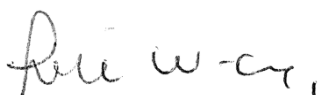


Date of issue: Tuesday, 18 May 2021

MEETING	PLANNING COMMITTEE To the Members of the Planning Committee to be appointed at the Annual Meeting of the Council on 20 th May 2021.
DATE AND TIME:	WEDNESDAY, 26TH MAY, 2021 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 07749 709 868

NOTICE OF MEETING

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



JOSIE WRAGG
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

APOLOGIES FOR ABSENCE

CONSTITUTIONAL MATTERS

1. Declarations of Interest

-

-

All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.5 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 14th April 2021	3 - 6	-
4.	Human Rights Act Statement - To Note	7 - 8	-
PLANNING APPLICATIONS			
5.	P/00114/008 - Garages Rear Of 1, Alexandra Road, Slough, SL1 2NQ <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	9 - 28	Chalvey
6.	P/03079/017 - 190-192, High Street, Slough, SL1 1JS <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	29 - 58	Central
7.	P/09811/001 - Jupiter House, Horton Road, Colnbrook, Slough, SL3 0BB <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	59 - 96	Colnbrook with Poyle
8.	P/04144/009 - Land north of Norway Drive, Slough, SL2 5QP <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	97 - 128	Wexham Lea
MATTERS FOR INFORMATION			
9.	Planning Appeal Decisions	129 - 136	-
10.	Date of Next Meeting - 23rd June 2021	-	-

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.

Covid-19: To accommodate social distancing there is significantly restricted capacity of the Council Chamber and places for the public are very limited. We would encourage those wishing to observe the meeting to view the live stream. Any members of the public who do wish to attend in person should be encouraged.

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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, 14th April, 2021.

Present:- Councillors Dar (Chair), M Holledge (Vice-Chair, left 8.44pm), Ajaib, R Davis, Gahir, Mann, Minhas, Plenty and Smith

Also present under Rule 30:- Councillors Akram, Brooker, Sabah, A Sandhu and Sharif

Apologies for Absence:- None.

PART I

126. Declarations of Interest

Item 7 (Minute 131 refers) – 9 Mina Avenue:

- Councillor Minhas declared that the application was in her ward and that she had called the application in to Committee. She therefore withdrew from the meeting during consideration and voting on the application.
- Councillor Ajaib declared that the application was in his ward and he had been involved in some discussions early in the application process. He therefore withdrew from the meeting during consideration and voting on the application.
- All Members declared that they had received emails about the application but would approach it with open minds.
- The Democratic Services Officer confirmed that in accordance with the Code of Conduct for planning matters, several Members of the Committee had forwarded emails to Officers that had been sent to them by the applicant.

127. Guidance on Predetermination/Predisposition - To Note

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

128. Minutes of the Last Meeting held on 10th March 2021

The Committee noted that there had been an error in report on the 'Local Plan Spatial Strategy – Initial Report on Public Consultation' (Minute 122). It had been stated that: "59% of respondents agreed that ...it was acceptable to plan for a shortfall of homes within the Borough boundary and promote the cross-border expansion instead." A correction was made in that the figure reported should have been 59% of respondents disagreed with that statement rather than agreed.

Planning Committee - 14.04.21

Resolved – That the minutes of the meeting held on 10th March 2021 be approved as a correct record.

129. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

130. Planning Applications

The Amendment Sheet, which included details of alternations and amendments received since the agenda was circulated had been sent to Committee Members and published on the Council website. Members of the Committee confirmed that they had received and read it.

Oral representations were made to the Committee under the Public Participations Scheme prior to the applications being considered by the Committee as follows:-

Application P/16337/007 - 9, Mina Avenue, Slough: an objector, the applicant and Councillors Brooker and Sharif addressed the Committee. With the permission of the applicant, some of their allocated time was provided to read out a written statement in support of the application from a resident.

Application P/04290/008 - Automotive House, Grays Place, Slough: the agent addressed the Committee.

Application P/08557/005 - 1 Stoke Road, Slough: the agent, Ward Member Councillor Akram (Elliman) and Councillors Sharif, Sabah and Atiq Sandhu addressed the Committee.

(Having both declared interests, Councillors Minhas and Ajaib left the meeting)

131. P/16337/007 - 9, Mina Avenue, Slough, SL3 7BY

Application	Decision
Construction of two semi-detached dwellings incorporating landscaping, parking provision and associated development.	Delegated to Planning Manager for approval, with the inclusion of an additional condition removing Permitted Development Rights in relation to HMO.

(Councillor Plenty joined the meeting at 6.47pm after the Planning Officer had presented his report. Councillor Plenty therefore did not participate in the debate or vote on this application)

(Councillors Minhas and Ajaib rejoined the meeting)

Planning Committee - 14.04.21

132. P/04290/008 - Automotive House, Grays Place, Slough SL2 5AF

Application	Decision
Demolition of existing building and construction of 61 residential apartments, basement car and cycle parking, bin storage area, and ancillary development.	Delegate to Planning Manager for refusal following the expiry of the consultation period on amended plans and following consultation with the Chair of the Planning Committee on any amendment to the reasons for refusal that may arise from any representation(s) or additional consultation response(s) received.

(Councillor M Holledge left the meeting)

133. P/08557/005 - 1 Stoke Road, Slough

Application	Decision
Construction of a second floor on the existing building.	<p>Delegated to the Planning Manager for approve pending:</p> <ol style="list-style-type: none">1. The drafting of appropriate conditions; and2. Completion of a S106 agreement. <p>The Committee noted the Officer's recommendation to refuse the application on the grounds that it was contrary to Local Plan policies EN1 and EN2, but decided on the planning balance that the daylight report didn't clearly demonstrate the impacts on neighbouring properties at West Central were significant enough to warrant refusal and were outweighed by the benefits of the proposal.</p>

134. 183-187 Liverpool Road, Slough Trading Estate, Slough

The Committee received a pre-application presentation on the proposals for 183-187 Liverpool Road, Slough Trading Estate. Members noted the purpose, scope and format of the discussion, as outlined in the Code of Conduct for Councillors and Officers in relation to planning and licensing matters.

Planning Committee - 14.04.21

The Planning Officer gave an overview of the proposal which was to redevelop the prominent site on the Trading Estate to construct a new building comprising offices, light industrial, general industrial and storage and distribution uses.

The pre-application presentation was given by representatives of the applicant, Segro Plc. It was stated that the proposal would help provide much needed smaller, light industrial units on a site currently being used as a temporary car park. The key features included an industrial building design, aligned to Buckingham Avenue, sustainability and the incorporation of the existing sub-station. A positive and proactive approach had been taken throughout the pre-application process. It was agreed that a copy of the presentation slides be circulated to members of the committee.

During the course of a question and answer session, Members raised a number of points including:

- The principle of providing a modern building which met changing market demand for employment uses was welcomed.
- The overall design of the building had some attractive features and Members commented on the opportunity for an exemplar building on such as prominent site.
- Several Members highlighted the importance of sustainability and it was noted there were solar panels on the roof, a green wall around the car park and 10% EV charging points.
- Members asked whether car parking would be sufficient and whether there was sufficient space for turning for large vehicles in view of the likely tenants. It was noted that there were two car parking spaces per unit and the service yard had been designed to provide turning space for a HGV.

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

Resolved – That the pre-application presentation be noted.

135. Members' Attendance Record

The Committee noted the Members' Attendance Record for the 2020/21 municipal year.

Resolved – That the Members' Attendance Record for 2020/21 be noted.

136. Date of Next Meeting - 26th May 2021

The date of the next meeting was confirmed as 26th May 2021.

Chair
(Note: The Meeting opened at 6.30 pm and closed at 10.02 pm)

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

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

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

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

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

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

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Registration Date:	06-Jan-2021	Application No:	P/00114/008
Officer:	Alex Harrison	Ward:	Chalvey
Applicant:	Emil and Gaynor	Application Type:	Major
		13 Week Date:	
Agent:	Ahmad Alam, mzm associates 31 Gordon Road, Gordon Road, Maidenhead, SL66BR		
Location:	Garages Rear Of 1, Alexandra Road, Slough, SL1 2NQ		
Proposal:	Garages Rear Of 1, Alexandra Road, Slough, SL1 2NQ		

Recommendation: Delegate to Planning Manager for Approval



P/00114/008 – Garage at 1 Alexandra Road, Chalvey Slough

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Under the current constitution this application is being brought to Committee following a call-in request from Ward Cllrs Sharif and Sandhu
- 1.2 Having considered the relevant policies set out below, the representations received from all consultees and neighbouring residents, as well as all other relevant material considerations, it is recommended that the application is delegated to the Planning Manager to be approved subject to conditions once the following issue is addressed:
- Drainage details provided to satisfy the Network Rail holding objection.

PART A: BACKGROUND

2.0 Proposal

- 2.1 Full planning permission is sought for the demolition of existing structures on the site and redevelopment to provide a two storey building that houses 3no flats with associated parking and amenity space.
- 2.2 The development would provide 2no 1-bed flats and 1no 2-bed flat. Each flat has an allocated parking space and each unit has amenity space with the ground floor unit having access to a small garden area and the first floor flats having balconies.
- 2.3 The application is a resubmitted scheme following an earlier planning application for similar development proposal which was dismissed at appeal by the Planning Inspectorate, ref: P/00114/007.

3.0 Application Site

- 3.1 The application site lies at the rear of a terrace of dwellings on the east side of Alexandra Road and the rear of another terrace of dwellings on the south side of Chalvey Road West. There is an outbuilding at the rear of the garden of no. 1 Alexandra Road, which is close to the perimeter of the site.
- 3.2 The site is accessed from Alexandra Road by a short cul-de-sac that serves the rear of no. 1 Alexandra Road, as well as, 7 to 31 (odd) Chalvey Road West.
- 3.3 To the east is a steep embankment carrying the railway line from Slough to Windsor Central, which is heavily wooded, and track level is notably higher than the site.
- 3.4 The current premises are single-storey and lie on the southern boundary facing a courtyard hardstanding area. The premises are currently occupied by a car repair business and appear typical of such an operation, with cars in various

states of repair and dis-repair, together with residual oil spillages. The site itself is fully enclosed by brick boundary walls with metal security gates at the access.

3.5 The access road was relatively wide and free of detritus though boundary treatment is somewhat poor and missing in parts. As an approach to the site it is functional but not overly conducive to a use by pedestrians.

3.6 There are no formal designations on the Proposals Plan; the site is not in a Conservation Area; the premises are not a Listed Building; and, there is no Flood Zone affecting the site.

4.0 Site History

4.1 The Following applications account for the planning history of the site:

4.2 P/00114/007
Demolition of existing garages and construction of 1no. two bedroom and 2no. one bedroom flats
Appeal against non-determination dismissed 3/11/20

P/00114/006
Removal of condition no.1 of approval no. P/00114/002 (Personal Permission)
Approved 23/03/01

P/00114/005
Extension to commercial garage and installation of 2 no hydraulic ramp
Approved 22/12/00

P/00114/003
Erection of a toilet
Approved 30/09/82.

P/00114/002
Use of premises for car repairs
Refused 08/06/81 though allowed on appeal 05/05/82.

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) site notices were displayed outside the site on 19/01/21.

5.2 At the time of writing there have been 4 letters of objection. In summary the comments received are as follows:

- Emergency vehicles would not be able to access the properties due to the narrow drive.
- Increase in traffic flow.
- Inadequate daylight/sunshine assessment impact report on all surrounding properties.
- More congestion on the road and increase in air pollution.
- The proposed development would not be keeping with the design and

- character of the surrounding area and does not match the building line.
- Insufficient car parking spaces will adversely affect the amenity of surrounding properties through roadside parking on adjacent streets.
- Windows proximity causes overlooking to 1 and 7 Alexandra Road, 5 and 13 Chalvey Road West
- The building overshadows 1 Alexandra Road, causing loss of light.
- Parking will be adjacent to 1 Alexandra Road, causing noise, pollution and dust all times of the day and night.
- Development is close to the railway line.
- Development would encourage beds and sheds.

6.0 Consultations

6.1 Transport and Highways

Access

Vehicular access to the site is proposed via a narrow driveway which would be accessed from the hammerhead at the northern end of Alexandra Road. The driveway also appears to provide vehicular access to the rear of properties on Chalvey Road.

SBC require the applicant to provide the following further information regarding vehicular access:

- Provide the width of the proposed site access on the proposed site plan (Drawing No. PL-01-Rev-C).
- Swept path analysis of a fire tender to confirm if a fire tender can ingress/egress the proposed development using the proposed access.
- Swept path analysis which demonstrates a large car measuring 5.1m long can ingress/egress the site using the proposed access.
- The bifolding door displayed on the proposed site plan (Drawing No. PL-01-Rev-C) would appear to limit manoeuvring space for vehicles and should be removed.
- Confirmation that the proposals will not restrict access to the other properties.

Access by Sustainable Travel Modes

The site is situated 1.5km (19 minutes walk) from Slough Railway Station and 1100m (14 minutes walk) from the western entrance to Slough High Street.

Layout

It is requested that the applicant provide swept path analysis which demonstrates a vehicle can ingress/egress the site using the proposed site access and ingress/egress the proposed parking spaces. The swept path analysis should be completed using a large car measuring 5.1m in length.

Parking

Three parking spaces are proposed for the development at a ratio of 1 parking space per dwelling. The Slough Borough Council Parking Standards require the provision of 1 parking space + 0.5 communal spaces for the 1 bedroom dwelling and 2 parking spaces per dwelling where all spaces are assigned. Therefore a total of 5 parking spaces would be required by the Slough Parking Standards. However the proposed 3 parking spaces are considered acceptable

and will satisfy the desire to own a car at the proposed development.

EV Parking

The applicant is required to confirm whether Electric Vehicle Charging Points (EVCP) will be provided in accordance with the Slough Low Emissions Strategy (2018 – 2025). The Slough Low Emissions Strategy requires the provision of 1 EVCP per dwelling where parking spaces are allocated to each dwelling.

Cycle Parking

The proposed site plan (Drawing No. PL-01-Rev-C) does not display cycle parking. SBC Highways and Transport require the applicant to provide 1 secure, covered cycle space per dwelling. The SBC Developers Guide – Part 3: Highways and Transport provides the cycle parking standards for new development and requires that on residential developments, an individual secure store for each dwelling is required.

Servicing and Refuse Collection

The applicant is required to detail the servicing and refuse collection arrangements for the site. The location of the proposed bin stores would appear to exceed the recommended maximum carry distances. A maximum drag distance for residents of 30m from dwelling to bin collection point is specified by the Slough Borough Council Guidance: Refuse and Recycling Storage for New Dwellings (November 2018). The guidance recommends a maximum drag distance of 15m from dwelling to bin collection point.

Summary and Conclusions

Mindful of the above significant amendments are required before this application could be supported. If the applicant considers that they can address the comments that have been made then I would be pleased to consider additional information supplied.

6.2 Lead Local Flood Authority

In order for us to provide a substantive response, the following information is required:

- Background information on the proposed design. Including proposal; site; plans of surface water drainage and any SuDS featured in the scheme
- Evidence that the applicant understands the sensitivity of discharge points relating to the receiving water body. Where this is main river or discharging through contaminated land the LPA may have to consult the Environment Agency (EA)
- Evidence of and information on the existing surface water flow paths of undeveloped (greenfield) sites
- Evidence of and information on the existing drainage network for previously developed (brownfield) sites
- Evidence that the proposed drainage will follow the same pattern as the existing. This avoids directing flow to other locations.
- Identification of and information on areas that may have been affected by failures in the existing drainage regime
- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753

- Where infiltration is used for drainage, 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
- If not using infiltration for drainage - Existing and proposed run-off rate calculations completed according to a suitable method such as IH124 or FEH. Information is available from UK Sustainable Drainage: Guidance and Tools. Calculations must show that the proposed run off rates do not exceed the existing run-off rates. This must be shown for a one in one year event plus climate change and a one in one hundred year event plus climate change.
- If not using infiltration for drainage - Existing and proposed run-off volume calculations completed according to a suitable method such as IH124 or FEH. Calculations must show that, where reasonably practical, runoff volume should not exceed the greenfield runoff volume for the same event. This must be shown for a 1 in 100 year, 6 hour rainfall event
- If not using infiltration provide evidence of Thames water agreement to discharge to the public sewer with a capacity check.
- 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.
- 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 climate change event
- Exceedance flows are considered in the event of the pipe being non-operational. Evidence that Exceedance flows and runoff in excess of design criteria have been considered - calculations and plans should be provided to show where above ground flooding might occur and where this would pool and flow.
- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.

6.3 Contamination officer

No comments received to date.

6.4 Network Rail

Having consulted with relevant teams within Network Rail our drainage engineer issues a **holding objection** pending further information.

Due to the close proximity to Network Rail's boundary, we wish to see the drainage plans for the site to determine the location of any attenuation tanks/soakaways etc as a means of surface water disposal. We also wish to see the outfall from the site as storm/surface water must not be discharged

onto Network Rail's property or into Network Rail's culverts or drains.

No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers.

6.5 Thames Water

Waste comments

Thames water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames water developer services will be required. Should you require

Further information please refer to our website.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

Water comments

On the basis of information provided, Thames water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames water recommends 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.

The applicant is advised that their development boundary falls within a source protection zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the environment agency and Thames water (or other local water undertaker) will use a tiered, risk-based

6.6 Tree Officer

Within the development boundaries there is little room for any landscaping
Just looks nice on the Drawing with the green shading

But if we are to provide this development with a grass area
It will be located in a very shady and wet area, railway to rear building to front

Can I suggest that as a condition the use of Plastic Honeycomb Grass Reinforcement Tiles to provide a wear surface in the landscaping of the Amenity areas

This will help protect the value of the Amenity area from undue wear

6.7 Crime Prevention Design Advisor

Unfortunately, TVP does not regularly review applications under the 'Majors' threshold of 10 dwellings/1000 SqM. Therefore, I have not been able to assess the application documents or visit the site.

The only advice I can offer at this juncture is to encourage the applicant to incorporate the principles of crime prevention through environmental as described within the Secured by Design (SBD) Guidance document.

7.0 **Policy Background**

7.1 National Planning Policy Framework 2019:

- 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

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:

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

Local Plan for Slough March 2004 policies:

- EN1 – Standard of Design
- EN3 – Landscaping Requirements
- EN5 – Design and Crime Prevention
- H11 – Change of use to residential
- H14 - Amenity Space
- T2 - Parking Restraint
- T8 - Cycling Network and Facilities

Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map
- Interim Planning Framework for the Centre of Slough (reported to Committee 31 July 2019. Resolved to be adopted and approved for

publication).

Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 19th February 2019.

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

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

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

7.2 Emerging Preferred Spatial Strategy for the Local Plan for Slough 2013-2036

On 1st November 2017 the Planning Committee approved further testing and consideration of the Emerging Preferred Spatial Strategy for the Local Plan for Slough 2013-2036.

7.3 On 26th August 2020 the Committee considered Local Plan Strategy Key Components. These key components are:

- Delivering major comprehensive redevelopment within the “Centre of Slough”;
- Selecting other key locations for appropriate sustainable development;
- Enhancing our distinct suburbs, vibrant neighbourhood centres and environmental assets;
- Protecting the “Strategic Gap” between Slough and Greater London;
- Promoting the cross border expansion of Slough to meet unmet housing needs.

8.0 **Planning Considerations**

- 8.1 The planning considerations for this proposal are:
- Principle of development
 - The previous appeal decision
 - Impact on the character and appearance of the area
 - Impact on amenity of neighbouring occupiers
 - Living conditions for future occupiers of the development
 - Crime prevention
 - Highways and parking

9.0 Principle of Development

- 9.1 The National Planning Policy Framework encourages the effective and efficient use of land. The proposals entail the loss of a business activity and the introduction of residential development.
- 9.2 Core Policy 4 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document states that in urban areas outside the town centre, new residential development will predominantly consist of family housing. The Berkshire Strategic Housing Market Assessment has identified the need for family housing which reflects the disproportionate number of flats which have been completed in recent years as a result any development within the urban area should consist predominantly of family housing.
- 9.3 Firstly, regarding the loss of the commercial use, it is noted that at paragraph 7.81 of the Slough LDF Core Strategy, it states there is a continuing need for a range of employment opportunities in the Borough to meet local needs. It is assumed that the current business activity provides for local needs; both in terms of employment and a service locally. However, there would be no “in principle” objection to the change of use to residential.
- 9.4 Whilst the loss of the extant use does not represent a policy issue, it is fundamental to ensure the site is fit for the proposed new end user, which is a residential use. The submission includes a report relating to contamination, which is dealt with below
- 9.5 Turning to the introduction of a residential use, it is noted that whilst Core Policy 4 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document states that in urban areas outside the Town Centre, new residential development will predominantly consist of family housing; the specifics of the site’s location does not lend itself to the provision of family housing.
- 9.6 So, given the site constraints, it is considered that a proposal for flatted accommodation would, in this instance, be consistent with the aim of policy directing the provision non-family housing to appropriate locations. Therefore, these proposals are acceptable in principle in respect of the accommodation type proposed.
- 9.7 Having regard to the National Planning Policy Framework and the Local Development Plan, there are no objections to the principle of residential flatted development on this site. However the acceptability of the scheme is

dependent on considerations made on the individual merits of this case and the impacts in respect of the planning issues identified above.

10.0 **The Previous Appeal Decision**

10.1 A previous application on this site (Ref: P/00114/007) was submitted to the Council proposing 2 dwellings and the applicant appealed against non-determination to the Planning Inspectorate.

10.2 The previous scheme was largely the same as the one submitted here with a few differences. Under the appeal process the Council advised the Inspectorate that the application would have been refused on two grounds relating to overdevelopment/harm to the character of the area and also harm to the amenity of neighbouring residents through overlooking to the south.

10.3 The Inspector considered the appeal and did determine to dismiss the proposal, upholding the Council's grounds in respect of harm to neighbouring residents. And concluded that the windows and balcony on the southern (rear) elevation would result in overlooking to neighbouring residents to the south.

10.4 The Inspector did not uphold the Council's reason in respect of over development and harm to the character of the area. In considering this issue the Inspector commented:

From Alexandra Road, the site appears significantly set back and is also distanced from the rear of Chalvey Road West. Consequently, it would appear to have its own space and would not impinge appear cramped or overdevelopment.

10.5 Further comments were made in respect of design that read:

The elevations of the flats would be more contemporary compared with the adjacent terraces. Nonetheless they would have simple detailing which would be deferential to the surroundings. The massing of the proposal would be broken by a hipped roof and a subservient offshoot which would avoid a bulky appearance. The application form envisages tiles and brick, and these would work well with such a broken massing.

