing street scene in Lynwood Avenue which is characterised by well established 1930's detached properties, set in substantial plots with long rear gardens

The applicant has failed to demonstrate adequate visibility at the junction of the proposed access with Lynwood Avenue raising concerns about highway safety at a point in Lynwood Avenue where the road bends quite sharply

The design of the internal access road does not make sufficient on site provision to allow a refuse vehicle, fire appliance or other commercial vehicle to be able to safely turn on site and leave the site in forward gear raising concerns over highway safety at a point in Lynwood Avenue where the road bends quite sharply

The proposed access road and rear parking areas would give rise to general noise and disturbance to neighbouring residential occupiers, particularly No. 16 Lynwood Avenue, resulting in a significant loss of residential amenity

There is insufficient rear amenity space to serve the proposed dwellings and this coupled with the siting, scale, massing and physical arrangement of the dwellings on site will lead to a cramped form of development, resulting in over-development and detracting from the character and setting of Lynwood Avenue

The proximity of the proposed dwellings to neighbouring residential boundaries will result in significant overlooking of neighbouring gardens giving rise to loss of privacy and amenity for neighbouring residential occupiers

The siting, scale, bulk and massing of the proposed dwellings will result in a significant loss of outlook from the rear gardens of neighbouring residential occupiers to the detriment of their amenity

The proposed development will result in a significant loss of trees and shrubs on site to the detriment of the character of the area

The development if approved would set an undesirable precedent leading to other backland housing schemes coming forward for approval the cumulative impact of which would be to erode the special character and appearance of Lynwood Avenue and its immediate surrounds.

5.0 Neighbour Notification

58, Lynwood Avenue, Slough, SL3 7BH, 35, Lynwood Avenue, Slough, SL3 7BJ, 39, Lynwood Avenue, Slough, SL3 7BJ, 8, Lynwood Avenue, Slough, SL3 7BH, 47, Lynwood Avenue, Slough, SL3 7BJ, 22, Lynwood Avenue, Slough, SL3 7BH, 20, Lynwood Avenue, Slough, SL3 7BH, 24, Lynwood Avenue, Slough, SL3 7BH, 26, Lynwood Avenue, Slough, SL3 7BH, 63, Langley Road, Slough, SL3 7AH, 28, Lynwood Avenue, Slough, SL3 7BH, 13, Lynwood Avenue, Slough, SL3 7BJ, 15, Lynwood Avenue, Slough, SL3 7BJ, 40, Lynwood Avenue, Slough, SL3 7BH, 67, Langley Road, Slough, SL3 7AJ, 38, Lynwood Avenue, Slough, SL3 7BH, 4, Lynwood Avenue, Slough, SL3 7BH, 42, Lynwood Avenue, Slough, SL3 7BH, 21, Lynwood Avenue, Slough, SL3 7BJ, 44, Lynwood Avenue, Slough, SL3 7BH, 5, Lynwood Avenue, Slough, SL3 7BJ, 17, Lynwood Avenue, Slough, SL3 7BJ, 62, Langley Road, Slough, SL3 7AD, 19, Blandford Road South, Slough, SL3 7RT, 6, Lynwood Avenue, Slough, SL3 7BH, 25, Lynwood Avenue, Slough, SL3 7BJ, 27, Lynwood Avenue, Slough, SL3 7BJ, 29, Lynwood Avenue, Slough, SL3 7BJ, 54, Lynwood Avenue, Slough, SL3 7BH, 31, Lynwood Avenue, Slough, SL3 7BJ, 9, Lynwood Avenue, Slough, SL3 7BJ, 10, Lynwood Avenue, Slough, SL3 7BH, 12, Lynwood Avenue, Slough, SL3 7BH, 48, Lynwood Avenue, Slough, SL3 7BH, 7, Lynwood Avenue, Slough, SL3 7BJ, 21, Blandford Road South, Slough, SL3 7RT, 23, Blandford Road South, Slough, SL3 7RT, 11, Lynwood Avenue, Slough, SL3 7BJ, 14, Lynwood Avenue, Slough, SL3 7BH, 16,

Lynwood Avenue, Slough, SL3 7BH, 25, Blandford Road South, Slough, SL3 7RT, 27, Blandford Road South, Slough, SL3 7RT, 41, Blandford Road South, Slough, SL3 7RU, 43, Blandford Road South, Slough, SL3 7RU, 45, Blandford Road South, Slough, SL3 7RU, 47, Blandford Road South, Slough, SL3 7RU, 18, Lynwood avenue

5.1 62 letters/e-mails of objection have been received in respect of the application although it should be noted that occasionally there are multiple representations from single households. The main issues raised within the objection letters are summarised below:

5.2

Issues raised	Local Planning Authority Response
Highways issues including increased traffic congestion, addition of new access on a bend, increased risk of accidents, increased pressure on parking, accessibility for emergency vehicles and impact on pedestrian safety	See assessment below under impact on Highways and Transport – to be reported via the Amendment Sheet.
Increased levels of noise, disturbance, air and light pollution and a reduction in the quality of life.	See section of report relating to impact on neighbouring occupiers.
Increased levels of crime resulting from the creation of the cul-de-sac	It is not considered that a cul-de-sac layout would lead to an increase in crime.
Out of keeping with the existing character of Lynwood Avenue.	See assessment below under 'Impact on the character and appearance of the area'.
Previous scheme refused on 2004	It is possible for new planning applications to be submitted on sites. Each planning application is considered on its own merits.
Increase in flood risk due to increase in hard standing	The site is within flood zone 1 and surface water flooding can be dealt with via a requirement for SUDS.
Loss of privacy, overlooking, increased noise disturbance and overshadowing resulting from the proposal upon neighbouring properties.	See assessment below under impact onto neighbouring amenity.

Overdevelopment of the site.	See assessment below under 'Impact on the character and appearance of the area'.
Increase in number of dwellings and traffic will lead to air pollution	The site is not within a defined Air Quality Management Area (AQMA) and the quantum of development does not trigger a requirement for air quality and pollution mitigation. Contaminated Land issues are assessed in the relevant section in this report.
Lack of consultation of neighbouring residents	The addresses of those consulted by letter are shown above. All objections received have been taken into consideration in the assessment of this application.
Concerns regarding the potential reduction in house prices.	Not a relevant planning consideration.
Proposal would set a detrimental precedent for the area.	See assessment below under 'Impact on the character and appearance of the area'.

5.3 In addition a petition has been received objecting to the proposed development on the following grounds:

- 1. Road safety concerns because of the introduction of a new intersection on a dangerous bend with consequential increased traffic volume with existing traffic problems.**
- 2. Exacerbate existing traffic congestion due to more vehicle activity (including more parked vehicles in Lynwood Avenue)**
- 3. It is not in keeping with the existing residential area with respect to house density and amenity space. The site will be over-developed.**
- 4. There will be a significant loss of privacy for neighbouring residential occupiers to the detriment of their amenity due to the scale, bulk and massing of dwellings.**
- 5. Increased general noise and disturbance.**
- 6. It may lead to more developments of a similar nature in Lynwood Avenue.**

5.4 An original petition with 189 signatures was initially received with 5 additional signatures submitted at a later date. A total of 195 signatures relating to the objections above were therefore received although it should be noted that multiple signatures from one address were received.

6.0 Consultations

6.1 Transport and Highways

No comments received. Any comments received will be reported into the Amendment Sheet.

6.2 Thames Water

No comments received. Any comments received will be reported into the Amendment Sheet.

6.3 Tree Officer

No objections subject to conditions.

Comments:

There are several established trees which are to be retained as part of this development which are likely to be affected by both the demolition & construction process and would also apply during re-landscaping the gardens etc. I therefore advise that the following tree and root protection measures are put in place during this process especially where trees are located within the same vicinity to where the planned building work is to take place.

Root Protection Areas:

The RPA (Root Protection Area) is the distance that construction must normally be kept back from a tree, to provide the Root Protection Area recommended in BS5837. Any excavation work carried-out within this specified area could be detrimental to the long term health & stability of the trees.

It is unlikely that there will be any substantial root growth beyond the RPA of these trees; however caution should still be applied as there may be some radial roots present within the top 600mm of topsoil outside of this zone and therefore this should be taken into consideration should any further excavation work be planned. This would in turn help to preserve the health of all the trees located on adjacent land including protecting the overall stability & structure of the surrounding ground within the construction area itself.

All work relating to trees should be carried out in accordance with BS3998: 2010 Recommendations for tree work. Reason: to ensure that works are carried out in such a way as to not cause avoidable harm to the tree(s) and to protect local amenity.

Ground levels:

Extra care should also be taken not to unnecessarily build-up ground levels around any of the trees that are to be retained as part of the redevelopment as this could be detrimental to their long term health.

This would also apply if removing top soil unnecessarily from around tree bases including within the root protection zones as this may also affect the stability & health of these trees.

Tree Protection Fencing

Tree Protection Fencing should be erected around the allocated area as this will provide full protection of the Root Protection Area of retained trees. The Fencing must be from weldmesh panels at least 2m high securely fixed with wire or scaffold clamps to a rigid framework. This framework must be constructed from scaffold tubes with vertical tubes at a maximum interval of 3m and driven into the ground at least 0.6m.

The structure must be well braced to resist impacts, alternatively weldmesh panels can be supported on blocks providing the blocks are pinned to the ground with road pins or similar and the panels are braced.

Tree Protection Fencing must be maintained and retained for the duration of the works or until such time as agreed in writing with the Local Planning Authority.

Notices:

Notices should also be fixed to the Tree Protection Fencing Highlighting the fact that no construction activity is to take place within this area.

Replacement Trees:

As the removal of one more trees is proposed as part of this development an equivalent number or more new trees of similar or appropriate size and species must be planted in the location, or as near to the location of the removed trees in the next available planting season. A scheme of the subsequent maintenance and retention of the proposed planting must be established.

Bird Nesting Season:

Any planned tree maintenance or removal work carried out between February & August should be carefully considered to avoid impact to nesting birds and infringement of the *Wildlife and Countryside Act 1981* and breaching the *European Habitats Directive 1992/Nesting Birds Directive*.

Bat Roosts:

Although it is unlikely that there will be bats present within these particular trees the current legislation makes it a criminal offence to disturb damage or destroy any bat roost or hibernation area. Contractors must therefore be reminded of their responsibilities and should contact the relevant authorities if any signs of bats are found.

