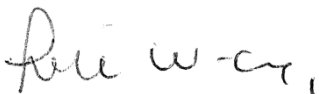


Date of issue: Tuesday, 11 February 2020

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Dar (Chair), M Holledge (Vice-Chair), Davis, Gahir, Mann, Minhas, Plenty, Sabah and Smith)
<b>DATE AND TIME:</b>	WEDNESDAY, 19TH FEBRUARY, 2020 AT 6.30 PM
<b>VENUE:</b>	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	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

-

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*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 15th January 2020	3 - 6	-
4.	Human Rights Act Statement - To Note	7 - 8	-

### PLANNING APPLICATIONS

5.	P/17350/003 - 28 Shaggy Calf Lane, Slough, SL2 5HH  <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	9 - 20	Elliman
6.	P/12934/013 - Theale, Old Bath Road, Colnbrook, Slough, SL3 0NS  <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	21 - 46	Colnbrook with Poyle
7.	P/00378/026 - 235 Farnham Road, Slough, SL2 1DE  <i>Officer's Recommendation: Refusal</i>	47 - 68	Farnham

### MATTERS FOR INFORMATION

8.	Members Attendance Record	69 - 70	-
9.	Date of Next Meeting - 18th March 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.

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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

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

### Predisposition

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

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

### Pre-determination / Bias

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

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

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**Planning Committee – Meeting held on Wednesday, 15th January, 2020.**

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

**Also present under Rule 30:-** Councillors Bains, Basra, Brooker and R Sandhu

**Apologies for Absence:-** Councillor Mann

**PART I**

**65. Declarations of Interest**

Agenda item 5 (Minute 70): P/12604/002, 12-14 Lynwood Avenue, Slough – Councillor Minhas declared she lived in the Upton ward but had an open mind and would vote on the item. She had been contacted by the local media to comment on the application but had refused the request.

Agenda item 5 (Minute 70): P/12604/002, 12-14 Lynwood Avenue, Slough – Councillor Michael Holledge declared that the application site was adjoining his ward, but had an open mind and would vote on the item.

Agenda item 5 (Minute 70): P/12604/002, 12-14 Lynwood Avenue, Slough – all members of the committee confirmed that they had received an email from the applicant.

Agenda item 6 (Minute 71): P/09881/008, Unit 3, Blackthorne Road, Colnbrook – Councillor Smith declared that he was a member of Colnbrook with Poyle Parish Council. The Parish Council had considered the application but Councillor Smith stated that he did not take any part in that discussion and retained an open mind.

**66. Guidance on Predetermination/Predisposition - To Note**

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

**67. Minutes of the Last Meeting held on 4th December 2019**

**Resolved –** That the minutes of the meeting held on 4<sup>th</sup> December 2019 be approved as a correct record.

**68. Human Rights Act Statement - To Note**

The Human Rights Act Statement was noted.

## Planning Committee - 15.01.20

### 69. 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 applications being considered by the Committee as follows:-

Application P/12604/002 – 12-14 Lynwood Avenue, Slough: an objector, the applicant, Upton Ward Councillors Bains, Basra and Rajinder Sandhu and Councillor Brooker 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 report of the Planning Manager and the amendment sheet tabled at the meeting and subject to any further amendments and conditions agreed by the Committee.

### 70. P/12604/002 - 12-14 Lynwood Avenue, Slough, SL3 7BH

Application	Decision
Demolition of existing dwelling and construction of 4no. three bedroom dwellings and 2no. four bedroom dwellings with associated access, parking and amenity space.	Refused.

### 71. P/09881/008 - Unit 3, Blackthorne Road, Slough, SL3 0DA

Application	Decision
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.	Delegated to the Planning Manager for approval.

### 72. Members Attendance Record

**Resolved** – That the Members' Attendance Record be noted.



## **Planning Committee - 15.01.20**

### **73. Date of Next Meeting - 19th February 2020**

The date of the next meeting was confirmed as 19<sup>th</sup> February 2020.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.31 pm)

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

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

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

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

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

	<b>OFFICER ABBREVIATIONS</b>
LM	Laurence Moore
CS	Chris Sawden
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:	21-May-2019	Application No:	P/17350/003
Officer:	Michael Scott	Ward:	Elliman
Applicant:	Grasmere Homes Ltd	Application Type:	Full Planning
		8 Week Date:	16-July-2019
Agent:	Ms N Broderick, 10 Church Road, Alderton, Tewkesbury, GL20 8NR		
Location:	28, Shaggy Calf Lane, Slough, SL2 5HH		
Proposal:	Demolition of existing house and construction of 4no. new two bedroom houses.		

**Recommendation:** Delegate to the Planning Manager for refusal



## **P/17350/003**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application is of a type which would normally be determined under powers of officer delegation. However, Councillor Dhaliwal has requested that the application be 'called-in' for determination by the committee.
- 1.2 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for REFUSAL as set out under paragraph 15.1 below.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 This is a full planning application for:
- Construction of two semi-detached pairs of dwelling houses.
  - A communal surface level car parking area for 6 cars.
  - Retention and re-use of the vehicular access from Shaggy Calf Lane.
  - Provision of a further private car parking space to the rear of the new buildings with access from Grasmere Avenue.

#### **3.0 Application Site**

- 3.1 The site comprises the vacant detached property at 28 Shaggy Calf Lane together with a portion of its rear garden. The application site does not lie in a conservation area. Nor are there any designated heritage assets in the vicinity. The site lies in Flood Zone 1 where no Flood Risk Assessment is required.
- 3.2 The existing property is derelict. It was included in the application reference P/17350/000 as originally submitted in April 2018 when the proposals were for the demolition of the existing house and construction of 4no. new two-bedroom houses together with 6no. new dwellings on the land to the rear fronting Grasmere Avenue. That application was revised and reduced following officers concerns and determined for approval as 4no. new dwellings only to the rear of the existing property, which was to be refurbished and re-used as a single family dwelling house.
- 3.3 To the east are a series of semi-detached properties. These demonstrate a coherent style and rhythm that characterises the street scene of most of Shaggy Calf Lane. Whilst there are individual properties with extensions at the side and/or at roof level, the essential defining characteristic is the proportions of the original buildings, which transcends those subsequent alterations.
- 3.4 Immediately to the west of the junction with Grasmere Avenue, between that junction and the junction with Stoke Road beyond, lies a substantially

extended dwelling, a chalet bungalow, which is quite unique in this area, and a few semi-detached dwellings of a type that are somewhat characteristic of the eastern area, as described above.

3.5 On the north side of Shaggy Calf Lane, there are a series of semi-detached houses, which reflect the character of the southern side.

4.0 **Relevant Site History**

4.1 Relevant site history relating to this site is as follows:

P/17350/000 Redevelopment by the erection of two pairs of two-storey, semi-detached, three-bedroom dwellinghouses (one pair with rear dormers), involving 4no. new residential units fronting Grasmere Avenue, in conjunction with the refurbishment of the existing dwellinghouse at 28 Shaggy Calf Lane – APPROVED 08/01/19. The approved layout and front elevations are shown below:



Approved Layout



Approved Front Elevations to Grasmere Avenue

P/17350/001 Submission of details pursuant to condition 3 (materials) and 5 (landscaping) of planning permission P/17350/000 dated 08/01/2019- DISCHARGED 09-Apr-2019.

P/17350/002 Non material amendment of planning permission P/17350/000 dated 08/01/2019 to change the doors and windows on the front elevation.- AGREED 17-Apr-2019

## 5.0 **Neighbour Notification**

5.1 Neighbour letters were sent out on 06/06/2019 to the following addresses:

34, Shaggy Calf Lane, Slough, SL2 5HH, 32, Shaggy Calf Lane, Slough, SL2 5HH, 106, Grasmere Avenue, Slough, SL2 5HY, 30, Shaggy Calf Lane, Slough, SL2 5HH, 39, Shaggy Calf Lane, Slough, SL2 5HN, 37, Shaggy Calf Lane, Slough, SL2 5HN, 35, Shaggy Calf Lane, Slough, SL2 5HN, 33, Shaggy Calf Lane, Slough, SL2 5HN, 31, Shaggy Calf Lane, Slough, SL2 5HL, 29, Shaggy Calf Lane, Slough, SL2 5HL, 26, Shaggy Calf Lane, Slough, SL2 5HJ, 155, Grasmere Avenue, Slough, SL2 5HY, 153, Grasmere Avenue, Slough, SL2 5HY.

5.2 The public consultation period expired on 27th June 2019. Individual objection letters have been received from nos. 30 and 32 Shaggy Calf Lane and two petitions have been lodged with 54 and 21 signatories respectively (though many are included in both). In summary, these responses raise the following points of concern:

- Overdevelopment with consequential impact on neighbours' amenities
- Air quality will deteriorate
- All the existing trees have been removed
- Lack of contextual drawings
- Poor design
- Likelihood of sunlight/daylight and overshadowing impacts on neighbours' amenities
- Proposals ignore the character of Shaggy Calf Lane



- Elevations don't relate to neighbouring properties
- Loss of garden space
- Traffic and parking issues including noise and safety matters
- Non-material issues regarding value of existing houses

## 6.0 **Consultations**

### 6.1 **Local Highway Authority:**

Following review of the revised plans and information submitted by the applicant on 23/01/2020, we can now confirm that the applicant has satisfactorily addressed our concerns and therefore we have no further objections from a transport and highways perspective.

### 6.2 **Thames Water:**

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

## **PART B: PLANNING APPRAISAL**

### 7.0 **Policy Background**

#### 7.1 **National Planning Policy Framework and National Planning Policy Guidance:**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

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

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, built and historic environment

Core Policy 10 – Infrastructure

Core Policy 11 - Social cohesiveness

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities

### Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map

### 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 June 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 cannot demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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 development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Highways and parking

### 8.0 **Principle of development**

8.1 The National Planning Policy Framework 2019 encourages the effective and efficient use of land. This is reflected within Core Policies 1 and 4 which seek high-density, non-family type housing to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is

expected to be predominantly family housing. The application site lies outside of the Town Centre in a sustainable location and thus there is a presumption in favour of family housing.

- 8.2 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes which should be considered in the context of the presumption in favour of sustainable development. The site is considered to be located in a sustainable location, as it benefits from access to public transport, education, retail, leisure, employment and community facilities.
- 8.3 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.4 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 8.5 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.6 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.7 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes.
- 8.8 Having regard to the National Planning Policy Framework 2019 and the Local Development Plan, there are no objections to the principle of residential development on this site.
- 8.9 However, whilst the residential development in an area of residential land use is not in principle unacceptable, there is a wider test to ensure that any residential development conforms to the pattern of development locally – that is as set out in Policy H13.
- 8.10 As a scheme to replace and infill the street scene, attention must be paid to each limb of Policy H13, of which criteria (a), (b), (c), (d) and (f) are relevant. In summary, the issues turn on the scale of any infilling development.

#### 9.0 **Impact on the character and appearance of the area**

- 9.1 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 Policies EN1 and H13.

- 9.2 The proposals entail the demolition of the existing property and its replacement by the provision of two pairs of semi-detached dwelling houses.
- 9.3 The siting and proportions of the two pair of buildings shows a marked difference from that of the prevailing street scene in Shaggy Calf Lane. The footprint of the proposed pair of properties would be considerably smaller than the original footprint of each pair of properties on the north and south side of the road – 85m<sup>2</sup> (proposed) and 122m<sup>2</sup> (existing/original) respectively.
- 9.4 Similarly, the degree of separation between the proposed two sets of semi-detached buildings would markedly contrast with the typical degree of separation between the existing pairs of properties on Shaggy Calf Lane. The gap between the proposed pair of properties would be some 2.7m; whereas the gap between each of the existing semi-detached pairs is some 4.5m and up to 5m in places.
- 9.5 The overall form, bulk and scale of the proposed properties would starkly contrast with that of the existing properties in Shaggy Calf Lane. The proposed buildings would have a simple hipped roof with an apex. The existing typology of the area is found in the hipped roofs having a ridge across the longitudinal axis of the building. Whilst, in some instances, properties have been extended at roof level by a hip-to-gable conversion, this further accentuates the longitudinal axis of the roof ridge. The proposed elevational treatment is strongly at odds with the cohesive built environment within Shaggy Calf Lane where the properties exhibit “arts and crafts” style dwellings, with their double storey bow windows sitting on brick plinths, under a gable roof projection with timber boarding detail, separated by tile hanging, small bay windows serving the box bedroom, recessed front entrance doors, centralised chimneys.
- 9.6 Moreover, the dwellings are served by their own dedicated crossovers, vehicular and pedestrian access points to the individual houses and curtilage parking spaces. As such, the proposed properties would be wholly out-of-keeping with the character and appearance of the area and thus quite incongruous in the street scene.
- 9.7 Based on the above, the proposals would have an unacceptable impact on the character and visual amenity of the area and therefore would not comply with Policies EN1 and H13 of the Local Plan for Slough March 2004 (Saved Policies), Core Policies 1, 8 and 9 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2019.
- 10.0 **Impact on amenity of neighbouring occupiers**
- 10.1 The National Planning Policy Framework 2019 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 Policies EN1 and EN2.
- 10.2 Neighbouring the site to the east is a semi-detached dwelling house. As the front and rear building lines at the proposed and the existing properties would

be very similar, and given the orientation of the properties, it is considered that there would be neither overshadowing nor loss of daylight or sunlight.