10.6 As a result the Inspector concluded that the scheme would not harm the character of the area and would not amount to an overdevelopment of the site.

10.7 The appeal decision is a material consideration for this application and appropriate weight should be given to it when considering the merits of the case.

10.8 The applicant also made an appeal for costs against the Council under the same process but this was also dismissed.

11.0 **Design and Impact on Appearance and Character of the area**

- 11.1 The NPPF and Core Policy 8 of Slough Core Strategy 2006-2026 seek development proposals that promote well-designed places and spaces which respond, reflect or enhance the character and appearance of the area
- 11.2 Policy EN1 of the Local Plan outlines that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of scale, height, massing, layout, siting, building form and design, architectural style, materials, access points, visual impact, relationship to nearby properties, relationship to mature trees, and relationship to water course. Poor designs which are not in keeping with their surroundings and schemes that overdevelop the site will not be permitted.
- 11.3 The design of the scheme is the same as that submitted in the original scheme apart from alterations to windows and balconies. Therefore the form, bulk and massing of the proposal is as previously proposed.
- 11.4 The Council did previously have objections to the design of the scheme is proposed however it is noted that the Planning Inspectorate did not uphold these. The Inspector's decision should be given significant weight in the consideration of this matter and therefore, while there were concerns previously, it is considered that the scheme would not amount to an overdevelopment and would not harm the character and appearance of the area.
- 11.5 The alterations to windows and balconies on this revised proposal will not affect any public realm views of the scheme and are considered to have a negligible impact on the overall design of the scheme.
- 11.6 On the basis of the considerations above, it is considered that the proposed development will accord with policies EN1 of the Local Plan and CP8 of the Core Strategy and the requirements of the NPPF 2019.

12.0 Impact on neighbouring amenity

- 12.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.
- 12.2 The previous appeal decision determined that the previous scheme would result in an overlooking impact to neighbouring residents to the south. The overlooking impact was not directly into neighbouring windows but to curtilage and private gardens of these dwellings.
- 12.3 The amended scheme has sought to address these concerns by amending window and balcony details on the rear elevation.
- 12.4 The 3no first floor windows are now proposed to be high level windows that are fitted with obscure glazing. This would remove direct outlook to the south from the first floor of the proposal and is considered to address the acknowledged issue.
- 12.5 The balconies are now proposed to have screens installed which would remove outlook towards the south. Outlook is still provided to the east. The balcony

screens on the plans will still enable some outlook to the south however it is considered that a condition can be included that requires approval of the screens to ensure that this would not happen.

- 12.6 The objections from the neighboring residents in respect of amenity are noted. The above considerations have demonstrated that, while the development will be noticeable by other properties, the distances established and nature of window/balcony arrangements means that there would not be a significant adverse impact on neighbouring amenity.
- 12.7 The proposal is therefore considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.
- 13.0 **Living conditions for future occupiers of the development**
- 13.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 13.2 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."
- 13.3 The proposed flats would have acceptably sized internal spaces that would comply with the current guidelines. The scheme would entail a concrete frame structure, which would ensure sound attenuation between units to comply with Building Regulations. Therefore, the respective plan layout of the first floor over the ground floor would not be an issue.
- 13.4 The scheme incorporates large frame windows with a horizontal emphasis in keeping with its contemporary design ethos. These would provide a suitable degree of daylight, aspect, and outlook. The proposed high-level windows are not principal windows for habitable rooms and therefore their higher level and obscured outlook will not affect the amenity of future residents. One window is the sole window for the bathroom but the arrangement is appropriate for a room such as this.
- 13.5 The two one-bedroom flats at first floor level would each benefit from a private balcony and the two-bedroom flat on the ground floor would benefit from external amenity space. Whilst none of the units would be able to access amenity space of the requisite area to satisfy the Council's standards, it is considered that this is acceptable, in principle, for non-family accommodation, as it is noted that both Salt Hill Park and Chalvey Recreation Ground lies some 5-10 minute walk away to the north and west respectively.
- 13.6 The applicant's agent has indicated that the scheme would be mechanically ventilated in compliance of the provisions of Part F of the Building Regulations. As such, it is considered that the proximity to the railway service on the embankment to the east would not be a significant intrusion on the internal amenities of future occupiers.
- 13.7 The embankment to the railway does have a screen of trees, all of which are self-sown sycamores. These display the signs of coppicing by Network Rail to

avoid excessive growth, which would ensure the future occupiers of the proposed development would not be significantly over shadowed from the east. Given the position and orientation of the balconies, these would afford outlooks both to the south and east. As such, the trees and the embankment are not considered to significantly impair the amenity of the future occupiers.

- 13.8 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

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 and Local Plan 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 provision of services and facilities for shopping and other needs are immediately available within the locality. Therefore, it is considered that the site represents a sustainable location. The proposals meet Council standards for parking and cycle storage.
- 14.3 The comments from the Highways Officer are noted and the applicant is looking to address the points raised however it is important to note that the access and parking arrangements is exactly the same as the first application for this development and there were no objections raised previously/ It is therefore considered that, in planning terms, there continues to be no objections.
- 14.4 The neighbouring properties use the same access for parking and access to the rear of their properties. Therefore, it is considered that there would be no significant difference in the character and functional day-to-day impacts on the existing dwellings from the introduction of the proposed three additional residential units.
- 14.5 The access has been the means of access for emergency vehicles to serve the existing car workshop business and thus it is considered it would be equally suitable to cater for the need for access to the proposed new building.
- 14.6 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.
- 15.0 **Contamination**
- 15.1 Core Policy 8 (Sustainability and the Environment) of the SBC's Core Strategy Document states that development shall not 'cause contamination or

deterioration in land, soil or water quality' nor shall development occur on polluted land unless appropriate mitigation measures are employed.

- 15.2 The application site was previously a commercial garage and the previous use gives rise to potential contamination issues in principle. The applicant has submitted a Phase 1 assessment. No comments have been received by the Contamination Officer to date but on the previous scheme there was no objection raised subject to the inclusion of 3 conditions to address contamination. These conditions have been included as part of the recommendation for this application and there are no objection on the grounds of contamination as a result.

16.0 Drainage considerations

- 16.1 The site is located within flood zone 1 and therefore flood risk is minimal.
- 16.2 Thames Water has considered the impact of the proposal on the surface water drainage, foul drainage, the waste water network and water availability. The comments confirm that there is capacity in the sewerage and water networks to accommodate the development without an adverse impact.
- 16.3 Additional information has been requested from the flood authority. Upon review the extent of information is considered to be excessive for a development of this scale, particularly in light of Thames Waters comments raising no concerns. It should also be noted that there were no drainage concerns with the first application and it would be considered unreasonable to raise them during the second one. However a holding objection has been received from Network Rail, as an adjacent landowner, who have requested drainage details in order to assess the scheme.
- 16.4 The drainage details will need to demonstrate that surface water drainage will not run onto Network Rail's land before they withdraw the objection. The applicant is pursuing the details at the time of drafting this report but nothing has been received to date. As it is a holding objection the Council is unable to determine the scheme until it is resolved. Therefore while there are no objections in principle to drainage considerations, the recommendation is to delegate authority to the Planning Manager once the issues have been resolved.

17.0 Planning Balance

- 17.1 In the application of the appropriate balance it is considered that there are significant benefits to be had through the provision of housing during a time that the Council is unable to demonstrate a deliverable 5 year housing land supply. The objections received are noted and in terms of amenity the applicant is considered to have addressed the reasons for dismissal on the previous appeal. The scheme is also acceptable in highway terms and conditions can address other points raised. Therefore none of the impacts raised through objection are considered to have a significant adverse impact that would result in harm that would outweigh the benefits identified.
- 17.2 On balance it is recommended that planning permission should be granted in this case as the benefits significantly and demonstrably outweigh any adverse

impacts and conflicts with specific policies in the NPPF.

18.0 Process

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

19.0 PART C: RECOMMENDATION

19.1 Having considered the relevant policies set out above, comments from consultees and neighbours' representations as well as all relevant material considerations it is recommended the application be **approved** subject to the following conditions.

20.0 PART D: CONDITIONS

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

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

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

- (a) Drawing No. PL01 Rev C, Dated 05/11/2019, Recd On 06/01/2021
- (b) Drawing No. PL02 Rev C, Dated 05/11/2019, Recd On 06/01/2021
- (c) Drawing No. PL03 Rev C, Dated 05/11/2019, Recd On 06/01/2021
- (d) Drawing No. PL04 Rev C, Dated 05/11/2019, Recd On 06/01/2021
- (e) Drawing No. PL05 Rev C, Dated 05/11/2019, Recd On 06/01/2021

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

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

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

4. The findings of the Phase 1 Desk Study having identified the potential for

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

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

5. Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that 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.

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

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

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

REASON To ensure that a satisfactory lighting scheme is implemented as part of the development in the interests of residential and visual amenity and in the interest of crime prevention to comply with the provisions of Policy EN1 of The Adopted Local Plan for Slough 2004 and policy 12 of the adopted Core Strategy 2006-2026

8. The parking spaces and turning areas shown on the approved plans shall be provided on site prior to occupation of the development and retained at all times in the future for the parking of motor vehicles on a communal basis.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy T2 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework.

9. The cycle parking storage space shown on the approved plans shall be provided 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 Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy T8 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework.

10. The refuse and recycling facilities as shown on the approved plans shall be provided on site prior to occupation of the development and retained at all times in the future.

REASON To ensure that there is adequate refuse facilities available at the site in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) 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 any of the 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.

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Registration Date:	03-Nov-2020	Application No:	P/03079/017
Officer:	Alex Harrison	Ward:	Central
Applicant:	Slough Property 2 Limited	Application Type:	Major
		13 Week Date:	2 February 2021
Agent:	Ms. L Hirst, Jaspas Management Ltd 15-19 Church Road, Stanmore, HA7 4AR		
Location:	190-192, High Street, Slough, SL1 1JS		
Proposal:	Redevelopment of the site to provide a part six, part eight storey building to form 63 residential units (Use Class C3); re-provision of 2 commercial units (Use Class E); associated cycle parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade.		

Recommendation: Delegate to Planning Manager for Approval



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for:

A. Approval subject to:

- (i) the satisfactory completion of a Section 106 Agreement to secure a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works;
- (ii) finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 30 November 2021 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

1.2 The proposals comprise a major planning application, therefore the development is required to be determined by Slough Borough Council Planning Committee.

PART A: BACKGROUND

2.0 **Proposal**

2.1 Full planning permission is sought to demolish the existing building on site and construct a mixed use development comprising of replacement retail units at ground floor level and the provision of 61 flats above.

2.2 The plans have been amended since their original submission to address a number of concerns raised by Officers. The proposed design seeks to provide the accommodation over two blocks, the first fronts the High Street and reaches 6 storeys in height and the second block sits at the southern part of the site and reaches 10 storeys in height. Both blocks are connected by a 5 storey connecting 'bridge'.

2.3 Access to the residential units and the servicing area of the retail units is at the southern part of the site and utilizes the existing access from Park Street. The scheme provides 5 no parking spaces for the development and 62 no residential cycle parking spaces and 2 no commercial cycle parking spaces.

2.4 The majority of residential units are given private amenity space through the provision of balconies and terraces and the scheme also provides a roof top garden area that would be accessible to all residents.

2.5 The proposal does not provide any affordable housing provision and the applicant submitted a viability assessment to demonstrate why provision would not be viable.

2.6 The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Heritage Impact Assessment
- Air Quality Assessment
- Noise and Acoustic Design Assessment
- Indicative Surface Water Drainage Strategy
- Daylight Sunlight Assessment
- Transport Statement
- Financial Viability Assessment
- Statement of Community Involvement

With the amended plans the following additional documents were submitted:

- Massing assessment
- Transport Addendum Note
- Drainage Drawings
- Green Roof Layout
- Amended Design and Access Statement
- Amended Planning Statement
- Amended Daylight and Sunlight Assessment

3.0 **Application Site**

3.1 The application site consists of a single building that occupies the curtilage of the site. It is a 3 storey building that fronts the High Street. The ground floor provides 2 retail units which are currently occupied by Poundland and JD Sports. The first and partial second floor of the building is used as an ancillary space for the retail units below.

3.2 The building is a flat roof structure which is largely brick-faced aside from the High Street elevation which consists of shopfronts at ground floor and a combination of windows and composite cladding.

3.3 The area to the north of the site is the Principal shopping area of the town, the High Street, which accommodates a mix of uses commonly found in town centres. To the west the adjacent building (186-188 High Street) has recently been the subject of development to provide new flats above the existing retail units at a height of 5 storeys. To the east are retail units with office space above (194-194 High Street) that are in traditional buildings that are locally listed. To the south the building backs directly onto the car park and service yard area that is associated with the units that front onto Park Street to the southwest.

3.4 The site is located within the designated town centre and is not located within a Conservation Area.

4.0 **Relevant Site History**

4.1 The following applications are the most relevant to the proposal:

P/03079/003

Demolition of 3 storey storage building alterations to shop to provide 3 no shop units with ancillary storage areas provision of enlarged servicing area & car parking.

Approved 07 September 1984.

P/03079/012

The erection of Brise-Soleil at parapet level of front elevation and associated internal and external refurbishment works to existing building.

Approved 29 July 2010.

The following applications are adjacent or close to the application site and

186-188 High Street (adjacent the site to the west)

P/01914/031

Variation of condition 2 of planning permission P/01914/027 dated 01/01/2018 which was for extension and alterations to create 14 x residential flats (13 x 2 bed; 1 x 1 bed) to – relocate the residential access to the front (north) elevation; alterations to shop front;

new stair core to between each retail unit, revised internal layout, additional windows and fenestration alterations, change of the mix of accommodation to 10 x 2 bed; 4 x 3 bed flats.

Approved 28 February 2019.

P/01914/027

Construction of two storey roof extension at third floor and fourth floor level, a four storey infill extension to front side, and 5 storey extension the rear and side to provide 14 x residential flats (13 x 2 bed; 1 x 1 bed) with an internal courtyard with balconies; external alterations to existing elevations alter the buildings appearance and provide additional windows and doors. Integral cycle store and bin store to the ground floor rear.

Approved 01 October 2018.

204-206 High Street (Former BHS Site)

P/02683/013

Demolition and Redevelopment of the existing site for a mixed use development comprising replacement flexible retail space (Class A1,A2,A3 uses) at ground floor level, flexible commercial floorspace at first floor fronting the High Street for either B1 (offices) or Class D2 (gym) uses and 78 residential dwellings within 3 buildings at podium level across the site with heights of 5, 11 and 4 storeys. Shared amenity space provided at first floor podium level, with cycle, waste and recycling storage facilities at ground floor level, and provision of two accessible car parking spaces (for the residential uses), loading and drop-off facilities and servicing area within ground floor level with access from Herschel Street.

Approved 4 March 2020.

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) site notices were displayed outside the site on 17/11/20. The application was advertised as a major application in the 20/11/20 edition of The Slough Express.
- 5.2 At the time of writing, 0 letters of representation have been received from residents and occupiers of neighbouring properties.

6.0 Consultations

6.1 Thames Water

Waste Comments

With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that the following condition be added to any planning permission.

"No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

With the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission.

"No development shall be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Water Comments

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the

Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

Following the submission of additional information:

Waste Comments

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

6.2 Environmental Protection

Air Quality Background

Slough Borough Council (SBC) has designated 5 Air Quality Management Areas (AQMA) due to elevated concentrations of Nitrogen Dioxide (NO₂, annual average), including:

- Slough Town Centre
- M4
- Tuns lane
- Brands Hill
- Bath Road

While particulate matter concentrations do not breach EU Limit Values, levels in Slough are higher than both the national and regional averages and it is estimated that 1 in 19 deaths are attributable to PM_{2.5} in Slough (PHE).

SBC adopted the Slough Low Emission Strategy 2018-25 on the 17th September 2018. This application has been assessed in relation to air quality considerations in line with the Slough Low Emission Strategy

Technical Report: 'Land-Use planning and Development Management' Guidance (Section 3.3). The LES Technical Report can be found on the SBC Low Emission Strategy web page - <http://www.slough.gov.uk/pests-pollution-and-food-hygiene/low-emission-strategy-2018-2025.aspx>

Where mitigation is required and refers to the 'Slough Electric Vehicle Plan' this can be found in Section 4.3 of the LES Technical Report.

The Slough Low Emission Strategy also includes a Low Emission Programme. Again, details can be found on the SBC LES web page.

Air Quality Comments

In line with the Low Emission Strategy (2018-2025), this development is not expected to contribute to a worsening of air quality as there is only an increase in 5 parking spaces, nor is it in an area with high exposure levels. The submitted air quality assessment addresses impacts which may arise during the construction phase. It is noted that through the implementation of mitigation in the form of best practicable means, dust impacts will be low.

It is not clear whether this application includes retainment or reprovision of the existing commercial units. If the latter, this may influence the results of the submitted air quality assessment regarding construction, however it is likely that operational impacts will remain low. As this development is classed as a minor impact development, the following mitigation is required:

Mitigation Requirements

- A suitable electric vehicle charging point, in line with table 7 of the Low Emission Strategy Technical Guidance and specified within the Low Emission Programme, shall be provided for 100% of parking spaces
- A Construction Environmental Management Plan must be produced and submitted to the Local Planning Authority for approval. It must include details of dust and noise mitigation, as outlined in Table 8 of the air quality assessment, dated September 2020
- Any gas fired heating plant should meet the minimum emission standards in table 7
- All construction vehicles shall meet a minimum Euro VI Emission Standard
- All non-road mobile machinery (NRMM) shall meet the criteria in table 10

Environmental Noise

The environmental noise survey was conducted between 13-14th October 2020. During this time Slough was in Tier 1 as a result of the pandemic, therefore surrounding commercial sites should have been operating as usual. This will need to be confirmed by the applicant, to ensure that the survey period was representative of the typical noise climate.

As the monitoring was fully automated, it is not possible for the applicant to comment on whether commercial noise was audible however it is noted a comment in the report states that the dominant noise source was noted to

be traffic along the surrounding road network.

The monitored data presents both LAeq and LA90 noise levels. There is no consideration of LMax levels however as the development is not nearby any major roads, it is unlikely that high LMax levels will result from road traffic sources that would not otherwise be mitigated through standard mitigation.

As a conservative approach, the background noise level of 39dB will be used to set plant noise emission limits. In addition, the report proposes to set plant noise emission limits outside the nearest commercial façade at 50-55dB during the day. This is accepted.

The report indicates that with windows open, assuming conventional thermal double glazing, internal noise levels will exceed the criteria by 9-12dB and 4-5dB during the day and night, respectively. With windows closed, all internal noise level criteria will be met. To ensure that internal noise levels are not compromised by future occupants needing to open their windows for ventilation purposes, it is required that the applicant supplies appropriate glazing and ventilation which ensures that internal noise levels in line with BS8233 are not exceeded. If the chosen ventilation does not allow for temperature control, an overheating assessment must be conducted and submitted to the LPA for review.

Full details of the glazing and ventilation strategy to be implemented, along with the overheating assessment if necessary, must be submitted to the LPA for approval prior to construction of the scheme and must be installed prior to first occupation of the development.

6.3 Resilience and Enforcement Team

I note in the noise assessment that the desirable dB levels are expected to be reached while windows are closed in the building. However it is expected that desirable levels will not be reached while windows are partially open.

In worst case scenario with windows partially open the report shows the desired level of 30dB at night is achieving a result of 35dB as stated in the report *“A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.”*

The mitigation for this in the supporting information states that ventilation will be provided as per Building Regulations to provide whole building ventilation.

My comment here would be to ascertain if this ventilation mentioned would be suitable or sufficient enough to provide adequate ventilation during hot or warm weather removing the need to open windows.

I note the survey was conducted on 13th October 2020 for a period of 24 hours.

Some further observations / comments I would make with regard to noise are:

- Herschel Street is currently closed at the East end with the junction of Alpha Street North due to building works. Traffic over the past

12 months has been diverted away from the area in this time. When this road re-opens I would expect traffic levels to return to normal and a higher volume of traffic passing the property than may have been recorded. This road is busy during the day with taxis and members of the public accessing the town and also serves the Town Centre bus route which operates frequently for a number of busses.

- Due to the Covid-19 pandemic lower levels of traffic and pedestrian activity have been seen on the High Street with various non-essential business closed. As we return to normal from lockdowns it is expected that traffic and activity on the high street will slowly start to resume and will likely again show a higher reading than recorded in October.
- October being the start of colder and darker months typically reflects on the activity in the High Street. During summer months the High Street is busier later into the evening and with warm weather will impact noise levels in this time. This reflects on my previous comment ref ventilation to the properties as in summer months high street noise is generally louder due to late visitors to the high street restaurants and cinema which are in close proximity to the property.

I think the above highlights that although standard double glazing as shown should be enough to meet the desirable dB levels it is essential that whatever proposed ventilation is provided to the properties is adequate enough to mitigate the need to open windows during these times as to avoid noise nuisance from the Towns late night economy.

I could not find any information in the supporting documents but has consideration been given to existing High Street lamp columns (one directly in front of the building) causing potential light intrusion into the High Street facing flats, also high atrium lighting from the Observatory Shopping Centre opposite. I would look specifically at floors 1-3 where bedrooms look over the main High street. Light from these sources could cause night time artificial light nuisance.

Looking at the rear service yard I can see a lot of bin stores and bicycle sheds. What measures will be implemented to protect these sheds from unauthorised entry i.e rough sleepers? Will the main rear access from Park Street also be secured to prevent unauthorised access as this is a common issue we see in similar units in the Town. The ultimate goal would be to protect the area from environmental waste crime from outside sources and unauthorised access attributing to crime and ASB.

Following the submission of additional information:

The aluminium sliding shutters installed should help to reduce light intrusion from the lower high street lighting.

The Bin / Bike sheds at the rear still seem to be insecure which may attract or give access to rough sleepers. We need to confirm overall access control to the rear of the property and how the bins will be protected against unauthorised access and ASB.

As rough sleeping is a issue on the High Street I think this needs to be satisfactorily addressed. This seems to be addressed for access to the main residential areas at the front with a secure lobby but not the rear.

I accept the noise results taking into account the previous survey. My only question therefore is. Will the intended ventilation methods provide adequate ventilation to the properties to negate the necessity to open windows during periods of hot weather?

The noise survey itself states that the threshold for noise can only be reached when windows are closed so the ventilation needs to be adequate.

6.4 Contaminated Land Officer

No comments received.

6.5 Highways

Vehicular Access

Vehicle access is proposed from Park Street via a common rear access / service way with 186 – 188 High Street. Some amendments to the access way were recently approved as part of planning application P/01914/034 for 186-188 High Street.