Tree Related Work:

All work to be carried out in accordance with BS3998: 2010 Recommendations for tree work. Reason: to ensure that works are carried out in such a way as to not cause avoidable harm to the tree(s)

and to protect local amenity.

TPOs & Conservations Areas:

There are no Tree Preservations Orders associated with any of these trees and it is not located within a Conservation Area.

Concerns & Objections:

I have no major concerns with this application as long as all relevant tree protection measures are put in place during the construction & re-landscaping process as this would be necessary to protect and preserve the stability and long term health of the remaining trees.

Written evidence outlining the tree protection measures used during this process should also be provided by the applicant if possible if applicable. Based on all of the above being adhered too I have no objections with regards to what is being proposed as part of this Planning Application.

6.4 **Land Contamination**

No comments received. Any comments received will be reported into the Amendment Sheet.

7.0 **Policy Background**

7.1 National Planning Policy Framework 2019

Slough Local Development Framework Core Strategy 2006-2026

Development Plan Document 2008 policies:

- Core Policy 1 – Spatial Strategy
- Core Policy 3 - Housing Distribution
- Core Policy 4 - Type of Housing
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 10 – Infrastructure
- Core Policy 11 – Social Cohesiveness
- Core Policy 12 – Community Safety

Local Plan for Slough March 2004 policies:

- EN1 – Standard of Design
- EN2 - Extensions
- EN3 – Landscaping Requirements
- EN5 – Design and Crime Prevention
- H13 - Backland/Infill Development
- H14 - Amenity Space

- H15 – Residential Extensions
- T2 - Parking Restraint
- T8 - Cycling Network and Facilities

Slough Local Development Plan and the NPPF

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 revised version of the National Planning Policy Framework (NPPF) was published on 19th February 2019.

The National Planning Policy Framework 2019 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2019, the Local Planning Authority can not demonstrate a Five Year Housing Land Supply. Therefore, when applying Development Plan Policies in relation to the distribution of housing, regard will be given to the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2019 and refined in case law.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

7.2 The planning considerations for this proposal are:

- Principle of the proposal
- Impact on the character and appearance of the area
- Impact on neighbouring amenity
- Living conditions of future occupiers
- Highways and transport

8.0 Principle of Development

8.1 Given the absence of a five year supply in housing, the Local Planning

Authority (LPA) must undertake an exercise in judgement in determining the appropriate balance of considerations as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole. It is required to assess whether the proposed development is sustainable as defined by the NPPF 2019.

8.2 Core Policy 4 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document states that in urban areas outside the town centre, new residential development will predominantly consist of family housing. The Berkshire Strategic Housing Market Assessment has identified the need for family housing which reflects the disproportionate number of flats which have been completed in recent years as a result any development within the urban area should consist predominantly of family housing.

8.3 The Core Strategy defines family housing. As of 1st November 2018 the definition has been updated and is shown below:

'A fully self-contained dwelling with a minimum gross internal floor area of 79 square metres, that has direct access to a private garden. Comprises a minimum of two bedrooms and may include detached, semi-detached, terraced and town house dwellings but not flats and maisonettes.'

8.4 The proposed dwellings have three or four bedrooms, have an internal floor area in excess of 79sq.m and have direct access to a private garden. The proposed development would therefore provide family housing to the required standard. One three bedroom dwelling is proposed to be demolished. However, there would be a net gain of family housing.

8.5 Given there would be no net loss of family housing and the weight of balance is tilted towards the supply of housing, the principle of this housing type would be acceptable subject to complying with the relevant planning considerations which are assessed below.

8.3 Policy H13 (Backland Development) of Slough Local Plan (2004) sets the requirements to allow appropriate backland development and criteria to resist inappropriate development of residential gardens as backland/infill developments such as this application for the proposed developments in the rear gardens of numbers 12 and 14 Lynwood Avenue. The LPA has to consider whether the proposal would be sustainable development, and part of that assessment is whether development would contribute to the protection and enhancement of the

natural, built and historic environment. It is therefore considered that an assessment should be made on whether the development would cause harm to the local area.

- 8.4 The proposal seeks the subdivision of a plot of land to provide 6 new dwellings. Five of these houses five would be new family dwellings. The provision of five additional family houses to the rear of the site would generally contribute to the housing provision within the Borough.
- 8.5 The proposed development to provide housing within the deep and generally open and retained rear gardens of numbers 12 and 14 Lynwood Avenue is considered unacceptable backland development which fails to comply with the aims of Core Policy 4 of Slough Core Strategy 2006-2026 due to the detrimental impact on the character and pattern of development of the area.
- 8.6 Based on the assessment above, the proposal is considered to be unacceptable in principle and contrary to the provisions of the NPPF 2019, Core Policy 4 of Slough Core Strategy 2006-2026 and Policy H13 of the Slough Local Plan 2004.

9.0 Design and Impact on Appearance and Character of the area

- 9.1 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 9.2 Of particular relevance is policy H13 of the Local Plan. This is shown below:

'Proposals for small scale infilling, including backland development, will not be permitted unless they comply with all of the following criteria:

- a) the type, design, scale and density of the proposed new dwelling or dwellings are in keeping with the existing residential area;*
- b) appropriate access, amenity space and landscaping are provided for the new dwellings;*
- c) appropriate car parking provision is made in line with the aims of the integrated transport strategy;*
- d) the scheme is designed so that existing residential properties retain appropriate garden areas, they do not suffer from overlooking or loss of privacy, and there is no substantial loss of amenity due to the creation of new access roads or parking*

- areas;
- e) *the proposal is not located within a residential area of exceptional character; and*
 - f) *the proposal optimises the potential for more comprehensive development of the area and will not result in the sterilisation of future residential land.'*

9.3 Core Strategy Policy 8 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. Core Policy 8 outlines:

'All development will:

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

Whilst it is acknowledged that Lynwood Avenue is not within a Conservation Area nor protected under any other formal designation, it is nonetheless an area of "residential character". The road comprises a "tree line avenue", comprising predominantly of detached houses, set in substantial plots, of a design characteristic to 1930s architecture. It is an area which has undergone little change and there are no other examples of backland development along this road.

The street scene has retained a long and well established character, which would be under threat if this planning application was to be approved. It would set an undesirable precedent leading to other such piecemeal schemes coming forward and which cumulatively would result in significant harm to the general street scene and loss of amenity for existing residents.

9.4 The application site comprises a constrained site accessed between numbers 12 and 14 Lynwood Avenue. The site is bordered on all sides by residential properties and their gardens. The characteristic of Lynwood Avenue is detached and semi-detached two storey residential properties of a relatively similar size and design fronting the highway and creating a street frontage. Backland residential development is not a characteristic of the street. The buildings that are at the rear of properties are predominantly single storey outbuildings and garages.

9.5 The application proposes to erect one replacement and five new residential properties on the site, with associated car ports, parking and amenity space. The result is that a high percentage of the site is taken up by built form and hardstanding. Policy H13 of the Local Plan outlines

the importance of backland development being of a type, design, scale and density in keeping with the existing residential area.

9.6 Lynwood Avenue is not characterised by properties in the rear gardens. Dwellings in the surrounding area front the main road and have large garden areas to the rear. The proposed dwellings will be visible from the street scene from the proposed access and glimpsed from other gaps between the properties on Lynwood Avenue. These gaps between dwellings are characteristic of the local area and the erection of the proposed dwellings will harm this characteristic.

9.7 It is considered that the proposal constitutes over-development of the site which results in an undesirable form of backland development that is not in keeping with the surrounding pattern of development for the following reasons:

- The introduction of new residential development to the rear of existing dwellings, in an area where none exists to the rear of properties at present.
- From the surrounding properties in the area the proposed dwellings would appear as uncharacteristic intrusions into what is an extensive area of relatively large and open space which is free of any substantial buildings.
- The subdivision of the site resulting in noticeably smaller garden areas for the properties than the surrounding area and a far higher proportion of built form and hardstanding.

9.8 Given the above, the introduction of one replacement and five new dwellings within the land to the rear of the existing properties on Lynwood Avenue would represent an incongruous form of development which would permanently alter the character of this established residential area.

9.9 The proposed development for six dwellings would introduce a form of backland development which would fail to enhance the distinctive character, identity and visual amenity of the area. It would also fail to respect the established pattern of development in the locality resulting in significant and demonstrable harm. The development would therefore conflict with policies Core Policy 4 and Core Policy 8 of the Core Strategy and policies EN1 and H13 of the Adopted Local Plan for Slough and the requirements of the NPPF 2019. This significantly weighs against the benefits of the proposal.

10.0 Impact on neighbouring amenity

10.1 Policy H13 of the Local Plan outlines that backland/infill development should be designed so that existing residential properties retain appropriate garden areas, do not suffer from overlooking or loss of

privacy and that there is no substantial loss of amenity due to the creation of new access roads or parking areas.

The planning application is unacceptable on two fronts. Firstly, the proposed access road is located adjacent to the boundary with 12 Lynwood Avenue. The level of usage by pedestrians and vehicles would result in noise and disturbance to the occupiers of that dwelling resulting in unacceptable harm to the amenities of the existing and future occupiers. The noise and general increase in the level of activity from within the site from car movements and car lights etc. would give rise to unacceptable harm to the amenities of neighbouring and surrounding residential occupiers. Secondly, the siting and orientation of some of the proposed dwellings would give rise to potential overlooking and a loss of privacy for neighbouring residential occupiers.