- 10.3 The proposed properties would not have any flank wall windows; so, there would be no loss of privacy across the boundaries for the existing neighbouring occupiers.
- 10.4 The gardens of the proposed dwelling houses would lie alongside that of no. 30, which provided land from its former rear garden to enlarge the plot at no. 28 to enable a site for the new properties in Grasmere Avenue. Thus the arrangement of gardens would not raise issues of adverse impact on the amenities of existing and potential neighbours.
- 10.5 The other closest residential properties are those directly to the rear – the new properties on Grasmere Avenue. The proposed properties would face directly due south towards the northern most of these new properties. As there is a blank flank wall on that new property and a condition controlling the introduction of new windows, it is considered that there would be no adverse impact on the amenities of the existing or proposed dwellings arising from the proposed layout.
- 10.6 The properties to the west of the application site lie across the junction with Grasmere Avenue. As such, the degree of separation would result in no adverse impact for either set of occupiers.
- 10.7 Likewise, the degree of separation between the properties on the north side of Shaggy Calf Lane and the proposed scheme would result in no adverse impact for either set of occupiers.
- 10.8 There are no concerns to be raised in terms of the impacts on neighbouring properties and the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy, Policies EN1 and EN2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2019.

11.0 **Living conditions for future occupiers of the development**

- 11.1 The National Planning Policy Framework 2019 states that planning should create places with a high standard of amenity for existing and future users.
- 11.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."
- 11.3 Each of the semi-detached dwellings would have its individual external access from the communal front area.
- 11.4 The proposed dwellings would have acceptably sized internal spaces that would comply with the Council's current guidelines and would be served by windows that provide a suitable degree of daylight, aspect, and outlook.
- 11.5 As two-bedroom houses, they would be required to have 50 sq.m. of private amenity space. Whilst three of the new dwelling houses would benefit from

a private rear garden that exceeds this guideline, the fourth on the corner with Grasmere Avenue would have some 43 sq.m. of useable amenity space. This represents a shortfall against the Council's guideline. Whilst it is not considered to be sufficient to represent a substantive reason for refusal, it is indicative of the unacceptability of the level of development proposed and its incompatibility with the spatial character of Shaggy Calf Lane.

11.6 Based on the above, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H14 of the Adopted Local Plan.

## 12.0 **Highways and Parking**

12.1 The National Planning Policy Framework states that planning should seek to promote development that is located 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 and 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. Paragraph 109 of the National Planning Policy Framework states that '*Development should only be prevented or refused on transport 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 The revised block plan shows a communal car parking arrangement, served by the existing crossover from Shaggy Calf Lane and providing 6no. car parking spaces at the front of the pair of semi-detached dwellinghouses, together with a dedicated double (nose-to-tail) hardstanding at the rear serving one of the proposed properties and taking access from Grasmere Avenue. The access cross over would lie alongside the driveway of the adjacent property in Grasmere Avenue, with the requisite visibility accommodated on the other side by the proposed alignment of the garden wall. The Highway Authority has no objection to the form or quantum of parking proposed.

12.3 Furthermore, after extensive negotiations and numerous amendments to the layout of this parking, the Highway Authority is now satisfied with the functionality of the latest scheme.

12.4 No details have been provided of facilities for cycle parking. However, as each of the proposed dwellinghouses has a private garden, some provision could be made within these spaces and were the overall scheme acceptable; this matter would have been dealt with by condition. As such, it is not considered to be sufficient to represent a substantive reason for refusal.

12.5 Based on the above, and subject to the conditions set out below, the proposal is considered to be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

### **13.0 Conclusion relating to Planning Balance**

In the application of the appropriate balance, it is considered that whilst there are benefits from the formation of four new residential units in a sustainable location, it is considered that this does not fully tilt the balance in favour of the proposals; so as to suggest that planning permission should be granted in this case. The benefits of supplying three extra units in a tilted assessment has been shown to be significantly and demonstrably outweighed by the adverse impacts and conflicts with specific policies in the NPPF.

### **14.0 Equalities Considerations**

14.1 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).

14.2 The proposal would be required to meet with Part M of the Building Regulations in relation to space standards and occupation by those needing wheelchair access.

14.3 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. Were the proposals to be otherwise acceptable, this would have been secured by condition.

14.4 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.

15.0 **PART C: RECOMMENDATION**

15.1 Having considered the relevant policies set out below, and comments from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for REFUSAL, as set out below:

1. The proposed scheme represents a cramped form of development, as it comprises the formation of two pair of semi-detached dwellinghouses, which would be out-of-keeping with the character and not reflect the form of development in this part of Shaggy Calf Lane, as such, it would be an overdevelopment of the site by virtue of the scale, form and the number of dwellings. The development is considered to be contrary to the National Planning Policy Framework (NPPF), Core Policy 8 of Slough Local Development Framework, Adopted Core Strategy 2006 – 2026 (Development Plan Document – December 2008), and Policies EN1 and H13 of the Adopted Local Plan for Slough, 2004.

INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is contrary to the National Planning Policy Framework.

2. PLANS

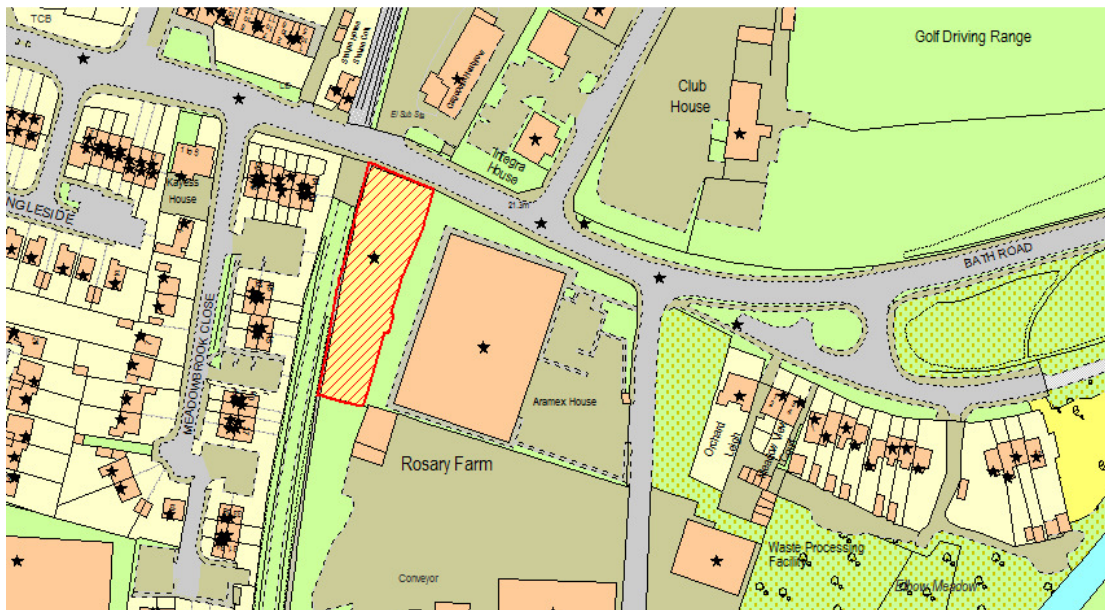
The proposal hereby refused was submitted with the following drawings:

- (a) Drawing no. PT/1577/1 Rev. G, dated Nov 2018, Recd on 23/01/20.
- (b) Drawing no. PT/1577/2, dated Nov 2018, Recd on 21/05/19.
- (c) Drawing no. PT/1577/3, dated Nov 2018, Recd on 21/05/19.
- (d) Drawing no. PT/1577/4, dated Nov 2018, Recd on 21/05/19.



Registration Date:	09-August-2019	Application No:	P/12934/013
Officer:	Michael Scott	Ward:	Colnbrook-with-Poyle,
Applicant:	Talwinder Hayre, Hayre Investments (Slough) Ltd	Application Type:	Full Planning
		13 Week Date:	08-Nov-2019
Agent:	GA&A Design, Suite 1, First Floor, Aquasulis, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location:	Theale, Old Bath Road, Colnbrook, Slough, SL3 0NS		
Proposal:	Redevelopment of site to provide 27no. flats contained within one 5 storey and one 4 storey block together with access parking and landscaping. (Retrospective)		

**Recommendation:** Delegate to the Planning Manager for approval



## **P/12934/013**

### **1.0 SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager:

1) For approval subject to: No substantive issues being raised by the Local Lead Flood Authority, the satisfactory completion of a s106 agreement, finalising conditions and pre-commencement conditions, and any other minor changes.

2) Refuse the application if a satisfactory s106 Agreement is not completed by 31<sup>st</sup> August 2020, unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee.

1.2 Under the current constitution, this application is to be determined at Planning Committee, as it is an application for a major development comprising more than 10 dwellings.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

2.1 Further to the approved scheme under SBC ref: P/12934/009, this is a full planning application to:

- Remodel and reposition of 4-storey Block B resulting in omission of the previously approved undercroft parking and the provision of 4 additional residential units.
- Revise the form of 5-storey Block A, following construction of the approved building as a “shell”, to incorporate the previously approved undercroft parking by “infilling” the rear elevation to provide an additional residential unit.
- Revise the layout of all external areas to provide access, car parking, cycle storage, bin & recycling facilities and landscaping.

#### **3.0 Application Site**

3.1 The site comprises the land of a former bungalow called “Theale”, which was demolished to make way for the partially implemented development approved under P/12934/009, and additional land formerly part of the redundant West Drayton to Staines railway line alongside. The acquisition of this additional land, including a private footpath from Bath Road to Poyle New Cottages to the south, enables the site to be wider than previously, which gives rise to this new scheme.

3.2 The site is located between the predominantly industrial part of Colnbrook to the east and north, and some residential parts of Colnbrook straddling the Old Bath Road to the west and north-west.

- 3.3 Immediately to the east of the site is a large imposing industrial building occupied by a warehousing and distribution user. The access and parking to this building is provided to the east side of the building and away from the application site.
- 3.4 On the west side of the former railway line are the two storey flats in Meadowbrook Close.
- 3.5 Directly opposite to the north of the site on the opposite side of the Old Bath Road is the small industrial estate in Galleymead Road.
- 3.6 To the north west of the site is the southern terminus of the live railway line, which is used for the Heathrow fuel freight service. Adjoining to the west of the railway is a mix of three storey and two storey residential units. The nearest three storey block has retail units on the ground floor.
- 3.7 At the southern end of the site is Rosary Farm, which is located within the Green Belt.
- 3.8 There are no trees within the site.

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

- 4.1 Relevant site history relating to this site is as follows:

P/12934//009 Redevelopment of site to provide 22no. flats contained within one 5-storey and one 4-storey blocks together with access, parking and landscaping – APPROVED 08/03/16. NOTE: Development commenced without the discharge of any pre-commencement conditions, as such the existing works are not lawful.

P/12934//007 Application for the extension of time to implement extant planning permission P/12934/004 for erection of a three-storey frontage block containing 6 no. one-bedroom flats and 2no four-storey rear terraced blocks each containing 3 no. three-bedroom houses; together with access and parking for 18 no. cars – APPROVED 15/09/11.

P/12934//004 Erection of a three-storey frontage block containing 6no. x one bedroom flats and 2no.four-storey rear terraced blocks each containing 3no. three-bedroom houses; together with access and parking for 18no. cars – APPROVED 31/07/08.