Park Street falls within Slough BC's "Zone B" "Residents Parking Zone". The Controlled parking zone is in operation Mondays to Saturdays 9am to 5pm.

Access by Sustainable Travel Modes

The site is considered to be situated in a highly sustainable location due to the close proximity of facilities on the High Street, The Curve Library (400m), Tesco Extra (500m), Slough Bus Station (650m) and Slough Railway Station (650m). The Public Transport Accessibility (PTAL) rating for the site is 5 which is considered high. PTAL ratings in Slough range from 1a to 5.

Trip Generation and Traffic Impact

Vehicular trip generation associated with the site will be extremely low given the provision of only 5 parking spaces.

SBC Highways and Transport request that the agent complete a trip generation calculation to establish the likely number of servicing trips and trips by sustainable travel modes.

Layout

The TS includes swept path analysis which shows a 3.5t Panel Van can ingress and egress the access in a forward gear within Figure 1. Figure 2 demonstrates that a large car can ingress and egress each parking space.

Vehicle Parking

The adopted parking standards are published in the Slough Developers Guide: Part 3 – Highways and Transport (2008). The parking standards allow for nil parking provision at residential developments within the highly accessible town centre area. The parking standards also allow for nil parking provision at A1 retail units proposed within the town centre.

The proposals offer 3 general vehicle parking spaces and 2 x disabled badge holder parking spaces. The proposed parking spaces have been assessed in AutoTrack using a large car. It is proposed that car parking allocation and management can be secured by a prior occupation planning condition, requiring a parking management plan.

SBC Highways and Transport consider the low parking provision acceptable given the sustainable location of the site. The low parking provision accords with Core Policy 7 of the Slough Core Strategy which sets the objective to apply maximum restraint to parking for residential schemes in the town centre and sets an aim to limit the number of vehicles entering Slough Town Centre during the peak hours.

In addition, Park Street and the roads surrounding the site are subject to parking restrictions which would prevent residents of the proposed development owning a car and parking it on the local highway network.

SBC Highways and Transport recommend that new residents are excluded from any residents parking permit schemes on nearby roads.

Cycle Parking

The proposal has 4x residential cycle stores providing 31 Sheffield Stands which provide 62 cycle parking spaces and a cycle store for the retail units with 2 cycle parking spaces. The proposed cycle parking is in accordance with the requirements set out for flats and A1 retail warehouses within the SBC Developers Guide – Part 3: Highways and Transport.

Servicing and Refuse Collection

The site access can accommodate a goods vehicle up to 3.5t in size which will be able to ingress in a forward gear, unload/load and then egress in a forward gear.

Larger vehicles would need to use the Goods Vehicle Loading Bay opposite the access.

The TS states that to complete refuse and recycling collection using a private collection company and that the management company would require a 3.5 tonne goods vehicle would be used in the contract. The TS states that the refuse and servicing management could be secured by a prior occupation planning condition requiring a Delivery Servicing Plan or similar.

SBC Highways and Transport recommend that a Delivery Servicing Plan is secured by condition.

Summary and Conclusions

Subject to the applicant providing the requested information to allay my concerns I confirm that I have no objection to this application from a transport and highway perspective. I recommend the inclusion of the following conditions and informatives as part of any consent you may issue.

6.6 Landscape Officer

The proposed development at this site will not impact on existing trees within the site boundary. The site on the High Street will not have any ground level amenity areas.

A roof top terrace is proposed as shown on the Proposed Landscape Plan JM063-PL-1050, the general layout is considered acceptable, subject to the inclusion of maintenance facilities for the garden areas. This should include as a minimum a storage units for gardening tools, recreation equipment, and appropriately located taps for the irrigation of gardens during establishment periods and dry periods.

The proposed planting scheme is significantly under stocked and will not establish into a verdant green screen around the edge of the roof terrace. These details can be submitted as under a condition of any approval granted.

No objection subject to the submission of landscape information.

6.7 Lead Local Flood Authority

In order for us to provide a substantive response, the following information is required:

Surface Water

• **Maintenance regimes** of the proposed green roof and the organisation responsible for its maintenance.

Foul Water Drainage

Please provide evidence that Thames Water is to accept the proposed flows to the public sewer.

6.8 Community and Wellbeing

Had no comments to make

6.9 Building Control

'Full assessment of compliance under Building Regulations will be carried out once a formal application or pre application advice, in relation to Building Regulations, is sought

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 National Planning Policy Framework and National Planning Policy Guidance:

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 7. Ensuring the vitality of town centres

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12. Achieving well-designed places
Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment

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

7.3 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

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

7.5 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

7.6 Other Relevant Documents/Guidance

7.7 Local Development Framework Site Allocations Development Plan Document
Slough Borough Council Developer's Guide Parts 1-4
Proposals Map 2010

7.8 Planning and Compulsory Purchase Act 2004

7.9 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 upon July 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF 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.

7.10 Emerging Preferred Spatial Strategy for the Local Plan for Slough

7.11 One of the principles of the Emerging Preferred Spatial Strategy is to deliver major comprehensive redevelopment within the “Centre of Slough”. The emerging Spatial Strategy has then been developed using some basic guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable.

It is important that key sites within the town centre or on the edge are developed in a comprehensive manner and that all of the necessary linkages and infrastructure are provided.

8.0 **Planning Assessment**

8.1 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
- Impact on vitality and viability of the town centre
- Heritage
- Crime prevention
- Highways and parking
- Air quality
- Sustainable design and construction
- Surface water drainage
- Affordable housing and Infrastructure
- S106 requirements

9.0 **Principle of development**

9.1 The National Planning Policy Framework encourages the effective and efficient use of land, which includes supporting under-utilised land that can incorporate a mix of uses. This is reflected within Core Policies 1 and 4 which seek high density non family type housing to be located in the town centre or urban areas. As the site is located within the town centre and the proposal would be similar in scale and density to the surrounding buildings, the proposal for accords with these objectives.

9.2 The existing site is currently used for retail purposes at ground floor (A1 Use Class) in two separate units with the first floor as ancillary space to the retail. There would be a minor loss in retail space at ground floor level

to accommodate the access, parking, servicing and stairwell to the proposed flats. A further loss would also occur at first floor level as the storage space will be removed.. As these would be relatively small areas compared to the existing floor areas, and the remaining floor space at each unit would still be large enough for the shops to continue their use, no objections are raised regarding the loss of retail space in this instance.

9.3 Having regard to the National Planning Policy Framework and the Local Development Plan, there are no objections to the principle of residential flatted development on this site

10.0 **Mix of housing**

10.1 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 34 x 1 bed flats and 20 x 2 bed flats and 7 x 3 bed flats.

10.2 The proposed unit mix is considered to be appropriate for a town centre location. A higher concentration on smaller units is acceptable in his location. The provision of a number of 3 bed flats is also considered to be positive as these are less common in town centre developments.

10.3 The quantum of development means that the development is liable for affordable housing provision. In accordance with the Developer's Guide, 19 units would be required as affordable housing, equating to 30% provision. The applicant was accompanied with a viability assessment which concluded that no provision could be made. This is discussed later in the report.

11.0 **Impact on the character and appearance of the area**

11.1 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 EN2

11.2 The proposal has been amended since its original submission following a number of concerns raised by Officers. The original scheme proposed development as more of a single mass and Offices sought amendments due to concerns over the overall bulk.

11.3 The amended scheme has changed the design concept of the development and adopted a 'two block' approach. The first block fronts the High Street and the second at the southern part of the site. These are connected by a bridging part that is subservient to both blocks. The block approach is considered to be a positive amendment and reflects the design approval that was taken at the former BHS site and this development would be seen in the context of that scheme.

- 11.4 In terms of scale the principal block that fronts the High Street will extend to 6 storeys with the topmost floor set back from the front wall. The height is an increase over the existing building and will sit taller than both buildings either side (the difference to the building to 186-188 High Street would be negligible from street level) however it would be comparable to the height of the approved development at the former BHS site. It would also be comparable to the height of the building opposite to the north that forms part of the Queensmere building.
- 11.5 The block to the south would rise to 10 storeys in height and again the topmost floor would be set back from the other storeys. This is higher than originally submitted but would sit notably lower than the central block of the approved development at the former BHS site. The scale would be higher than other buildings in the area however a town centre location is considered to be able to accommodate taller buildings in principle.
- 11.6 On the basis of the considerations above the scale of the development is considered to be appropriate.
- 11.7 In terms of detailing the proposed High Street elevation is considered to result in an enhancement to the site. The new façade would be more contemporary in appearance and moves away from the functional appearance of the existing building. The development overall includes variety on the faces through window openings, terraces and balconies and with a high-quality palette of external materials, the detailing of the design can be considered to not harm the character and appearance of the area.
- 11.8 The scheme includes the provision of a rooftop garden area on the bridging part which would be accessible for all residents. This is considered to be a positive aspect of the development as flat proposals in central locations often do not have communal amenity space due to site constraints but this scheme provides additional space for the benefit of residents.
- 11.9 On the basis of the considerations above, it is considered that the proposed development will accord with policies EN1 of the Local Plan and CP8 of the Core Strategy and the requirements of the NPPF 2019.
- 12.0 **Consideration on future development of surrounding land**
- 12.1 In considering the initial submission, concerns were raised over the nature of development and its impact on surrounding land in respect of future development.
- 12.2 The proposed southern elevation of the southern block has windows that look out onto land directly adjacent. The site directly to the south contains a number of commercial units that front Park Street and associated servicing and parking. This site is one that the Council would consider to be worthy of regeneration and therefore concerns were raised over the

scale and nature of openings and if that would adversely affect development potential to the south.

12.3 The applicant undertook a massing assessment to demonstrate a possible development scenario for the land to the south and it showed that suitable distance can be achieved with a development that would front Park Street and Herschel Street. The details submitted were sufficient to placate the concerns raised and it is considered that a comprehensive redevelopment of the and to the south can be achieved if this development is permitted.

12.4 There are rear service areas to the east of the site, the rears of 194-198 High Street and 200-202 High Street. These areas are not considered to carry much potential for redevelopment of larger scale due to the locally listed nature of the buildings and there are no concerns with this relationship as a result.

12.5 The massing assessment submitted by the applicant is considered to have demonstrated that this proposal will not compromise the future development of surrounding land.

13.0 **Impact on amenity of neighbouring occupiers**

13.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.

13.2 The existing building immediately west of the site provides new residential accommodation and would be impacted on by the proposal. It is in a 'c' shape as it allows for a small atrium style area which allows light to inwardly facing windows that serve bedrooms or non-habitable rooms of the adjacent units.

13.3 The amended scheme has reduced the height of the bridging element of the proposal so that it sits lower than the adjacent development. The applicant has submitted a daylight/sunlight assessment that considers the impact on these neighbouring windows. The report demonstrates that the development would still enable suitable light levels to be reached by the central windows, all of which serve either non-habitable rooms or bedrooms.

13.4 There is a residential occupation to the west at what appears to be the rear of 202 high Street. The development would be visible from this property but given its scale and distance, it is not considered to have a significant adverse effect on amenity.

13.5 The development is not considered to be overbearing to any other neighbouring residents and the nature of the approved BHS redevelopment scheme is such that the scheme would not have any perceived adverse impact on those approved units either.

- 13.6 The proposal is therefore considered to be acceptable in light of Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EN2 of the Adopted Local Plan.
- 14.0 Living conditions for future occupiers of the development**
- 14.1 The NPPF states that planning should always seek to secure a quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 14.2 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."
- 14.3 It is noted that all the units meets and exceed the requirements of the national space standards to residential units which creates a good level of space for residents. The majority of units are provided with their own terrace or balcony and the amended scheme took account of Officer comments that highlighted that some of the larger 3-bed units did not have a particularly large amenity area. 6 units would not have a balcony which is unfortunate. It is however offset by the inclusion of a rooftop garden which is accessible to all residents. This would provide soft and hard landscaping and provides private outdoor space for all residents.
- 14.4 Considerations were had to the outlooks that the proposed units would have. The southern facing units on the larger block in particular would have an outlook over the carpark and service yard associated with the units on Park Street although many are at a height that would view over this land. This is not an ideal outlook for potential residents however it is acknowledged that this is a relatively common scenario for town centre developments due to the wider range of uses in a closer relationship than sites outside of centres. While it is not ideal, the outlook from the proposed units is not considered to result in substandard living conditions for residents.
- 14.5 In terms of noise impacts additional information was requested as the noise assessment had indicated that the noise levels when windows are partially open could cause an adverse effect and therefore it is recommended that the building is ventilated. The additional information was requested to help understand the impact to a greater degree and once submitted there was no objection in principle due to the inclusion of ventilation systems for the windows.
- 14.6 Consultation responses from both Environmental Quality and the Neighbourhood Team have emphasised the necessity to install an appropriate ventilation system that would achieve suitable amenity standards for residents. This level of detail can be secured by condition and has been drafted as part of the recommendation. The requirement will see the applicant submit details of glazing, ventilation and overheating

mitigation that can be approved by the Council prior to occupation of any units.

14.7 Based on the above the application is considered to be acceptable in light of the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H14 of the Adopted Local Plan.

15.0 **Crime Prevention**

15.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour

15.2 The Crime Prevention Design Advisor initially provided comments raising concerns over the nature of the ground floor area that would be used to access the residential units and also used to service the retail units. The amended plans have taken on board the comments made and as a result no objections are raised.

15.3 A condition is included in the recommendation that will require the development to achieve a secured by design accreditation and no objections are raised as a result.

16.0 **Heritage**

16.1 The existing building is not considered to be of any merit that would make it worthy of retention. However the buildings to the immediate east are locally listed as identified in Appendix 5 of the Local Plan. Individually these sites are regarded as 194-198 High Street and 200-202 High Street and the proposed development will affect their setting.

16.2 The application was accompanied with a Heritage Assessment which has been considered by the Council's Conservation Consultant and no objections are raised.

16.3 The increased scale of the building will see to bookend these building as it will match the scale of the approved BHS redevelopment scheme. The character of the building will not be affected by the development and while the setting will be affected due to the increased bulk, the impact would be considered to be less than substantial. The scheme provides a number of public benefits, including the provision of housing and these would outweigh the any impacts on the significance of the building.

16.4 Historic England were consulted to consider the scheme in light of any impact on the setting of Windsor Castle and no objections were raised.

On the basis of the considerations above the proposed development is not considered to have an adverse impact on the setting of the adjacent locally listed buildings or Windsor Castle.

17.0 Highways and Parking

- 17.1 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 and Local Plan 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'.
- 17.2 The Highways Officer has raised no objections to the scheme subject to receiving additional information relating to trip generations that will calculate the number of movements. It is noted that the Highways Officer has already considered that movements would be low due to the number of parking spaces proposed. This information has been submitted and no comments have been received to date.
- 17.3 The proposal provides 5no parking spaces, 2 of which will be accessible. The number of parking spaces at the site is considered to be acceptable given the highly sustainable location of the site. Furthermore the scheme provides an acceptable number of cycle parking spaces.
- 17.4 The proposed servicing arrangement utilises the area set aside from the adjacent retail units at 186-188 High Street. This gives suitable space for service vehicles to pull off Park Street compared to the current scenario which gives space on street for servicing and this space is often occupied by cars.
- 17.5 Subject to final confirmation from the Highways Officer, the scheme is not considered to have an adverse impact on highway safety and convenience and the scheme is therefore considered to be acceptable in light of Core Policy 7 of the Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004 and the parking standards set out in Developer Guide 3 (Parking Standards Table 5) and the NPPF.

18.0 Sustainable Design and Construction

- 18.1 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.

18.2 The application included an energy and sustainability statement. The statement advises that with the inclusion of a number of sustainable technologies as part of the development the scheme can achieve a carbon saving of 15% relative to Part L of the Building Regulations and of that, a maximum of 9% will be achieved via PV panels.

18.3 This is considered to be acceptable in planning terms subject to a condition that would require development to be implemented in accordance with the proposals in the applicant's submitted statement.

19.0 Air Quality

19.1 The application site is not situated within an Air Quality Management Area (AQMA). Therefore there will not be an unacceptable exposure to air pollution for future occupiers of the development.

19.2 An Air Quality Assessment was submitted with the application and no objections have been raised subject to conditions to secure electric charging facilities and a construction management plan, both of which are included as part of the recommendation and there are no objections in respect of air quality impact as a result.

20.0 Affordable Housing and Infrastructure

20.1 Core Policy 1 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.

20.2 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.

20.3 The application is liable to affordable housing provision and financial contributions however the submission included a viability appraisal which concluded that there is no ability to provide any units or contributions with this scheme.

20.4 The appraisal has been considered by the Council's consultant and they have agreed with the conclusions.

20.5 In respect of viability, the NPPF states, at para 57:

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

20.6 The viability circumstances of the site mean that the Council is unable to secure any affordable housing or development contributions. This is an unfortunate situation given the need for affordable housing provision in Slough and the potential for centrally located units. However there is no reason to doubt the conclusions of the Council's consultant and therefore no contributions are sought. However it will be required that the applicant agrees to a review mechanism in a S106 agreement that would allow for a reappraisal of the site in the future to determine if viability has changed and therefore obligations could be secured.

21.0 **Surface Water Drainage**

21.1 The site is located within flood zone 1 and therefore flood risk is minimal.

21.2 The application was submitted including drainage proposals and additional information was requested and provided. No objections are raised subject to ensuring development is implemented in accordance with the approved plans.

22.0 PART C: RECOMMENDATION

22.1 CONDITIONS:

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

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

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

(a) Drawing Number JM063_PL_1050 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(b) Drawing Number JM063_PL_1051 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(c) Drawing Number JM063_PL_1100 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(d) Drawing Number JM063_PL_1100_5 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(e) Drawing Number JM063_PL_1101 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(f) Drawing Number JM063_PL_1102 4, Dated 23/03/2021, Recd On 23/03/2021

(g) Drawing Number JM063_PL_1103 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(h) Drawing Number JM063_PL_1104 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(i) Drawing Number JM063_PL_1105 Rev 4, Dated 23/03/2021, Recd

On 23/03/2021

(j) Drawing Number JM063_PL_1106 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(k) Drawing Number JM063_PL_1107 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(l) Drawing Number JM063_PL_1108 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(m) Drawing Number JM063_PL_1109 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(n) Drawing Number JM063_PL_1200 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(o) Drawing Number JM063_PL_1201 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

(p) Drawing Number JM063_PL_1300 Rev 4, Dated 23/03/2021, Recd On 23/03/2021

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

3. Prior to the commencement of any above ground works, details of all facing materials, including render colours, glazed facades, timber louvres and metal framework framing to be used on the relevant block on all external facades and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be displayed on site for inspection prior to works commencing on the relevant part of the development. No part of the development shall be used or occupied prior to the implementation of the approved details. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies EN1 and EN17 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2019).

4. No part of the development hereby permitted shall be occupied until details of the measures to be incorporated into the development to demonstrate how 'Secured by Design Gold Award' accreditation will be achieved has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of Secured by Design accreditation has been submitted to the Local Planning Authority. The approved security measures shall be retained thereafter.

REASON In order to minimise opportunities for crime and anti-social behaviour in accordance with Policy EN5 of The Adopted Local Plan for Slough 2004 and Core Policies 8 and 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2018.

5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard surfacing;
 - b. details of all boundary/barrier treatments;
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
 - d. details of irrigation system for soft landscaping aftercare
 - e. details of equipment storage for the care and maintenance of the roof terrace.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. None of the uses hereby approved shall commence until a landscape management plan, which include the maintenance regime for drainage, has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the landscape areas shown on the approved landscape plan, and should include a time scale for the implementation and be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Adopted Local Plan for Slough 2004.

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

REASON In the interests of safeguarding the amenities of neighbouring properties and to provide safer access to the cycle store in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN5 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2018.

8. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

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

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) proposed method of piling for foundations

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

REASON: In the interests of the amenities of the area in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance set out in the National Planning Policy Framework (2019).

10. Prior to the occupation of any residential unit hereby approved, details of the proposed system of Mechanical Filtered Ventilation (including proposals for overheating mitigation) within each flat shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried in full accordance with the approved details prior first occupation and retained as such at all times in the future. Each Mechanical Filtered Ventilation unit shall then be used and maintained in accordance with the manufactures requirements at all times in the future.

REASON to ensure existing and future residents are not subjected to unacceptable levels of pollution 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, and the National Planning Policy Framework, 2019.

11. The surface water control measures shall be carried out in accordance with the Indicative Surface Water Drainage Assessment from RSK ref: 13397-R1(0)-ISWDS dated October 2020 and rthe following drawings:

- Drainage Layout 133974-RSK-ZZ-XX-DR-C-01- Feb 2021
- Green Roof Layout 133974-RSK-ZZ-XX-DR-C-02
- Drainage Construction Details 133974-RSK-ZZ-XX-DR-C-03

The drainage system shall be managed and maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 - 2026, and the requirements of the NPPF 2018.

12. No part of the development shall be occupied commence until bin storage has been provided on the ground floor and suitable storage area to be provided in accordance with the standards set out in the Slough Developers Guide.

REASON: To ensure that adequate refuse storage is provided to serve the development

13. No windows (other than those hereby approved) shall be formed in the development hereby approved without the prior written approval of the Local Planning Authority.

REASON To protect the privacy of the neighbouring property and to ensure no overlooking to the car park site to help ensure that these would not prejudice wider redevelopment in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and H9 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2018.

14. The windows in the shop front elevations for the retail uses at ground floor shall be constructed in clear glass and there shall be no obstruction, colouring, laminating, or similar behind the glass that would prevent or restrict views into the ground floor unit.

REASON In the interests of protecting the visual amenity, vitality and viability of Slough town centre in accordance with the provisions of Policies S1 and EN1 of The Adopted Local Plan for Slough 2004 and Policy 12 of the adopted Core Strategy 2006-2026, and the requirements of the NPPF 2018.

15. The development hereby approved shall be implemented to fully include the proposals and measures set out in the Sustainability and Energy Statement produced by Ensphere, reference 20-E110-002 dated October 2020 unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To ensure that the development provides sustainable energy benefits to the development in the interests of Policy 8 of the Core Strategy 2006 - 2066.

16. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved plans and constructed in accordance with Slough Borough Council's Adopted Vehicle Crossover Policy.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

17. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

18. No occupier of the residential development hereby approved shall be entitled to a car parking permit from the Council to park on the public highway within the local controlled parking zone or any such subsequent zone.

REASON: In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street parking stress in the area in accordance with residential properties in accordance with Core Policy 7 of the Slough LDF 2006-2026.