- 10.2 It is considered that there would be a harmful impact on the amenities of neighbouring dwellings. In relation to the built form of the proposed development, it is considered that there would be an overbearing impact of the development on the rear gardens of numbers 10 and 16 Lynwood Avenue. This is due to the proximity of the side elevations of the proposed dwellings to the on the northern and southern boundaries of the site.
- 10.3 There are general concerns regarding the intensification of the proposed site and the impact on neighbouring properties. The six residential units that are proposed will result in a significant increase in the level of noise associated with domestic activity in close proximity to the neighbouring dwellings and their gardens, in particular to those on Lynwood Avenue and Blandford Road South. The intensification of residential use to the rear garden of the properties on Lynwood Avenue and Blandford Road South would also result on noise disturbance from the proposed areas of car parking, significantly eroding the current amenities enjoyed by the residential houses at numbers 10, 12, 16 Lynwood Avenue and properties on numbers 23, 25, 41, 43 and 45 Blandford Road South. As such, the intensification of the residential use and the expected associated activity in the rear garden area of the site would result in increased noise and disturbance, to the detriment of the residential amenity of the occupiers of these neighbouring properties and it is considered that this intensification would be harmful to neighbouring residential amenity.
- 10.4 There are no windows to habitable rooms in the side elevations of the proposed dwellings. Therefore there is no potential for overlooking to the north and south. The rear elevations of the five new dwellings range are sufficiently distant from the rear elevations of dwellings on Blandford Road South that window to window overlooking does not occur. The rear garden depths of the proposed new dwellings are also sufficient to ensure that there is no material concerns regarding overlooking into rear gardens on Blandford Road South.

- 10.5 There are particular concerns regarding the amenity of number 12 Lynwood Avenue. The introduction of the new access along with the car port and parking areas to the east will mean that the dwelling will be significantly impacted by noise and disturbance caused by vehicle and pedestrian movements.
- 10.6 Based on the assessment above, and taking into account the objections received by neighbouring properties, the proposal is considered to significantly harm the amenities of neighbouring residential properties. The proposal would not comply with policies EN1 and H13 of the Local Plan for Slough 2004, Core Policy 8 of Slough Local Plan and the requirements of the NPPF 2019. This amounts to significant and demonstrable harm which significantly weighs against the benefits of the proposal.
- 11.0 **Impact on the living conditions of future occupiers**
- 11.1 Core policy 4 of Council's Core Strategy seeks residential development to achieve "a high standard of design which creates attractive living conditions."
- 11.2 The Technical Housing Standards – Nationally Described Space Standard (March 2015) (as amended) adopted by Slough Borough Council in November 2018 sets out the minimum internal space requirements for new dwellings. Policies H13 and H14 of The Adopted Local Plan seek appropriate levels of amenity space that should be provided.
- 11.3 It is considered that the rooms within the proposed dwellings are of an acceptable size and have appropriate daylight and access to natural light. It is not considered that the proposed dwellings would have unacceptable amenity resulting from buildings of an overbearing nature or from overlooking from other properties.
- 11.4 Three bedroom dwellings should have a garden area of at least 10 metres in depth or 50sq.m. Four bedroom dwellings should have a garden area of at least 15 metres in depth or 100sq.m. The proposed garden areas (and that retained by number 12 Lynwood Avenue) comply with this requirement. In cases where the required depth of garden is not provided, the overall area of the garden is acceptable. However, there may be pressure to fell existing trees near proposed plots 2,3 & 4 as these trees may result in loss of light, overshadowing, leaf-fall which may affect future residents enjoyment of their gardens. The pressure to remove trees would further erode the verdant character and contribute to the proposed development .
- 11.5 Whilst noting the above, the proposal at this time would not have a harmful impact on the future occupiers of the proposed dwellings. Due weight to the proposal is therefore given in this respect.

12.0 Highways and parking

- 12.1 The National Planning Policy Framework states that planning should locate development where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8.
- 12.2 A three bedroom property requires 2 car parking spaces and 1 cycle parking space. A four bedroom property requires 3 car parking spaces and 1 cycle space. The proposed layout shows the required levels of car parking for the proposed dwellings. Although there is no cycle parking shown, this could be achieved via condition.
- 12.3 No comments have been received from the Highways Team at the time of writing this report. It is recognised that there are a large number of objections to the proposed scheme on the grounds of highway matters. Comments from the Highways Team will be reported via the Amendment Sheet.

13.0 Land Contamination

- 13.1 Core Policy 8 of Slough Core Strategy Document states that development shall not “*cause contamination or deterioration in land, soil or water quality*” nor shall development occur on polluted land unless appropriate mitigation measures are employed.
- 13.2 No comments have been received from the Contamination Officer at the time of writing. Comments will be reported via the Amendment Sheet.

14.0 Trees and biodiversity

The proposed development will have a potential impact on trees currently on site. However, the Tree Officer has commented that there are no objections to the scheme subject to conditions. In relation to biodiversity, whilst no evidence suggest protected species would be affected, it is noted that the existing verdant gardens contribute towards biodiversity. The loss of this garden area to residential development is unlikely to enhance biodiversity and thus the character of the area would be unduly harmed.

15.0 Process

- 15.1 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.

16.0 Conclusion

The proposal represents inappropriate backland development, which is out of keeping with the character of the surrounding area. An intensification of access and new built form in the existing rear garden will harm the amenity of neighbouring occupiers on Lynwood Avenue and Blandford Road South by way of noise and general activity. Cumulatively, the proposal is considered to result on an unneighbourly form of development which would significantly harm neighbours' living conditions, contrary to the provisions of the National Planning Policy Framework 2019; Core Policy 8 (Sustainability and the Environment) and Policies H13 (Backland/Infill development) and EN1 (Standard of Design) of Slough Local Plan.

17.0 PART C: RECOMMENDATION

17.1 Having considered the relevant policies set out above, comments from consultees and neighbours representations as well as all relevant material considerations it is recommended the application be **refused** based on the following reasons below.

18.0 PART D: REASONS FOR REFUSAL

1. The proposed development, by reason of its subdivision of long residential rear gardens to provide houses, the introduction of much smaller gardens in a row of properties characterised by long rear gardens, increased urbanisation of this part of Lynwood Avenue and introducing uncharacteristic buildings and areas of hardstanding within rear gardens is considered to be inappropriate backland development. As such the proposal would fail to respect, respond or enhance the established pattern of development of the area and harm the character and appearance of the street scene, leading to overdevelopment of the site. Should this proposal be allowed, it would be difficult for the Local Planning Authority to resist similar unacceptable inappropriate backland development in this part of Lynwood Avenue to the overall detriment of the vicinity and pattern of development of the area and would be to erode the special character and appearance of Lynwood Avenue and its immediate surrounds. The proposal is considered to be contrary to the provisions of the National Planning Policy Framework 2019, Core Policies 1, 4 and 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008) and Policies H13 and EN1 of Slough Local Plan 2004.
2. The proposed development, by reason of its siting and intensification of residential use to the rear gardens of the properties at numbers 12 and

14 Lynwood Avenue would result in a detrimental overbearing impact on numbers 10 and 16 Lynwood Avenue and increased noise disturbance to numbers 10, 12, 16 Lynwood Avenue and properties on numbers 23, 25, 41, 43 and 45 Blandford Road South. Such impacts upon the residential amenity of neighbouring occupiers are considered to be unacceptable and harmful, contrary to the aims of the National Planning Policy Framework 2019, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008) and Policy EN1 of Slough Local Plan 2004.

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P/09881/008: Unit 3 Blackthorne Road

Registration Date:	27-Sep-2019	Application No:	P/09881/008
Officer:	Christian Morrone	Ward:	Colnbrook-and-Poyle
Applicant:	n/a, AIPUT	Application Type:	Major
		13 Week Date:	27 December 2019
Agent:	Mark Evans, PRC Architecture & Planning Ltd 12 Warren Yard, Warren Park, Milton Keynes, MK12 5NW		
Location:	Unit 3, Blackthorne Road, Slough, SL3 0DA		
Proposal:	Construction of a new industrial unit for uses falling within B1c, B2, and storage and distribution (B8) with associate loading yard, car parking, landscaping, vehicular access, and highway works. Solar wall to south elevation and PV panels on roof.		

Recommendation: Delegate to Planning Manager for approval



1.0 SUMMARY OF RECOMMENDATION

1.1 Having considered the relevant policies and planning considerations set out below, it is recommended the application be delegated to the Planning Manager:

A) For approval subject to:-

- 1) the satisfactory the highway changes set out in paragraph 12.16;
- 2) a satisfactory surface water drainage strategy in consultation with the Lead Local Flood Authority;
- 3) the satisfactory competition of a Section 106 to secure the dedication of private land as public highway;
- 4) agreement of the pre-commencement conditions with the applicant/agent;
- 5) finalising conditions; and any other minor changes.

B) Refuse the application if the above have not been finalised by 15th April 2020 unless a longer period is agreed by the Planning Manager, following consultation with the Chair of the Planning Committee.

1.2 Under the current constitution, this application is being brought to Committee as it is a major planning application due to the floor area being over 1,000 square metres.

PART A: BACKGROUND

2.0 Proposal

2.1 This is a full planning application for the construction of a new two storey building to accommodate a warehouse for light industrial, storage and distribution, ancillary offices, loading yard, car parking, landscaping and boundary treatment. The proposal is for a 24 hour operation.

2.2 The internal floor areas have been allocated as follow:

	B1c, B2, B8 (sqm)	Ancillary Offices (sqm)
Net Ground floor:	2,047	0
Net First Floor:	0	282
Net Total: (2,865sqm)	2329	

2.3 The external areas of the site would accommodate:

- 5no. lorry loading bays
- 32no. car parking spaces (including 1no. disabled bay and 4 EV bays)
- 8no cycle spaces (external)
- Landscaping
- Alterations to the existing access into Blackthorne Crescent
- New vehicular access from Blackthorne Crescent

P/09881/008: Unit 3 Blackthorne Road

- Widening of Blackthorne Road
- New substation

2.4 The application has been submitted on behalf of AIPUT who specialise in owning and managing warehouses around major UK Airports. The future occupier is yet to be secured, so the specific industrial processes can not be identified.

3.0 Application Site

3.1 The application site is located on the south/ east side of Blackthorne Road and is bordered along its southern and eastern boundaries by Blackthorne Crescent. It is essentially an island site within an existing industrial/ business park. The site is located in the centre of the Poyle Industrial Estate.

3.2 The site was formerly occupied by 5 no. two storey industrial units which had planning permission for Use Class B1(a) / B1(b) (offices, research and development). The units were arranged in a crescent formation and positioned toward the Blackthorne Road frontage (northern and western boundaries). A large area of parking which served the units was located to the rear of the buildings with access from Blackthorne Crescent. The buildings are now demolished and the site enclosed by hoardings.

3.3 The site is located within the Poyle Estate which is an Existing Business Area as identified in the Adopted Local Plan. The estate is characterised by predominantly medium to large one and two storey industrial buildings, which vary in style and appearance.