P/12934//002 Demolition of existing bungalow and other buildings and redevelopment to provide 22no. flats in two blocks three and four storeys high to accommodate 17no. one-bedroom flats and 5no. two-bedroom flats together with access and parking for 33 cars – APPROVED 07/06/06.

#### 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) two site notices were displayed outside the site on 18/10/2019. The application was advertised as a major application in the 20/09/2019 edition of The Slough Express.

Neighbour letters were sent out on 16/09/2019 to the following addresses:

40, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 39, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 62, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 6 Poyle New Cottages, Old Bath Road, Colnbrook, Slough, SL3 0NU, 57, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 49, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, Kuehne & Nagel Ltd, Cargopoint-heathrow, Old Bath Road, Colnbrook, Slough, SL3 0NW, 51, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 52, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 63, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 53, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 59, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 50, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 54, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 45, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 47, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 48, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 1 Poyle New Cottages, Old Bath Road, Colnbrook, Slough, SL3 0NU, 58, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 64, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 60, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 46, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, Lanz Farm Ltd, Galleymead House, Galleymead Road, Colnbrook, Slough, SL3 0NT, 2 Poyle New Cottages, Old Bath Road, Colnbrook, Slough, SL3 0NU, Overseas Courier, Unit 1b, Galleymead Road, Colnbrook, Slough, SL3 0EN, Ramset Fasteners Ltd, Ramset House, Galleymead Road, Colnbrook, Slough, SL3 0EN, 3 Poyle New Cottages, Old Bath Road, Colnbrook, Slough, SL3 0NU, Jet Worldwide Uk Ltd, Unit 1b, Galleymead Road, Colnbrook, Slough, SL3 0EN, Chronopost International, Unit 1b, Galleymead Road, Colnbrook, Slough, SL3 0EN, 41, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 42, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 55, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 61, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 44, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 56, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 37, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 5 Poyle New Cottages, Old Bath Road, Colnbrook, Slough, SL3 0NU, 43, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, 4 Poyle New Cottages, Old Bath Road, Colnbrook, Slough, SL3 0NU, 38, Meadow Brook Close, Colnbrook, Slough, SL3 0PA, Integra House, Galleymead Road, Colnbrook, Slough, Berks, The Parish Council, St. Francis Church, London Road, Langley, Slough, Berkshire, Colnbrook with Poyle Parish Council, The Parish Clerk, 1, Swallow Gardens, Hatfield, Herts, AL10 8OR, Swift House, Frimley Business Park, Frimley, Camberley, Surrey, GU16 7SQ, Station Cottage, Bath Road, Colnbrook, Slough, SL3 0NJ, Station House, Bath Road, Colnbrook, Slough, SL3 0NJ.

5.2 The public consultation period expired on 7th October 2019. No comments from members of the public have been received.

## 6.0 **Consultations**

### 6.1 **Local Highway Authority:**

*Following a review of the proposed development of 27 units (18no 1bed and 9no 2bed flats), the applicant needs to address the following concerns:*

1. *The applicant is required to reconstruct the footway fronting the site and*

*close off any redundant access points to the site. This is to improve the experience and safety for pedestrians using the footway.*

- 2. No details for pedestrian provision are provided on the new access.*
- 3. I note the applicant has provided a total of 28no of car parking spaces, however this is an under provision of parking spaces for the proposed development of 27 units of 18no 1bed and 9no 2 bed flats. According to SBC parking standards, a total of 39 car parking spaces need to be provided for the proposed dwellings (1.25 car parking spaces per 1bed and 1.75 car parking spaces per 2bed).*
- 4. The applicant needs to demonstrate pedestrian visibility splays of 2.0m x 25m from the proposed access.*
- 5. A minimum of 6m aisle width needs to be provided for the proposed car parking spaces.*
- 6. The applicant needs to provide further details on the external bike stores, ensuring the bike stores are compliant with SBC standards.*
- 7. Details of the bin store to be secured via condition.*
- 8. The refuse vehicle used for the tracking drawings is too small. The vehicle used is 8.150m long, however SBC refuse trucks are 9.4m long thus does not specify with SBC standards.*

**NOTE:** The applicant has submitted revisions in response to these matters. No further comments have been received. Should any comments be provided they will be reported on the Update Sheet to Committee.

6.2 Thames Water:

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

6.3 Health And Safety Executive

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

6.4 Sustainable Places, Environment Agency South East

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

6.5 Contaminated Land Officer

*The proposed development is likely to be located on a site affected by ground gasses, therefore requires gas protection measures to be incorporated into their design.*

*In the light of the new proposal, to have flats in both blocks at ground floor, I recommend that they seek the advice of a Qualified Environmental Consultant,*

*and plan to undertake site specific intrusive ground investigation, monitoring and ground gas risk assessment.*

6.6 Tree Officer

No comments received. Should any comments be provided they will be reported on the Update Sheet to Committee.

6.7 Lead Local Flood Authority

Detailed comments are under discussion with the applicant to ensure the LLFA's requirements are met. The outcome shall be reported on the Update Sheet to Committee.

6.8 Berkshire Archaeology:

Thank you for contacting Berkshire Archaeology regarding the above application.

At the original site, as evidenced by the Archaeological Evaluation report you included in your consultation, and held by the Berkshire Archaeology Historic Environment Record, Berkshire Archaeology previously had concerns which were settled through a scheme of archaeological mitigation and resulted in a recommendation that no further works should be required in relation to that development.

The adjacent extension area is a piece of land formerly occupied by the Staines and West Drayton railway line. Therefore the ground in this area is likely to have previously been heavily disturbed by construction of the railway line and subsequent removal of the line. Therefore, in line with previous recommendations for this part of the site, Berkshire Archaeology has no concerns.

Therefore I can confirm that, in line with previous recommendations, Berkshire Archaeology believes there should be no requirement to undertake a scheme of archaeological mitigation in relation to the current development proposals.

**PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 National Planning Policy Framework and National Planning Policy Guidance:

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

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

The Slough Local Development Framework, Core Strategy 2006 – 2026.

#### Development Plan Document, December 2008

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, built and historic environment  
Core Policy 10 – Infrastructure  
Core Policy 11 - Social cohesiveness  
Core Policy 12 – Community Safety

#### The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design  
EN3 – Landscaping Requirements  
EN5 – Design and Crime Prevention  
H13 – Backland/Infill Development  
H14 – Amenity Space  
T2 – Parking Restraint  
T8 – Cycle Network and Facilities  
T11 – Protection of the West Drayton to Staines Line

#### Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map

#### 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 June 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 cannot demonstrate a Five-Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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:

- The Principle of Development
- Impact on the Character and Appearance of the area
- Impact on Neighbouring Occupiers/Uses
- Living Conditions for Future Occupiers
- Impact on Green Belt
- Flooding & Drainage
- Transport, Highways & Parking
- Infrastructure & Affordable Housing
- Archaeology
- Noise
- Land Contamination
- Heathrow Safeguarding
- s.106 Agreement

## 8.0 **Principle of development**

8.1 The earlier approved scheme under SBC ref: P/12934/009 is a material consideration in the assessment of these latest proposals. It is noted that the overriding issues of the proposed development have been agreed in that planning permission. Namely, that approval confirmed, firstly, the case for flatted accommodation rather than family oriented dwellings in this specific location, and additionally, the approval of a form of development in relation to a range of issues including impact on the Green Belt, the risk of flooding, the trigger for off-site affordable housing, the impact on potential archaeological findings, aircraft noise and the likelihood of contamination upon the site. So, subject to the consideration of the specifics of this application, which seek to vary the form, layout and quantum of development, it is accepted that the current scheme accords with that material consideration in respect of the principle of the land use.

8.2 Whilst the principle of flatted residential development in this case is not unacceptable, there is a wider test to ensure that any fresh scheme conforms to the pattern of development locally – that is as set out in Policy H13.

8.3 As a scheme that entails an infilling of the street scene, attention must be paid to each limb of Policy H13, of which criteria (a), (b), (c), (d) and (f) are relevant. In summary, the issues turn on the scale of any infilling development.

## 9.0 **Impact on the character and appearance of the area**

9.1 The National Planning Policy Framework encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings.



- 9.2 These current proposals are akin to the previously approved scheme in most respects and, in particular, to the approved design, character and appearance. The materials are as previously approved and the external style of the elevations are the same.
- 9.3 The overall bulk and massing of Block A would remain identical. The proposal entails the enclosure of the earlier approved undercroft parking to the rear to provide an additional residential unit. The new façade at ground floor level would follow the design of the building faces as previously approved. The first, second and third floors would not change.
- 9.4 The proposals for Block B do represent a significant change, as the footprint of the structure would be some 18.0 metres in width and have an overall depth of some 22.0 metres – the previous approved form would have varied between 10.75 metres and 13.75 metres in width and would have been some 22.25 metres in depth. The overall height remains the same as previously approved. The relationship of the increased bulk to the neighbouring occupiers is set out below at 10.0.
- 9.5 The inclusion of the additional land to the west enables the access road to be re-aligned wholly outside of the proposed building and thus the car parking would be totally external rather than in an enclosed ground floor undercroft arrangement.
- 9.6 The resultant revised form of Block B would continue to reflect the design, character and appearance of Block A. As such, the changes are considered to be in keeping with the evolving visual amenity of the site and its place in the wider street scene.
- 9.7 Based on the above, the proposals would have an acceptable impact on the character and visual amenity of the area and therefore would comply with Policies EN1 and H13 of the Local Plan for Slough March 2004 (Saved Policies), 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.
- 10.0 **Impact on amenity of neighbouring occupiers**
- 10.1 The National Planning Policy Framework 2019 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 Policies EN1 and EN2.
- 10.2 In respect of proposals at Block A, there would be no change to its relationship with the neighbouring occupiers. As for the change of the previously undercroft parking at the rear and its enclosure and conversion to residential accommodation, this faces Block B, which lies some 17.5 metres away and as such there would be no adverse impact on either set of future occupiers..
- 10.3 In respect of the proposals involving Block B, the previously approved scheme involved a substantial footprint at ground floor level, which provided a podium over the undercroft car parking, and three floors of residential accommodation above, whereas these current proposals entail a stand-alone four-storey building. However, whilst the footprint of the ground floor structure is now much

reduced, the upper floors would be wider and in a more northerly position in relation to the approved scheme. These changes involve a different but not unacceptable relationship to the neighbouring sites.

10.4 The distance to the adjacent residential properties in Meadowbrook Close would remain significant and more than 20 metres. As such, the latest scheme would not have an adverse impact on those occupiers' amenities in terms of daylighting, sunlighting, overshadowing or overlooking. The previously imposed conditions 2, 13 and 28 of P/12943/009, regarding obscured glazed, restrictions on further window openings and screens on balconies, are similarly set out below.

10.55 There are no concerns to be raised in terms of the impacts on neighbouring properties and the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy, Policies EN1 and EN2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2019.

#### 11.0 **Living conditions for future occupiers of the development**

11.1 The National Planning Policy Framework 2019 states that planning should create places with a high standard of amenity for existing and future users.

11.2 Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions."

11.3 All of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards 2015.

11.4 The proposed dwellings would be provided with windows that achieve a suitable degree of daylight, aspect, and outlook.

11.5 As set out above, Block A changes only in respect of the introduction of one further unit of accommodation. That new unit would have a dedicated private garden/amenity space adjacent to the living/dining room and its bedroom, similar to those to be provided for the other two approved ground floor flats. As such, it is considered that the form and scale of the space achieves an equally satisfactory provision.

11.6 The latest proposals in terms of Block B mimic the details of the previously approved flats but now within the enlarged form of the building. As per those in Block A, each of the four ground floor flats would have a dedicated private garden/amenity space adjacent to the living/dining room and its bedroom. Each of the first/second/third floor flats would have access to a private balcony space; whilst the top flat on the fourth floor would have its own roof terrace. Given the current proposals reflect those previously approved, save in the shape of the building and the number of units, it is considered that there current proposals are similarly acceptable.

11.7 Based on the above, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H11 of the Adopted Local Plan.

## 12.0 **Green Belt**

12.1 Given the previous approved scheme and its relationship to the Green Belt, it should be noted that the bulk of the nearest proposed buildings would now be significantly further removed from the southern part of the site closest to the designated area of Green Belt. As such, it is considered that these latest proposals would have no greater material impact on the Green Belt and accordingly raise no issues in this respect.

## 13.0 **Flooding & Drainage**

13.1 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.