19. No construction or development shall commence on site until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority. The CTMP shall include a site set up plan and details of: hours of construction, duration of construction, hours of deliveries, traffic management measures, construction traffic routing, wheel washing facilities, storage of materials, provision to be made to accommodate all site operatives, visitors and construction vehicles loading (to a minimum Euro 6/VI Standard), off-loading, parking and turning within the site and machinery to comply with the emission standards in Table 10 in the Low Emissions Strategy Guidance. The Plan shall thereafter be implemented as approved before the development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to highway users and in the interests of air quality and to ensure minimal disruption is caused to existing businesses in the shopping centre area in accordance with policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2018.

20. 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 provisions to :

- a) 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) Ensure spaces are not permanently linked to dwellings.
- c) State how 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) Allocation of any visitor spaces. No dwelling shall be occupied until the car park management scheme has been implemented as approved. Thereafter the allocation and use of car and electric vehicle parking spaces shall be in accordance with the approved scheme.

REASON to provide mitigation towards the impacts on the adjacent Air Quality Management Area and 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

21. No part of the development shall be occupied until secure cycle parking store has been provided in accordance with the standards set out in the Slough Developers Guide. Once laid out and constructed that area shall not thereafter be used for any other purpose.

REASON: To ensure that adequate and convenient cycle storage is provided to accord with the standards set out in the Slough Developers Guide.

22. None of the residential units hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Specifications of the proposed windows and glazed door installations. The details shall demonstrate that the proposed windows/glazed doors ensure that internal noise levels in line with BS8233:2014 are not exceeded

b) Details of the proposed mechanical ventilation including details of ventilation noise outputs along with a noise assessment in accordance with any mitigation in accordance with ProPG: Planning and Noise Guidance and BS8233:2014 shall be submitted to and approved in writing by the Local Planning Authority.

c) If the proposed system of ventilation does not include temperature control, an overheating assessment must be submitted that sets out specific mitigation measures to ensure residents will not be subject to overheating in the residential units hereby approved.

The development shall then be carried out in full accordance with the approved details prior to first occupation of the development hereby approved. Each Mechanical Ventilation unit shall then be used and maintained in accordance with the manufactures requirements for the lifetime of the development.

REASON to ensure future residents are not subjected to unacceptable temperature 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, and the National Planning Policy Framework, 2019.

Registration Date:	15-Jan-2021	Application No:	P/09811/001
Officer:	Christian Morrone	Ward:	Colnbrook-and-Poyle
Applicant:	Halifax Pension Nominees Limited	Application Type:	Major
		13 Week Date:	16 April 2021
Agent:	Andy Ryley, PRC Architecture & Planning Ltd 24, Church Street West, Woking, Surrey, GU21 6HT		
Location:	Jupiter House, Horton Road, Colnbrook, Slough, SL3 0BB		
Proposal:	Demolition of the existing buildings (Valerie House and Jupiter House) and the development of 7,320m ² GEA of flexible light industrial, general industrial and storage and distribution employment floor space, with associated service yards, car parking and landscaping.		

Recommendation: Delegate to Planning Manager for approval



1.0 SUMMARY OF RECOMMENDATION

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

A) For approval subject to:-

1. the satisfactory competition of a Section 106 to secure the following:
 - a) To enter into a highways agreement for the highway works
 - b) Dedication of private land as public highway
 - c) To secure and monitor the travel plan
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 above have not been finalised by 26th November 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

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

PART A: BACKGROUND

2.0 Proposal

2.1 This is a full planning application for

- Demolition of the existing buildings (Valerie House and Jupiter House)
- Construction of 2 x two storey buildings each containing 3 x employment units comprising a total of 7,320m² GEA of to fall within any of the following uses:
 - Flexible Light Industrial [E(g)(iii) Use Class]
 - General Industrial [B2Use Class]
 - Storage and Distribution [B8Use Class], and;
 - ancillary office space

2.2 The external areas of the site would accommodate:

- 8no. lorry loading bays in yard areas
- 113no. car parking spaces (71 marked out and 42 additional spaces within yard areas by HGV bays):

- Includes 6no. wheelchair accessible bays.
 - 12no EV Charging bays and ducting to provide an additional 12no EV bays in the future
- 60no. cycle stands in 3 x two tier secured covered cycle shelters.
 - New internal road /footways/hardstanding areas, fencing and boundary treatment
 - New substations, switch rooms
 - External open storage areas (approximately 537sqm)
 - Tree planting and soft landscaping
 - Alterations to existing vehicular access to Horton Road and associated works
 - Infilling redundant access, new footway access, widening of existing footway on Horton Road and associated works

3.0 Application Site

- 3.1 The application site is located to the southern end of the Poyle Estate which is an Existing Business Area as identified in the Local Plan. The site contains two large detached buildings; Valerie House is a detached three storey building to the west of the site and comprises approximately 4,191 square metres of storage and distribution uses and ancillary offices. To the east of the site Jupiter House which is a two storey building and comprises approximately 2,541 square metres of storage and distribution, light industrial and ancillary offices. Externally the site comprises HGV loading bays, vehicular parking, external storage, and landscaping with trees mostly along the west boundaries, although there is some landscaping to the front.
- 3.2 The site is accessed by the south at Horton Road. Junction 14 of the M25 is circa. 500 metres to the east. To the north, east, and west, the site neighbours other businesses within the Poyle Estate and these are discussed in detail further within this report. On the southern side of Horton Road is the Poyle Park Private Estate which comprises a number of residential static homes. Approximately 120m to the south is the Wraysbury Reservoir Site of Special Scientific Interest and approximately 250m to the south-east is the Staines Moor Site of Special Scientific Interest.

4.0 Site History

- 4.1 P/09811/001 Installation of panel signs.
Approved with Conditions; 12-Jul-1995.

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), the application was advertised as a major application in the 05/02/2021 edition of The Slough Express. Site notices were displayed outside the application site on 27/01/2021. The consultation period has expired.

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

6.0 Consultations

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

6.1 Local Highway Authority

Vehicular Access:

SBC Highways and Transport require the completion of a Stage 1 Road Safety Audit of the proposed access and layout.

The access junction and internal access road have been designed to accommodate articulated lorry movements, large rigid vehicles and refuse vehicles. Revised plans have since been submitted to demonstrate a 16.5m articulated vehicle can access the site.

The primary vehicle access into the application site will be taken from Horton Road and the current three, closely related vehicular access points would be rationalised into a single, priority-controlled access junction. Visibility splays for the proposed access measure 2.4m x 43 in accordance with the Manual Streets visibility requirements for a road subject to a 30mph speed limit. Drawing No. 2004051-01-Rev A demonstrates that the splays can be provided.

Trip Generation and Traffic Impact:

SBC Highways and Transport do not wish to object to the proposed development due to its impact on highway capacity, which is forecast to be negligible.

The Transport Statement provides a forecast of the site's vehicular trip generation based on survey data from the TRICS Database. The calculation forecasts the development will generate 74 two-way vehicle trips in the AM Peak and 48 two-way vehicle trips in the PM Peak. 743 trips are forecast over a daily period (07:00 – 19:00).

When the trip generation of the existing land use is subtracted, the net trip generation of the site is forecast to be 6 vehicle trips during the AM Peak Hour and 4 vehicle trips during the PM Peak Hour. 58 two-way trips are forecast over a daily period (07:00 – 19:00). This increase would equate to approximately one additional vehicle every 10 to 15 minutes during the morning and evening peak periods.

It can be calculated from the trip generation exercise that up to 6 goods vehicles will accumulate on site, which makes it likely that the 8 proposed spaces for articulated vehicles will be sufficient to accommodate demand for HGV parking.

Access by Sustainable Travel Modes:

The site cannot be considered easily accessible by sustainable travel modes, given it's position on the edge of the borough and proximity to the strategic road network which makes car use attractive.

The nearest bus stops are located 100 metres west of the site on the Horton Road / Stanwell Road roundabout. This stop is served by the Number 10/11 which offers a service to Slough, Datchet, Bracknell, Dedworth, Windsor and Horton once every 2 hours. The next nearest bus stops are the Poyle Road junction bus stops which are 1300m (17 minutes) walk from the site. These are served by the 81 Bus Service with a frequency of 10-13 minutes. The site is located 10 minutes cycle from Colnbrook, 14 minutes from Stanwell, 19 minutes from Harmondsworth, 29 minutes cycle from Slough Town Centre.

Car Parking:

The Slough Borough Council Parking standards would require the provision of a minimum of 146 car parking spaces for B2 industrial use based on the standards provided within the Slough Borough Council Developers Guide – Part 3: Highways and Transport. The 113 proposed spaces would represent a shortfall of 33 spaces.

The masterplan displays 71 marked parking spaces, with 42 additional spaces marked on yard areas across the site. Therefore, a total of 113 parking spaces would be available. 6 parking spaces are marked for disabled use, which equates to 7.6% of provision or 5.9% of 103. 8 parking spaces are displayed for articulated lorries.

Since the submission was made, a TRICS survey of sites used to calculate parking accumulation has been provided. The Local Highway Authority are satisfied with the sites used and the conclusion of the parking accumulation calculation. As result the proposed 113 parking spaces are acceptable in this instance.

Cycle Parking:

The Proposed Site Layout Masterplan (Drawing No.101) states that 60 cycle stands are provided in 3 two-tier secured covered cycle shelters. The proposed number of cycle stands is considered acceptable to SBC Highways and Transport.

EV Charging:

The masterplan states that there will be 6 double electric vehicle charging points which provide 12 electric car charging spaces.

Servicing and Refuse Collection:

The site layout is capable of accommodating refuse and servicing vehicles given that it can accommodate commercial vehicles. It is recommended that a Delivery Servicing Plan is secured by condition which confirms the number of deliveries associated with the commercial land use. The Delivery Servicing Plan should be

completed once the end occupier has been identified to ensure the type and number of deliveries can be confirmed.

Summary and Conclusions:

I confirm that I have no objection to this application from a highway perspective.

6.2 Thames Water

Waste Comments:

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

Water Comments:

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends 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.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you are planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

6.3 Lead Local Flood Authority:

The general principles for the surface water drainage proposals are acceptable; we would recommend that further information on the proposals be submitted as part of a more detailed design phase. Therefore, we recommend the following condition:

No development shall take place until a detailed surface water drainage strategy has been provided to the Lead Local Flood Authority, containing the following elements:

- Following the Hierarchy of surface water disposal as set out by SuDs manual. The site does not sit within proximity to a watercourse nor does there appear to be a public surface water sewer located in Horton Road. Due to the high recorded groundwater levels at the site, infiltration devices such as soakaways are not deemed acceptable.
- Confirmation from Thames water is required, confirming they are willing to accept a flow of 2l/s from the site into the public foul sewer located on Horton Road.

6.4 Contaminated Land Officer:

- The review of the previous reports by the applicant's Environmental Consultant reveals that back in 2007 significantly elevated TPH concentrations were identified within the Alluvium deposits and the Shepperton Gravel Member, and in multiple plumes in the groundwater. Gas monitoring detected elevated methane and carbon dioxide concentrations at several locations investigated. The source of these elevated concentrations of TPH was considered to be linked to the former AST. A Detailed Quantitative Risk Assessment (DQRA) indicated that the contamination plume had the potential to extend beyond the Site boundary and migrate towards surface waters close to the Site, thus remediation work was recommended to be undertaken.
- Following the above findings, remediation works were recommended, and an Oxygen Release Compound (ORC) contained in geotextile 'socks' was proposed to be installed in selected boreholes to provide conditions suitable for enhanced aerobic degradation of identified hydrocarbon contamination. These were installed in November 2007 and results of this treatment show that there was no evidence of residual hydrocarbon impact from Plume B. TPH concentrations in Plume C decreased steadily from 16,526 µg/l in 2007 to 883 µg/l in May 2012. Further monitoring was suggested in Plume C to confirm this downward trend.
- In 2014, groundwater monitoring was undertaken in existing monitoring wells BH108 and BH109 exhibited a slight hydrocarbon odour on only one of four monitoring visits. All soil samples analysed were below the adopted Generic Assessment Criteria (GAC) for commercial land use, with respect to petroleum hydrocarbons, PAHs, BTEX and metals/metalloids. It was concluded that there was ongoing TPH impact with respect to Plume C and elevated TPH concentration was detected in BH109. The free phase product concentration was significantly higher than what is deemed acceptable for a Principal Aquifer. Groundwater concentrations of TPH in the vicinity of the former AST were 0.97 mg/l – 38 mg/l, suggesting that there is still contamination of Plume C beneath the Site.

- In 2015, three boreholes were selected for retention during and following remediation works to allow analysis of groundwater quality (validation testing). Hydrocarbon concentrations in locations indicated significant improvement as the works progressed. The chemical analysis undertaken suggested that the remediation reduced dissolved phase TPH concentrations adequately to be protective of the identified controlled waters.
- The 2020 report reviewed all the above findings and made the following recommendations:
 - a. Further environmental and geotechnical investigation beneath the existing building footprint and other previously inaccessible areas to reduce uncertainty and assess contaminant hotspots which were previously accessible. During this further investigation, investigation to confirm the presence or absence of a tank marked on Capita drawings on Jupiter House plot is required.
 - b. Upon completion of the supplementary investigation works, preparation of a Remediation Verification Strategy, to mitigate any unacceptable risks to human health/controlled waters receptors. Any underground tanks will require removal and validation of the subsequent void to confirm the removal of the potential contamination source(s).

Based on the above I recommend the following condition is placed on the Decision Notice:

1. Phase 2 Additional Intrusive Investigation Method Statement
2. Phase 3 Quantitative Risk Assessment and Site-Specific Remediation Strategy
3. Remediation Validation

6.5 Heathrow Safeguarding:

No comments received. should any be received they will be reported on the amendment sheet to committee.

6.6 Berkshire Archaeology

The development application was submitted alongside an archaeological desk based assessment.

This assessment found that a series of developments and re-developments at the site will have had a severely negative impact on the potential for survival of significant archaeological material or features.

Berkshire Archaeology is in agreement with the findings of this assessment and believes that despite the general background potential for archaeological material, it is unlikely significant archaeology will be impacted by these development proposals.

Therefore, in the view of Berkshire Archaeology, should planning permission be granted, then it should be allowed to proceed with no further requirement for archaeological mitigation attached.

6.7 Environmental Quality (Air Quality):

Our threshold for requiring an air quality assessment is 100 AADT within an AQMA. The response suggests there will be 91 vehicle movements however I feel it is quite unlikely that all of these vehicle movements will be travelling through Brands Hill to access the site, so I will not be requesting a detailed air quality assessment. With a previous application, we had requested that operational vehicle routing avoids the AQMA, we requested that no more than 50% of HGVs travelling to and from the facility must access the facility via the M4 Junction 5 and A4 London Road. However, this was to be monitored via ANPR with regular reporting, which I feel is a bit extreme in this case.

The travel plan has details of staff accessing the site but does not consider operational vehicle movements.

The Method Statement and Demolition Environmental Management Plan is acceptable from an AQ perspective

6.8 Environmental Quality (Noise):

The Method Statement and Demolition Environmental Management Plan is acceptable from an environmental noise and AQ perspective

6.9 Environmental Health

The light impact statement doesn't give too much information in terms of impact on residential properties opposite. I just want to confirm that any flood lighting or down lights don't intrude onto the site opposite.

Due to proximity with residential properties they will need to show a plan to manage the rise of dust and how they will mitigate noise

6.10 Landscape Advisor:

The existing site has no soft landscape features or trees of any note within the redline boundary. On the opposite side of the Horton Road is more open land and then a large reservoir.

The proposal seeks to demolish the existing and provide considerably more soft landscape than exists at present.

The detailed landscape plans set the planting the planting scheme with a mixture of native and ornamental trees and shrubs. Following negotiations, the plans have been revised to increase tree sizes and improve the species and the landscaping scheme is now acceptable.

The revised landscape management plan is acceptable.

Recommendation:

No objection.

6.11 Colnbrook with Poyle Parish Council

No comments received.

6.12 Highways England

Having examined the above planning application we have no objection. However, we note that Planning Statement under its heading 'Environmental Health issues' makes recommendation for the Construction Management Plan to be submitted for the construction phase (including demolition). We fully endorse provision of the Construction Management Plan and look forward to being consulted on this document.

6.13 Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

6.14 Economic Development

No comments received.

6.15 Royal Borough of Windsor and Maidenhead

No objection

6.16 Buckinghamshire County Council

No comments received.

6.17 Spelthorne District Council

No objection.

6.18 Surrey County Council

No comments received.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

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

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

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

National Planning Policy Framework 2019:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

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

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 9 (Natural and Built Environment)
- Core Policy 10 (Infrastructure)
- Core Policy 12 (Community Safety)

Local Plan for Slough March 2004 policies:

- CG1 - Colne Valley Park
- EN1 – Standard of Design
- EN3 – Landscaping
- EN5 – Design and Crime Prevention
- EMP2 – Criteria for Business Developments
- EMP9 – Poyle Estate
- T2 – Parking
- T8 - Cycling Network and Facilities

The Emerging Preferred Local Plan for Slough 2016 – 2036:

The Emerging Local Plan is at a relatively early stage of development. Currently of relevance are, (paragraph numbering as per the report):

- 5.4 The Spatial Strategy is just the first part of the Local Plan. It does not contain any policies. A full set of Development Management policies will be included in the final version of the Local Plan. The Spatial Strategy does, however, seek to identify the type of policies that may be needed in order to implement the proposals and mitigate any adverse impacts....
- 5.6 The starting point for the development of the Spatial Strategy was the work carried out for the Issues and Options consultation in 2017. This identified a number of options for development. The conclusions from this were that there are “no reasonable options, or combinations of options which could accommodate all of Slough’s housing and employment needs within the Borough”.
- 5.7 An “emerging” Preferred Spatial Strategy was agreed in 2018. The five key elements of this were:
- Delivering major comprehensive redevelopment within the “Centre of Slough”;
 - Selecting other key locations for appropriate development;
 - Protecting the built and natural environment of Slough including the suburbs;
 - Accommodating the proposed third runway at Heathrow and mitigating the impact;
 - Promoting the northern expansion of Slough in the form of a “Garden Suburb”.
- 5.8 It is proposed that the revised Spatial Strategy should be based upon this subject to a number of changes which take account of changes in circumstances.
- 5.9 ...the most appropriate approach is to revert back to restraining development in order to protect the Green Belt, Colne Valley Park and Strategic Gap between Slough and Greater London.
- 5.10 Although we cannot formally safeguard land that may be needed for the expansion of Heathrow and associated development, this approach will effectively achieve this. Any future proposals for the expansion of the airport can then be considered in a review of the Local Plan.
- 5.11 The Wider Area Growth Study is seeking to identify major sites that could accommodate unmet housing and employment needs. The area of search includes the Colnbrook and Poyle. As a result we may have to reconsider what happens to this area if the Consultant’s report recommends that development should take place there.
- 5.12 ...the main principle behind Spatial Strategy remains one of delivering major comprehensive redevelopment within the “Centre of Slough”. No change is therefore proposed to this.

7.2 The planning considerations for this proposal are:

- Land Use
- Impact on Visual Amenity
- Impact on neighbouring properties
- Traffic and Highways Implications
- Air Quality
- Surface water drainage
- Land Contamination
- Impact on biodiversity and ecology
- Sustainable Design and Construction
- Section 106 Requirements
- Equalities Considerations
- Presumption in favour of sustainable development

8.0 Land Use

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

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

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

8.4 The site is located within the defined Poyle Estate Business Area. The proposal would see a 588 square metre increase in employment floor space (existing: 6743 square metres; proposed: 6320 square metres) to provide the following uses:

- Light Industrial [E(g)(iii) Use Class]
- General Industrial [B2Use Class]
- Storage and Distribution [B8Use Class].
- Ancillary Offices

These land uses fall within the uses sought by Local Plan Policy EMP9, and subject to restricting these uses to those specified, the proposed land uses would comply with the Development Plan for this location. The proposal would build on the strength and potential of this Business Area and is therefore considered to comply with the relevant objectives of the National Planning Policy Framework.

8.5 Based on the above the proposed land use would be acceptable.

9.0 Impact on Visual Amenity

- 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 Policy EN1, EN3, and EMP2. Policy CG1 states that is within the built up area of the Colne Valley Park, any development that would have a significant visual impact on the Park should be appropriately mitigated.
- 9.2 The proposal includes the demolition of Valerie House which is a detached three storey building to the west (approximately 4,191 square metres) and Jupiter House which is a three storey building to the east approximately 2,541 square metres. These buildings would be replaced by 2 x two storey buildings. The building on the west being at a similar height to Valerie House (proposed roof ridge at 13.75 metres), and the building to the east being higher than Jupiter House (proposed roof ridge at 11 metres). They would be positioned closer to the highway by developing on the existing service road / bay at the front of the site and closer to the western boundary. The front building line with the neighbouring building to west would be retained, while to the east the proposal would extend slightly forward of the neighbouring building line.
- 9.3 The existing character on the northern side of the Horton Road is already industrial in nature. On the southern side, the character is very much different. The land is designated as, Green Belt, Strategic Gap, and open areas of Colne Valley Regional Park. The proposed buildings would be sited closer to the highway and these designations, and the building height would be increased. Notwithstanding the siting and height of the building, officers consider there are other important factors that need to be noted. These include, the relatively large separation distance between the two proposed buildings (approximately 48 metres) to facilitate the vehicular access and loading bays, which provides important space and visual relief. In terms of separation distance from neighbouring boundaries, this would be closer. Given the western neighbouring is well set back, the eastern neighbouring building is splayed and set back, and views at the rear would be extremely limited, the resulting visual relationships is considered to be appropriate. The introduction of soft landscaping and tree planning along the highway boundary provides important softening effect within the immediate streetscene. Finally, the proposed buildings offer some visual interest by incorporating two storey office projections to the front with feature entrance, architectural detailing such brise soleil to many of the windows, and a mixture of textures in the aluminium cladding. When considering these design interventions, the proposal, when viewed from the south would appear visually compatible within the streetscene and would not result in unacceptable visual impacts on the Green Belt, Strategic Gap, or open areas of Colne Valley Regional Park.
- 9.4 The proposal would result in the loss of the existing mature trees along the western boundary. These trees would not merit a Tree Preservation Order, and given they are within the site and significant new tree planting is proposed in a more prominent position to the front of the site, no objections are raised in this regard.