4.0 Site History

- 4.1 P/09881/007 Construction of a new industrial unit for uses falling within B1c, B2, and storage and distribution (B8) with associate loading yard, car parking, landscaping, vehicular access, and highway works.
Approved with Conditions; Informatives; 20-Dec-2017.
[Not implemented but Extant. Expires Dec - 2020]
- P/09881/006 Erection of 1no non-illuminated free standing sign and 2no non illuminated signs fixed to site hoarding.
Approved with Conditions; Informatives; 14-Feb-2014.
- P/09881/005 Continuing use of land for car parking for a further period of 6 months.
Refused; Informatives; 27-Jan-2014.
- P/09881/004 Application for a new planning permission to replace extant planning permission reference p/09881/003 dated 9th april 2009 for: demolition of existing industrial buildings and redevelopment to provide a single industrial building for use within classes b1 (c) /b2/b8 use (light industrial/general industrial/storage and distribution) with ancillary offices, servicing areas, car parking, refuse storage and landscaping.

P/09881/008: Unit 3 Blackthorne Road
Approved with Conditions; Informatives; 25-Apr-2013.

P/09881/003 Demolition of existing industrial buildings and redevelopment to provide a single industrial building for use within classes b1 (c) / b2/ b8 use (light industrial/general industrial/storage and distribution) with ancillary offices, servicing areas, car parking, refuse storage and landscaping.
Approved with Conditions; Informatives; 09-Apr-2009.

5.0 Neighbour Notification

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), following revised plans, site notices were displayed outside the site on 08/11/2019 and the application was advertised as a major application in the 08/11/2019 edition of The Slough Express. Neighbour letters were sent out on 30/09/2019 and following amendments on 31/10/2019 to the following addresses:

In Time Wholesale Express Limited, 1, David Road, Poyle, Slough, SL3 0DB, Unit 12, Blackthorne Crescent, Poyle, Slough, SL3 0QR, U P S Freight Services, Blackthorne Road, Poyle, Slough, SL3 0DA, Fritz House, Blackthorne Road, Poyle, Slough, SL3 0DA, Newmec Combi, Blackthorne Road, Poyle, Slough, SL3 0AL, Isl House, 3, Willow Road, Poyle, Slough, SL3 0BS, Units 8 And 9, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Unit 14, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Unit 11, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Blackthorne House, Blackthorne Road, Poyle, Slough, SL3 0QU, Unit 15, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Blackthorne House, Unit B, Blackthorne Road, Poyle, Slough, SL3 0QU, Unit 1, Blackthorne Road, Poyle, Slough, SL3 0AR, Unit 13, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Unit 10, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Unit 16, Blackthorne Crescent, Poyle, Slough, SL3 0QR, Honda Institute, Blackthorne Road, Poyle, Slough, SL3 0DA, Arco, 1, Willow Road, Poyle, Slough, SL3 0BS, Units 6 And 7, Blackthorne Crescent, Poyle, Slough, SL3 0QR, David House, David Road, Poyle, Slough, SL3 0DB, Modulas House, Blackthorne Road, Poyle, Slough, SL3 0DQ, Telecommunications Mast At Sou, Blackthorne Road, Poyle, Blackthorne House, Unit A, Blackthorne Road, Poyle, Slough, SL3 0QU

No third party letters have been received at the time of writing this report.

6.0 Consultations

The following are comments received from the relevant consultees. These comments are taken into account within Part B: Planning Appraisal.

6.1 Local Highway Authority

Scope of response:

- Transport impacts on external road networks and other external transport networks if applicable (pedestrian and cycle networks, public transport).

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- Initial assessment of access, car park and loading/servicing areas. These are reviewed as described in the appropriate sections below. Further assessment of designs will be required as the application is progressed.
- Planning History. The site has been the subject of previous planning applications for commercial development including:
 - P/09881/003 which was an application for approximately 2,700m² of B2/B8 floorspace, approved on 9th April 2009 (permission lapsed); and
 - P/09881/007 which was an application for 2,865m² of B1(c)/B2/B8 floorspace, delegated to planning manager for approval on 3rd March 2017. This was then given planning consent with conditions on 20 December 2017, subject to Conditions.
- The proposed development has a slightly smaller floor area (2,587m²) than the previously approved layout which was 2,865m². The previously approved layout included 5 lorry loading/parking bays, 28 car parking spaces and 8 cycle covered cycle parking spaces.
- Review of Transport Statement and Drawings.

This review does not cover these issues:

- Compliance with Construction Design and Management (CDM) Regulations.
- Internal design of buildings etc.

Access

1. It is proposed to provide a new access to the development from the site's northern boundary, with the western access providing HGV access. Swept path analysis has been provided which demonstrates a 16.5m articulated vehicle can access and egress the site in a forward gear. The swept path analysis is only provided for one HGV parking space.
2. The Proposed Site Plan (Drawing No. PL_002-Rev A) demonstrates that the western access benefits from visibility splays of 2.4m x 43m in accordance with the post speed limit of 30mph. The eastern access benefits from visibility splays of 2.4m x 37m to the west and 2.4m x 30m to the east, which the applicant asserts were accepted as part of the previous application.
3. Widening of the Blackthorne Road to allow HGVs to pass one another is proposed, as proposed in the approved application. This was considered necessary to prevent conflict between large vehicles as the previous scheme provided HGV access to the north.
4. The Local Highways Authority has the following comments to make regarding vehicular access:
 - a) Please provide written confirmation of acceptance of the sub-standard visibility splays in the previous application, preferably to include the reason for this allowance
 - b) The visibility splays for the current application will need to be verified with CAD plans that show the extent of visibility.
5. A dedicated pedestrian access is shown on the northern boundary, west of the

P/09881/008: Unit 3 Blackthorne Road

vehicular access. A zebra crossing is shown into the site. The existing footway on Blackthorne Road is being widened to two metres as part of the widening work.

Parking:

6. The Proposed Site Plan (Drawing No. PL_002) displays 38 car parking spaces, with 6 accessed from Blackthorne Crescent to the south of the site, as well as five loading bays for HGVs. Paragraph 4.10 of the TS states: 'Under either B2 or B8 use, the site requires a minimum of five HGV parking spaces' and that 'five Loading bays are provided which double as parking for HGVs in accordance with the minimum standard'.
7. Four parking spaces are demarcated for Electric Vehicle Parking, provided by two double car charging points. 8 cycle parking spaces are shown, in the form of 4 Sheffield hoop stands. Only 1 disabled parking space is proposed on site.
8. Of the 38 car parking spaces shown on the Proposed Site Plan, several of these conflict with the movement of an HGV and therefore could only be used on occasions when HGVs are not required to access the site. However, the TS states that the proposed provision is 26 spaces; our comments are based on the assumption that 26 car spaces will be provided.
9. The TS states that under a B2 use the site would require 52 car parking spaces while a B8 use would require 13. The proposed provision is 26 spaces, split between a formal car park and an informal parking area within the service yard. Of these one is a disabled space.
10. The Transport Statement says that "This provision strikes a balance between the requirements of the two use classes"; and furthermore that "it is anticipated that if a B2 operator were to occupy the building that there [sic] requirement for loading doors would be greatly reduced from that of a B8 users meaning some of the loading doors would be taken out of operation into to provide additional car parking in the yard area".
11. There is a requirement to ensure 5% of parking provision is designed to an accessible parking standard.
12. The Local Highways Authority has the following comments to make regarding parking provision:
 - a) Requirements for B1c HGV parking are the same as for B2; therefore, this is acceptable, regardless of which of the three use classes is implemented.
 - b) Vehicle tracking for the HGV spaces is only provided for one space.
 - c) If the site were used for B1 (c) use, then the SBC parking standards would require "no overall increase" in car spaces as the site is an existing business area.
 - d) The Transport Statement correctly states the car parking requirements for B2 and B8 use, while acknowledging that the provision for B2 use

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falls short. However, while the justification for the shortfall appears fairly reasonable, we require drawings demonstrating how the removal of some of the loading doors would free up sufficient parking to make up the shortfall.

- e) 5% of spaces provided should be designed with accessibility of disabled users in mind. A total of 2 disabled parking spaces are required.
- f) The required cycle spaces would be 10 for B1 (c) but five for B2 or B8 use. Two more cycle spaces are therefore needed.

Traffic Impact:

13. The car trip generation of the site has been assessed in the TS by a combination of person trip rates from TRICS, as well as 2011 Census data on mode of travel to work. The site's impact has been assessed for the morning peak (08:00 – 09:00) and evening peak (17:00 – 18:00). The trip generation assessment forecasts that the site will generate 21 two-way car trips (20 arrivals plus 1 departure) during the AM peak hour, 19 two-way car trips (1 arrival plus 18 departures) during the PM peak hour and 88 two-way car trips (44 arrivals plus 44 departures) across the 12-hour day (07:00 – 19:00).
14. For HGVs, TRICS was also used to determine the trip generation. Based on this, the TS states that 8 two-way trips (4 arrivals and 4 departures) are expected between 0700 – 1900 (1 of which is expected in the AM peak hour).
15. The trips rates used were from Land Use 02 – Employment / Category C – Industrial Unit within TRICS. The five survey sites used to produce the trip rates comprised five industrial facilities consisting of AV Specialists, Thermal Processing, Engineering, Industrial Glass and an Aviation Company.
16. Paragraph 5.6 of the TS highlights that the increase in trip generation equates to approximately 1 vehicle every three minutes. The assessment is based on a typical industrial unit, which could potentially be occupied by a wide variety of different end users. Whilst it is possible a more trip intensive B1c/B2/B8 use might occupy the site, the previous application was approved with a larger floor area under a B1c/B2/B8 use. As such, we consider that the above quoted trip numbers are reasonably accurate as ball-park figures and acceptable given that the extant consent would generate similar, or slightly higher traffic volumes.