13.2 According to the EA flood maps, the site is located in Flood Zone 1. It is at low risk of tidal, fluvial, groundwater flooding, surface water flooding and flooding from artificial sources. As the site is located in Flood Zone 1, the proposals do not require a Flood Risk Assessment.

13.3 At the time of the previous approved scheme, it was noted that

*“There are no records of the site having flooded. The EAs hydraulic model of the Poyle Channel provides the most relevant flood levels and shows that most of the site lies above the 100yr and 100yr +CC flood level. The 1000 year flood level is not provided. Old Bath Road is higher than these flood levels and will remain dry during an extreme flood event.*

*· NPPF emphasise the need to consider other potential sources of flooding when planning a development. As the ground floor of the properties will be raised above the local ground levels this risk from storm water, highways, sewers, tidal and groundwater flooding is considered to be low. There are two reservoirs in the area whose failure would have a drastic impact but the risk of flooding is considered to be low and the SFRA indicates that development should not necessarily be prevented.*

*· A raised ground floor slab will ensure that the risk to life and damage to property in the event of a flood is minimised. The EA recommend a finished floor level of 300mm above the 100 year +CC flood level of 21.608m OD and the floor level will be raised to this level.*

*· There will be a safe dry escape route from the site to the north onto Old Bath Road and over the M25 to the A3044. From here a dry route exists in all directions to areas outside of the flood plain where services and facilities exist. The site drainage scheme will be designed to ensure that excess surface water will not restrict access or escape.*

*· There will therefore be no loss of flood plain storage, no additional displaced water and no change in the flooding potential for adjacent sites. There is no requirement to consider flood resistance or resilience measures.*

*· There will therefore be no loss of flood plain storage, no additional displaced water and no change in the flooding potential for adjacent sites. There is no requirement to consider flood resistance or resilience measures.*

*· NPPF and the Environment Agency require that the rate of surface water runoff from a developed site does not exceed the existing rate. The 100 year 30 minute storm on the existing site will provide a peak flow of 34.3 l/s and*

*storm volume of 62m<sup>3</sup> which compares to the developed site without SUDS peak flow of 35.9 l/s and a volume of 65m<sup>3</sup>. This 5% increase in peak flows and volumes above the existing rate is due to the 30% increase in rainfall from climate change which is offset by the creation of permeable garden and landscaped areas on the existing impermeable site.*

*· A review of SUDS options suggests that infiltration methods will not offer a practical solution due to the high groundwater table and impermeable strata or made ground in the 2m below the site. A green roof will reduce runoff to below the existing rate but rainwater harvesting is not considered practical for runoff control. The alternative would be to provide storage and attenuation facilities based on either one storm cell or a permeable sub base to the car parking areas. Either system would include a connection and overflow to the local drainage network and to Poyle Channel with a flow control to restrict off site flows to the existing rate.*

*· The existing site does not have a formal drainage system and it is assumed that rainfall currently runs off the impermeable site to adjacent land, eventually draining to the Poyle channel. As part of the development proposals a formal drainage system will be installed and this will lead to better runoff control. The outline drainage strategy considers that one method for the buildings and a separate drainage strategy for ground level impermeable surfaces such as roads and pavements. This will involve a 300m<sup>2</sup> green roof on the buildings, and the car parking areas and access roads will drain to a permeable sub base or storm cells prior to off site disposal at no more than the existing rate. Garden and landscaped areas will drain naturally.*

*· The flow routes under normal conditions and in the event of a system failure or the storage facility being full, would be considered as part of these detailed designs. However as the ground floor slab, and all access and services entrances will be raised above the local ground level then flooding of the properties will not occur in the event of local drainage system failure, whether by extreme rainfall or a lack of maintenance.*

*· Under NPPF the proposed residential accommodation is classed as a “more vulnerable” use which is appropriate in Zone 1 and the Exception Test is not required. As this site is in Flood Zone 1 there will be no reasonably available alternative site in the LPA area at a lesser flood risk and hence compliance with the Sequential Test can be demonstrated.*

13.4 Accordingly, Condition 21 of P/12934/009 was issued, which required the drainage scheme to be implemented in accordance with the Flood Risk Assessment at that time.

13.5 In the current application, Block A remains unchanged; so in respect of this issue, only the change to the footprint of Block B is considered of relevance to the assessment of the current proposals. The applicant's have submitted an updated Flood Risk Assessment to cater for the revisions to the previously approved scheme.

13.6 The proposed drainage scheme would be required to satisfy the Local Lead Flood Authority's advice under the terms of the condition set out below.

#### 14.0 **Transport, Highways and Parking**

14.1 The National Planning Policy Framework states that planning should seek to promote development that is located 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 and 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. Paragraph 109 of the National Planning Policy Framework states that '*Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

- 14.2 The site lies on the Old Bath Road and had only a single dropped kerb crossover for access/egress. As such, works would be required to form a satisfactory new access/egress to serve the new use and handle the expected traffic movements safely, in respect of visibility. A series of improvements were covered by conditions and a proposed s.278 order under the terms of the approval to P/12934/009. Accordingly, these matters are included in the recommendation for this current application.
- 14.3 The previously approved scheme entailed a new fully compliant access/egress to serve the development. The current application replicates that arrangement some 8 metres to the west.
- 14.4 The application proposes 39no. parking spaces at surface level, of which two would be designated wider bays for wheelchair access. The parking is located throughout the site to provide convenient ease of access for the future occupiers. In accordance with the Council's requirements, four spaces would be have to be installed with EV charging facilities.
- 14.5 Cycle parking is to be provided in accordance with the Council's standards. Each of the seven ground floor flats would have a "bike shed" within its private garden area. Secure storage facilities would be located in banks of "cages" in close proximity to the entrances of the two residential buildings to which they relate, in order to serve the remaining units on the upper floors and for visitors.
- 14.6 A central bin/recycling storage facility would be provided at a point where use and collection can be optimised.
- 14.7 Based on the above, and subject to the inclusion of the measures under the s.278 order in the s.106 and the conditions set out below, the proposal is considered to be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

## 15.0 **Infrastructure and Affordable Housing**

### 15.1 *Infrastructure:*

Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

### 15.2 *Education:*

As the proposal is between 15 and 100 units, in accordance with Core Policy 10 and Part 2 of the Developer's Guide, the Education Authority would seek

education contributions. In accordance the tariffs set out in the Developer's Guide, each one bed flat attracts £903 and each two bed flat attracts £4,828. Based on the proposed mix, the proposal would attract a financial contribution of £50,050.

15.3 *Affordable Housing:*

Core Policy 4 of the Core Strategy requires all proposals of 15 or more dwellings (gross), to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing.

15.4 The earlier approval under reference P/12934/009 for 22 units generated a contribution towards affordable housing of £250,000 towards the provision of off-site accommodation. A first tranche of £125,000 was due upon commencement of the approval. As set out above, the scheme has commenced; though not lawfully, as no pre-commencement conditions have been formerly discharged. To date no monies have been received. The second tranche of £125,000 was to be paid upon the occupation of the 11<sup>th</sup> unit.

15.5 The previously approved scheme comprised 22 units and thus sat within the range of "between 15 and 24" units; whereby an off-site financial contribution was sought in accordance with the schedule of rates set out in the updated Developer Guide Part 2, (September 2017).

15.6 The Housing Department have considered the issues raised by this current scheme which now proposes a number slightly in excess of that range of 15 to 24. In this case, it is considered that a Registered Housing provider would not be content to manage a nominal allocation within such a scale of development. Therefore, it is considered it would be appropriate to continue to seek an off-site contribution. Given the mix of units proposed, the contribution would amount to £400,982.

16.0 **Archaeology**

16.1 Berkshire Archaeology Service have been consulted and concluded that there is no further requirement for investigation and thus no need for a condition.

17.0 **Noise**

17.1 At the time of the previous approved scheme, a Noise Impact Assessment Report found that the site conditions would require noise mitigation. It was concluded that the scheme could achieve the requisite levels of mitigation to satisfy the standards set out for human accommodation. Accordingly Condition 3 of P/12934/009 was issued. Similarly, a condition would be required now to ensure that appropriate and adequate measures are incorporated prior to occupation of this scheme.

18.0 **Land contamination**

18.1 At the time of the previous approved scheme, it was noted that there was a potential for contamination:

*“The concern for the site arises from three different issues:*

*1) Although the site is not listed in any of the trade directories, there is some uncertainty on the former use of the site. Several outbuildings are marked on the 1972 Ordnance Survey map the use of which is unknown.*

*2) The site immediately to the east had a site investigation and subsequent remediation undertaken on it in the early 2000’s. The former use of the site including a waste transfer station resulted in land and groundwater contamination particularly hydrocarbons. Due to the mobile nature of these contaminants it is possible that they may have migrated to the site concerned.*

*3) The site is located 20m to the north west of Rosary farm Landfill, the licence was granted in 1989 for back-filling of workings. Also 1500m to the south east of the site lies Horton Road Landfill and Longford Road Landfill. Therefore, there is the possibility of landfill gas migration.”*

18.2 Accordingly, Condition 12 of P/12934/009 was issued. Similarly, a condition would be required now to ensure that appropriate and adequate measures are incorporated prior to further works on the site.

## 19.0 **Heathrow Safeguarding**

19.1 At the time of the previous approved scheme, it was noted that following an assessment of the application against safeguarding criteria, it was confirmed that there was no safeguarding objections to the proposed development; though observations were made regarding cranes and lighting during and upon completion. Accordingly, Condition 26 of P/12934/009 was issued. Similarly, a condition would be required now to ensure that appropriate and measures are in place prior to further works and in perpetuity.

## 20.0 **Equalities Considerations**

20.1 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).

20.2 The proposal would provide new residential accommodation at a mix of dwelling sizes that would all be compliant with the Nationally Described Space Standards. Two of the 39 parking spaces would be sized for wheelchair

accessibility. Wheelchair access from these spaces up to the main entrance can be achieved where an intercom system will provide voice communication to each flat. The communal doorways, internal corridors, lift; front doors into each flat all provide appropriate widths for wheelchair accessibility. Given the proposal is for 27 private market flats, these provisions are considered appropriate and would comply with local and national planning policies.

- 20.3 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 e.g.: 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.
- 20.4 In relation to the car parking provisions, there are potential adverse impacts on individuals within the pregnancy/maternity, disability and age protected characteristics, if the occupier/individual does not have access to a car parking space in the development. A justification for the level of car parking is provided in the transport section of this report to demonstrate compliance with the NPPF and transport planning policies in the Local Plan/Core Strategy.
- 20.5 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.

21.0 **s.106 Requirements**

The applicant is required to enter into a Section 106 Agreement, the Heads of Terms for which are as follows:

- a. Payment of a financial contribution to fund off-site affordable housing provision in lieu of provision on-site. Timing of payment to be on completion of the Agreement given the circumstances outlined above.
- b. Payment of a financial contribution to fund education.
- c. A contribution to a Traffic Regulation Order for amendments to waiting restrictions on Old Bath Road
- d. Prior to first occupation, the applicant will need to enter into a section 106 agreement with Slough Borough Council, this s106 agreement will obligate the developer to enter into a section 278 agreement for the satisfactory implementation of the works identified in the highways schedule and secure the contributions schedule.

The Highway schedule includes:

- a. Sight lines of 2.4m x 90m at the site access/junction of Old Bath Road by widening the southern Old Bath Road footway (please also condition this requirement);
- b. 6m radii kerbs forming the site access with drop kerbs for pedestrians;
- c. Installation of bollards to secure visibility splays and to prevent car parking in the sight line areas;



- d. Relocation of traffic islands on Old Bath Road;
- e. Revised road markings on Old Bath Road and the new access/junction;
- f. Installation of street lights (where applicable);
- g. Drainage connections;
- h. Dedication as highway maintainable at the public expense, free of charge, of sight line areas (as appropriate).

22.0 **PART C: RECOMMENDATION**

22.1 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 completion of a Section 106 Agreement to secure the financial contributions and highways schedule set out in paragraph 21.0;
- 2) agreement of the pre-commencement conditions with the applicant/agent;
- 3) finalising conditions; and any other minor changes.