- 9.5 The proposed site would incorporate a good level of soft landscaping when compared to the existing situation. 13 new trees along highway (11 x Hornbeam tress at 20 – 25 cm width and 2 x 2 x Hornbeam tress at 14 – 16 cm width) along with densely planted beds and hedges. Relatively small but important pieces of landscaping comprising trees and dense shrubbery would also be positioned within the site. The proposed landscaping and tree planting would provide benefits to the appearance of the proposal and the surrounding area, and ecological net gains (including Hebe Rakaiensis which attract Bumble Bees).
- 9.6 Following negotiations between The Council's Landscape Advisor and the Agent, larger trees as specified above have been provided, along with more appropriate species (as specified above), detailed tree pit design, and an improved management strategy. The landscaping scheme is now acceptable and provides a good degree of mitigation toward the increased built form in the streetscene and in relation to Colne Valley Regional Park.
- 9.7 The hard standing areas would comprise finished concrete to the HGV service area and external storage areas; grey tarmac for the roadway; grey block pavers to the parking and pedestrian areas; and grasscrete access to the substations / switch rooms. External storage areas would be fenced with 2.4 metre high weldmesh fencing. Three lighting columns are also proposed along with nine wall mounted luminaires on the proposed building. These are all considered visually appropriate given the business / industrial character of the surrounding area.
- 9.8 Based on the above, the proposal would have an acceptable impact on the character and visual amenity of the area and therefore comply with Policies CG1, EN1, EN3, and EMP2 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2019.

10.0 Impact on neighbouring properties

- 10.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EMP2.
- 10.2 The site is located within a defined Business Area. The neighbouring land uses to the north, east and west are all used for business purposes. On the southern side of Horton Road is the Poyle Park Private Estate which comprises a number of residential static homes. The proposed building would be positioned approximately 40 metres (min) from the closest north elevation of the static homes which is ample distance to prevent any unacceptable overbearing impact, loss of daylight, and loss of privacy. Due to the proposed northern orientation from these dwellings, no concerns are raised regarding loss of sunlight / overshadowing.
- 10.3 The application is for a 24 hour operation for all the uses applied for. A noise report has been submitted with the application which has measured likely

predicted noise levels in terms of industrial use and storage and distribution. The existing use does not have any restrictions in place via planning conditions. The submitted noise report includes noise survey to measure the background noise levels (day and night) that was undertaken between 3rd and 8th September, 2020. As this was taken during the COVID 19 Pandemic, it would be reasonable to assume the background noise levels recorded were lower than what they would normally be. The results of the noise report concludes that the proposed likely noise levels (including mitigation) when taken from the nearest residential receptor would fall below the measured background noise levels and therefore would not cause unacceptable impacts on neighbouring residential amenity. This has been assessed by the Council's Environmental Quality Officer who agrees with these findings. The mitigation which includes the fabric make up of the building and choice of mechanical plant can be secured by condition.

- 10.4 To the east, the proposal would result in an increase of mass near the common boundary. The eastern neighbouring building is two storeys in height with ground and first floor windows western side facing windows. The building appears to be accommodated by a shipping / national / international courier company. A certificate of lawfulness confirmed the use of the building as offices in 2002.
- 10.5 The local planning authority consider that impact on office working environments should be given less weight compared to residential living environments. Regard should also be given to the fact the neighbouring side facing windows are positioned close to the common boundary with the application site (approx. 4.5 metres) and therefore the space within its own curtilage to provide a sense of private outlook / daylight / sunlight is already limited. The proposed building would be set away from the common boundary within its own curtilage by approximately 6 metres (min) and up to approximately 12 metres which is an acceptable compromise that would continue to allow these windows to be served by an appropriate amount of outlook / daylight / sunlight given the circumstances and its use.
- 10.6 Toward the northeast, north, and west, the proposed buildings would be positioned close to the neighbouring boundaries where although this is currently the case in some instances, there would be an increase in mass in such a relationship. The increased impacts would be largely limited to windowless building elevations, functional areas within the estate used by staff and visitors. While it is acknowledged there would be an overbearing impact in such areas, it would not result in unacceptable impacts on the commercial / business use of these properties
- 10.7 To the northwest, the proposal would be sited closer Scandata House which appears to be in use as a Warehouse (B8 Use Class) as permitted in 2001 (ref P/11375/000). There would be an increased impact on the windows to the front of this building (south facing), but appropriate distance would be retained to prevent unacceptable impacts given the use of Scandata House.
- 10.8 Based on the above, the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EMP2 of the Adopted Local Plan and the requirements of the National Planning

11.0 Traffic and Highways Implications

- 11.1 The National Planning Policy Framework 2019 requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods, and provide facilities for electric vehicle charging. This is reflected in Core Policy 7 and Local Plan Policies T2, T8, EMP2 and EMP9. The National Planning Policy Framework states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 11.2 Core Policy 7 of the Core strategy and Local Plan Policy T2 seek no overall increase in the number of parking spaces in commercial schemes in this area. Core Policy 7 of the Core strategy provides a relaxation to this if additional parking is required for local road safety or operational reasons. Part 3 of the Developer’s Guide contains the following parking standards for this proposal in this location:

	Policy	Policy Requirement for 7,305m2	Proposed
Light Industry			
Car Spaces	No overall increase	24	113
Lorry Spaces	Min. 1 to 500sqm up to 2,000sqm, then 1 to 1,000sqm	9	8
Cycle spaces	Min. 1 to 250sqm	29	60
B2 Industrial			
Car Spaces	Min. 1 to 50sqm	146	113
Lorry Spaces	Min. 1 to 500sqm	14	8
Cycle spaces	Min. 1 to 250sqm	29	60
B8 Warehousing			
Car Spaces	Min. 1 to 200sqm	37	113
Lorry Spaces	Min. 1 to 500sqm up to 2,000sqm, then 1 to 1,000sqm	9	8
Cycle spaces	Min. 1 to 500sqm	14	60

11.3 Parking:

The existing site contains 24 car parking spaces. The application proposes a total of 113 parking spaces (including 6 x wheelchair accessible bays) comprising 71 marked parking spaces and an additional 42 spaces marked on yard areas across the site. Based on the above, if the proposal were to comprise entirely of B2

Industrial floor space, there would be a shortfall in parking of 33 car parking spaces. The local highway authority has raised concerns over this shortfall. A TRICS survey sites used to calculate parking accumulation has since been submitted and the local highway authority are satisfied this demonstrates enough parking is proposed in for the proposed development in this location. The additional car parking provided on-site is well over and above the existing provisions which is considered to result in a betterment and a more appropriate level of car parking for the site uses.

- 11.4 The proposal does not meet the development plan guidance for HGV parking, but the local highway authority has assessed this and raised no objection in this regard.
- 11.5 Cycle parking comprising 3 secure stores each containing 20 cycle parking spaces are proposed. The local highway authority has agreed this is acceptable, and details of the store should be secured by condition.
- 11.6 Based on the above, the vehicle parking on the site would be acceptable.
- 11.7 *Access:*

A Transport Statement has been submitted with the application which uses Census dated and record from a similar site (TRICS) which forecasts that the proposal will generate 69 two-way car trips (46 arrivals plus 23 departure) during the AM peak hour, 46 two-way car trips (11 arrivals plus 34 departures) during the PM peak hour. Across the 12-hour day (07:00 – 19:00) there would likely be 696 two-way car trips (345 arrivals plus 361 departures).

- 11.8 For HGVs, the forecast is 5 two-way trips (2 arrivals plus 3 departures) during the AM peak hour, 42 two-way car trips (1 arrival plus 1 departure) during the PM peak hour. Across the 12-hour day (07:00 – 19:00) there would likely be 47 two-way car trips (23 arrivals plus 24 departures).
- 11.9 The Local Highway Authority has assessed both the method used to calculate this trip generation and its impacts on the highway network and have raised no objection as the impact on highway capacity would likely be negligible. In addition Highways England have raised no objection and have requested to be consulted on a construction management plan.
- 11.10 The application proposes to rationalise the existing accesses into the site via a single access point. Revised plans have since been submitted to demonstrate a 16.5m articulated vehicle can access the site which is acceptable to the local highway authority. A Stage 1 Road Safety Audit of the proposed access has been produced which has recommended some minor changes to the access and this has been set out in revised plans.
- 11.11 The changes to the access would need to take place through a highways agreement and also require the dedication of the land to create a widened public footway. These will need to be secured through a Section 106 agreement.

- 11.12 The proposal accommodates appropriate provision for servicing. A construction management plan should be secured by condition.
- 11.13 Based on the above, the proposal is considered to be consistent with Core Policy 7 of the Local Development Framework Core Strategy and Policies T2, T8, EMP2 and EMP9 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework, subject to the completion for the section 106 to secure the requirement for the highways agreement, adoption of land as public highway, and Travel Plan Monitoring.

12.0 Air Quality

- 12.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. Proposal should not result in unacceptable levels of air pollution. This is reflected in Paragraph 181 of the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 12.2 The Council has recently adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic and requiring electric charging points within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.
- 12.3 The site is not located within a designated Air Quality Management Area; however there are a number of Air Quality Management Areas within the site, both within Slough and within the neighbouring boroughs of Spelthorne and Hillingdon. The proposal would likely result in 91 annual average daily traffic movements which is less than the 100 annual average daily traffic movements as required by the Council's The Low Emission Strategy to trigger an air quality assessment.
- 12.4 However, given the scale of the development, the following mitigation is sought by the Low Emission Strategy and is secured by condition and where appropriate the section 106:
- Securing the proposed 6 Electric Vehicle charging units to serve 12 parking spaces by condition
 - Securing a Construction Environmental Management Plan (CEMP) by condition
 - Securing the submitted the Method Statement and Demolition Environmental Management Plan
 - All heating systems shall meet the emission standards laid out in Table 7 of the LES Technical Report, secured by condition
 - The Travel Plan shall be monitored and include details of the promotion of electric vehicle use and usage of the EV charging infrastructure to be an

obligation within the section 106.

- 12.5 Exposure to sensitive receptors has been assessed by the Council's Air Quality Officer. The residential occupiers within static caravan in the Poyle Park Private Estate are positioned approximately 25m from the road which is sufficient distance to prevent significant exposure issue at the residential facades. This is supported by recent monitoring data from 2019 close to the site which indicates that NO₂ concentrations are below 40ug/m³ on Horton Road and would therefore be far below the air quality objective at the residential facades
- 12.6 Based on the above, the proposal would comply with Core Policy 8 of the Core Strategy and the requirements of the National Planning Policy Framework 2019.

13.0 Surface water drainage

- 13.1 Paragraph 165 of the National Planning Policy Framework requires major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Core Policy 8 of the Core Strategy requires development to manage surface water arising from the site in a sustainable manner.
- 13.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.
- 13.3 The application includes a drainage strategy which has been assessed by the Lead Local Flood Authority who agree the general principles for the surface water drainage proposals are acceptable; and have recommended a condition to secure the detailed design.

14.0 Land Contamination

- 14.1 The site is identified as medium risk of being contaminated. The Council's contaminated land officer has assessed the submitted environmental report and recommended conditions to secure further investigational work. The conditions have been added to the list.

15.0 Impact on biodiversity and ecology

- 15.1 Paragraph 170 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.
- 15.2 The application site does not fall within a designated Special Protection Areas, Special Areas of Conservation or Site of Special Scientific Interest and is not an agricultural building or barn. Approximately 120m to the south is the Wraysbury Reservoir Site of Special Scientific Interest and approximately 250m to the south-east is the Staines Moor Site of Special Scientific Interest.

- 15.3 The site does sit within an Impact Risk Zone in relation to the Wraysbury Reservoir SSSI. The conservation objectives for the Wraysbury SSSI is to maintain and where required restore a number of bird species (wintering Cormorants including *Phalacrocorax carbo*, Great Crested Grebe *Podiceps cristatus* and Shoveler) of with particular reference to open water and surrounding marginal habitats. The Wraysbury Reservoir Impact Risk Zone scopes the types of developments which may affect the SSSI to:
- 'Large non residential developments outside existing settlements/urban areas where net additional gross internal floorspace is more than 1,000m² or footprint exceeds 0.2ha.'
 - 'Large infrastructure such as warehousing / industry where net additional gross internal floorspace is more than 1,000m² or any development needing its own water supply
- 15.4 The proposal is within an existing settlement and the net additional floorspace would not exceed 1,000 square metres. The development would need its own water supply. The submitted ecology report notes:
- confirmation should be sought from the appropriate service provider that sufficient capacity is available to serve the development from the existing mains provision, subject to which, no adverse effects would be anticipated in terms of water supply on offsite designations (which in any event are noted to comprise man-made water supply reservoirs).
- 15.5 The Ecology Report asserts the proposal would be unlikely to cause adverse effects on the local ecology, when considering in the context of the existing use and neighbouring uses within an existing industrial estate and the statutory designations in the surrounding area..
- 15.6 Natural England have commented on the application and stated that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
- 15.7 In terms of on-site habitats, the existing site largely comprises existing buildings and hardstanding, with small areas of planting / trees / shrubs. These have been assessed by the Applicant's Ecologist and are not considered to be of ecological importance. It is anticipated that the proposals would not result in the loss of any habitats at the site. It is therefore concluded the proposals would have a negligible impact on the ecology within the area. However, the Applicant's Ecologist does acknowledge that there is some potential for bird nesting at the site and has recommended the clearance of the amenity planting at the south-west boundary deso not take place during the bird-nesting season.
- 15.8 In addition to the above, other precautionary mitigation measures are proposed to protect potential protected species which may not have been observed during the survey, and also to prevent the spread of invasive species found within the site.

The mitigation measures can be secured by condition. In addition, it is recommended the watercourse is not subject to adverse changes in surface water run-off or quality. This will be also subject to a separate condition drainage condition, where SuDS will not be appropriate given the high level of the water table (see comments from the Lead Local Flood Authority).

15.9 The net gains in biodiversity are provided by the significant increase of planting on the site which include, Hebe Rakaiensis which attract bees and other pollinating insects. Given the quantity of landscaping that would replace the areas to be lost, together with the ecologically focused planting; the proposal is considered to result in net gains for biodiversity.

15.10 Based on the above, the proposal would satisfy Core Policy 9 of the Core Strategy and the National Planning Policy Framework.

16.0 Sustainable Design and Construction

16.1 The application proposes to achieve a 20% reduction in carbon emissions from the 2016 Building Regulation standards as well as achieving a 'BREEAM 'Excellent' rating. This would exceed with the development plans requirements of 10%. This would be achieved by PV Panels and Air Source Heat Pumps. A condition is included to ensure are submitted before occupation.

17.0 Section 106 Requirements

17.1 A Section 106 will be required for the following:

- a) To enter into a highways agreement for the highway works
- b) Dedication of private land as public highway
- c) To secure and monitor the travel plan

The above should be secured through a Section 106 Agreement before this planning permission is granted.

17.2 Based on the information assessed, such obligations are required to ensure the proposal would have acceptable impacts on the highway network in order to comply with Core Policy 7 of the Local Development Framework Core Strategy and Policies T2, T8, EMP2 and EMP9 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework. The obligations would comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:

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

18.0 Equalities Considerations

18.1 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).

18.2 The proposal would provide a new employment facility that would provide employments opportunities. 6no. Wheelchair accessible parking spaces are proposed which is consistent with the Manual for Stress guidance. Wheelchair access from these spaces up to the main entrance can be achieved where the door sets and internal corridors are appropriately sized for wheelchair accessibility. At ground floor a wheelchair accessible W.Cs. and showers. Provision is made for lifts in three of the units or future lifts should the occupier require installation in the other units. All accommodation stairs will be designed to cater for ambulant disabled persons.

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

18.4 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.

19.0 Presumption in favour of sustainable development

19.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver "sustainable development." The report identifies that the proposal would comply with the relevant policies in the Development Plan. The application is therefore recommended for approval subject to conditions and completion of the section 106.

20.0 PART C: RECOMMENDATION

20.1 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 to secure the following:

- a) To enter into a highways agreement for the highway works
- b) Dedication of private land as public highway
- c) To secure and monitor the travel plan

2) agreement of the pre-commencement conditions with the applicant/agent;

4. finalising conditions; and any other minor changes.

B) Refuse the application if the above have not been finalised by 14th July 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

21.0 PART D: LIST CONDITIONS AND INFORMATIVES

Not yet finalised or agreed with Agent

1. Commence within three years

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

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

2. Approved plans

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

- a) Drawing No. 100 Rev A; Dated Dec 20; Rec'd 31/03/2021
- b) Drawing No. 101 Rev A; Dated Dec 20 (Rev A March 21); Rec'd 31/03/2021
- c) Drawing No. 102; Dated Dec 20; Rec'd 15/01/2021
- d) Drawing No. 103; Dated Dec 20; Rec'd 15/01/2021
- e) Drawing No. 104; Dated Dec 20; Rec'd 15/01/2021
- f) Drawing No. 105; Dated Dec 20; Rec'd 15/01/2021
- g) Drawing No. 106; Dated Dec 20; Rec'd 15/01/2021
- h) Drawing No. 107; Dated Dec 20; Rec'd 15/01/2021
- i) Drawing No. 108; Dated Dec 20; Rec'd 15/01/2021
- j) Drawing No. 102; Dated Dec 20; Rec'd 15/01/2021
- k) Drawing No. 2004051-TK07 Rev E; Dated 26/03/2021; Rec'd 31/03/2021
- l) Drawing No. 200 Rev B; Dated Dec 20 (Rev B 01/04/2021); Rec'd 01/04/2021
- m) Drawing No. 201 Rev B; Dated Dec 20 (Rev B 01/04/2021); Rec'd 01/04/2021
- n) Drawing No. 202 Rev A; Dated Dec 20 (Rev A 31/03/2021); Rec'd 31/03/2021
- o) Drawing No. 204 Rev A; Dated Dec 20 (Rev A 31/03/2021); Rec'd 31/03/2021
- p) Streetlife Brochure (2 pages); Rec'd 31/03/2021

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

3. Ecology

The development hereby approved shall be carried out in accordance with the Mitigation Measures and Biodiversity Net Gains set out in Chapter 6 of the

REASON: In the interests of the preservation of natural habitats and safeguarding protected species in accordance with Core Policy 9 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework 2019

4. Phase 2 Additional Intrusive Investigation Method Statement

Following the findings of the Geo-Environmental Assessment (Project No. 20-0241.01), dated October 2020, and prepared by Delta-Simons Environmental Consultants Limited, remaining uncertainty and further potential contamination hotspots must be investigated further before any development works shall not commence. Thus, an Intrusive Investigation Method Statement (IIMS) has to be submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA C665 & C552 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

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

5. Phase 3 Quantitative Risk Assessment and Site-Specific Remediation Strategy

Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the additional intrusive investigation. The risk assessment shall be prepared in accordance with the Land Contamination: Risk Management (LCRM) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that 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.

6. Remediation Validation

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

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

7. Surface Water Drainage

No construction works shall take place until a detailed surface water drainage strategy has been submitted to the Local Planning Authority for approval pursuant to the following submitted documents:

- a) Flood Risk assessment and Outline Drainage Strategy by Baynham Meikle Partnership Ltd Dated December 2020
- b) Proposed Drainage Strategy by Baynham Meikle Partnership Ltd dated December 2020
- c) Micro Drainage Calculations Baynham Meikle Partnership Ltd Dated December 2020
- d) Thames Water Correspondence

The Surface Water Drainage Strategy shall contain the following elements:

- I. The Strategy shall follow the Hierarchy of surface water disposal as set out by SuDs manual.
- II. Confirmation from Thames water confirming they are willing to accept a flow of 2l/s from the site into the public foul sewer located on Horton Road.
- III. Whole life management and maintenance of the drainage system

The approved surface water drainage scheme shall be fully implemented before the development hereby approved is substantially completed and be retained in good working order for the lifetime of the development hereby approved.

REASON To prevent the risk of flooding in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development

Plan Document policies, and the requirements of National Planning Policy Framework 2019.

8. Construction Traffic Management Plan

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

- a) Construction access
- b) Vehicle parking for site operatives and visitors
- c) Loading/off-loading and turning areas
- d) Site compound
- e) Storage of materials
- f) A strategy for the management of construction traffic to and from the site together with details of parking/ waiting for demolition/ construction site staff and for delivery vehicles
- g) Precautions to prevent the deposit of mud and debris on the adjacent highway
- h) Construction vehicles to be a minimum Euro 6 Standard
- i) The route of construction traffic to the development avoiding residential areas

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

REASON: To minimise danger and inconvenience to highway users and in the interest of air quality in accordance with Core Policy 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

9. Working Method Statement

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

- a) Control of noise
- b) Control of dust, smell and other effluvia
- c) Control of surface water run off
- d) Proposed method of piling for foundations
- e) Construction working hours, hours during the construction phase, when delivery vehicles taking materials are allowed to enter or leave the site
- f) NRMM to meet Stage IV of the Directive as a minimum and in accordance with Table 10 of the Slough Low Emission Strategy (LES) 2018 – 2025 Technical Report

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

10. Samples of materials

Prior to any construction works above ground floor slab taking place, a virtual materials pallet (including, reference to manufacturer, specification details, rust proofing, and positioning on building) to be used in the construction of external envelope, and the appearance of the vehicle barrier shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

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

11. Noise mitigation

a) Prior to any construction works above ground floor slab taking place, details of the:

- a) Rw 32 dB profiled steel built-up cladding system on walls and roof
- b) Rw 21 dB roller shutter doors,

pursuant to the submitted noise report shall be submitted to and approved in writing by the Local Planning Authority.

b) Prior to the occupation of each unit, a noise report and any required mitigation shall be submitted and approved in writing by the Local Planning Authority for each unit providing details of mechanical plant with a sound power level of no more than LWA 70 dB.

The development shall be carried out in accordance with the approved detailed prior to first operation of each unit.

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

12. External Site Lighting

No part of the development hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, hours of use, and illuminance levels including on the neighbouring land and structures to the south. The scheme shall demonstrate there would be no unacceptable increase in light on neighbouring habitable windows over the ambient background lighting.

The development shall be carried out in full accordance with the approved details prior to first occupation and shall be retained as such at all times in the future. No

lighting shall be provided at the site other than in accordance with the approved scheme.

REASON In the interests of safeguarding the amenities of neighbouring properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN5 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019.

13. Sustainable Development Design Stage Certificate

Prior to the first use of the development hereby approved a Design Stage Certificate shall be submitted to and approved by the Local Planning Authority confirming that the development has been designed to achieve a standard of BREEAM Excellent (or equivalent standard).

REASON In the interest of sustainable development in accordance with policy 8 of the Core Strategy of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

14. Sustainable Development Post-Construction Review Certificate

Within 6 months of the development hereby approved being brought into first use a Post-Construction Review Certificate confirming the development hereby approved has been constructed so as to achieve a standard of BREEAM Excellent (or equivalent standard) shall be submitted to and approved the Local Planning Authority.