Accidents:

17. Personal Injury Accident (PIA) data for the five-year period covering 2014 – 2018 was obtained from Crashmap. One Collision, which was classified as serious, occurred adjacent to the access to the neighbouring development, Motion have provided the full accident report within Appendix B of the TS.
18. The serious accident occurred on Blackthorne Road approximately 250m south of the site when a goods vehicle collided with a pedestrian in the carriageway. The accident occurred on 23rd of December 2014, during

Summary:

19. In summary, the LHA requires the following additional information to support the application:

- a) We assume that the car parking provision will be 26 spaces, as stated in the TS (not the 38 shown on the Proposed Site Plan, as several of these conflict with the movement of an HGV).
- b) As requested in response to the previous application, the proposed site layout (Drawing No. PL_002-Rev A) should be amended so that both vehicle barriers/gates are set back 6m from the back of the footway. The drawing currently shows the western and eastern gates 2.0m and 3.8m respectively from the highway meaning that pedestrians would have to walk into the road to pass a vehicle waiting at the barrier, which is not acceptable from a highway safety point of view.
- c) The LHA requires the provision of vehicle tracking which demonstrates that all five HGV spaces can be ingressed/egressed by a 16.5m articulated vehicle. At present tracking is only provided of one HGV space.
- d) We require drawings demonstrating how the removal of some of the loading doors would free up sufficient car parking to make up the shortfall in parking provision for the potential B2 use.
- e) 5% of spaces provided should be designed with accessibility of disabled users in mind. The LHA requires the provision of 2 disabled parking spaces on site.
- f) The required cycle spaces would be 10 for B1 (c) but five for B2 or B8 use. Two more cycle spaces are therefore needed.
- g) The highway-related Conditions applied to the previous consent P/09881/007 – as listed under ‘Planning History’ – should be applied to any new consent if given to the current application.
- h) Please provide written confirmation of acceptance of the sub-standard visibility splays in the previous application.
- i) The visibility splays for the current application will need to be verified with CAD plans that show the extent of visibility.
- j) Changes to the highway and access design will of course be subject to further assessment as the application is progressed.

6.2 Thames Water

Waste Comments:

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water will contact the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission. "No properties shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Following initial investigations, Thames Water has identified an inability of the existing SURFACE WATER infrastructure to accommodate the needs of this development proposal. Thames Water will contact the developer in an attempt to agree a position for surface water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water will contact the developer in an attempt to

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agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development” The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

6.3 Lead Local Flood Authority:

We have not received all the information we requested hence we still have the following comments:

- The Microdrainage calculations still indicate approx. 11.5m³ of flooding for 1 in 100 year plus 40% CC storm event. The drainage system can be flooded for 1 in 100 year plus 40% CC storm event, however the flood water must stay within the site boundary. The Drainage Proposals drawing indicates that some of the flood water leaves the site which is not acceptable.
- The provided TW letter we have only confirms the foul water discharge from this site to their public sewer system. We need evidence to confirm that TW is happy with 2 l/s surface water discharge to the public foul water sewer system.
- We understand that the applicant provides oil interceptor, however it is not clear to us whether the provided oil interceptor can treat hydrocarbons, heavy metals and suspended solids. Therefore we need information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753 (consult chapter 26 of Ciria). Please provide your assessment as per Simple Index method which is detailed in chapter 26 of Ciria SuDS Manual (C753).

6.4 Contaminated Land Officer:

I have reviewed the relevant documents submitted to support the application at the site above, and made following comments:

- Land Quality Statement (Ref. no. P9525J862b/SRC), dated 5th July 2019, and prepared by Jomas Associates Ltd.
- Geo-Environmental & Geotechnical Assessment (Ground Investigation) Report (ref. no. P9525J862), dated 28th July 2016, and prepared by Jomas

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Associates Ltd.

- Geo-environmental Desk Study/Preliminary Risk Assessment Report (Ref. no. P9525862), dated 1st June 2016, and prepared by Jomas Associates Ltd.

Please see my comments below:

The Geo-environmental Desk Study/Preliminary Risk Assessment identified a potential medium to high risk associated with the site, and thus recommended further site investigation works to be carried out.

The intrusive site investigation was carried out in July 2016, and it identified no contaminants exceeding their respective assessment criteria, no asbestos fibres and no need for gas protection measures likely to be required. The investigation did not rule out the potential of unidentified hotspots, which need to be assessed appropriately by a suitable qualified person, should they be encountered.

Based on the above, I recommend that the following standard Watching Brief Condition is placed on the decision Notice:

6.5 Heathrow Safeguarding:

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to make the following observation:

Lighting:

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>. Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

Cranes:

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

Landscaping:

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike

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hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds.

Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

6.6 Berkshire Archaeology

Historically Berkshire Archaeology has recommended archaeological evaluation at this site, ahead of any development works proceeding. However the application was submitted with a Desk Based Assessment (DBA), which, through historic mapping and geological bore hole survey sets out compelling evidence for previous use of the site having had a serious detrimental impact on potential archaeology.

Therefore, in line with the conclusions within the DBA, I believe there should be no requirement for further archaeological mitigation in relation to these development proposals.

6.7 Environmental Quality (Noise and Air Quality):

No comments received. Should any comments be received they will be issued on the Amendment Sheet to Committee.

6.8 Landscape Advisor:

The proposed landscape general arrangement plan provides a good level of soft landscape around the development. There are no trees on the site, so this scheme will be a significant improvement to the existing.

There is concern that there is insufficient rooting space for trees in the long bed along side Blackthorne Road where 10 trees have been proposed. To ensure good tree establishment this area must be increase in width to at least 2.5m wide, if this impacts on vehicle movements the use of below ground supporting root cells must be considered.

The proposed: landscape management and maintenance plan provides enough maintenance direction, if fully implemented to ensure the successful establishment of the soft landscape, subject to the above amendments.

Recommendations:

Increase size (width) of boundary soft landscape feature to 2.5m wide or proved on site below surface rooting system or the introduction of a root barrier along the pavement edge is a good idea and should be included on the plan. Details of such systems can be found here: www.tdag.org.uk Trees in the hardscape (open source document).

Reason to ensure successful establishment of trees and shrubs.

7.0 **Policy Background**

7.1 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 revised version of the National Planning Policy Framework was published on 19th February 2019.

The relevant Local Development Plan Policies in relation to determining this application are considered to be in compliance with the National Planning Policy Framework 2019.

National Planning Policy Framework 2019:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies, Adopted December 2008:

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)

Local Plan for Slough March 2004 policies:

- EN1 – Standard of Design
- EN3 – Landscaping
- EMP2 – Criteria for Business Developments
- EMP9 – Poyle Estate
- T2 – Parking
- T8 - Cycling Network and Facilities

7.2 The planning considerations for this proposal are:

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- Planning History
- Land Use
- Impact on Visual Amenity
- Impact Neighbouring Properties
- Traffic and Highways Implications
- Surface water drainage
- Land Contamination
- Equalities Considerations
- Impact on biodiversity and ecology
- Health and Safety
- Water Infrastructure
- Presumption in favour of sustainable development

8.0 Planning History

8.1 The planning history is a material consideration. The previous planning application (ref. P/09881/007) for a new industrial unit for uses falling within B1c, B2, and storage and distribution (B8) with associate loading yard, car parking, landscaping, vehicular access, and highway works was approved on 20th December 2017. Although this development has not been implemented its planning permission does not expire until December 2020 and therefore at the time of writing this previous planning permission could still be carried out before the planning permission expires.

Differences with previous application:

The main differences compared to the previously approved extant scheme (ref. P/09881/007) are set out below:

Subject of Change	Previous Approval	Current Proposal
Size of Building	2,865sqm (GEA)	2,478sqm (GEA)
Layout	Building positioned to south with HGV yard and parking to north.	Building positioned to east with HGV yard and parking to west.
	Ancillary first floor offices facing west.	Ancillary first floor offices facing north.
	Modest but improved landscaping over existing situation.	Further improved landscaping with 10m ten trees to the north by Blackthorne Road.
HGV Loading Parking /	3no. lorry loading bays and 2no. additional lorry parking bays.	5no. lorry loading bays.

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Car Parking	28no. car parking spaces (including 2no. disabled bays).	32no. car parking spaces (including 1no. disabled bay).
Cycle Parking	8no cycle spaces (covered and secure).	8no cycle spaces (external).
Site Access	Alterations to the existing access into Blackthorne Crescent to provide car access.	Alterations to the existing access into Blackthorne Road to provide HGV access.
	New vehicular access from Blackthorne Crescent to provide HGV access.	New vehicular access from Blackthorne Crescent to provide car access and separate HGV access.
	Pedestrian access from west.	Pedestrian access from north.
Substation	New substation tom grass verge on northern side of Blackthorne Road.	New substation relocated southern part of site.

8.2 When considering the impacts of the proposed development, due consideration should also be given to this previously approved and extant scheme (ref. P/09881/007).

9.0 Land Use

9.1 Paragraph 80 of the National Planning Policy Framework seeks to create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Each area should be allowed to build on its strengths, counter any weaknesses and address the challenges of the future. Areas with high levels of productivity should be able to capitalise on their performance and potential.

9.2 Core Policy 5 (Employment) of the Core Strategy requires “major warehousing and distribution developments be located in the eastern part of the borough and in Existing Business Areas that have good access to the strategic road”.

9.3 Local Plan Policy EMP9 (Poyle Estate) states B1(b) research and development, B1(c) light industrial, B2 general industrial and B8 storage and distribution will be permitted within the Poyle Estate. Additional independent B1(a) office floor space will not be permitted in this location.

9.4 The site is located within the defined Poyle Estate Business Area. The loss of offices to create B1(c) light industrial, B2 general industrial and B8 storage has already been establish within the planning history and this can be carried out

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under the previous planning application (ref. P/09881/007). Significant weight is allocated towards this.

- 9.5 The proposal would fall within the uses set for this area sought by the Local Development Plan and would bring a vacant site back into an appropriate employment business. This would build on the strength and potential of this Business Area. The proposal is therefore considered to comply with the objectives of the local development plan and the National Planning Policy Framework.
- 9.6 Based on the above the proposed land use would be acceptable.