B) Refuse the application if the completion of the Section 106 Agreement is not finalised by 30<sup>th</sup> August 2020 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

23.0 **PART D: LIST CONDITIONS AND INFORMATIVES (TBC)**

1. Approved Plans

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

- (a) Unnumbered/undated OS site location plan, Recd On 12/08/2019
- (b) Drawing No. 00421-GAA-A1-00-DR-A-2000, Dated 25/06/19, Recd On 09/08/2019
- (c) Drawing No. 00421-GAA-A1-01-DR- A -2001, Dated 25/06/19, Recd On 09/08/2019
- (d) Drawing No. 00421-GAA-A1-02-DR- A -2002, Dated 25/06/19, Recd On 09/08/2019
- (e) Drawing No. 00421-GAA-A2-00-DR- A -2003, Dated 25/06/19, Recd On 09/08/2019
- (f) Drawing No. 00421-GAA-A2-01-DR- A -2004, Dated 25/06/19, Recd On 09/08/2019
- (g) Drawing No. 00421-GAA-A2-01-DR- A -2005, Dated 25/06/19, Recd On 09/08/2019
- (h) Drawing No. 00421-GAA-A2-01-DR- A -2101, Dated 25/06/19, Recd On 12/08/2019
- (i) Drawing No. 00421-GAA-A2-01-DR- A -2102, Dated 25/06/19, Recd On 12/08/2019

- (j) Drawing No. 00421-GAA-A2-01-DR- A -2103, Dated 25/06/19, Recd On 12/08/2019
- (k) Drawing No. 00421-GAA-A2-01-DR- A -9001, Dated xxx, Recd On 12/08/2019
- (l) Design & Access Statement by GAA ref. no.: TA-XX-DA-T-0001, Dated 24th June 2019, Recd On 12/08/2019
- (m) Drawing No. 00421-GAA-Material Schedule, Dated Dated 25/06/19, Recd On 12/08/2019
- (n) Drawing No. 00421-GAA-XX-XX-DR-T1-2000 Rev. P03, Dated 19/09/2019, Recd On 31/01/2020
- (o) Drawing No. 00421-GAA-XX-XX-DR-T1-2001 Rev. P03, Dated 19/09/2019, Recd On 31/01/2020
- (p) Drawing No. 00421-GAA-XX-XX-DR-T1-2002 Rev. P03, Dated 19/09/2019, Recd On 31/01/2020
- (q) Flood Risk Assessment by Dr Paul Garrad, Dated October 2019, Recd On 04/11/2019
- (r) Construction Environmental Management Plan by Hayre, Dated March 2016, Recd On 12/08/2019
- (s) Noise Impact Assessment Report by KP acoustics, Dated 30/10/2014, Recd On 12/08/2019
- (t) Bath Road Transport Statement by HY Consulting, Dated November 2014, Recd On 12/08/2019
- (u) Bird Hazard Management Plan Colnbrook by Hayre Investments (Colnbrook) Ltd, Dated 15/02/2016, Recd On 12/08/2019
- (v) Archaeological Evaluation Report by CgMs Ref: EC/20709; Dated November 2015; Recd On 31/01/20
- (w) Arboricultural Impact Assessment by Hallwood Associates Ref: 1490\_01\_APIII; Dated 24<sup>th</sup> October 2015; Recd On 31/01/20
- (x) Travel Plan V2.0 by PatrickParsons.co.uk Ref. A19254; Dated November 2019; Recd On 04/11/2019

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.

## 2. Drainage

Construction of the Block B above damp proof course level shall not commence on site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS).

The surface water drainage strategy shall follow the drainage hierarchy for the outfall as per Building Regulations Part H requirement. The drainage scheme shall also provide the followings;

- a. Evidence that a suitable number of infiltration tests have been completed. These need to be across the whole site; within different geologies and to a similar depth to the proposed infiltration devices. Tests must be completed

according to the BRE 365 method or another recognised method including British Standard BS 5930: 2015.

- b. Maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, we need to see evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- c. Evidence that enough storage/attenuation has been provided without increasing the runoff rate or volume. This must be shown for a 1 in 100 year plus 40% climate change event.'

The approved scheme shall be implemented in accordance with the approved details which shall be fully installed before the development is occupied and be retained, managed, and maintained in accordance with the approved details at all times in the future.

Reason - To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Core Policy 8 of the adopted Core Strategy 2006 – 2026, and the requirements of the National Planning Policy Framework.

### 3. Land Contamination

Construction of the Block B above damp proof course level shall not commence on site until Ground Investigation, Ground Gas Monitoring and/or Risk Assessment has been carried out by an accredited competent person, in line with the appropriate guidance, such as, but not limited to CIRIA 665, BS8576 and BS8485, and shall be submitted to and approved in writing by the Local Planning Authority. Where unacceptable levels of gaseous contamination are identified, a proposal for Remediation/Mitigation shall be submitted and approved in writing by the Local Planning Authority. Any scheme of remediation that requires the fitting of gas protection, such as a protective membrane shall be carried out by a competent person(s). All work shall be validated by an independent third party competent person and a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

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

### 4. Hard & Soft Landscaping

Construction of the Block B above damp proof course level shall not commence on site until a detailed scheme covering hard and soft landscaping, as well as, tree and shrub planting has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights,

along with staking/guying, mulching, feeding, watering and soil quality, of new trees and bee-friendly shrubs, and details of hardsurfaces which shall include compliance with the surface water drainage mitigation as approved under condition 3 of this planning permission.

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

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004 and to ensure that surface water discharge from the site is satisfactory and shall not prejudice the approved sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 - 2026.

#### 5. Off-site Highways Works

Construction of the Block B above damp proof course level shall not commence on site until details of essential off site highway works as shown on the drawing 1401802 as contained within the Transport Statement prepared by HY Consulting as hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved prior to first occupation of the development and shall secure the provision of the visibility splays , to be provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

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

#### 6. External Lighting

Construction of the Block B above damp proof course level shall not commence on site until details of the schemes of lighting required during construction and for the completed project have been submitted to and approved in writing by the Local Planning Authority and such schemes shall comply with Advice Note 2 'Lighting Near Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome) ) and shall specify that lighting is of flat glass, full cut off design with horizontal mountings, and ensure that there is no light spill above the horizontal. No subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved.

REASON In the interests of amenity in accordance and to avoid endangering the

safe operation of aircraft in accordance with the National Planning Policy Framework.

#### 7. Noise Mitigation Measures

No development shall continue on Block A or above damp proof course level of Block B as hereby approved until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a. Glazing units pursuant in accordance with the design criteria outlined within the Noise Impact Assessment Report by KP acoustics, Dated 30/10/2014, Recd On 12/08/2019.

The development shall be carried out in full accordance with the approved details.

REASON To ensure future residents are not subjected to unacceptable noise levels once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

#### 8. Obscured Glazing

Windows within the eastern and western elevations of the development, as annotated on Drawing nos. 00421-GAA-A1-01-DR- A -2001 and 00421-GAA-A2-01-DR- A -2004, each dated 25/06/19 and received on 09/08/2019, shall be obscurely glazed in accordance with a sample which shall be submitted to and approved in writing by the Local Planning Authority prior to the substantive completion of the development hereby approved and such windows shall be high level opening at a minimum height of 1.7 metres above the finished internal floor level.

REASON To maintain the privacy of amenity of future residential occupiers.

#### 9. Car Parking Provision

Prior to first occupation a minimum of 39 car parking spaces shall be laid out in accordance with Drawing No. 00421-GAA-XX-XX-DR-T1-2000 Rev. P03, Dated 19/09/2019, Recd On 31/01/2020 as hereby approved and shall be retained for the parking of cars at all times to the full satisfaction of the local planning authority.

REASON: To ensure adequate car parking to serve the development in accordance with Policy T2 of the adopted local Plan for Slough 2004

## 10. Car Park Management Plan

No part of the development hereby permitted shall be occupied until a car park management scheme has been submitted to and been approved in writing by the Local Planning Authority. The Scheme shall include measures:

- a) To ensure that spaces cannot be owned/let/allocated to anyone who is not a resident or does not have a car/need a parking space.
- b) To ensure spaces are not permanently linked to dwellings.
- c) Stating how four electric vehicle charging point spaces will be made available to residents with plug-in vehicles.
- d) How use of charging point spaces by non plug-in vehicles will be restricted.
- e) To set out the allocation of any visitor spaces.
- f) To ensure the spaces allocated for hotel use, as annotated on Drawing no. 03-07-26 Rev. B, shall be used for its use only.

No dwelling shall be occupied until the car park management scheme has been implemented as approved. Thereafter, the allocation and use of car parking spaces shall be in accordance with the approved scheme.

REASON to ensure the parking spaces are in optimum use in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2019.

## 11. Cycling Facilities

Prior to first occupation details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained at all times in the future for this purpose.

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

## 12. Balcony Screening

Prior to first occupation details of privacy screens to balconies and terraces at Flats 2C/7B/11B/15B, as annotated on Drawing nos. 00421-GAA-A1-01-DR- A - 2003 and 00421-GAA-A2-01-DR- A -2004, each dated 25/06/19 and received on 09/08/2019, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the details approved.

REASON: To protect privacy and amenity and to prevent the potential sterilisation of neighbouring land in accordance with the National Planning Policy Framework.

### 13. Boundary Treatment

Prior to first occupation details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

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

### 14. Visibility Splays

Prior to first occupation visibility splays shall be provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 90 metres along the edge of the carriageway measured from the intersection of the centre line of the access. 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 Slough Local Development Framework Core Strategy Development Plan Document December 2008.

### 15. Access Details

Prior to first occupation details of the proposed means of access, including any alterations to existing points of access between the application site and the highway shall be formed, laid out and constructed in accordance with specifications and with such sight lines as shall be submitted in further details to be approved by the Local Planning Authority.

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

### 16. Construction Management Plan

Development hereby approved shall be carried out in accordance with the hereby approved Construction Environmental Management Plan by Hayre, Dated March 2016, Recd On 12/08/2019.

REASON: So as not to prejudice the free flow of traffic along the neighbouring highway and in the interests of highway safety in accordance with Core Policy 7 of the Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and so as to safeguard the passage of aircraft.

17. Piling

Any piling must be undertaken in accordance with the terms of the hereby approved piling method statement date 12/02/2016 by Sothern Piling.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

18. Bird Hazard Management Plan

Development hereby approved shall be carried out in accordance with the hereby approved Bird Hazard Management Plan Colnbrook by Hayre Investments (Colnbrook) Ltd, Dated 15/02/2016, Recd On 12/08/2019.

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

19. No further windows

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those hereby approved, shall be formed in the [flank and rear] elevations of the development without the prior written approval of the Local Planning Authority.

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

20. No Impediment to Access

No barriers, gates, etc shall be erected at the vehicular access without first having obtained the written approval of the local planning authority.

REASON In the interests of amenity and general highway safety in accordance with Core Policy 7 of the Slough Local Development Framework Core Strategy Development Plan Document December 2008.

21. Surface Water Drainage (SuDS)

The surface water drainage system for the site shall be constructed in accordance with the proposals as set out in the Flood Risk Assessment prepared by Three Counties Flood Risk Assessment, dated November 2014

REASON To prevent flooding as a result of surface water run off in accordance with the National Planning Policy Guidance and Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document December 2008



## 22. Limited Hours of Construction Activities

During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document December 2008.

### INFORMATIVE(S):

#### 1. During demolition and construction on site:-

(a) The best practical means available in accordance with British Standard Code of Practice B.S. 5228:1984 shall be employed at all times to minimise the emission of noise from the site.

(b) The operation of site equipment generating noise and other nuisance causing activities audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 to 1700 on Mondays to Fridays, 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

(c) At all times vehicular access to properties adjoining and opposite the application site shall not be impeded.

(d) All vehicles, plant and machinery associated with the works shall at all times be stood and operated within the curtilage of the application site only and no parking of vehicles, plant or machinery shall take place on the adjoining highway.

(e) No waste or other material shall be burnt on the application site.

(f) A suitable and sufficient means of suppressing dust and fumes must be provided and maintained on the site and used so as to limit the detrimental effect of construction works on adjoining residential properties.

(g) No mud or other dirt shall be allowed to get onto the public highway where it could cause a danger to pedestrian and other road users.