REASON In the interest of sustainable development in accordance with policy 8 of the Core Strategy of the Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

15. Boundary treatment

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

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

16. EV Charging

No part of the development shall be brought into use until at least 12 electric vehicle charging bays with 6 electric vehicle charging points shall be implemented in full working order. The EV charging points must have at least a 'Type 2' sockets, be Mode 3 enabled EV charging units and be rated at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase). The electric vehicle fast charging bays and points shall be installed and maintained in accordance manufacturer's requirements, and be made available at all times in the future in association with the development hereby permitted

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

17. Cycle Parking

The development hereby approved shall not be occupied until details of the secure cycle storage have been submitted to and approved the Local Planning Authority. The approved cycle stores shall then be fully completed and be made available at all times in the future in association with the development hereby permitted

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

18. Landscaping

The following approved landscaping scheme shall be carried out no later than the first planting season following completion of the development:

- a) Drawing No. 200 Rev B; Dated Dec 20 (Rev B 01/04/2021); Rec'd 01/02/2021
- b) Drawing No. 201 Rev B; Dated Dec 20 (Rev B 01/04/2021); Rec'd 01/04/2021
- c) Drawing No. 202 Rev A; Dated Dec 20 (Rev A 31/03/2021); Rec'd 31/03/2021
- d) Drawing No. 204 Rev A; Dated Dec 20 (Rev A 31/03/2021); Rec'd 31/03/2021
- e) Streetlife Brochure (2 pages); Rec'd 31/03/2021

Within a five year period following the implementation of the above landscaping scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019

19. Landscape management plan

The development hereby approved shall be carried out in accordance with the Landscape Management and Maintenance Plan by PRC Rev A; Dated December 2020; Rec'd 31/03/2021 for the lifetime of the development.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Core Policy 8 of The Slough Local Development Framework,

Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy EN3 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019

20. Vehicle access gates

No vehicle access gates, roller shutters doors or other vehicle entry barriers other than those hereby approved shall be installed without first obtaining permission in writing from the Local Planning Authority.

REASON In order to minimise danger, obstruction and inconvenience to users of the highway and of the development in accordance with Core Policy 7 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.

21. External site lighting

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

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

22. Ancillary offices

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

REASON In order ensure that independent offices which are high intensive employment generating uses, are directed towards the Town Centre to promote the long-term vitality and viability of the Town Centre, and to ensure offices are located in the most sustainable locations, in order to comply with Local Plan Policy EMP9, Core Policies 1, 5 and 7 of The Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

23. No change of use

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

REASON In order protect the amenities of the area and to ensure an appropriate use within a defined business area comply with Core Policies 5 and 8 of The Core

Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

24. No change of use to residential

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the land uses hereby permitted falling within E(g)(iii), B2, and B8 as defined by Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order with or without modification) shall not be used for any residential purposes falling with the C3 Use Class as defined by Town and Country Planning (Use Classes) Order 1987 (as amended)) (or any Order revoking or re-enacting that Order with or without modification).

REASON: to prevent the loss of employment uses and to prevent poor living conditions by virtue of using of buildings which are not design coded for residential purposes in accordance with Core Policies 4, 5, and 11 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework (2019).

25. No additional floor space

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

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

26. Facilities – **Note on Plans**

No part of the development shall be occupied until the W.C and shower facilities as shown on the approved plans have been provided for the future occupiers. The W.C and shower shall be made available for all employees of each unit retained in good working order at all times in the future.

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

27. Gas-fired boilers emissions

All gas-fired boilers within the development hereby approved shall be Individual gas fired boilers with Nitrogen Oxides emission standard of <40mgNOx/kWh.

The development shall be carried out in full accordance with these details prior first occupation shall be retained in good working order at all times in the future.

REASON to provide mitigation towards the impacts on air quality 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.

27. Energy Strategy

No part of the development shall be occupied until details of the location, quantity and performance of PV Panels and location, capacity and performance of the Air Source Heat Pumps to achieve at least 20 % of the developments carbon emissions as defined by the Building Emission Rate (Building Regs Part L).

The approved details shall be fully installed in full order prior to first occupation and retained in good working order at all times in the future.

REASON In the interest of sustainable development in particular reducing carbon emissions and in accordance with policy 8 of the Core Strategy 2008.

28. Car parking

The parking spaces as shown on the approved plans shall be provided on site prior to occupation of the development and retained at all times in the future for the parking of motor vehicles in connection with the approved development.

REASON To ensure that adequate on-site parking provision is available to serve the development to prevent highway congestion and safety issues by overspill of parking onto the surrounding streets in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004, and the requirements of the NPPF 2019.

29. Access

The vehicular access and highway works to the site shall be constructed and made available for use in accordance with the approved plans prior to first occupation of the development hereby approved.

REASON To ensure that adequate access provision is available to serve the development to prevent highway congestion and safety issues and to protect the amenities of the area in accordance with Core Policy 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004 and the requirements of the NPPF 2019.

Remaining Conditions TBC due to changes required and consultations yet to be received :

INFORMATIVES:

1. Highways:

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

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

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.

The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.

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.

2. Soakaways:

The site does not sit within proximity to a watercourse nor does there appear to be a public surface water sewer located in Horton Road. Due to the high recorded groundwater levels at the site, infiltration devices such as soakaways are not deemed acceptable.

3. Thames Water:

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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.

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

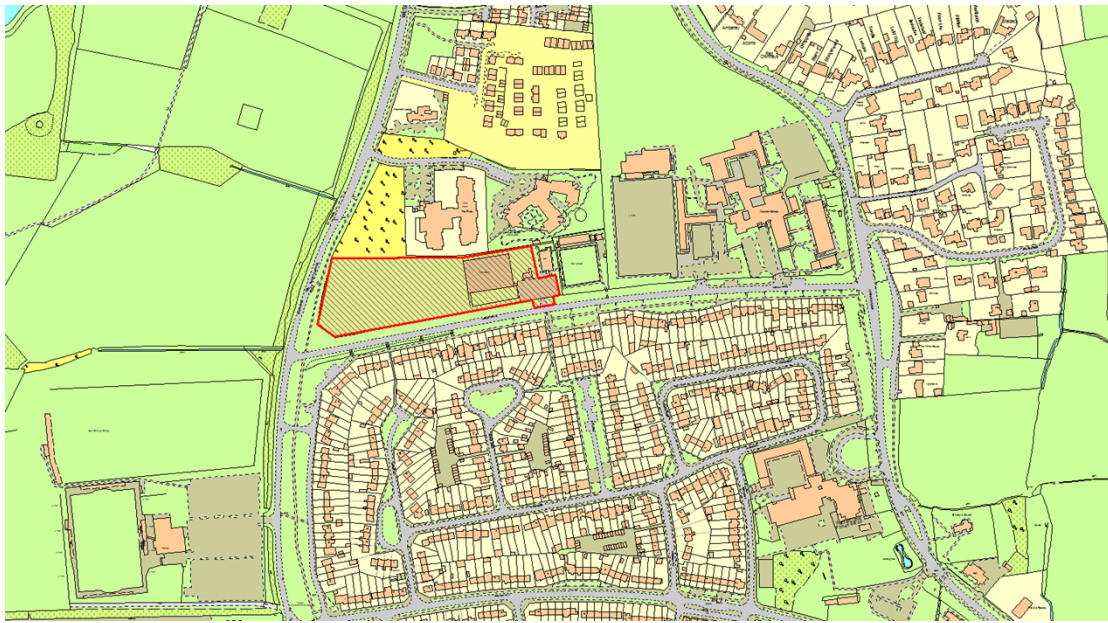
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. The Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
5. All works and ancillary operations during both demolition and construction phases which are audible at the site boundary shall be carried out only between the hours of 08:00hours and 18:00hours on Mondays to Fridays and between the hours of 08:00hours and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays.
6. Noisy works outside of these hours only to be carried with the prior written agreement of the Local Authority. Any emergency deviation from these conditions shall be notified to the Local Authority without delay.
7. During the demolition phase, suitable dust suppression measures must be taken in order to minimise the formation & spread of dust.
8. All waste to be removed from site and disposed of lawfully at a licensed waste disposal facility.
9. Planning Obligations

An Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

Registration Date:	20-Jul-2018	Application No:	P/04144/009
Officer:	Howard Albertini	Ward:	Wexham Lea
Applicant:	N/A, Slough Urban Renewal	Application Type:	Major
		13 Week Date:	19 October 2018
Agent:	Kenya Hill, Indigo Planning Aldermay House, 10-15 Queen Street, London, EC4N 1TX		
Location:	Land north of Norway Drive, Slough, SL2 5QP		
Proposal:	Development comprising 24 residential dwellings (10 x 2 bed, 14 x 3 bed), along with private amenity space, garages, cycle and refuse storage, new access driveway and road, associated landscaping and enhanced open space		

Recommendation: Delegate to Planning Manager for Approval



Number P/04144/009

1.0 **SUMMARY OF RECOMMENDATION**

Delegate to Planning Manager for approval.

PART A: BACKGROUND

2.0 This application was agreed by Planning Committee in December 2018 subject to completion of a Section 106 Agreement within 6 months. That period was subsequently extended. The draft agreement had been agreed by the applicant during 2019 but Wexham Court Parish Council chose not to sign it at that time. The reason for this is below. However they will now sign it.

2.1 The application is being presented to Planning Committee again because of the time that has elapsed since the original decision and for reasons of transparency bearing in mind the Council is the freeholder of the development site and the applicant, Slough Urban Renewal, is the Council's joint venture partner.

2.2 The proposed scheme has not changed other than some minor layout details to resolve outstanding matters when the application was first presented to Committee. There are no policy changes since the original December decision relevant to the application.

2.3 Regarding previous decisions at its 5th December 2018 meeting the Planning Committee resolved as follows :

Delegated to the Planning Manager for approval, subject to a S106 and conditions, or for refusal if the S106 was not completed by 4th June 2019.

2.4 At its 29th May 2019 meeting the Planning Committee resolved as follows :

Delegated to the Planning Manager for approval, subject to the satisfactory completion of a S106 and conditions, or for refusal if the S106 was not completed by 30th September 2019, unless this date be otherwise agreed by the Planning Manager, in consultation with the Chair of the Planning Committee.

2.5 Subsequently the Chair agreed to extend the time period more than once and the current extension runs to 30th June 2021,

2.6 Subsequent to the resolution of some highway technical matters during the first few months of 2019 the main reason for the delay

since the May 2019 Committee has been resolution of a disagreement between the Council as freeholder and Wexham Court Parish Council as leaseholder relating to a property matter – the Parish had originally agreed to give up their lease of the development site subject to certain terms. However that did not happen when expected. Members will recall that composition of the Parish changed in May 2019. That property matter has now been resolved without the matter being settled via the Courts. The Parish are expected to sign the 106 agreement before the end of June but the new recommendation provides for a longer period, to the end of September, to give some leeway if needed. The Parish need to sign the Section 106 as owner of the retained land which will benefit from open space enhancements associated with the residential development proposed.

- 2.7 The previous reports are attached as background information.
- 2.8 Some drawing numbers will be updated on the meeting amendment sheet reflecting submissions made last year re minor outstanding matters.

PART C: RECOMMENDATION

Recommendation

Delegated to the Planning Manager for approval, subject to the satisfactory completion of a S106 planning obligation and conditions, or for refusal if the S106 is not completed by 30th September 2021, unless this date be otherwise agreed by the Planning Manager, in consultation with the Chair of the Planning Committee.

PART D: LIST OF CONDITIONS.

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

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

- 2. Approved Plans

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

[NOTE : some drawings to be updated re revised access, hedge removal etc, phasing or those drawings treated as not approved and associated conditions to be revised to provide for submission of details post decision]

151336 STL

site location plan P_001 Rev A
site existing levels P_002 Rev A
context site plan P_005 Rev B
site plan ground floor P_010 Rev E
roof plan P_011 Rev B
parking & bin strategy P_012 Rev B
house type plans & elevations type A P_020 Rev C
house type plans & elevations type B & C P_021 Rev C
street elevations P_030 Rev D
site sections P_040 Rev B
3D street views P_050 Rev A
3D aerial views P_051 Rev A

151336 STL XX 00 DR L ZZZZ :

Landscape General Arrangement 09001 PL05
Tree Retention Plan 09002 PL05
Soft Landscape Plan 09140 PL05
Hard Landscape Plan 09160 PL05

151336 STL XX XX DR L ZZZZ

Typical Tree Pit in Soft Landscape 09401 PL03
Boundary Treatment Details 09402 PL03
Paving details 09403 PL03

Phasing Plan LPLPCON_20 [subject to receipt of satisfactory plan].

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

3. Details and Samples of materials

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

Details shall include external walls, doors, roof covering, windows and hard landscaping.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy

EN1 of The Adopted Local Plan for Slough 2004.

4. Landscaping Scheme Residential Development Site

No dwelling shall be occupied in a phase of the development identified in drawing [Phasing Plan LPLPCON_20] until the approved hard landscaping scheme for the respective phase (inclusive of vehicle and pedestrian access works) has been carried out in accordance with the approved details.

The approved soft landscaping works shall be carried out in accordance with the approved details no later than the first planting season following following completion of the development.

The approved landscaping scheme for the residential development site (inclusive of access works etc.) comprises drawings/documents :

Landscape General Arrangement	09001	PL05
Tree Retention Plan	09002	PL05
Soft Landscape Works Plan	09140	PL05
Hard Landscape Plan	09160	PL05
Landscape Specification	SP003	PL01

Within a five year period following the implementation of the soft landscaping 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.

(Note condition 13 requires further landscape works within the application site)

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

5. Landscape management plan residential development site

No development hereby permitted shall take place after completion of the roof of the first dwelling to receive a roof until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the landscape areas other than the privately owned domestic gardens, shown on the approved landscape plan approved pursuant to condition 4, and should include time scale for implementation and be carried out in accordance with the approved details.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Adopted Local

Plan for Slough 2004.

6. Boundary treatment

No dwelling shall be occupied until the approved The

No dwelling shall be occupied in a phase of the development identified in drawing [Phasing Plan LPLPCON_20] until the approved boundary treatment for the respective phase has been put in place in accordance with the approved details. The boundary treatment shall be retained thereafter. The approved boundary treatment is :

Boundary Treatment Details 09402 PL03
Hard Landscape Plan 09160 PL05

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

7. Tree protection

No development hereby permitted shall commence within the root protection zone of the plane tree in the in the north west corner of the site (identified in Arboriculture Survey Report v2 June 2018) until tree protection measures during construction of the development for the retained tree (as identified on the approved layout) have been implemented in accordance with details that have first been submitted to and been approved in writing by the local planning authority.

REASON To ensure the satisfactory retention of trees to be maintained in the interest of visual amenity and to meet the objectives of Policy EN4 of The Adopted Local Plan for Slough 2004.

8. Surface water

No construction works shall commence until details and management of the surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. No home shall be occupied until the drainage system that serves that dwelling and its associated access and hardstandings has been implemented in accordance with the approved details. No more than 20 dwellings shall be occupied until the full drainage system has been implemented in accordance with the approved details. The system shall be maintained thereafter in accordance with the approved management details.

REASON To prevent the risk of flooding in accordance with Policy 8 of the Core Strategy 2006-2026.

9. New access

No development hereby permitted shall commence until details of the new

means of access are submitted to and approved in writing by the Local Planning Authority and the access shall be formed, laid out and constructed in accordance with the details approved prior to occupation of the development.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions prejudicial of general safety along the neighbouring highway in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

10. Internal access roads

Prior to first occupation of a dwelling in each of the phases of the development identified in drawing [Phasing Plan LPLPCON_20] the internal access roads footpath and vehicular parking and turning provision serving that phase (as shown on the drawing) shall be provided in accordance with approved plans.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on the local highway network in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

11. Construction management plan

No development hereby permitted shall commence until a construction management plan has been implemented in accordance with details that have first been submitted to and been approved in writing by the local planning authority. The plan shall be implemented as approved throughout the construction phase. The plan shall include details of wheel cleaning at the site exit, parking for site workers, space for delivery vehicles within the site and working hours.

Reason In the interest of highway safety and living conditions for nearby residents.

12. Electric Vehicle charging

No home with a garage shall be occupied until an electric vehicle charging point has been installed within the garage and is available for use. The electric vehicle charging point shall be 7 kW Mode 3 and be installed in such a way that cars can be connected to the charging point.

REASON In the interest of public health and air quality in particular encouraging use of low carbon emission cars in accordance with policy 8 of the Core Strategy 2006 - 2026 adopted 2008 .

13. Open Space mitigation works

No construction work above ground floor slab level shall take place until

details of the open space loss mitigation works within the application site have been submitted to and been approved in writing by the local planning authority.

No dwelling shall be occupied until hard surface works and structures for the areas not identified on [Phasing Plan LPLPCON_20] as site and sales compound have been implemented in accordance with the approved details. All hard surface works shall be completed within 4 weeks of the removal of the site and sales compound works.

The soft landscaping works shall be carried out in accordance with the approved details no later than the first planting season following completion of the hard surface works and structures in each of the respective two phases of work (main open space and land used for compound).

Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs or grass 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 and tree planting scheme by the Local Planning Authority.

The mitigation works shall comprise in terms of extent, scale and form of works the scheme outlined on drawing numbers :

151336-STL-XX-00-DR-L-ZZZZ-09051 PL05
151336-PL03.

Details of the open space loss mitigation works to be approved shall comprise design of recreation features and precise locations, detail of boundary treatment, detail of surfaces, tree and shrub type, density, position and planting heights, landscape specification.

REASON In the interest of providing appropriate recreation space and facilities for the new and existing residents in the neighbourhood and in particular to mitigate the loss of public open space and to comply with Local Plan policy OSC1 and Core Strategy policy 2. And in the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004.

14. On and Off Site Highway Works

No more than 20 dwellings shall be occupied until a 3m width cycle/pedestrian path has been constructed east of plot 21 to the northern site boundary in accordance with the approved layout plans and continued off site to connect to the footway at the south end of Foxglove Close. (A Highways Agreement to cover construction details). (Works partly within existing Sec 38 highway agreement area)

No more than 20 dwellings shall be occupied until the the cycle/pedestrian path from the development site to Wexham Road foot/cycleway has been constructed in accordance with the approved layout plans. (Works partly within existing highway)

No more than 20 dwellings shall be occupied until parking bays on the south side of Norway Drive and associated re- profiling of embankment have been constructed in accordance with the approved parking bay plans. (Works within existing highway).

The temporary residents car parking area shown on Phasing Plan LPLPCON_20 shall not be removed until parking bays on the south side of Norway Drive and associated re- profiling of embankment have been constructed in accordance with the approved parking bay plans. (Works within existing highway).

No more than 1 dwelling shall be occupied until the parking bay plans have been submitted to and been approved in writing by the local planning authority.

REASON In the interest of providing non car modes of travel in particular creating cycleway and walking links out of the site. And to comply with Core Strategy policy 7 transport re sustainable travel and highway safety, free flow of traffic on the highway network.

15. Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy

No development hereby permitted shall commence until a quantitative risk assessment has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that 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.

16. Remediation Validation

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

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

17. Rain Water Storage

Prior to the occupation of each house that has a down pipe on its rear or side elevation a rain water storage container shall be installed in accordance with the following (unless otherwise agreed by the local planning authority) : The butt or tank capacity shall be at least 150 litres for two bedroom houses and be at least 200 litres for houses with three or more bedrooms.

REASON In the interest of sustainable development in particular reduction of fresh water consumption in accordance with Policy 8 of the Core Strategy 2008.

18. Sustainable Development

No dwelling shall be occupied until its associated low or zero carbon energy scheme measures have been installed and are operational and the dwelling has been constructed so that its carbon emissions target specified in the approved scheme can be achieved. The approved scheme is :

Supplementary Part L1A SAP Calculations Summary, [Revision C, 14 December 2018].
TO BE REVISED

REASON In the interest of sustainable development in particular reducing carbon emissions and in accordance with policy 8 of the Core Strategy

2008.

19. Refuse Bin Stores

No dwelling with a garage and that has no gate from garden direct to the street shall be occupied until a frontage refuse bin screen has been constructed in accordance with details (location, size, materials) that have first been submitted to and been approved in writing by the local planning authority. The screens shall be retained as approved thereafter.

REASON In the interest of visual amenity of the area and in accordance with Local Plan policy EN1.

20. Garage use for parking only

Notwithstanding the terms and provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any order amending or revoking and re-enacting that Order), Schedule 2, Part 1, the garage(s) hereby permitted shall only be used to accommodate cars which are used ancillary to the enjoyment of the dwelling-house on the site and shall not be used for any trade or business purposes; nor adapted as habitable room(s) without the prior permission in writing from the Local Planning Authority.

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

21. Removal of Permitted Development rights - extensions

Notwithstanding the terms and provisions of the Town and Country Planning (General Permitted Development(England) Order 2015 (or any order amending or revoking and re-enacting that Order), Schedule 2, Part 1, Class A no building shall be enlarged more than 5 cubic metres without the express permission of the Local Planning Authority.

REASON In the interest of residential amenity in particular the protection of garden space.

22. Removal of Permitted Development rights - outbuildings

Notwithstanding the terms and provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and re-enacting that Order), Schedule 2, Part 1, Class E no buildings greater than 25 cubic metres shall be erected, constructed or placed on the site without the express permission of the Local Planning Authority.

REASON In the interest of residential amenity in particular retaining gardens that are small for the size property and location of the development.

INFORMATIVE(S):

1. The applicant is reminded that an Agreement under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.
2. It is intended to declare the access road as a 'Prospectively Maintainable Highway' under Section 87 of the New Roads and Street Works Act 1991.

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

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

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

For new postal numbers/naming the applicant will need to apply to the Council's Local Land Charges on 01753 875039 or e-mail to 0350SN&N@slough.gov.uk for street numbering of new buildings.

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

PREVIOUS REPORTS FOR INFORMATION

Number P/04144/009 Supplementary report (Copy of report to 29th May 2019 Committee)

1.0 SUMMARY OF RECOMMENDATION

For Approval delegated to the Planning Manager or Refusal if Sec. 106 not completed.

PART A: BACKGROUND

2.0 Proposal

2.1 At its 5th December 2018 meeting the Planning Committee resolved as follows :

Delegated to the Planning Manager for approval, subject to a S106 and conditions, or for refusal if the S106 was not completed by 4th June 2019.

2.2 Whilst Section 106 and planning condition matters have been progressing the Section 106 agreement may not be signed before the deadline referred to in the resolution above. Key principles are agreed but some matters are still being discussed at the time of writing. Planning Committee is therefore asked to set a new deadline of 30th September 2019.