10.0 Impact on Visual Amenity

- 10.1 The National Planning Policy Framework encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policy EN1.
- 10.2 The proposal is for one large rectangular shaped unit with a gently sloping curved roof. The building, whilst large in terms of its footprint and size, is considered to be in keeping with the scale of other large buildings found within the estate and similar to the scale of the previously approved building (ref. P/09881/007). The proposed building would be positioned to the eastern end of the site with the north elevation incorporating the ancillary office windows and pedestrian entrance into the building which result in an active office type frontage. To the west of the building would incorporate the HGV loading bays. Given a distance of approximately 9 metres would be retained from the street frontage together with the mass and scale being similar to other buildings in area, along with regard to what has previously been approved on the site, the proposed scale and layout is acceptable.
- 10.3 The proposed building would be clad in metallic silver profiled steel cladding. Detailing includes a high level white feature band of matching cladding; smaller gauge profile cladding to the main entrance; grey aluminium window frames, parapets capping, gutters and rainwater pipes. A solar wall is proposed on the southern elevation at high level, which comprises an additional skin of metal profiled cladding with tiny perforations. The materials and finishing colour would be the same as those on the other elevations, however the solar wall would sit slightly proud of the elevation and have increased textures due to the perforations. These are considered to be materials of an appropriate quality and would complement the form and style of the proposed building and those in the surrounding area.
- 10.4 The site would incorporate a good level of soft landscaping when compared to the existing situation. 21 new trees along with densely planted beds and hedges are proposed most of which would be along the boundary of the site. A relatively small but important piece of landscaping comprising a tree and dense shrubbery would be positioned to the northern frontage of the building. The proposed landscaping and tree planting would provide benefits to the appearance of the proposal and the surrounding area. The landscaping scheme includes 131no. Hebe Rakaiensis which are important for the ecological gains as they attract Bumble Bees.

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- 10.5 The Council's Landscape Advisor has commented that there may be insufficient rooting space for some of the trees close to the edge of the site and may cause future damage or growth failure. Appropriate repositioning and / or a root barrier along the edge of the site may be required. The applicant's agent has agreed to a root barrier system, the details of which are secured by condition.
- 10.6 The hard standing areas would comprise finished concrete to the HGV service area; grey tarmac for the remaining roadways; charcoal grey block pavers to the parking bays to the north and silver grey to the pedestrian footways. The open areas around the building would be fenced and gated along the boundaries with 2.4 metre high weldmesh fencing. Three lighting columns are also proposed along with nine wall mounted luminaires on the proposed building. These are all considered appropriate given the business / industrial character of the surrounding area.
- 10.7 Based on the above, and subject to addressing the tree positioning / root barrier the proposal would have an acceptable impact on the character and visual amenity of the area and therefore comply with Policies EN1, EN3, and EMP2 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2019.

11.0 Impact on neighbouring properties

- 11.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EMP2.
- 11.2 The site is located within a defined Business Area. The neighbouring land uses are all used for business purposes and there do not appear to be any residential properties within the vicinity of the site. The proposed building would be positioned approximately 15 metres from the northern elevation of the neighbouring distribution building to the south (Horizon and C.H. Robinson). Although the proposal would impact on the south facing windows in this neighbouring building, the impact would be significantly less compared to the previously approved building (ref. P/09881/007) which incorporated a much longer elevation along the sites northern boundary.
- 11.3 A solar wall is proposed on the southern elevation at high level, opposite the neighbouring building to the south (Horizon and C.H. Robinson). As the solar wall is finished in a steel cladding material similar as the remaining elevations which are similar the previously approved elevations (ref. P/09881/007), the reflective glare would be significantly greater than previously approved. No objections are therefore raised with regard to reflective glare.
- 11.4 In terms of noise and disturbance, there are no residential properties within the vicinity of the site. No objections or (noise) mitigation were applied in relation to the previously approved and extant development (ref. P/09881/007). Given this is

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a defined business which encourages such uses, a 24 hour operation for the proposed use would unlikely cause unacceptable noise and disturbance issues, particularly when regard is given to the previously approved and extant development (ref. P/09881/007).

- 11.5 This application includes air conditioning plant adjacent to the eastern elevation of the building. A Noise Report has been submitted with the application which is currently being assessed by the Council’s Environmental Officer and an update will be provided on the Amendment Sheet to Committee.
- 11.6 Subject to advice from the Neighbourhood Enforcement Team, no objections are raised in terms of the impacts on adjoining commercial properties as the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.

12.0 Traffic and Highways Implications

- 12.1 The National Planning Policy Framework 2019 requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods, and provide facilities for electric vehicle charging. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 109 of the National Planning Policy Framework states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 12.2 Core Policy 7 of the Core strategy and Local Plan Policy T2 seek no overall increase in the number of parking spaces in commercial schemes in this area. Core Policy 7 of the Core strategy provides a relaxation to this if additional parking is required for local road safety or operational reasons. Part 3 of the Developer’s Guide contains the following parking standards for this proposal in this location:

B1(c) Light Industry	Existing Business Areas	Policy requirement: (Based on total floor area per use class)
Car Spaces	No overall increase	10 (no increase over P/09881/007)
Lorry Spaces	Min. 1 to 500sqm up to 2,000sqm, then 1 to 1,000sqm	5
Cycle spaces	Min. 1 to 250sqm	10
B2 Industrial		
Car Spaces	Min. 1 to 50sqm	50
Lorry Spaces	Min. 1 to 500sqm	5
Cycle spaces	Min. 1 to 250sqm	10

B8 Warehousing		
Car Spaces	Min. 1 to 200sqm	12
Lorry Spaces	Min. 1 to 500sqm up to 2,000sqm, then 1 to 1,000sqm	5
Cycle spaces	Min. 1 to 500sqm	5

12.3 *Parking:*

Although the proposed plans show 38 car parking spaces, 6 would be provided outside of the site that would replace the spaces lost through the positioning of the proposed substation. This leaves 32 car parking spaces within the site to serve the proposed development, however, the Local Highway Authority believe that that up to 6 may not be achievable due to likely HGV tracking encroaching into these spaces. HGV tracking has since been submitted which shows the 32 car parking spaces can be retained with the HGV tracking, and therefore, unless advised otherwise by the Local Highway Authority, the proposal is assumed to accommodate 32 car parking spaces.

The Local Highway Authority are currently assessing the tracking drawings and an update will be provided on the Amendment Sheet to Committee.

12.4 Based on the above, if the proposal (which includes 32no. parking spaces) were to comprise entirely of B2 Industrial floor space, there would be a shortfall in parking of 18no. car parking spaces. The developer asserts that if a B2 use were to occupy the building, the HGV Loading areas would no longer be required and could be used for parking. Planning Officers do not accept this because B2 uses may still require HGV access. Following discussion with the applicant's agent, it has been agreed to apply a similar condition on the extant planning permission (ref. P/09881/007) to limit the floor area of the B2 element.

12.5 12no car parking spaces are proposed to the north of the site which would serve either a B1(c) Light Industry and B8 Warehousing use. To the west are 20no. parking spaces annotated as 'future parking spaces' which are intended to serve a potential B2 Industrial element. In accordance with the development plan, 20no. car parking spaces would be sufficient to serve 1,000 square metres of B2 Industrial floor area and therefore the B2 element will be limited to this amount.

12.6 Given the interchangeability that could take place between the uses, the car parking provision may not quite meet the development plan requirements for the B1(c) Light Industry and B8 Warehousing. As shown in the table below, the overall parking ratio for this proposed application is 1 parking space per 77sqm, while the ratio on the extant planning permission (ref. P/09881/007) is 1 parking space per 102sqm:

	Previous Approval	Current Proposal
Size of Building	2,865sqm (GEA)	2,478sqm (GEA)
Car Parking	28no.	32no.
Ratio	1 space per 102sqm	1 space per 77sqm

- 12.7 Over a floor space of 2,478sqm this change in ratio is not considered significant enough to lead to severe impacts on the highway network and this has been verified by the Local Highway Authority. Regard should be given National Planning Policy Framework which places significant weight on the need to support economic growth and productivity and Core Policy 7 allows for relaxation in these parking standards for operations reason provided they would not have an impact on highways safety. Given the proposal would bring a vacant site back into an appropriate business use and that the Local Highway Authority has not objected to the proposed quantum of parking qualifies for the relaxation set out in Core Policy 7.
- 12.8 The applicants agent has agreed to provide one additional wheelchair accessible parking space and the plans are currently being revised. An update will be provided on the Amendment Sheet to Committee.
- 12.9 The application proposes 8no. sheltered cycle parking spaces to the northern edge of the site. The Local Highway Authority has requested 10 cycle parking spaces cover for a potential B2 use, however, given the B2 element would be restricted to 900sqm 8no. cycle parking spaces would be sufficient. In accordance with the Developer's Guide, staff cycle parking should be covered and secured. This was agreed within the previously approved planning permission (ref. P/09881/007) and has been requested to the developer. An update will be provided on the Amendment Sheet to Committee. Shower and changing facilities are provided within the building to encourage cycle use for commuting to work.
- 12.10 *Access:*
- A Transport Statement has been submitted with the application which uses Census dated and record from a similar site (TRICS) which forecasts that the proposal will generate 21 two-way car trips (20 arrivals plus 1 departure) during the AM peak hour, 19 two-way car trips (1 arrival plus 18 departures) during the PM peak hour. Across the 12-hour day (07:00 – 19:00) there would likely be 88 two-way car trips (44 arrivals plus 44 departures).
- 12.11 For HGVs, the forecast is 1 one-way trip during the AM peak hour. Across the 12-hour day (07:00 – 19:00) there would likely be 8 two-way car trips (4 arrivals plus 4 departures).
- 12.12 The Local Highway Authority has assessed both the method used to calculate this trip generation and its impacts on the highway network. The Local Highway Authority concludes that the final assessment for traffic generation is based on a typical industrial unit, which could potentially be occupied by a wide variety of different end users. Whilst it is possible a more trip intensive B1c/B2/B8 use might occupy the site, the previous application (ref. P/09881/007) was approved with a larger floor area under a B1c/B2/B8 use. As such, it is considered that the above quoted trip numbers are reasonably accurate as ball-park figures and acceptable given that the extant consent would generate similar, or slightly higher traffic volumes. Planning Officers agree with these findings.