2. The applicant will need to apply to the Council's Local Land Charges on 01753 477316 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

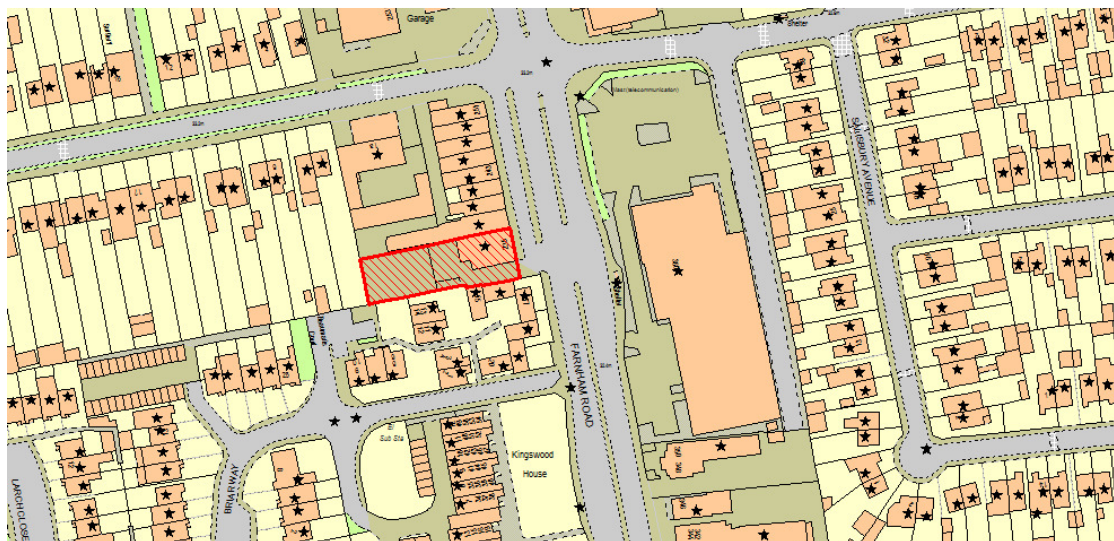
3. The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system. In order to comply with this condition, the developer is required to submit a longitudinal detailed drawing indicating the location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

4. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.

5. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 with Slough Borough Council for the implementation of the works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
6. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).
7. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
8. The site is surrounded by areas in Flood Zone 3, according to our Flood Map. Although these areas benefit from flood defences, the residual risk to safe access and egress from the site should these defences fail should be considered. It is recommended that occupants of the development sign up to our flood warning service. Details on how to do so are accessible here: <https://www.gov.uk/sign-up-for-flood-warnings>.
9. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
10. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
11. The applicant is advised that there is a water supply pipe within the site and which serves Poyle New Cottages to the south of the site and which needs to be protected both during and after construction with ease of access for future maintenance.
12. An Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) has been entered into with regards to the application hereby approved.

Registration Date:	28-Oct-2019	Application No:	P/00378/026
Officer:	James Guthrie	Ward:	Farnham
Applicant:	AA & Sons Ltd	Application Type:	Major
		13 Week Date:	27 January 2020
Agent:	Mr. Barrie Stanley, Heritage & Architecture , Chartered Arc 74, Stanhope Road, Uxbridge, UB6 9EA		
Location:	235, Farnham Road, Slough, SL2 1DE		
Proposal:	Outline application with all matters reserved, for the erection of a 3 storey plus mansard side extension over basement to existing front building, which, when combined with the conversion of the existing upper floors to the front building, will provide 9 flats in the front building, plus retail extension on upper ground floor, and extended storage in extended basement. Demolition of the existing rear building, (consisting of existing rooftop carpark over existing kitchens and existing commercial buildings), and erection of 3 storey plus mansard, rear extension over semi-basement, to provide 23 flats. Ancillary works including reinstatement of pavement on Farnham Road.		

**Recommendation:** Refuse



**1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be refused.
- 1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

**PART A: BACKGROUND**

**2.0 Proposal**

2.1 This is an outline planning application, with all matters reserved for:

- demolition of the existing rear building, (consisting of existing rooftop carpark over existing kitchens and existing commercial buildings)
- erection of 3 storey plus mansard, rear extension over semi-basement, to provide 23 flats
- erection of a 3 storey plus mansard side extension over basement to existing front building, including conversion of the existing upper floors to residential use, to provide 9 flats (32 flats in total)
- retail extension on upper ground floor
- extended retail storage in extended basement
- ancillary works including reinstatement of pavement on Farnham Road.

Illustrative plans show :

- retail storage to the front part of the lower ground floor, and retail unit above at upper ground floor (fronting Farnham Road).
- 32 flats - 2 x studio flats, 22 x one bedroom flats, and 8 x two 2 bedroom flats.
- 30 cycle spaces at lower ground floor
- residential units at each floor level
- lower ground floor will have gardens; all but 2 of the flats at upper ground and above will have access to private balconies.

Details relating to appearance, means of access, landscaping, layout and scale have been reserved for subsequent approval.

2.2 The application is accompanied by the following documents:

- Illustrative floor plans, elevations and sections.
- Design and Access Statement.
- Drainage Strategy Report.

The illustrative plans are submitted to present an option of how the development (as set out in paragraph 2.1) could be accommodated on the site.

2.3 The site has been the subject of pre-application advice, issued on 11 February 2016, which related to demolition of the rear building, and construction of a part 3/part 4 storey building to provide 13 flats (12x 1 bedroom/studios and 1x 2 bedroom flats); there were no proposed changes to the front building. The pre-application response offered suggestions to improve the proposal, in particular a reduction in height and proximity to the rear boundary. The proposal the subject of the pre-application advice was significantly different from the current proposal, in terms of quantity and mix of residential units, size and bulk; the current proposal has not been the subject of pre-application discussions.

### 3.0 **Application Site**

3.1 The site is located on the western side of Farnham Road, within a parade of shops adjacent to Furnival Avenue, and opposite Essex Avenue, and is approximately 0.8 hectares.

The area is within the Farnham Road District Shopping Centre, as designated by S1 of the Local Plan for Slough, 2004, as such the predominant characteristic of the area is shops and commercial units, including chemists, convenience stores/newsagents, estate agent, butcher and hot food takeaway; there are flats above the commercial units at ground floor, typical of a High Street/district shopping centre.

The rear of the site is perpendicular to the rear gardens of residential properties on Furnival Avenue, and the southern elevation of the site is adjacent to residential buildings within Beaumaris Court, which are principally two storey dwellinghouses, however there are bungalows towards the east/front of the site.

3.2 The site is comprised of two buildings: a 4 storey building to the front, providing a party supplies shop at ground floor with storage at lower ground and first floor, and office space; an external service area leads to the second building, a commercial kitchen/catering company at ground floor with ramped access to a car park above and a plant room resulting in a staggered 3 storey building to the rear.

### 4.0 **Relevant Site History**

4.1	P/00378/013	ALTERATIONS TO EXISTING BUILDING TO PROVIDE KITCHEN & STAFF- ROOM AND TO RENEW THE SHOP FRONT		
			Refused	18-Dec-2000
	P/00378/014	ALTERATION TO EXISTING BUILDING AT REAR OF SITE TO PROVIDE CATERING KITCHEN & ANCILLARY STAFF ROOM		
			Approved with Conditions; Informatives	28-Feb-2001
	P/00378/015	ALTERATIONS TO THE SHOP FRONT		

- Approved with Conditions; Informatives 28-Feb-2001
- P/00378/016 ERECTION OF A 1ST & 2ND FLOOR EXTENSION TO EXISTING APPROVED OFFICES, INTERNAL ALTERATIONS TO INSTALL A LIFT TO PROVIDE FOR THE DISABLED (AMENDED PLANS 09/03/01 & 12/03/01)
- Approved with Conditions; Informatives 27-Mar-2001
- P/00378/017 INSTALLATION OF NEW CLADDING & GLAZING TO SOUTH & EAST ELEVATIONS BRICK UP BACK GROUND FLOOR GLAZING TO SOUTH & WEST, REPLACEMENT OF WINDOWS (AMENDED PLANS 12/03/01)
- Approved with Conditions 28-Mar-2001
- P/00378/020 DEMOLITION OF EXISTING AND REBUILD THREE STOREY BUILDING TO REPLACE EXISTING AND AS APPROVED INCORPORATING GROUND FLOOR RETAIL AND UPPER FLOOR OFFICES
- Approved with Conditions 13-Dec-2001
- P/00378/021 ERECTION OF THREE STOREY BUILDING INCORPORATING GROUND FLOOR RETAIL, UPPER FLOOR OFFICES, BASEMENT AND ROOF TOP STORAGE AREAS
- Approved with Conditions 27-May-2002
- P/00378/022 CHANGE OF USE OF PART OF FIRST FLOOR TO PROVIDE CUSTOMER RESTAURANT FACILITY
- Approved with Conditions; Informatives 31-Mar-2004
- P/00378/023 REMOVAL OF CONDITION 3 OF PLANNING PERMISSION P/00378/022 DATED 31/03/2004
- Approved with Conditions; Informatives 27-Apr-2009
- F/00378/024 PRIOR APPROVAL FOR CHANGE OF USE FROM CLASS B1(A) OFFICES TO CLASS C3 RESIDENTIAL (6 FLATS)
- Prior Approval Not Required 24-Jan-2014
- P/00378/025 APPLICATION FOR CHANGE OF USE OF GROUND FLOOR (A1 RETAIL) AND BASEMENT (B8 - STORAGE) TO A3/A5 RESTAURANT AND TAKEAWAY.
- Approved with Conditions; Informatives 17-Nov-2014

## 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) two site notices

were displayed outside the site on 14 November 2019 and the application was advertised as a major application in the 15 November 2019 edition of The Slough Express. The description of the proposal required a correction and therefore the application was re-advertised in the 22 November 2019 edition of The Slough Express and via site notices erected on 20 November 2019.

Neighbour letters were sent out on 20 November 2019 to the following addresses:

Ats Euromaster Ltd, 1A, Furnival Avenue, Slough, SL2 1DH, 1, Furnival Avenue, Slough, SL2 1DH, Lidl, 360, Farnham Road, Slough, SL2 1BT, 237, Farnham Road, Slough, SL2 1DE, 237A, Farnham Road, Slough, SL2 1DE, 17, Beaumaris Court, Slough, SL2 1EH, 16, Beaumaris Court, Slough, SL2 1EH, 15, Beaumaris Court, Slough, SL2 1EH, 14, Beaumaris Court, Slough, SL2 1EH, 13, Beaumaris Court, Slough, SL2 1EH, 12, Beaumaris Court, Slough, SL2 1EH, 11, Beaumaris Court, Slough, SL2 1EH, 18, Beaumaris Court, Slough, SL2 1EH, 5, Beaumaris Court, Slough, SL2 1EH, 6, Beaumaris Court, Slough, SL2 1EH, 8, Beaumaris Court, Slough, SL2 1EH, 7, Beaumaris Court, Slough, SL2 1EH, 9, Beaumaris Court, Slough, SL2 1EH, 10, Beaumaris Court, Slough, SL2 1EH, 239A, Farnham Road, Slough, SL2 1DE, 239, Farnham Road, Slough, SL2 1DE, 241A, Farnham Road, Slough, SL2 1DE, Chiltern Property Limited, 241, Farnham Road, Slough, SL2 1DE, 19, Beaumaris Court, Slough, SL2 1EH, 20, Beaumaris Court, Slough, SL2 1EH, 2, Beaumaris Court, Slough, SL2 1EH, 1, Beaumaris Court, Slough, SL2 1EH, 3, Beaumaris Court, Slough, SL2 1EH, 4, Beaumaris Court, Slough, SL2 1EH, 243A, Farnham Road, Slough, SL2 1DE, Periganos, 243, Farnham Road, Slough, SL2 1DE

- 5.2 At the time of writing, 1 letter of representation have been received from a residential neighbour regarding disruption to trees, wildlife and people from demolition work, which the resident believes will involve access via gardens in Furnival Avenue. It should be noted that no demolition details have been submitted by the applicant, so it is unclear how any proposed demolition work would be undertaken, however it is unlikely that access via residential gardens would be acceptable in any event.

## 6.0 **Consultations**

- 6.1 Transport and Highways Development, Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

- 6.2 Environmental Protection, Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

- 6.3 Contaminated Land Officer, Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

6.4 Environmental Quality (Environmental Noise), Slough Borough Council

No comments received. Any comments received will be reported in the Amendments Sheet.

6.5 Tree Officer, Slough Borough Council

**Comments & Recommendations:**

There is a fairly substantial Silver Birch Tree located within the Grounds of Beaumaris Court that is likely to be affected by this planning proposal including several other trees located to the rear of 235 Farnham Road.

The roots of the Silver Birch although probably not directly affected by the main construction process could still be damaged by any excavation work carried-out near to the boundary wall. Any such work is likely to cause some widespread root damage especially as this would be within the root protection area (RPA) of this tree; this in turn could be detrimental to its long term health & stability.

