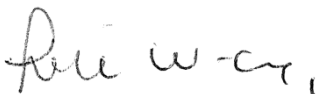


Date of issue: Tuesday, 15 June 2021

MEETING	PLANNING COMMITTEE (Councillors Ajaib (Chair), A Cheema (Vice-Chair), Dar, J Davis, R Davis, Gahir, Mann, Muvvala and S Parmar)
DATE AND TIME:	WEDNESDAY, 23RD JUNE, 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 9 and Appendix B 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 26th May 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/10482/013 - Cricket Club, Upton Court Road, Slough, SL3 7LT <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	29 - 60	Upton
7.	P/02028/008 - Thomas House, Petersfield Avenue, Slough SL2 5EA <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	61 - 90	Central
8.	P/06350/002 - Gurney House, Upton Road, Slough, SL1 2AE <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	91 - 140	Upton
9.	P/06651/103 - Units 2C, 3A, 3B, Slough Retail Park, Twinches Lane, Slough, SL1 5AL <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	141 - 170	Cippenham Meadows
10.	P/00226/045 - 253-257, Farnham Road, Slough, Berkshire, SL4 4LE <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	171 - 210	Farnham

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
11.	P/01125/008 - 2A, Bower Way, Slough, SL1 5HX	211 - 234	Cippenham Green

Officer's Recommendation: Delegate to the Planning Manager for Refusal

MISCELLANEOUS REPORTS

12.	Developer contributions for natural habitat at Upton Court Park	235 - 244	All
-----	---	-----------	-----

MATTERS FOR INFORMATION

13.	Planning Appeal Decisions	245 - 258	-
14.	Members' Attendance Record	259 - 260	-
15.	Date of Next Meeting - 28th July 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.

This page is intentionally left blank

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.

This page is intentionally left blank

Planning Committee – Meeting held on Wednesday, 26th May, 2021.

Present:- Councillors Ajaib (Chair), A Cheema, Dar, J Davis, R Davis, Gahir, Mann, Muvvala and S Parmar

Also present under Rule 30:- Councillors Hulme, Sandhu and Sharif

PART I

1. Declarations of Interest

Item 6 (Minute 7 refers) – 190-192 High Street, Slough: Councillor Mann declared that she had met with the applicant regarding the pre-application process but retained an open mind and would participate and vote on the application.

Item 7 (Minute 8 refers) – Jupiter House, Horton Road: Councillor Cheema declared that the application was in her ward. She stated she had an open mind and would participate and vote on the application.

Item 8 (Minute 9 refers) – Land north of Norway Drive: Councillor Gahir declared that the application was in his ward and that he had been the Chair of Wexham Court Parish Council at the time it made decisions regarding the leasing of the site. He stated that he had an open mind and would remain in the meeting and participate and vote on the application.

Item 8 (Minute 9 refers) – Land north of Norway Drive: Councillor Dar declared that the application was in his ward and that he had been on the Planning Committee when it had previously considered the application. He stated that he had an open mind and would participate and vote on the application.

Item 8 (Minute 9 refers) – Land north of Norway Drive: Councillor Ajaib declared that he had previously been Council's nominated representative on the Slough Urban Renewal board. He confirmed he had resigned from the board and that he had an open mind and would participate and vote on the application.

2. Guidance on Predetermination/Predisposition - To Note

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

3. Minutes of the Last Meeting held on 14th April 2021

Resolved – That the minutes of the meeting held on 14th April 2021 be approved as a correct record.

Planning Committee - 26.05.21

4. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

5. Planning Applications

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

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

Application P/00114/008 – Garages Rear of 1 Alexandra Road: Chalvey Ward Councillors Sharif and Sandhu addressed the Committee.

Application P/03079/017 – T190-192 High Street, Slough: the Agent and Central Ward Councillor Hulme addressed the Committee.

Resolved – That the decisions taken in respect of the planning applications as set out in the minutes below, subject to the information, including conditions and informatives set out in the report of the Planning Manager and the Amendment Sheet circulated to Members prior to the meeting and subject to any further amendments and conditions agreed by the Committee.

6. P/00114/008 - Garages Rear Of 1, Alexandra Road, Slough, SL1 2NQ

Application	Decision
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.	Deferred for a site visit.

7. P/03079/017 - 190-192, High Street, Slough, SL1 1JS

Application	Decision
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	Delegated to the Planning Manager for approval, subject to: (i) the satisfactory completion of a Section 106 Agreement to

Planning Committee - 26.05.21

<p>parking, refuse storage; roof garden; new residential access to the front (north) elevation; and upgrades to the high street façade.</p>	<p>secure a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works. Members requested that the viability review timescales be agreed by the Planning Manager following consultation with the Chair of the Committee; and</p> <p>(ii) finalising conditions, including the inclusion of a Delivery Servicing Plan, and any other minor changes;</p> <p>Or to refuse the application if the completion of the Section 106 Agreement was not finalised by 30 November 2021, unless a longer period was agreed by the Planning Manager in consultation with the Chair of the Planning Committee.</p>
---	--

8. P/09811/001 - Jupiter House, Horton Road, Colnbrook, Slough, SL3 0BB

Application	Decision
<p>Demolition of the existing buildings (Valerie House and Jupiter House) and the development of 7,320m² GEA of flexible light industrial, general industrial and storage and distribution employment floor space, with associated service yards, car parking and landscaping.</p>	<p>Delegated to the Planning Manager for approval subject to:-</p> <ol style="list-style-type: none"> 1. the satisfactory competition of a Section 106 to secure the following: <ol style="list-style-type: none"> 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;

Planning Committee - 26.05.21

	<p>3. finalising conditions, including the Demolition Plan; and any other minor changes.</p> <p>Or</p> <p>Refuse the application if the above had not been finalised by 26th November 2021 unless a longer period was agreed by the Planning Manager or Chair of the Planning Committee.</p>
--	--

9. P/04144/009 - Land north of Norway Drive, Slough, SL2 5QP

Application	Decision
<p>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.</p>	<p>Delegated to the Planning Manager for approval, subject to the satisfactory completion of a Section 106 planning obligation and conditions, or for refusal if the S106 was 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.</p>

10. Planning Appeal Decisions

Members received and noted details of planning appeals determined since the previous report to the Committee.