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- 12.13 The application proposes alterations to the existing access to the west from Blackthorne Road to provide HGV access. A new vehicular access to the north from Blackthorne Crescent to provide car access with separate pedestrian access to the west of this.
- 12.14 In order to facilitate the access into the site, the Blackthorn Road is proposed to be widened. Manual for Streets guidance on the visibility splays for the proposed accesses would be 2.4m x 43m in both directions. This can be achieved on the western access, but the northern access would achieve 2.4m x 37m to the west and 2.4m x 30m to the east. In response to the initial consultation, the Local Highway Authority was originally concerned over this shortfall from the guidance. However when regard was given to the extant planning permission (ref. P/09881/007) which includes an access in a similar location with similar visibility, the Local Highway Authority compared the proposed access with the extant access and has not raised any new highway issues that could be caused over and above the access within the extant planning permission (ref. P/09881/007).
- 12.15 Each of the two proposed accesses would be gated. The western gate would be set back from the highway by 3.8 metres and the eastern gate 2 metres. At these distances pedestrians would have to walk into the road to pass a vehicle waiting at the barrier, to which the Local Authority has objected to. Following further discussions with the Local Highway Authority, it is agreed that western gate which serve as the HGV access could remain as proposed because positioning them further within the site would still not achieve HGVs blocking the highway if waiting for a gate to open. The Local Highway Authority and Planning Officers accept that these gate could easily and would likely be managed by the site operators who would open them on the expected arrival of HGVs
- 12.16 The eastern gate which would provide car access would be used more intensively and less predictably. To address the blocking any pedestrians using the footway, the Local Highway Authority recommend the gated access is positioned within the site to provide at least a 6 metre space from the back of the footway. This has been requested to the developer. An update will be provided on the Amendment Sheet to Committee.
- 12.17 Based on the above, the following issues are required to be addressed for the proposed application to have an acceptable impact on the highway network:
- a) Parking provision to coordinate with HGV tracking
 - b) Remove note on plans which refers to future car parking spaces
 - c) One additional wheelchair accessible parking space
 - d) Cycle parking should be covered and secured.
 - e) The eastern gated access to be positioned within the site to provide at least a 6 metre space from the back of the footway.

13.0 Surface water drainage

- 13.1 Paragraph 165 of the National Planning Policy Framework requires major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Core Policy 8 of the Core Strategy

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requires development to manage surface water arising from the site in a sustainable manner.

13.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

13.3 The application includes a drainage strategy which has been assessed by the Lead Local Flood Authority who has requested further information. The developer has noted the information required and revised the drainage strategy. This has recently been sent onto the Lead Local Flood Authority for assessment and comments are due shortly. The planning application should not be approved with the agreement with the Lead Local Flood Authority. An update will be provided on the Amendment Sheet to Committee.

14.0 Land Contamination

14.1 The site has previously been identified as being potentially contaminated. An intrusive site investigation was carried out in July 2016, and it concluded the ground conditions are suitable for the proposed use. This has been assessed by the Council's contaminated Land Officer who commented that the investigation did not rule out the potential of unidentified hotspots, which need to be assessed appropriately by a suitable qualified person, should they be encountered. A contaminated land watching brief is therefore secured by condition.

15.0 Health and Safety

15.1 The site is located within the HSE consultation zones for a nearby major hazard site (Aarque Systems Ltd, Bowles House, Blackthorne Road, Colnbrook). Although the site does have an official Hazardous Substances Consent, the site has not been used for such a purpose since approximately 2005. The Council will be revoking the Consent in 2020. Furthermore, the Health and Safety Executive were consulted in connection with previous planning applications and commented at the time that they would not advise against this application on the basis that the proposed change of use would result in a less vulnerable use on the site

16.0 Equalities Considerations

16.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;

- Take steps to meet the needs of people with certain protected characteristics; and;
- Encourage people with protected characteristics to participate in public life (et al).

16.2 The proposal would provide a new employment facility that would provide employments opportunities. Planning officers sought one extra wheelchair accessible parking space resulting in two wheelchair accessible parking spaces. Wheelchair access from these spaces up to the main entrance can be achieved where the door sets and internal corridors are appropriately sized for wheelchair accessibility. At ground floor a wheelchair accessible W.C. and shower is proposed along with lift to the first floor ancillary offices.

16.3 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This is secured by condition.

16.4 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

17.0 Impact on biodiversity and ecology

17.1 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.

17.2 The application site does not fall within a designated Special Protection Areas, Special Areas of Conservation or Site of Special Scientific Interest. It is not within 200m of ancient woodland, and is not an agricultural building or barn. The site was formally occupied by an office development which was demolished and cleared between October 2008 and December 2010. The site currently contains remaining hardstanding areas, developing weeds and shrubbery, an ornamental Ash, a conifer hedge, and boundary hoarding. The application was submitted with an ecological evaluation and assessment which has found the site has the potential to accommodate nesting birds within the ornamental Ash and / or conifer hedge.

17.3 The ecological evaluation and assessment asserts that it would be extremely unlikely the proposals would result in significant harm to any protected, rare or notable species. In order to address this, the ecological evaluation and assessment proposes to avoid the clearance of the vegetation during the

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birdnesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat should first be checked by a competent ecologist. Any active nests identified would then need to be cordoned off with a suitable buffer and protected until the end of the nesting season or until the birds have fledged. This is secured by condition.

- 17.4 The survey highlights the presence of a small amount of colonising Cotoneaster species. Some Cotoneaster species are included under Schedule 9, Part II of the Wildlife and Countryside Act 1981 (April 2010) which makes it an offence to cause them to grow in the wild. The ecological evaluation and assessment recommends measures to remove and prevent the spread of the species. This secured by condition.
- 17.5 The proposal would result in the loss of some existing developing weeds and shrubbery, an ornamental Ash, and a conifer hedge. The proposed development would introduce 21 new trees along with densely planted beds and hedges are, most of which would be along the boundary of the site. This therefore gives opportunity for ecological habitats, for example the landscaping scheme includes 131no. Hebe Rakaiensis which attract Bumble Bees. Given the quantity of landscaping that would replace the areas to be lost, together with the ecologically focused planting; the proposal is considered to result in a minor net gain for biodiversity.
- 17.6 Based on the above, the proposal would satisfy Core Policy 9 of the Core Strategy and the National Planning Policy Framework.

18.0 Water Infrastructure

- 18.1 Thames Water has recommended conditions to address the capacity issues around the supply and discharge of surface and waste water. The developer has not agreed to the recommended conditions. Given the previously approved and extant scheme (ref. P/09881/007) for a similar scheme with a smaller floor area which do not include these conditions, these conditions are not considered to comply with the pass the six test for conditions (would fail under reasonableness for example).
- 18.2 The developer has been in discussions with Thames Water regarding the surface water and it has been accepted a 2l/s rate would be approved. The drainage strategy proposes this discharge rate.
- 18.3 The National Planning Guidance does not encourage such conditions as it steers these issues towards a more strategic approach.
- 18.4 Based on the above, in instance the recommended conditions would not be appropriate for this proposed development.

19.0 Section 106 Requirements

- 19.1 A Section 106 will be required to ensure the dedication of private land as public highway is secured.

20.0 Presumption in favour of sustainable development

- 20.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”
- 20.2 The report identifies that there is a minor conflict with the parking provision in relation the Development Plan, however this in itself would not lead to sever harm on the highway network. The remaining elements of the proposal would comply with the relevant policies in the Development Plan. The Local Planning Authority therefore consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 when taken as a whole. On balance, the application is recommended for approval.

21.0 PART C: RECOMMENDATION

- 21.1 Having considered the relevant policies and planning considerations set out above, it is recommended the application be delegated to the Planning Manager:

A) For approval subject to:-

- 1) the satisfactory the highway changes set out in paragraph 12.16;
- 2) a satisfactory surface water drainage strategy in consultation with the Lead Local Flood Authority;
- 3) the satisfactory completion of a Section 106 to secure the dedication of private land as public highway;
- 4) agreement of the pre-commencement conditions with the applicant/agent;
- 5) finalising conditions; and any other minor changes.

B) Refuse the application if the above have not been finalised by 15th April 2020 unless a longer period is agreed by the Planning Manager, following consultation with the Chair of the Planning Committee.

PART D: DRAFT LIST CONDITIONS AND INFORMATIVES

1. Commence within three years

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, drawings, and documents hereby approved by the Local Planning Authority:

- a) Drawing No. 001 Rev A; Dated Aug 2019; Rec'd 27/09/2019
- b) Drawing No. PL_002 Rev A; Dated Aug 2019; Rec'd 31/10/2019
- c) Drawing No. PL_003 Rev A; Dated July 2019; Rec'd 31/10/2019
- d) Drawing No. PL_004 Rev A; Dated Aug 2019; Rec'd 31/10/2019
- e) Drawing No. PL_006 Rev A; Dated Aug 2019; Rec'd 31/10/2019
- f) Landscape Management and Maintenance Plan (ref.11163); Dated August 2019; Rec'd 27/09/2019
- e) External Lighting Proposals Issue 3 – Planning; Dated 12 August 2019; Rec'd 27/09/2019
- e) Bird hazard management plan (Project No: 11163); Rec'd 27/09/2019
- f) Updated Ecological Appraisal and Assessment under BREEAM 2018, by Aspect Ecology (ref. 1004796 UEABR vf CL JC); Dated 05/08/2019; Rec'd 20/20/2019

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. Ecology

The development hereby approved shall be carried out in accordance with the Mitigation Measures and Ecological Enhancements set out in in Chapter 6 of the Updated Ecological Appraisal and Assessment under BREEAM 2018, by Aspect Ecology (ref. 1004796 UEABR vf CL JC); Dated 05/08/2019; Rec'd 20/20/2019

REASON: In the interests of the preservation of natural habitats and safeguarding protected species in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the

4. Contaminated Land Watching Brief

The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority to the presence of any unsuspected contamination (to soil or/and water, determined by either visual or olfactory indicators) encountered during the development.

In the event of contamination to land and/or water being encountered, no development or part thereof shall continue until a programme of investigation and/or remedial work to include details of the remedial scheme and methods of monitoring, and validation of such work undertaken has been submitted to and approved in writing by the Local Planning Authority.

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

In the event that no significant contamination is encountered, the developer shall provide a written statement to the Local Planning Authority confirming that this was the case, and only after written approval by the Local Planning Authority shall the development be commissioned and/or occupied.

REASON: To ensure that any ground and water contamination is identified and adequately assessed, and that remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use, in accordance with Core Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

5. Samples of materials

Samples of external materials (including, reference to manufacturer, specification details, and positioning) to be used in the construction of external envelope, shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Adopted Plan for Slough 2004, Core Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

6. Construction Traffic Management Plan

No part of the development shall commence until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of:

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- Construction access
- Vehicle parking for site operatives and visitors
- Loading/off-loading and turning areas
- Site compound
- Storage of materials
- A strategy for the management of construction traffic to and from the site together with details of parking/ waiting for demolition/ construction site staff and for delivery vehicles
- Precautions to prevent the deposit of mud and debris on the adjacent highway

The development hereby permitted shall thereafter be carried out in accordance with the approved Construction Management Plan.