There is also a small Prunus growing within the rear tenant maintained garden of 17 Beaumaris Court which although not a particularly good example could also be affected by the construction of the lower ground floor extension however would be at the outer edge of the root zone.

I am therefore slightly concerned that any construction & excavation carried-out to the south and rear of this plot may cause damage to these trees. Based on this I would recommend detail of any excavation work planned to be carried-out within the RPAs of both these and trees located within construction site be provided. I would also recommend that an Arboricultural Report be provided as part of this application if possible.

**Tree Protection:**

**Conditions:**

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

1. Location and installation of services/ utilities/ drainage. b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
2. Details of construction within the RPA or that may impact on the retained trees.
3. Detailed levels and cross-sections to show that the raised levels of



surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

4. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing h) a specification for scaffolding and ground protection within tree protection zones.
5. Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area.
6. Methods to improve the rooting environment for retained and proposed trees and landscaping

Reason:

Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to: a) BS: 3998:2010 Tree work – Recommendations b) BS: 5837 (2012) Trees in relation to demolition, design and construction –Recommendations

**Retaining Trees:**

Condition:

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason:

Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

Informative:

The following British Standards should be referred to: a) BS: 3882:2015 Specification for topsoil b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs c) BS: 3998:2010 Tree work Recommendations d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces) e) BS: 4043:1989 Recommendations for Transplanting root-balled trees f) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity

turf).h) BS: 8545:2014 Trees: from nursery to independence in the landscape  
Recommendations i) BS: 8601:2013 Specification for subsoil and requirements  
for use

6.6 Hampshire County Council, acting as Lead Local Flood Authority

We have reviewed the following information in relation to the above planning application:

- *(DLP Planning Ltd) Drainage Strategy, Farnham Road, Slough List – Issue 01 (September 2019)*

At present the scheme does not provide sufficient details on the proposed surface water discharge method. Details need to be provided demonstrating the viability of the discharge proposals and discharge method selection. Discharge method selection to be carried out in accordance with the hierarchy as indicated in Building Regulations Part H.

## **PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 **National Planning Policy Framework and National Planning Policy Guidance:**

Core Policies: Achieving Sustainable Development

Chapter 4: Promoting sustainable transport

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

Chapter 10: Meeting the challenge of climate change, flooding and coastal change

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

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

Core Policy 1 – Spatial Strategy

Core Policy 4 – Type of Housing

Core Policy 6 – Retail, Leisure, and Community Facilities

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural and Built Environment

Core Policy 10 – Infrastructure

Core Policy 12 – Community Safety

**The Adopted Local Plan for Slough 2004**

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities  
OSC15 – Provision of Facilities in new Residential Developments  
S1 – Retail hierarchy

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map
- Technical housing standards – nationally described space standard - 19 May 2016

7.2 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).

7.3 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Impact on vitality and viability of the town centre
- Crime prevention
- Highways/transport and parking
- Air quality
- Sustainable design and construction
- Surface water drainage
- Affordable housing and Infrastructure
- Neighbour representations
- S106 requirements

8.0 **Principle of development**

8.1 The existing site is a retail building with associated office and storage to the front, and a commercial kitchen, ramped car park and plant housing to the rear. The site is located outside of the town centre but within a recognised neighbourhood shopping centre (Farnham Road District Shopping Centre), in close proximity to established residential areas, Furnival Avenue, Briar Way and Beaumaris Court.

- 8.2 Core Policy 1 of the Slough Core Strategy 2008 relates to the spatial strategy for Slough, stating that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre, as confirmed by Policy 4 of the Core Strategy 2008, which also states that there should be no net loss of family accommodation. In the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.
- 8.3 The site has been subject to a prior approval decision issued on 24 January 2014 reference F/00378/024, (which would allow 6 flats at first and second floor); this decision notice included a condition that the change of use to residential must have begun by 30 May 2016; a subsequent amendment to the Town and Country Planning (General Permitted Development) (England) Order 2015 required that the change of use to residential must begin within 3 years of the prior approval decision (therefore by 24 January 2017). The change of use to create 6 flats was not commenced by 20 May 2016, or the later date of 24 January 2017; as such the prior approval decision has lapsed, and there would be no fall-back position to create 6 flats without a subsequent prior approval decision, or planning permission.
- 8.4 According to submitted floor plans, the existing site provides no residential units, and due to the prior approval for 6 flats having lapsed, the impact of 32 flats must be considered. The site is approximately 0.8 hectares, the proposed scheme provides 32 residential units at a density of 40 dwellings per hectare, which is consistent with Core Policy 4 of the Core Strategy (a minimum density of 37 is recommended). Paragraph 1.34 within the introduction to the Local Plan for Slough March 2004 states that high density mixed use developments could be appropriate in such areas as Farnham Road.
- 8.5 Policy H11 of the Local Plan for Slough March 2004 requires that conversion of commercial properties to residential must ensure minimum room sizes and internal layouts are achieved. On 31 October 2018, the Planning Committee resolved to adopt the Government’s “Technical housing standards – nationally described space standard” (which require minimum space standards for bedrooms, and overall internal floor area) when considering planning applications for new dwellings , and to incorporate these standards in the Slough Borough Council Developers Guide part 4. The following minimum internal floor area standards:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

According to the above standards, a 1 bed 1 person single storey dwelling should have an internal area of at least 39m<sup>2</sup>, unless a shower room is provided (rather than a bathroom). A single bedroom should be at least 7.5m<sup>2</sup> and 2.15m wide; double or twin bedroom should be 11.5m<sup>2</sup>. Dwellings of two or more bedrooms must have at least one double (or twin) bedroom. The illustrative floor plans suggest that the two studio flats would fall below the minimum internal space standards by at least 6m<sup>2</sup> (assuming shower rooms are provided), and bedrooms are not identified within the floor plans so it is not possible to ascertain whether the bedrooms would meet the minimum standards.

8.6 Core Policy 4 also states that there should be no net loss of family accommodation, defined as “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.” All sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. The proposal does not result in the loss of any family housing as defined by the Core Strategy and the applicant stated within the planning statement that a “policy compliant” level of affordable housing will be provided.

8.6 As stated above, the internal floor area would be substandard in at least 2 of the 32 the flats, and it is likely that the size of some bedrooms could also be substandard and the proposal is contrary to Policy H11 of Local Plan for Slough March 2004, and the nationally described space standards. It is not considered that this scale of development could be accommodated on the site in a satisfactory way. Certain aspects of the illustrative plan demonstrate unsatisfactory development. Whilst the introduction to the Local Plan for Slough March 2004 indicates that high density mixed use could be appropriate on Farnham Road, this must be balanced with other considerations such as living conditions for occupiers and neighbours, or impact upon the character of the area. Having regard to the National Planning Policy Framework and the Local Development Plan, there are objections to the principle of residential flatted development of the scale proposed based upon the indicative overall internal floor area and room layouts.

## 9.0 **Mix of housing**

9.1 One of the aims of National Planning Policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities. This is largely reflected in local planning policy in Core Strategy Policy 4. The proposal would provide 24 x one bedroom flats (2 x studio flats) and 8 x two bedroom flats.

9.2 The recommended housing mix for Eastern Berks and South Bucks Housing Market Area is defined in the Strategic Housing Market Assessment (SHMA) February 2016.

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Market</b>	5-10%	25-30%	40-45%	20-25%
<b>Affordable</b>	35-40%	25-30%	25-30%	5-10%
<b>All dwellings</b>	15%	30%	35%	20%

9.3 The proposed scheme would provide 75% one bedroom units and 25% two bedroom units. No details have been provided regarding the size or type of the affordable units proposed.

9.4 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. However, in this instance the high percentage of one bedroom units is not acceptable.

9.5 The proposed mix of residential accommodation to be provided in this location would not help achieve a sustainable, inclusive and mixed community.

#### 10.0 **Impact on the character and appearance of the area**

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 Although this is an outline planning application with matters of appearance, layout and scale reserved for subsequent approval, a number of detailed illustrative plans, including elevations, have been submitted which show how the scheme could be built. In particular it indicates the mass and height of building needed to accommodate the number of homes proposed.

10.3 The site is in a prominent location on Farnham Road, and is highly visible from the street/public realm. The proposal would include a side extension to the front building, and would not result in an increased height from the front elevation; as such there is not considered to be a significant visual impact from this element of the proposal, however the side extension would project to the side boundary, closing the visual gap between the site and nos.15-17 Beaumaris Court which would have a dominating impact upon the street scene, and result in a continuous built form starting at the corner of Furnival Avenue to the north and no.19 Beaumaris Court to the south. The existing rear building (up to 3 storeys, although staggered from the rear boundary) would be demolished and replaced with a rear extension to the front building up to 4 storeys high. The rear of the site is visible from the public highway of Briar Way and Beaumaris Court, in addition to residential properties within the vicinity and their gardens.

10.4 The residential character of the area, in particular Beaumaris Court, is a mix of single storey and two storey dwellings. Based on the illustrative plans, the proposed building would be 11.6m at its highest point, 8m from the rear boundary, and the second floor/third storey would be 8.8m high, 2.7m from the rear boundary; currently the second floor/third storey is 7m high, 17m from the rear boundary. The proposed development to the rear of the site would result in

a bulky addition, most discernible from the side elevation, and the residential properties facing the site within Beaumaris Court (some of which are single storey dwellings).

- 10.5 The proposed height of development is not typical in the surrounding area, and would appear overly dominant within the context of single and two storey residential properties.
- 10.6 Given the prominent location of the building and the predominantly single/two storey scale of the surrounding buildings and residential dwellings the scale and massing of the building would be inappropriate for accommodating the level of development proposed and would not be characteristic of the local area.
- 10.7 It is unlikely that there would be any other configuration of building that would result in any different impact to that shown on the illustrative plans and achieve a similar number of residential units.
- 10.8 Based on the above the proposal would have an unacceptable impact on the character and visual amenity of the surrounding built environment in terms of its height, scale and massing and therefore would not comply with Policy EN1 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 NPPF 2019.

11.0 **Impact on amenity of neighbouring occupiers**

- 11.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high standard 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 Policy EN1.
- 11.2 There are several properties with habitable room windows, either directly facing the side boundary of the site, nos. 5-10 Beaumaris Court, and or within a 45 degree horizontal line of sight, nos.13-14 Beaumaris Court; the proposed height of the building would have a significant detrimental impact upon the outlook enjoyed by these windows, with an increased sense of enclosure and due to the relative position, some reduction in morning light. The proposed rear extension at the site would have a blank flank wall abutting the side boundary with flats above no.237 Farnham Road, and in close proximity to west facing windows of these flats; there is considered to be an unacceptable impact upon outlook and light enjoyed by these windows, impacting upon the residential amenities of neighbouring occupiers.
- 11.3 The proposed rear extension will be perpendicular to the rear garden of no.1 Furnival Avenue, abutting the side boundary at lower and upper ground floor, increasing the separation distance to 1.4m at first floor, 2.8m at second floor, and 8.2m at mansard roof level. Whilst the rear extension will be at the far end of the garden of the neighbouring property, there will be an increased sense

of enclosure experienced within this part of the garden, particularly given the proximity at lower and upper ground level, and first floor. The proposed side extension, which provides access to the cycle parking, and flats at first floor and above, would abut the side wall of no.15 Beaumaris Court and the rear wall of no.16 Beaumaris Court; no details of sound insulation have been provided, and therefore it cannot be ascertained the likelihood of noise transference giving rise to nuisance for the residential neighbours.

11.4 To proposed flats on the south-western corner of the site would have windows and balconies within 14m of habitable room windows to nos.13-14 Beaumaris Court, and flats within the mid section of the southern elevation would have windows and balconies within 16m of habitable room windows to nos.15 Beaumaris Court; the proximity of these windows and balconies would result in overlooking and loss of privacy, with a detrimental impact upon the residential amenities of these neighbours.

11.5 For the reasons described above there are objections to the scheme on the basis of harmful impact on the residential amenity of residents of Beaumaris Court and no.1 Furnival Avenue. The proposal is therefore considered to be contrary to Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan and the NPPF.

## 12.0 **Living conditions for future occupiers of the development**

12.1 The NPPF states that planning should always seek to secure a quality design and a high standard of amenity for all existing and future users.

12.2 Paragraph 7.68 of the Core Strategy states that where high density residential development is allowed in accordance with the overall strategy this is still dependent upon “achieving a high standard of design which creates attractive living conditions.” Core Policy 8 states that all development will “be of a high quality design that is practical, attractive, safe, accessible and adaptable.”