2.3 An extension to the end of September is proposed to cover unforeseen matters arising. However based on current knowledge the 106 is expected to be completed in the next few weeks. It may be signed before the date of the Planning Committee.

2.4 Since the December Planning Committee officers reports now include, within the recommendation, provision for extensions to be granted through liaison between the Planning Manager and the Chair of the Committee. The recommendation below is in the new format and includes the proposed new date.

PART B: PLANNING APPRAISAL

3.0 Appraisal

3.1 The delay completing the agreement is a result of various matters some outside the control of the applicant and the Council. It is reasonable, in this case, for an extension of time to be granted. In the intervening period progress has been made on detail design matters that would otherwise have taken place after planning permission has been granted. The draft planning conditions will be

settled by the date of the Committee excepting, possibly, any that overlap with unresolved 106 matters.

- 3.2 The main reasons for delay has been negotiation on and analysis of alternative options for highway access detail design, associated effect on parking and off site works. These have been more complex than expected and require detail survey and road safety audit to ensure the proposed design is safe and achievable at a reasonable cost.
- 3.3 In addition Parish Council land did not transferred to the Council on the 1st April 2019.

PART C: RECOMMENDATION

4.0 **Recommendation**

- A) For **APPROVAL** subject to:-
- 1) the satisfactory completion of a Section 106 to secure the planning obligations set out in the meeting amendment sheet (item9) of the original Planning Committee Report, December 2018;
 - 2) finalising conditions; and any other minor changes;
- B) Refuse the application if the satisfactory completion of a Section 106 to secure the planning obligations set out in the meeting amendment sheet (item9) of the original Planning Committee Report, December 2018 is not finalised by 30th September 2019, unless otherwise agreed by the Planning Manager, in consultation with the Chair of Planning Committee.

Number P/04144/009

(Copy of Report 5th December 2018 Committee excluding draft conditions)

1.0 SUMMARY OF RECOMMENDATION

Delegate to Planning Manager for approval subject to completion of a satisfactory Section 106 Planning Obligation, alteration of conditions, further negotiation around the content of the open space mitigation package.

PART A: BACKGROUND

2.0 Proposal

2.1 This 24 home proposal comprises ten 2-bedroomed and fourteen 3-bedroomed units, arranged in mainly semidetached form with some detached and with some homes linked by offset garages.

2.2 Road access is at the south eastern corner of the site, crossing the verge and footway and rising up from the level of Norway Drive, then running northwards along the eastern boundary of the plot with the remaining recreation ground open space. Circulation to all properties is a loop of road and shared access driveway around an island of 15 of the units, with the further 9 homes in a row backing onto the northern boundary of the site.

2.3 Most of the existing site boundary hedge is retained with gaps formed for access. A row of new trees is proposed on the east side of the development alongside the new road and along the west boundary. The mature plane tree on the north west corner boundary is retained but with excavation under part of its canopy to form a retaining wall.

2.4 A cycle path extends to the north eastern corner of the site to link with the existing path to Forest Close. To address the gentle slope of the site some cut and very limited fill will take place to create two generally level areas for house building with low retaining walls between them. A further short retaining wall in the north west corner is proposed in connection with protection of the plane tree resulting in portions of two rear gardens being accessed by steps. The level difference between the base of the homes measured at the north and south is about 1.7 m.

2.5 48 parking spaces are proposed. Two for each dwelling on plot and no visitor spaces. (8 of the spaces are garages). Cycle storage is provided.

2.6 Regarding appearance a simple building form is proposed to match existing forms of the surrounding housing. The buildings have

pitched roofs with gable ends, for each house, facing the street and are contemporary in style. They incorporate some deep windows, minimal eaves overhang and horizontal texture/banding at ground floor level. A restrained palette of materials is to be used. Buildings will have buff or orange brick and grey tile or black slate depending upon the location in the layout. Grey windows and other detailing is proposed together with shallow flat roofed porches.

2.7 The shared surface road has been designed to appear informal and limit speeds through minimum width of carriageway with pinch points. It is intended to offer it for adoption. Some homes will have shallow frontage planting areas. There will be a communal landscape strip along the west and south boundary incorporating the retained hedge. The east boundary will have railings (with gate) as part of the open space enhancement.

2.8 The proposal includes the principle of open space enhancements. The details of these were not submitted as part of the application but a layout etc. and costings for it have now been submitted. Discussions between the applicant and the Parish have resulted in agreement that the following could be made (para 2.9). Replacement of one of 3 existing tennis courts with a cricket practice net had been proposed but deleted when the Council requested wider community benefits beyond the Parish open space.

2.9 Enhancements to the remaining open space :

- Improvements to the boundary treatments of the site; improving security and providing linkages through to Norway Drive, the proposed development to the west, and to the nursing home to the north;
- Provision of rubber-crumb safety surface within the existing children's play area;
- Extension and landscaping of the children's play area (the extension would be a 'free play' (natural play features));
- Provision of more-user friendly boundary treatments to the children's play area;
- Provision of additional soft and hard landscaping throughout the site, including a new picnic area, footpath route through and around the site
- Provision of a new green gym with up to 12 units.

The rest of the open space mitigation comprises :

- Money for future maintenance.
- Financial contribution for improvements to two paths south of Norway Drive (leading from Almons Way and Mansell Close/Bell Close northwards to Norway Drive)
- Financial contribution towards improvements at The Cherries.

2.10 The application includes supporting information covering

Transport technical note
 Ground Investigation/Geo Env
 Drainage
 Trees Report
 Ecology (phase 1 Habitat survey)
 Design and Access Statement
 Planning Statement
 Open Space Assessment
 Utility and Infrastructure
 Sustainability
 Acoustic
 Archaeology

2.11 The site is leased by Wexham Court Parish Council. The part proposed for housing is intended to be transferred to the Council and then to Slough Urban Renewal.

3.0 **Application Site**

3.1 The application site comprises 1.6 ha of grassed recreation space field and tennis courts plus play area with 0.641 ha of it, at the west end, intended for the housing development. The site is slightly elevated above the level of Norway Drive, although is more or less at grade with Wexham Road to the south west. On both the south and west boundaries the site is separated from the carriageway by wide grassed verges and a footpath, with established hedging along the defined site boundaries.

3.2 The recreation ground comprises largely made up land (an infill of a gravel pit) with a slightly raised bank along its northern boundary and a gentle slope from north east to south west. The level difference across the development portion of the site is 4m from the small bank on the north boundary.

3.3 A pedestrian access into the playing field breaks the hedging on its south side, opposite a flight of steps leading down to cross Norway Drive from a public right of way that runs through the housing estate to the south of this route.

- 3.4 Further to the east are tennis courts, an equipped children's play area, the Parish Hall and a bowling green with clubhouse/pavilion. To the north of the site is recently built Council housing on Forest Close, part of the Wexham Green development, comprising semi-detached, detached and short terraces
- 3.5 The new houses are between 10.5m and 12 m distance from the northern boundary, are of two storey and roof space design, with first floor windows facing towards the site. These homes sit slightly above the site. To the north east "The Pines" is a taller block of flats (three storeys and shallow pitched roof) also with upper floor windows looking towards the site.
- 3.6 Norway Drive has parking restriction only on its northern side (double yellow lines). The road is often used by hospital related parking during the working day. For the extent of the site frontage there are no access drives leading from it to the housing on its south side. Housing on the south side of Norway Drive is set out in road-facing render, brick and tile terraces of two storeys and roof space, set back from the highway by about 20 metres, with first a banked grass verge (rising about 3 metres), then a footway and front gardens separating the buildings from the road. These homes stand above the southern part of the application site.
- 3.7 There are no trees on the part of the site proposed for housing. A 17m high plane tree overlaps the north west corner. It is category B in terms of quality. There a small trees adjacent on the Wexham Road/Norway Drive verge.
- 3.8 The site is 2.7 km from the town centre and 0.75 km from the Hospital. Wexham Road has bus service.
- 3.9 Land to the west of Wexham Road lies within South Bucks District Council, and is Green Belt land. The site is a former landfill site. It is identified as Public Open Space in the Local Plan.

4.0 **Site History**

- 4.1 No relevant site history.

5.0 **Neighbour Notification**

- 5.1 Petition of 166 names received raising an objection on these grounds (summarised):

Overdevelopment/detrimental to character of the area (*Response :para. 9.1-9.4*).

Severe loss of open space, detrimental to health and well being, existing drainage problems on area that will remain. (*Response*

:Section. 7, Condition 8 and 13)

Loss of open spaces reduces opportunity for activity/exercise to help deal with known obesity problem. *(Response :Sect. 7, Condition 13)*

Traffic and parking – existing problem will be exacerbated; affect on emissions and air quality, school time traffic grid lock already affects emergency vehicles. New development will make this worse. Parking for homes near access will be a problem, risk of damage to cars. *(Response :para. 6.1 and section 8)*

Ground conditions – known problem due to past excavation and underground streams; risk of affect water table/saturation of area. *(Response :Para. 6.2 and Condition 15/16)*

Domestic services (water, sewers)– extra burden. *(Response :Water supply and sewers are Thames Waters responsibility).*

Public land – unlawfully acquired from residents of Wexham; Parish failed in its duty of care to electorate, breach requirement for openness and transparency. *(Response :Not a Planning matter)*

Wildlife – loss of habitat. *(Response :Ecology Survey indicates no significant loss)*

Improve recreation areas for benefit of residents – referred to in recent Council election literature. *(Response :Section 9)*

Planning policy to prevent overdevelopment and loss of amenity space should be applied. *(Response :Section 9)*

5.2 6 letters of objection received raising the following concerns :

Parking – already a problem. No space to park near residents homes during day. Particular problem for elderly, disabled, those with young children Norway Drive used for Hospital parking. Nothing done about hospital parking issue raised in past years. Parking for new homes addressed but not existing residents. *(Response :para. 6.1 and section 8)*

Driveways- because of steepness of bank residents cannot have driveways; request alternative e.g. numbered bays. *(Response :Not a planning matter in terms; the Council cannot ask a developer to address an existing problem).*

Traffic – will increase; because of local school traffic heavily congested already; new housing will add to this. New development in the area has already put pressure on the roads. *(Response :para. 6.1 and section 8)*

Loss of open space/amenities for residents – Wexham has few amenities, residents need amenities, new development adds to population. Field well used for various recreation activities will be lost for ever. If children and young adults have no-where to go anti social behaviour likely. *(Response :Sect. 7, Condition 13)*

Surrounding area – local new development has resulted in loss of green space. Additional development has increased importance of green space. No other green space in area; existing space should be a green asset. Slough web site states aim that refers to health and well being, range of green spaces etc., helping Slough to be attractive to live and work. *(Response :Sect. 7, Condition 13)*

Noise and disturbance/nuisance from building works and cars/people of the new development particularly near the access point. Site workers likely to use up parking places. *(Response :condition 11)*

Road safety – Norway Dr difficult to drive down, speed restrictions often not adhered to, residents have to reverse out between parked cars/limited view, Schools mean often children walking and crossing. *(Response :Section 8 and para 6.1)*

Consultation – claim residents not consulted about sale of land nor proposal for building Concern about how the matter has been dealt with and diminish trust in individuals working for residents interests. *(Response :the proposed sale of land is not dealt with via the Planning system)*

Land is held on lease by parish Council and used by residents for recreation. Parish Council has failed in its duty to inform residents of their intent to dispose of the land. *(Response :the proposed sale of land is not dealt with via the Planning system)*

Norway Drive homes slightly raised – will directly overlook new homes; privacy will be compromised. *(Response :para. 9.3)*

5.3 A response to the above comments is in brackets above or in the assessment below, the relevant section or para. numbers of conditions being in brackets above.

6.0 **Consultation**

6.1 Transport/Highways

A response to the requested further information and revisions has been received. These relate to space for large vehicles to manoeuvre, visibility at the junction, proposed driveways, design/materials if road adopted, accident data. No issues raised re traffic impact on existing highway. Any comments on the revisions

will be reported on the meeting amendment sheet. It is recognised that existing residents use Norway Drive to park so large vehicles accessing and exiting the site will need to do so without any loss of this parking.

6.2 Environmental Quality

Submitted ground investigations for the filled material identify some matters that need addressing. These can be dealt with by conditions to cover a Phase 3 Quantitative Risk Assessment/ Site Specific Remediation Strategy and Remediation Validation.

6.3 Local Lead Flood Authority

The drainage strategy is not based on infiltration the site being former landfill. Further information sought and submitted. Any comments on this will be reported on the amendment sheet.

6.4 Parks and Open Spaces

In summary there is concern about the loss of open space without consideration of the wider implications. The proposals are reasonable but interests of the wider community need to be met. Comments on the latest revision are will be reported on the amendment sheet. Comments received read as follows :

Concern about loss of public open space and stretching the “no net loss” policy without strategic awareness where this is taking us.

Three key impacts to be considered :

- Impact development of part of the existing open space would have on the remaining land in terms of its use and visual and other impacts
- the amount and quality of open space required to serve the local community and
- the need to provide adequate additional provision of open space to meet the demand of new development.

The proposals for the improvement and provision of new site infrastructure, landscape enhancement and overall improvements that would be achieved for the quality and functionality of the remaining open space are welcome. The proposals have been well considered and the effort to make the space appealing to a wider range of users through provision of more varied equipment and uses is good.

Overall these improvements become necessary to address a significant loss of open space, which will raise demand and increase footfall on what will be a small space when considered in its catchment context.

There remains a need to ensure that the interests of the wider community are met and that the loss of open space is fully mitigated. There are opportunities to enhance off-site improvement, notably to access routes to the Parish recreation ground and enhance other local open spaces.

- 6.5 Education
Seek financial contribution in line with published rates in developers guide.
- 6.6 Housing
Seek financial contribution for affordable housing in line with published rates.
- 6.7 Berkshire Archaeology
The site is within an area of archaeological potential but the portion of the site proposed housing has been subject to gravel extraction which will have removed buried archaeological remains. Provided that there is no change to the site layout no archaeological investigation is needed.
- 6.8 Wexham Court Parish Council
No response received.
- 6.9 South Bucks District Council
No response received.

PART B: PLANNING APPRAISAL

- 7.0 **Policy Issues**
- 7.1 The public open space on the Local Plan Proposals Map includes the grassed areas, equipped play area, 3 tennis courts, bowling green, car park and hall etc. About 12 % of the site is buildings or car park. The proposal will result in the loss of 32 % of the overall public open space area.
- 7.2 It is a well used open space and the only significant one in the area. The Cherries is 500m m from Norway Drive and is 0.9 ha in size and has a green gym.
- 7.3 The National Planning Policy Framework at paragraph 96 and 97 refers to high quality open spaces and opportunities for sport and physical activity being important for health and well-being of communities. It goes on to say :

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open*

space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

For this Norway Drive proposal point b) is relevant.

7.4 Local Plan (2004) policy OSC 1 (Protection of public open space) reads as follows :

Development upon any land identified as public open space on the Proposals Map will not be permitted unless:

a) the development is ancillary to the use of the site as open space and the scale of the development and intensity of use is appropriate to the location;

b) the use of the open space can be retained and enhanced by the development on a small part of the open space as long as the quality or quantity of pitch provision and the ability to make use of the pitches are not prejudiced; or

c) the open space is replaced by new provision which is at least comparable in terms of size, facilities, and amenity and is conveniently located for current users of the open space

7.5 As the proposal involves a loss of open space it does not comply with the core of this policy. Regarding the exceptions it does not comply with a) the development not being ancillary to use of the open space. It does not fully comply with b) nor c) individually but considered in combination there is partial compliance with both. Re b) there is enhancement of the remainder (but the area of loss is not really a small part of the site) and regarding c) replacement is better in terms of amenity and facilities (but not size). Taking account of the points below the proposal can potentially be treated as being in compliance with a combination of the two exceptions.

7.6 Regarding 2008 Core Strategy policy 2 (Green Belt and open spaces) the last paragraph reads as follows :

Existing private and public open spaces will be preserved and enhanced. Where, exceptionally, it is agreed that an open space may be lost a new one, or suitable compensatory provision, will be required to be provided elsewhere

- 7.7 The proposed loss of the open space does not comply with the 'will be preserved' part of the policy. But it refers to the possibility of suitable compensatory provision with the caveat of this being applied 'exceptionally'. The application, as revised, does propose and detail a mitigation package. So the key issue is whether or not the mitigation package proposed is 'suitable compensatory provision'.
- 7.8 Matters relating to suitable compensatory provision.
Considering the supporting information for the policy in the Core Strategy key relevant phrases, pertaining to open space, are : 'promote healthy living'; 'provide opportunities for sport and other activities'; 'role in shaping the form of individual urban areas' ; concluding that all existing open spaces should be retained. And referring to evidence from the 2005 Open Spaces Study Slough open spaces are 'well used and valued' with a need to improve quality; 'acknowledged shortage of parks, playing fields and green spaces'; 'very difficult to make up (any loss)'.
- 7.9 Regarding the amount of open space needed to serve the area the open space study of 2005 identified a shortage across the Borough at that time. In Wexham no new public open spaces have been created, with one small exception, and more homes have been built in the area. The exception is a new small open space at Wexham Green, to the north, but this was put in to serve primarily that development and to comply with the Council's policy for providing larger development with their own new open space. It is also much smaller than the area proposed to be lost.
- 7.10 The applicants submitted open space sequential assessment concluded that there are no available, suitable or viable existing or potential new open spaces that could compensate for the loss proposed with one possible exception – a proposed country park.
- 7.11 South Bucks District Council have recently approved a small country park on Stoke Rd north of the cemetery land. This is expected to be complete by 2021 but there is no short pedestrian link to it from the application site. The owner of the land who could provide such a link has, it is understood, been approached about this in the past but at present there is no expectation of it being provided. If and when the Country Park is provided it would provide a degree of alternative provision in terms of informal space for the wider neighbourhood particularly for dog walkers who currently come from homes west of Wexham Road. But because this new space cannot be guaranteed no significant weight should be attached to it in terms of mitigation for the loss of open space.
- 7.12 If no new or expanded open space is available the type of recreation activity taking place on the area to be lost can be considered together with what other activity might be wanted by the

local population and thus looking at quality and quantity of features more than quantity in terms area of open space.

- 7.13 The area of open space proposed for loss is grass with no trees, shrubs or play equipment. Because of the slope it is unlikely to be well used for ball games but it is probably well used for dog walking and provides a wide open area for informal play and recreation in contrast to the equipped or formal areas further east.
- 7.14 The revised mitigation package will provide for a range of activities and enhancements to what will remain of the open space if the development goes ahead. So more people are likely to use the space and benefit from it. In particular the green gym and, if it is re-introduced, the cricket practice area, are new features that are likely to attract people who do not go there now. The play area expansion provides for more children to play and, being generally natural features, provides an alternative to the existing equipment.
- 7.15 However as the cricket practice nets have been withdrawn from the proposal further discussion on the implications of this re range of facilities need to take place.
- 7.16 A substantial grass area will remain. The new circular path, benches and tables and new planting around it should encourage better usage being more useable if the ground is wet and more attractive. Dog walkers will probably use this area. But being a smaller area of grass than before there might be more scope for some users to be disturbed by others in the same space.
- 7.17 Regarding the impact of the loss on the remainder of the open space it will be used more intensively. Good management could, in part, help address this. The package includes a financial contribution to the Parish Council for maintenance of the new and enhanced facilities.
- 7.18 The proposals for better access to the remaining open space will benefit some residents. In addition to the gates into the open space the financial contribution to the Council will make access to the Parish open space slightly easier for Wexham Court estate by way of paths enhancements.
- 7.19 The financial contribution for enhancement to the Cherries is modest but useful. However there is limited scope to make large improvements to this small area.
- 7.20 It is relevant to point out that before the adjacent extra care and nursing home were developed a large area of rough ground was available for dog walking even though it was not a formal recreation area.

- 7.21 In terms of open space to serve the new development for housing sites less than 2 hectares there is no specific requirement for on site open space under Core Policy 5, Local Plan OSC 5 and associated Developers Guide. If the development did not involve loss of open space the adjacent recreation area would have been sufficient to serve the needs of it. But it would obviously result in an intensification of use of the remaining open space.
- 7.22 In conclusion there is no scope for the loss to be replaced in terms of its size. The mitigation package is reasonably substantial and is focussed on the neighbourhoods main open space as there are few other areas nearby that could be improved and that also serve the population that use the Parish open space.
- 7.23 The replacement is in the form of better quality and quantity of features. The enhancements to the Parish grounds will serve a range of users and create a more interesting and attractive public open space. The overall package will include better access to the site plus a small enhancement to another local space to help relieve pressure on the reduced Parish area. And there is provision for enhanced medium term maintenance of the Parish open space.
- 7.24 Deciding upon the merits of the package compared to the loss of the open space is a subjective matter. However it must be stressed loss of open space, in terms of area, is a very significant step to take. Particularly so in the absence of a recent study of recreation needs for the growing town.
- 7.25 As outlined in para 7.5 compliance with Local Plan policy can be achieved through partial compliance with two of the exception categories. But it should be noted exceptions, beyond those outlined in the policy, can be made by the Council if it thinks there is a sound reason to do so. The Core Strategy Policy 2 is more recent than the Local Plan policy but both are still material considerations relevant to making a decision on this proposal.
- 7.26 Regarding Core Policy 2 the key matter is whether or not the overall mitigation package can be considered 'suitable compensatory provision' for the loss of the grassed area of the public open space. In this case it can potentially be so for the reasons outlined above. But with the caveat that the implications of the recent withdrawal of the cricket nets needs to be considered further. It is important to note application of this provision compensatory provision is meant to be used exceptionally.
- 7.27 Regarding the National Planning Policy Framework seeking open space protection one of the stated exceptions is relevant to this proposal as noted at para 7.3.
- 7.28 Other policy matters. Regarding other policy matters Core Policy 1

seeks development predominantly on previously developed land (brownfield). Bearing in mind most development in the town is on brownfield land at present, and notwithstanding the open space issues addressed above, loss of some greenfield land can be considered if there is a good reason to do so. In this instance the benefit of gaining some family homes is significant as there a few other sites coming forward in the next year for family homes (primarily the former BT site Langley) and there is still a strong demand for houses and a need for the town to try to balance its housing market.