REASON: To minimise danger and inconvenience to highway users in accordance with Core Policy 7 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

7. Working Method Statement

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

- Control of noise
- Control of dust, smell and other effluvia
- Control of surface water run off
- Site security arrangements including hoardings
- Proposed method of piling for foundations
- Construction working hours, hours during the construction phase, when delivery vehicles taking materials are allowed to enter or leave the site
- The route of construction traffic to the development

REASON In the interests of the amenities of the area in accordance with Core Policy 8 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

8. Sustainable Development

No development shall begin until a certificate, from an accredited BREEAM assessor, has been submitted to the Local Planning Authority confirming that the development has been designed to achieve a standard of BREEAM Very Good. The development shall be constructed so as to achieve a standard of BREEAM Very Good and confirmation of compliance from an accredited BREEAM assessor shall be submitted to the Local Planning Authority within three months of completion of the development.

REASON In the interest of sustainable development in accordance with policy

9. Highway Works

No part of the development shall be brought into use until, detailed plans and specifications for the highways works pursuant to the approved plans have been submitted to and approved by the Local Planning Authority. These details shall include:

- Temporary access point
- Installation of new access junctions
- Reconstruct the footway fronting the application site
- Root barrier along the pavement / highway edge to prevent root damage from proposed trees
- Reinstatement of redundant access points to standard to footway construction
- Installation of street lighting modifications (as necessary)
- Drainage connections (as necessary)
- Widen the carriageway of Blackthorne Road to between 7.4m and 8.17m and the junction of Blackthorne Road / David Road as shown on approved plans
- Widen the footway along the section of Blackthorne Road from the western boundary of the site to the new proposed highway boundary on Blackthorne Road at the location of the existing gates on Blackthorne Road. The footway width will need to be wider than 2m on several sections to ensure adequate visibility at the main site access and on along the section of Blackthorne Road to the east of the site
- Widen the carriageway of Blackthorne Road to the east of the site to create a larger junction with Blackthorne Road/David Road. At the detailed design stage the proposed width of the realigned junction should be further considered as it is felt that this does not need to be as wide as proposed
- Bollards capable of withstanding HGV impact along the footways of Blackthorne Road to prevent vehicle parking on the footways
- Provide a 2m wide footway along the east side of Blackthorne Road between the end of the adopted highway and the junction with Blackthorne Road / David Road
- Gully cleaning (nearest gullies around the site and site access)
- Stopping up of the redundant public highway as necessary;

The highway works shall be carried out in full accordance with the approved plans and specifications and be completed to the satisfaction of the Local Planning Authority before the development is brought into use.

REASON: To provide adequate level of safety and convenience for users of the highway in accordance with Core Policy 7 of the Core Strategy 2008 and the requirements of the National Planning Policy Framework 2019.

10. Boundary treatment

Prior to the development hereby approved first being brought into use the boundary treatment shall be fully completed in accordance with the approved plans and be retained as such at all time in the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Core Strategy 2008 and the requirements of the National Planning Policy Framework 2019.

11. Landscaping scheme

No part of the development shall be brought into use until details of a root barrier along the edge of the site edge to prevent root damage outside of the site from the proposed trees has been submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall then be carried out in accordance with the approved landscaping scheme as shown on Drawing No. PL_006 Rev A; Dated Aug 2019; Rec'd 31/10/2019

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

REASON In the interests of the visual amenity of the area and in accordance with Policy EN3 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

12. EV Charging

No part of the development shall be brought into use until 3 electric vehicle rapid charging bays with 3 electric vehicle charging points shall be implemented in full working order. The electric vehicle fast charging bays and points shall be installed and maintained in accordance manufacturer's requirements, and be made available at all times in the future in association with the development hereby permitted

REASON: In the interest of ensuring satisfactory parking provision and the provision of sustainable modes of transport for occupiers of the development and to protect from overspill parking on the public highway site in accordance with the objectives of the Slough Local Transport Strategy, Policy T2 of the Local Plan for Slough 2004, Core Policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

Prior to the development hereby approved first being brought into use the cycle parking shall be fully completed in accordance with the following plans:

TBC

The approved cycle shall be retained at all time in the future.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Core Policy 7 of Core Strategy 2008, Policy T8 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019.

14. Pedestrian visibility splays

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

REASON: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Core Policy 7 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

15. Vehicular visibility splays

No part of the development shall be brought into use until visibility splays have been provided on both sides of the service yard access between a point 2.4 metres along the centre line of the service yard access measured from the edge of the carriageway and a point 30 metres along the edge of the carriageway to the east and a point 37 metres along the edge of the carriageway to the west measured from the intersection of the centre line of the service yard access. Visibility splays of 2.4m x 43m shall be achieved on both sides of the western car park access taken from the centre-line of the vehicle egress point. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres 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 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

16. Parking Spaces – B1(c) Light Industry and / or B8 Warehousing

Prior to any of the B1(c) Light Industry and / or B8 Warehousing the 12no. car parking spaces to the north of the proposed site shall be provided and made

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available for the B1(c) Light Industry and / or B8 Warehousing use(s) and be retained for such purposes at times in the future. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON: In the interest of ensuring satisfactory parking provision for the employees and visitors to the development and for the operational use requirements of the development in order to protect the amenity of other land uses in the vicinity of the development from overspill parking on the public highway in accordance with Core Policy 7 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

17. Parking Spaces – B2 Industrial

Prior to any of the B2 Industrial use hereby approved first being brought into use, the 20no. car parking spaces to the west of the proposed site shall be provided and made available for the B2 Industrial use and be retained for such purposes at times in the future. The car parking spaces shall not be used for any separate business, commercial or residential use.

REASON: In the interest of ensuring satisfactory parking provision for the employees and visitors to the development and for the operational use requirements of the development in order to protect the amenity of other land uses in the vicinity of the development from overspill parking on the public highway in accordance with Core Policy 7 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

18. Gates - TBC

19. Facilities

No part of the development shall be occupied until the W.C and shower have been provided for the future occupiers. The W.C and shower shall be retained in good working order at all times in the future.

REASON: To facilitate sustainable modes of travel to the development hereby permitted such as walking, cycling, jogging and thereby reducing travel by car in accordance with Core Policies 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

20. Landscape management

The ongoing landscape management and maintenance of the development hereby approved shall be carried out in accordance with the approved Landscape Management and Maintenance Plan (ref.11163); Dated August 2019; Rec'd 27/09/2019 at all times.

REASON To ensure the long term retention of landscaping within the development in the interests of the visual amenity of the area and in accordance with Core Policy 8 of The Core Strategy 2008, Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the National

21. External site lighting

No lighting shall be provided at the site other than in accordance with the approved plans and documents.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

22. Ancillary offices

The offices hereby permitted shall be used ancillary to the main use only and shall at no time be used as independent offices falling within and B1a of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose.

REASON In order protect the amenities of the area and to ensure an appropriate use within a defined business area comply with Core Policies 5 and 8 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

23. No change of use

Notwithstanding the provisions of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), the development shall only be used for purposes falling within Class B1(c), B2, and B8 of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose.

REASON In order protect the amenities of the area and to ensure an appropriate use within a defined business area comply with Core Policies 5 and 8 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

24. Floor area allocation

The maximum floor area throughout the use of the approved development for the B2 use shall be 900 square metres of the Gross Internal Floor area with the remainder of the floor area provided as B8 and ancillary offices.

REASON: In the interest of ensuring there is adequate parking provision for the proposed B8 and B2 uses and to protect from overspill parking on the public highway site in accordance with the objectives of the Slough Local Transport Strategy, Policy T2 of the Local Plan for Slough 2004, Core Policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

25. No additional floor space

No floor space created by internal sub-division, mezzanine floor, or external extension shall take place without the prior written approval of the Local Planning Authority.

REASON: In the interest of ensuring there is adequate parking provision for the proposed B8 and B2 uses and to protect from overspill parking on the public highway site in accordance with the objectives of the Slough Local Transport Strategy, Policy T2 of the Local Plan for Slough 2004, Core Policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

26. Surface Water Drainage - TBC

The approved surface water drainage scheme shall be installed in accordance with the following details:

TBC

The approved a surface water drainage scheme shall be fully operational prior to first occupation and retained in good working order to the satisfaction of the local planning authority.

REASON to ensure the developed site is adequately drained to prevent the risk of flooding, in accordance with Core Policy 8 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

27. Bird Hazard Management Plan - Heathrow Safeguarding

The approved Bird hazard management plan (Project No: 11163); Rec'd 27/09/2019 shall be implemented as approved and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON: It is necessary to manage the flat roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport, in accordance with the requirements of the National Planning Policy Framework 2019.

INFORMATIVE(S):

1. In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application proposal, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of

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sustainable development as set out in Paragraph 11 of the National Planning Policy Framework 2019 and refined in case law. The Local Planning Authority is satisfied that its processes and practices in assessing and determining this application are compatible with the Human Rights Act, the decisions of the European Court of Human Rights, and the Equality Act 2010.

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through providing pre application advice and requesting additional information. 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.
3. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 with Slough Borough Council for the implementation of the works in the highway works schedule.
4. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
5. Heathrow Safeguarding

Lighting:

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>. Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

Cranes:

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

Landscaping:

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity

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Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

MEMBERS' ATTENDANCE RECORD 2019/20
PLANNING COMMITTEE

COUNCILLOR	29/5	3/7	31/7	4/9 CANCELLED	2/10	6/11	4/12	15/1	19/2	18/3	22/4
Dar	P	P	P		P	P	P				
Davis	P	P	P		P	Ap	P				
M. Holledge	P	P	P		Ap	P	P				
Gahir	P	P	P		P	P	P				
Mann	P	P	P		P	P	P				
Minhas	P	Ap	P		P	P	P				
Plenty	P	Ap	P		P	Ap	P				
Sabah	P	P*	P		P	P	P				
Smith	P	P	P		P	P	P				

P = Present for whole meeting
 Ap = Apologies given

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

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