12.3 As discussed above, the illustrative floor plans indicate that the two studio flats would be inadequate in terms of internal spaces, and in the absence of detailed room layouts, it is likely that the minimum bedroom sizes may not be achieved; this could be resolved as a “reserved matter”, however it is likely that the internal layouts, and possibly the number of units (or number of bedrooms) would alter. As discussed above, the proportion of one bedroom flats within the development would not be acceptable, and with an increase in bedrooms there is a related increased requirement for floor space.

12.4 The illustrative floor plans show the lower ground flats would have access to garden space, with a depth of 4m, however due to the ground level these doors and gardens would be dominated and overshadowed by a boundary wall, which appears to be 2.2m high; this would restrict light and impact upon outlook enjoyed from these doors (assumed to serve a habitable room), caused in part



by the boundary wall, but also the established built form in the vicinity. The high wall in close proximity to the garden and doors would result in an unacceptable sense of enclosure; the garden would not be practical or useful, and would fail to provide a benefit for the occupiers.

12.5 Private external amenity space to flats above lower ground would be obtained through balconies which are considered to be acceptable as a means for providing some amenity space for future residents. The use of these balconies would, however, lead to harmful impacts upon the living conditions of adjoining occupiers at nos.13-15 Beaumaris Court, as a result of overlooking.

12.6 Based on the above, it is not considered that it has been demonstrated that the proposed scale, mass and density of development can be designed in such a way as to provide acceptable living conditions for future occupiers and so is contrary to the requirements of the NPPF, Core policy 8 of Council's Core Strategy 2008, and Policy H14 of the Adopted Local Plan 2004.

### 13.0 **Impact on vitality and viability of the town centre**

13.1 The National Planning Policy Framework and the local development plan's Core Strategy (2008) and Local Plan (2004) require new retail units to be located within the defined town centre and/or defined shopping areas.

13.2 Policy S1 of the Local Plan aims to ensure that development proposals do not harm identified shopping areas. The proposed site is located within the Farnham Road District Shopping Centre, and the retail use at ground floor (fronting Farnham Road) would be retained, and there are no concerns regarding the loss of retail use. The loss of the commercial kitchen/catering company to the rear, which provides employment, would be offset by the provision of additional residential units, in the event that the proposed development was acceptable in all other regards and would be subject to noise and other relevant controls.

13.3 The floor plans indicate that side extension to the retail use generally replaces floor space lost to provide access to the flats, providing approximately 25m<sup>2</sup> additional commercial space, and preserving an active retail use within the existing parade of shops.

13.4 It is not considered that the proposal provides any significant regeneration benefits but overall the impact to the function of the Farnham Road District Shopping Centre would not be harmful and would comply with policy S1 of the Local Plan 2004.

### 14.0 **Highways and Parking**

14.1 The National Planning Policy Framework states that planning should seek to development is located 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 of the Core Strategy (2008) and Local Plan (2004) Policies T2 and T8. Paragraph 32 of the National Planning Policy Framework states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

14.2 The application site is located within an established district shopping centre. Proposals within these designated areas are not required to provide parking for residential developments. The location is considered to have reasonable access to local bus services providing a service to Slough Town Centre, and related bus and train stations. The area has a reasonable range of key community facilities within walking or cycling distance, including supermarkets, banks, and restaurants.

14.3 No car parking spaces are proposed, and the plans indicate that an area will be available for cycle storage. There is currently no parking available for the customers of the retail unit, and there is limited on-street parking available for the site and neighbouring shops within a service road separating the site from the main highway of Farnham Road. The Highways Team have not provided a response to the current proposal at this time, however comments will be provided on the amendments sheet.

## **15.0 Sustainable Design and Construction**

15.1 Core Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM/Code for Sustainable Homes. The Developers Guide is due to be updated to take account of recent changes and changing practice. In the interim to take account of the withdrawal of Code for Sustainable Homes new residential buildings should be designed and constructed to be better than Building Regulations (Part L1a 2013) in terms of carbon emissions. Specifically designed to achieve 15% lower than the Target Emission Rate (TER) of Building Regulations in terms of carbon emissions.

15.2 If the proposed scheme had been acceptable then details relating to sustainable design and construction would have been secured by condition.

## **16.0 Air Quality**

16.1 The application site is not situated within an existing Air Quality Management Area (AQMA). Therefore as the site falls outside an AQMA, it is unlikely there will be an unacceptable exposure to air pollution for future occupiers of the development. . In the interest of not worsening air quality problems in other parts of the town it will be important, if the proposal is approved, to minimise emissions from travel demand through encouraging non car modes of travel and promoting use of electric vehicles.

17.0 **Affordable Housing and Infrastructure**

17.1 The proposal includes the creation of 32 flats, and as established above, the prior approval notification regarding 6 flats has not been implemented, therefore any liability to provide affordable housing or financial contributions will be assessed on the basis of 32 dwellings. Core Policy 4 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. This is clarified further within the 'Developer Contributions and Affordable Housing (Section 106) Developer's Guide Part 2' updated in September 2017. Table 1 of this guide states that for sites of between 25-69 dwellings 30% affordable housing should be provided comprising 25% rent and 5% intermediate housing. The applicant states that the affordable housing will be provided at the mix required by the Developer's Guide. The NPPF states that for major applications 10% of the proposed units should be allocated for 'affordable home ownership'.

17.2 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

17.3 Due to the number of residential units proposed, this application would attract on-site affordable housing provision, between 30% and 40% in accordance with Core Policy 4.

17.4 For developments of over 15 dwellings a financial contribution is required towards education. A one bedroom flat requires a contribution of £903 and a two bedroom flat would require a contribution of £4,828. The proposed development of 24 x one bedroom flats and 8 x two bedroom flats would require a total contribution of £60,296.

17.5 All residential developments of 70 units or more require the provision of a recreation facilities and a financial contribution to maintain these facilities; in cases where there are fewer than 70 units (although providing predominantly family housing), a contribution of £750 per dwelling may apply. The proposed units would not be considered to be family housing within the definition of Core Policy 4, as such a financial contribution towards recreation facilities would not apply.

17.6 The proposal would attract financial contributions for education, and require a level of on-site affordable housing, which would be secured by a section 106 agreement in the event that planning permission was granted.

18.0 **Surface water drainage**

18.1 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This Statement was as a result of an independent review into the causes of the 2007 flood which concluded that

sustainable drainage systems (SuDS) were an effective way to reduce the risk of 'flash flooding'. Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface. Both Core Strategy Policy 8 and paragraph 103 of the NPPF requires developments to not increase flood risk

18.2 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.

18.3 The site is located within flood zone 1 and therefore flood risk is minimal. In relation to surface water run off, inadequate details have been provided to enable the Lead Local Flood Authority to assess the risk. In the absence of this, it has not been demonstrated that there would not be an increase in flood risk. As such the proposal is contrary to national and local planning policies.

## 19.0 **Housing supply**

### 19.1 Planning Policy

#### Five year supply of housing

In its overarching Core Principles the National Planning Policy Framework states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units infrastructure and thriving local places that the country needs and requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupiers.

The NPPF further states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Proposals should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2019, the Local Planning Authority cannot demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the

National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

19.2 The proposal involves the addition of 32 residential units, as the 6 flats which could be created pursuant to the prior approval decision issued on 24 January 2014; has not been implemented, and the time in which the use should commence has lapsed. The impact of 32 flats must be considered with regards to (amongst others) impact upon neighbouring occupiers, character of the area, and amenity for occupiers, however the net gain of flats is 32. The Local Planning Authority cannot demonstrate a Five Year Land Supply, which engages a tilted balance in favour of the development, unless the benefit of doing so is outweighed by adverse impacts. As discussed in greater detail above, the proposal would be unacceptable, and the benefit of the 26 additional residential units (beyond what could be achieved under the prior approval proposal) is not substantial to outweigh these reasons for refusal.

## 20.0 **Equalities Considerations**

20.1 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).

20.2 The proposal would be required to meet with Part M of the Building Regulations in relation to space standards and occupation by those needing wheelchair access.

20.3 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. Were the proposals to be otherwise acceptable, this would have been secured by condition.

20.4 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.

## 21.0 **Planning Conclusion**

21.1 Applications for outline planning permission allow an applicant, at an early stage, and before any substantial expenses are incurred, to establish whether the Local Planning Authority consider the nature of a proposed development to be acceptable. In the event that the outline planning application is acceptable in general terms, subject to the submission of satisfactory details of outstanding matters (referred to as “reserved matters”). Reserved matters can include external appearance of buildings (including materials), means of access, landscaping, layout and scale (height, depth or width of the development). Outline planning applications are not usually appropriate for complex proposals, particularly those which involve several issues which cannot be resolved without detailed information.

21.2 The site is within a built up area, with a mix of commercial and residential properties, and the proposal involves significant alterations (including depth and width of the existing building) in order to achieve the 32 residential units to be created at the site. The scale of development required within the current proposal goes beyond what can be considered within an outline planning application, and in the absence of details which would be essential to any determination of merits (or otherwise) of the development, the application cannot be fully appraised. It should be noted that the current proposal has not been the subject of pre-application advice, and the previous advice provided on 11 February 2016 related to a significantly different proposal (in terms of physical alterations and quantity of residential units). In the event that the applicant had engaged with the Local Planning Authority to obtain pre-application advice for the current proposal, there would have been substantial amendments recommended, and the applicant advised to submit a full planning application, in order that the entire scope of the proposal could be assessed.

21.3 Based on the information submitted with the outline application it has not been demonstrated that development of this size could be accommodated on the site without a harmful impact upon: the character and appearance of the area; neighbouring living conditions; and future living conditions of the occupiers of the development (in terms of outlook, internal space and usable/attractive amenity space). In addition, in the absence of a S106 Agreement to secure affordable housing and infrastructure contributions, and given that inadequate information has been submitted in respect of flood risk from surface water runoff, these are holding reasons for refusal on technical grounds.

21.4 Whilst the proposal will provide much needed new homes, this benefit does not outweigh the harm identified. In the application of the appropriate balance, it is

considered that whilst there are benefits from the formation of new residential units in a sustainable location, it is considered that this does not fully tilt the balance in favour of the proposals, so as to suggest that planning permission should be granted in this case. The benefits of supplying 32 residential units within the scale of building required to adequately accommodate this in a tilted assessment has been shown to be significantly and demonstrably outweighed by the adverse impacts and conflicts with specific policies in the NPPF and Local Development Plan.

## 22.0 **PART C: RECOMMENDATION**

22.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be refused for the following reasons:

1. The proposal is considered to be overdevelopment of the site. This predominantly residential-led development would require an enlargement of the existing building resulting in a bulky, overbearing form of development, and not in keeping with character of the local area. It has not been satisfactorily demonstrated that the development proposed would not have a harmful impact on the character and appearance of the area due to its height, mass and prominent location. The proposed development would not comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policies 1, 4 and 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the National Planning Policy Framework 2019.
2. It is considered that there would be a harmful impact on living conditions of neighbouring occupiers, due to overlooking, increased sense of enclosure and poor visual outlook as a result of the scale of the proposals and this is demonstrated by the illustrative plans. The proposed development would result in an unacceptable loss of amenity to neighbouring residents including those within Beaumaris Court and no.1 Furnival Avenue due to the potential for overlooking and an overbearing development resulting from the scale and mass of the building. The proposal would result in overlooking between the proposed residential units and would result in a loss of amenity to future occupiers. It has not been satisfactorily demonstrated that the development would not have a harmful impact on future living conditions of occupiers of the flats, in terms of overdevelopment and cramped living conditions caused by adequate internal space. The proposed development would not comply with Policies EN1 and H14 of the Local Plan for Slough March 2004, Core Policies 4 and 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the National Planning Policy Framework 2019.

3. It has not been demonstrated to the satisfaction the Local Planning Authority that the proposals would not have an unacceptable impact on surface water drainage which could lead to flooding. The proposal is therefore contrary to 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.
4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development could provide the appropriate level and type of affordable housing and financial contributions towards infrastructure. The development is contrary to Policies 4 and 10 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document Core Strategy, the Council's Developer's Guide and the requirements of the National Planning Policy Framework 2019.



**MEMBERS' ATTENDANCE RECORD 2019/20**  
**PLANNING COMMITTEE**

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

P = Present for whole meeting  
 Ap = Apologies given

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

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