8.0 **Access and Parking**

- 8.1 The access off Norway Drive is acceptable as it will serve a small development and is set well away from the Wexham Rd junction. To ensure sufficient visibility, particularly for the junction just within the site, quite a long stretch of the existing hedge will be removed. However large vehicles turning in or out might need to use both sides of the road.
- 8.2 The shared surface road within the site is mostly 4.8m wide but with 5 narrow sections of less than 4 m width (maximum 10 m length). This, together with the overall layout of the site and different surface treatments on the edge of the road encourages slow speed and creates a distinctive public realm. However it also limits scope for visitor parking.
- 8.3 The 48 parking spaces meet the Council's standards. However the lack of visitor spaces might result in people trying to parking on the access road or on Norway Drive. The garage and parking spaces are 3m wide which is generous compared to the normal standards. Parking spaces are often 2.4 m wide.
- 8.4 The pedestrian and cycle access is good there being a new link to Wexham Road cycleway and bus stop; a link to the end of Forest Close to the north. This creates a safe route for the Wexham Green development to the Norway Drive footway/cycleway which leads to Wexham Schools. A gate in the proposed open space railing allows easy access for Wexham Green/Forest Close residents to Parish grounds.
- 8.5 The existing path at the end of Forest Close needs widening to continue the proposed cycleway. This just beyond the site boundary but can be secured by an Agreement.
- 8.6 Because of the continuing hospital parking overflow problem there is a potential risk of the new development being used for parking. The arrangement of the road will however severely limit opportunities for street parking. And provided it is adopted, which is the developers intention, parking controls can be applied if

necessary.

- 8.7 Subject to any further comments from Highway and Transport Officers and securing the Forest Close link path widening and access junction works the proposal complies with Core Strategy policy 7 transport.

9.0 **Design and Layout Matters**

- 9.1 The general form and layout of the development fits in with the character of development in the area being two storey mostly semi detached and set well back from the existing roads. Retention of the hedge is important it being a distinctive feature of Norway Drive and Wexham Road and it creates a soft edge to the development appropriate for the suburban setting. Proposals to lower it from its current 2 metre height are supported. The outward facing development is a positive feature creating surveillance of the street and in particular the open space to the east. The density of 37 dwellings per hectare meets the minimum set out in core strategy policy 4.
- 9.2 The new homes are far enough away from existing homes not to create any unacceptable overlooking issues. The distances to homes in Forest Close at 20 m are acceptable. However it is recognised that some existing Norway Drive residents will lose their outlook over the field.
- 9.3 Separation distances are generally adequate but some frontage to frontage distances are small for a suburban development. The separation across the northern mews will be 10 or 10.5m for 11 homes. This is one aspect of the scheme that is not ideal. Revising the scheme to increasing the distance would either compromise other standards or involve a significant redesign as fitting in the 3 rows of homes in the depth of site available is quite tight. On the basis that the homes are dual aspect, only a few homes are affected and the scheme is generally well designed in other respects the small separation distances can be accepted in this case.
- 9.4 Garden space within the development is typical of modern development although two are 1 metre short of the normal 9m minimum length for suburban homes. Both the relevant homes do have quite wide gardens to compensate.
- 9.5 The limited width shared surface road with planting strips adjacent creates a distinctive informal public realm. Security is good with all public spaces overlooked and flank windows set back from roads or paths plus brick walls where gardens abut public spaces.

- 9.6 The appearance of the buildings is acceptable. Whilst the architecture is contemporary in appearance there are features that link with those present on Norway Drive. However the site is separated sufficiently from Norway Drive homes such that it can have its own character. Whilst architectural detailing is simple there are some features, such as the gables and horizontal banding, that will make the scheme distinctive. Parking is quite well hidden. All homes meet the national space standard.
- 9.7 Protection of the north west corner plane tree will be by condition inclusive of special construction to minimise root damage from the proposed retaining wall that will be under the canopy of the tree.
- 9.8 Some homes rely on taking their refuse bin to the frontage via a garage. There may be insufficient space to do this so a small revision may be necessary. This might involve a screened bin store on the frontage in the absence of space for rear garden path access to the road.
- 9.9 Subject to resolution of any further highway related matters and the refuse bin matter and receipt of satisfactory drawings the proposal complies with Core Strategy policy 9 Natural and Built Environment, policy 7 transport and associated Local Plan design and landscape policy EN 1 and EN2, core policy 8 Sustainability and the environment, core policy 12 re crime prevention.
- 10.0 **Affordable Housing and Infrastructure**
- 10.1 The following financial contributions and works etc. are necessary to make the development proposal acceptable and to comply with Core Strategy policy 7 transport 10 Infrastructure 4 housing 2 open space plus associated Local Plan policy OSC 1 re open space loss. The scheme of 24 units is below the 25 home threshold for on-site affordable housing so a financial contribution is payable.
- 10.2 The planning obligation items are :
- Affordable Housing £ 464,734
 - Education £ 272,078
 - Recreation £ 50,000
 - [Traffic Regulation Order £ 6,000 ?] (inclusion of this item is subject to Highways comments)
 - Open Space loss mitigation works on site/on Parish Council land (to the value of £ 175,000) .
 - Sign a Sec 287 Highway agreement for off site works listed in condition number 14.
- 10.3 The above have been agreed by the applicant (excepting the traffic regulation order which is still under discussion) and will be secured

by way of a Section 106 planning obligation. Although the value of the mitigation may change pending further negotiations.

PART C: RECOMMENDATION

Recommendation

Delegate to the Planning Manager for approval subject to the completion of a satisfactory Section 106 Planning Obligation, subject to alteration or addition of conditions relating to outstanding matters and discussion with the applicant regarding the wording of pre commencement conditions and further negotiation around the content of the open space mitigation package.

Amendment Sheet for Dec 2018 Committee

P/04144/009 – Land north of Norway Drive Item 9

The reference in Para. 1 Summary of the Recommendation to Sport England should be deleted. There is no statutory requirement to consult Sport England as no playing pitch is affected. The full recommendation at Part C is correct.

Local Lead Flood Authority - Some matters still being addressed.

Highways and Transport

Revised access width and design plus space for large vehicles to turn in and out in relation to existing car parking on street (and possible overflow from the development) is still being considered and is still an outstanding matter. In particular parking bays on Norway Drive are likely to be needed. In addition a financial contribution towards the improvement of traffic flows along Wexham Road will be required. These are outstanding matters to be addressed via an expanded condition 14 and Section 106/278 Agreement works. At para 10.2 for 287 read 278 and The Traffic Regulation Order contribution is required.

Wexham Court Parish Council comments received. Regarding the open space mitigation works they say they have worked closely with the applicant and are happy with the proposals and they will sign a Section 106 Agreement to secure the works. In response to the deletion of the cricket nets they confirm they prefer the green gym to the cricket nets indicating it will benefit a larger number of residents.

Open Space Mitigation The applicant has confirmed the green gym will have 12 pieces of equipment. Further to the comments under Parks Section of the report the Public Realm Manager, considering the strategic view of open space loss etc. has confirmed that the revised mitigation package that includes enhancements at The Cherries and paths between it and Norway Drive is reasonable. Consequently the open space mitigation package is not now an outstanding matter re the principle of the loss of some open space.

Sec 106 : At para 10.2 updated list is below :

- Affordable Housing £ 464,734
- Education £ 272,078
- Traffic Regulation Order £ 6,000
- Transport Impact £ 54,464
- Recreation off site (Open space loss mitigation) £ 50,000
- Recreation on site (Open space loss mitigation) on Parish Council land (to the value of £ 124,000)
- Maintenance (Open space loss mitigation) £ 51,000 (for Parish Council)
- Sign a Sec 278 Highway agreement for off site highway works listed in condition number 14.

Please note Recreation on site might be covered by condition 13 and 4 rather than the Sec.106. (the previous sum of £175,000 included the £ 51,000 maintenance money referred to above).

Para 10.3 the applicant has not yet agreed the revised highway and transport items.

The applicant has requested the text below be made available to Members :

Land north of Norway Drive, Slough, SL2 5QP

The proposed scheme will provide the following benefits:

- The provision of 24 high-quality, family homes contributing to the significant housing need in local area as well as Slough as a whole, including a policy compliant financial contribution include g affordable housing and education.*
- Through the use of high quality materials, this scheme will create a distinctive character for the new development whilst fitting in with the local context.*
- A bespoke design comprising an outward facing residential layout with a 'mews' style street, creating a distinctive community feel as well as opportunities for passive surveillance.*
- Policy compliant private car parking and cycle parking will encourage sustainable travel behaviour and ensure that the site is self-sufficient in terms of parking.*
- Amenity space (both as private gardens and communal shared spaces/surfaces) is provided within the development, meeting local standards.*
- Existing boundary trees and the hedgerow are retained, and well-designed landscaping, particularly in the communal areas, will create a high-quality environment integrating with its surrounding.*

Open Space

The site is a former gravel quarry that was back filled and eventually became an open space. A significant part of the site will be retained and enhanced as a recreation space. The site is surrounded on three sides by high hedgerows which, although providing character, has meant there is little passive surveillance of the site from public footpaths/neighbouring dwellings. One issue raised by a number of residents during presubmission consultation was the current antisocial behaviour issues on the site. Many residents welcomed housing on part of the site to provide an enhanced and safer space for all to

use. The current open space also has poor access. At present it can only be accessed through informal gaps in the hedgerow or through the gated Council entrance. The play space facilities are limited. The enhanced open space will provide better access and facilities suitable for a wide range of age groups local residents. The proposed enhancement measures include:

- A dedicated pathway around the site that will make the open space suitable all year round and enable wheelchairs and pushchairs to access and use the site as well as providing a safe running track*
- New pedestrian access point from Oak House Care Home, a formalised entrance from Norway Drive and a gated pedestrian access point from the new housing site.*
- Passive surveillance across the entire open space from the new housing area;*
- Children's play area to be extended and improved with new natural play features such as earth mounds and tunnels;*
- New outdoor gym with 12 pieces of apparatus;*
- Provision of a picnic area with benches;*
- Retention of existing hedgerow but to be lowered/managed to improve site visibility and safety; and*
- Financial commitment to long terms maintenance of all equipment and landscaping. In addition to these onsite enhancements is the proposed financial contribution to be secured via a S106 legal agreement for improvements to The Cherries open space and enhancing the pedestrian access routes to Norway Drive Recreation Ground from Almons Way, Mansel Close and Bell Close. This will improve access to high quality open space in the immediate area.*

Conclusion

Overall, balance is achieved between providing new housing for local residents and enhancing open space provision in a sustainable development of a previously developed site.

CHANGE TO RECOMMENDATION

Delegate to the Planning Manager for approval subject to the completion of a satisfactory Section 106 Planning Obligation, subject to alteration or addition of conditions relating to outstanding matters and discussion with the applicant regarding the wording of pre commencement conditions and further negotiation around highway and transport matters. Refuse the application if the satisfactory completion of a Section 106 to secure the planning obligations set out in paragraph 10 .2 is complete by 4th June 2019.

end

SLOUGH BOROUGH COUNCIL**REPORT TO: PLANNING COMMITTEE****DATE: May 2021****PART 1****FOR INFORMATION****Planning Appeal Decisions**

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

WARD(S)**ALL**

Ref	Appeal	Decision
P/03099/003	18, Willoughby Road, Slough, SL3 8JH Construction of a pair of semi detached houses with parking	Appeal Dismissed 3 rd March 2021
P/11457/005	DX Network Services Ltd, Lakeside Road, Slough, SL3 0EB Permitted Development consisting of: the provision of a hard surface within the curtilage of a warehouse to be used for the purpose of the undertaking concerned under Schedule 2, Part 7, Class J of The Town and Country Planning (General Permitted Development) Order 2015 (as amended)	Appeal Dismissed 10 th May 2021



Appeal Decision

Site visit made on 9 February 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2021

Appeal Ref: APP/J0350/W/20/3261882

18, Willoughby Road, Slough, SL3 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by WIL Developments Ltd against the decision of Slough Borough Council.
 - The application Ref P/03099/003, dated 20 February 2020, was refused by notice dated 19 October 2020.
 - The development proposed is construction of a pair of semi detached houses with parking.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by WIL Developments Ltd against Slough Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. For reasons of precision and clarity, I have taken both the site address and the description of development from the Council's Decision Notice.

Main issues

4. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area;
 - Whether the proposal makes adequate provision to reduce the potential for crime and anti-social behaviour; and
 - Whether the proposal makes adequate provision for on-site car parking.

Reasons

Character and appearance

5. The appeal site comprises a large detached property and its associated substantial rear garden area. The surrounding area is predominately residential, with nearby properties comprising a mix of detached, semi-detached and terrace properties, with a mix of design styles. Properties are generally set within relatively long plots, with the dwellings located to the front of the plot, where they follow a discernible building line. Car parking is predominately on-street, although there are a few instances where off-street

parking is provided. Opposite the appeal site, properties are served by garages at the rear, accessed via a lane.

6. The proposal would introduce a pair of semi-detached properties to the rear of the existing dwelling. The dwellings would be accessed via a driveway in the existing open gap to the side of the host property. Car parking spaces would be provided directly to the front of the units, with each dwelling having a separate garden at the rear. The appeal site would be further sub-divided to provide a new, separate garden area for the host property.
7. The introduction of new development to the rear of the existing properties would be contrary to the well-established pattern of development in the area. As a consequence, it would introduce a form of development that would fail to respect and respond to the established street pattern. It would appear as an incongruous form of development, that would harm the character and appearance of the area. Furthermore, due to the sub-division of the plot, there would be less generous spacing between each dwelling and, consequently, it would appear as a cramped form of development, indicative of over development of the site.
8. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policies 1, 4 and 8 of the Slough Core Strategy (CS), Policies H13, EN1 and EN3 of the Slough Local Plan (LP) and Paragraph 127 of the National Planning Policy Framework (the Framework). These policies, amongst other things, seek development to be of a high-quality design that respects its location and surroundings.

Security

9. Policy 12 of the CS requires all new development to be laid out and designed to create safe and attractive environments. Policy EN5 of the LP requires new schemes to be designed so as to reduce the potential for criminal activity and anti-social behaviour.
10. In their appeal submissions, the appellant has stated that they would intend on providing a secured gated access. Whilst details of the proposed security gates are not shown on the submitted appeal drawings, nor are elevational drawings provided, there would appear to be sufficient space to make provision for gates to create a safe and secure environment. Considering this, I am of the opinion that the matter can be adequately addressed through the provision of a suitably worded planning condition.
11. For the above reasons, I therefore conclude that the proposed development would make adequate provision to reduce the potential for criminal activity and anti-social behaviour and, in this respect, accords with Policy 12 of the CS, Policy EN5 of the LP and Paragraph 127 of the Framework.

Parking

12. Policy 7 of the CS seeks to ensure new development is sustainable and located in the most accessible locations, thereby reducing the need to travel.
13. From the information before me, it would appear that a number of the proposed parking spaces would fall short of the dimensions required to meet the Council's parking space standards. That said, there would appear however

to be sufficient space available within the site, to allow for the provision of sufficient spaces of the required size to accord with standards. On this basis, I consider that the matter could be addressed through an appropriately worded condition, requiring the submission of a parking scheme.

14. For the above reasons, I therefore conclude that the proposal would make adequate provision for off-road car parking spaces and, in this respect accords with Policy 7 of the CS and the Framework.

Other Matters

15. I have been referred to a number of other developments, which the appellant submits are similar to the appeal proposal and provide a precedent to justify the development. I have however not been provided with full detail and background on these proposals, however having reviewed the evidence before me, I find their circumstances to be different from the appeal proposal. In any event, I am required to consider the appeal scheme on its merits.
16. The appellant has referred to the location of the site in relation to local services and facilities. I do not seek to bring this into question, however I do not consider that the benefits of the location of the site are sufficient to outweigh the harm I have found.
17. I note the Council raise no issues in relation to design, bio-diversity, trees or flooding, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
18. Residents of neighbouring properties have raised concerns associated with their living conditions, noise and highway issues. However, these matters do not alter the main issues which have been identified as the basis for the determination of this appeal.

Conclusion

19. Although I have found no harm in terms of the impact of the proposal upon crime and anti-social behaviour and parking provision, this would be outweighed by the harm from the other main issue. Therefore, for the above reasons and having considered all matters, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR



Appeal Decision

Site visit made on 5 May 2021

by **P N Jarratt BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 May 2021

Appeal Ref: APP/J0350/X/21/3266262

Lakeside Road, Colnbrook, Slough, SL3 0EB

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by DX Network Services Ltd against the decision of Slough Borough Council.
 - The application Ref P11457/005, dated 8 May 2019, was refused by notice dated 4 December 2019.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is for permitted development consisting of the provision of a hard surface within the curtilage of a warehouse to be used for the purpose of the undertaking concerned under Schedule 2, Part 7, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
-

Decision

1. The appeal is dismissed.

Procedural matters

2. For the avoidance of doubt, I should explain that the planning merits of any use or operations are not relevant, and they are not therefore an issue for me to consider, in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

The site and relevant planning history

3. The site comprises a large warehouse split into 4 units in Class B8 use for storage and distribution and within the leasehold of DX Network Services Ltd and occupied by the company in 3 divisions: DX Secure in Unit 1, DX Freight in Units 2 and 3; and DX Logistics in Unit 4. There is a large area of hardstanding for delivery vehicles, parking and external storage. A metal palisade and wooden boundary fence surrounds the site. The west boundary fence sits upon a landscaped bund set back from the hardstanding. A metal fence divides the hardstanding between Units 1 and 2.
4. In May 2013 an LDC was issued (P/15476/000) for the installation of doors and alteration of the fence lines within the service yards to accommodate a new

2.4m high palisade fence between Unit 2 & 3 and 3 & 4. This was not implemented.

Main Issues

5. The main issues in this appeal are:
- i) Whether the appeal site represents a single curtilage; and
 - ii) Whether the removal of the bund represents an engineering operation necessary for the construction of the hardstanding.

Reasons

6. The development involves the removal of a landscape bund, which includes lighting poles, grit storage and parts of cleared land for external storage, to provide an area of hardstanding up to an existing palisade fence on the site's western boundary.
7. Schedule 2, Part 7, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows PD rights for the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purposes of the undertaking concerned. This excludes development within the curtilage of a listed building, which does not apply in this case. There are also conditions to protect groundwater from contamination and the nature of the materials to be used.
8. The Council considers that the provision of a hard surface falls outside the curtilage on the basis that the 4 units are not occupied by the same user with Unit 1 physically separated from Unit 2 by fencing and that yellow and red line demarcations visually enclose space associated with individual units. The Council therefore considers that there are 4 units within the site each with a curtilage defined by yellow tram lines and common areas traversing the site providing access routes for pedestrians and vehicles.
9. As a matter of fact, at the time of my visit I was able to observe that there appeared to be an internal door between Units 4 and Units 2 & 3 and that there were internal connections between Units 2 and 3. I therefore do not regard Units 2, 3 and 4 as being separate physical entities.
10. Unit 1 forms part of the same building as the other units but the gate and fence separation suggests that it may operate differently from the others although a notice on the door of Unit 1 directed visitors to collect passport documents/small items from Unit 4. No information has been provided to explain why fencing exists between Units 1 and 2.
11. The appellant refers to the Council's acceptance that the 4 units were all within the same curtilage in the unimplemented 2013 LDC decision and there has been no material change in the warehouse building since that time. It is also the appellant's case that the warehouse is a single building and, although comprising 4 units, its amalgamation and subdivision can be undertaken without formal planning permission.
12. Case law in respect of curtilage is extensive but the key points can be summarised as:

13. • Interpretation of the word curtilage is not a matter of law and but a judgment for the decision-maker given the ordinary meaning of words. It is a matter of fact and degree.
- For land to fall within the curtilage of a building, it must be intimately associated with the building to support the conclusion that it forms part and parcel of the building.
 - Regard should be had to three tests of (i) physical layout of the building and the land or building said to be in the curtilage, (ii) ownership (past and present) and (iii) use or function (past and present) applied.
 - Curtilage does not need to be confined to a small area although size of the curtilage relative to the building may, however, be relevant.
 - Whether the land or building said to be within the curtilage are 'ancillary' to the main building will be relevant but there is no legal requirement that the curtilage should be ancillary.
 - Physical enclosure is not necessary but the degree to which the building and claimed curtilage fall within one enclosure is relevant as an aspect of the test of physical layout.
 - Land said to be in the curtilage must have an intimate association with that undoubtedly within the curtilage.
14. In this case I am satisfied as a matter of fact and degree that the curtilage of the original warehouse building comprising the 4 units includes the whole of the appeal site. This is related to the physical layout, ownership and use. The painted lines on the hardstanding and the common areas do not distinguish different curtilages but in my interpretation indicate sensible arrangements for parking and movement which no doubt would be busy at certain times of the day and night due to the frequency of heavy goods and other delivery vehicles. The peripheral bund with its presence of lighting columns, grit storage and some external storage points to this area are clearly associated with the functioning of the warehouse. I also attach weight to the Council's interpretation of the curtilage of the building in the 2013 LDC. The existence of the fence between Units 1 and 2, whilst remaining unexplained, does not necessarily mean that a separate curtilage or curtilages have been formed.
15. I therefore conclude on the first issue that the appeal site represents a single curtilage.
16. Turning to the second issue, the landscape bund is extensive along the western boundary of the site and it is largely elevated above the level of the adjoining hardstanding, rising perhaps up to a metre in height in some places and retained in part by pre-fabricated concrete gabion-type features. There are numerous trees and other established vegetation on the bund.
17. The appellant recognises that the proposal would result in the removal of the landscape bund, but points out that this falls outside the scope of Class J which does not concern itself with the loss of any existing feature. I also note that the Council officer's report indicates that there is a lack of detail as to how the change in levels would be secured and whether this would involve work other than the provision of a hard surface, "which would possibly fall outside the scope of Class J".

18. Although the GPDO permits the provision of a hard surface this is normally interpreted as being where there is minimal operation of scraping off the top surface of the ground and laying a base course of material and a wearing course above it. In this appeal, the proposals would involve the removal of an extensive area of bunding of significant height and length in the context of the site before any hardstanding could be laid. No constructional details, levels or cross sections have been submitted to enable a full assessment to be carried out. No information is provided about how the land beyond the boundary fence would be supported on the removal of the bund.
19. In LDC appeals the onus rests with the appellant to prove a case on the balance of probabilities but this has not been done in this instance. It therefore leads me to the conclusion that due to the extent of excavation needed to extend the hardstanding the development would represent an engineering operation falling within the meaning of development in s55 and for which planning permission is required under s57. This would be outside the scope of Class J as the removal of the bund comprises part of an overall operation implicit in the construction of the hardstanding.
20. I conclude on the second issue that the removal of the bund represents an engineering operation necessary for the construction of the hardstanding.

Conclusions

21. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the provision of a hard surface within the curtilage of a warehouse to be used for the purpose of the undertaking concerned under Schedule 2, Part 7, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) was well-founded, albeit for different reasons, and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

P N Jarratt

Inspector