Resolved – That details of planning appeals be noted.

11. Date of Next Meeting

The date of the next meeting was confirmed as 23rd June 2021.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.22 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

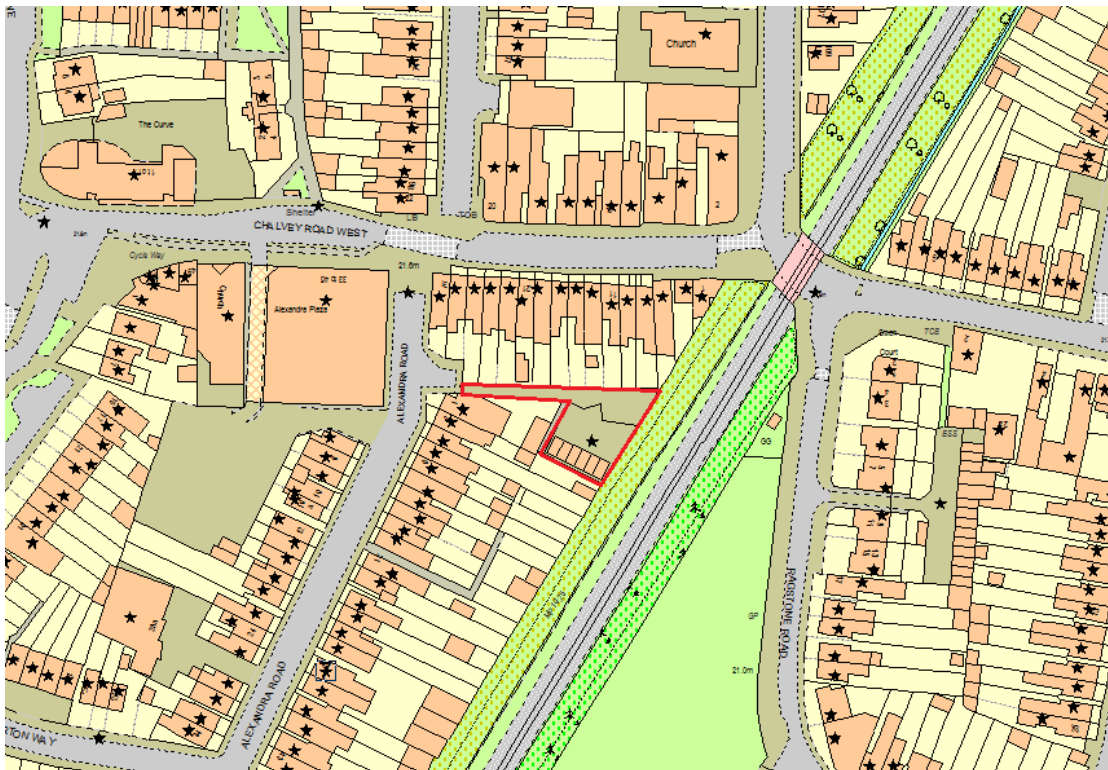
	OLD USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest 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
DR	Daniel Ray
ADJ	Alistair de Jeux
PS	Paul Stimpson
NR	Neetal Rajput
HA	Howard Albertini
JG	James Guthrie
SB	Sharon Belcher
IK	Ismat Kausar
CM	Christian Morrone
AH	Alex Harrison
NB	Neil Button
MS	Michael Scott
SS	Shivesh Seedhar
NJ	Nyra John
KP	Komal Patel
WD	William Docherty

This page is intentionally left blank

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:	Demolition of existing garages and construction of 1no. two bedroom and 2no. one bedroom flats		

Recommendation: Delegate to Planning Manager for Approval



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

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This application was deferred from the Committee meeting of 26 May 2021 to allow for a Members Site Inspection.
- 1.2 Under the current constitution this application is being brought to Committee following a call-in request from Ward Cllrs Sharif and Sandhu.
- 1.3 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 Policies 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 comments from the Highways Officer are noted and the applicant did previously advise that they were looking to address the points raised although nothing has been submitted to date. 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, this is a position that is considered to warrant significant weight in considerations.

14.3 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.

14.4 Members were concerned over the width of the proposed access. It is noted that neighbouring properties use the same access for parking and access to the rear of their properties and that the current use of the site as a garage, if operational, would likely result in larger traffic movements than would result from these 3 residential units. 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. There would be additional vehicles but the impact of this would be negligible.

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 It is unfortunate that the applicant has not submitted the additional information

requested. However, the position in respect of highways is such that its absence is not considered to render the scheme unacceptable in planning terms given the lack of objection raised previously. 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 Crime Prevention

17.1 At the committee meeting of 26 May 2021, Members raised concerns over the development leading to a rise in anti-social behaviour. It is noted that the Crime

Prevention design Advisor did not provide comments for this scheme.

17.2 It is noted that Members are concerned that the area around the application site is subject to anti-social behaviour already. The proposal will bring a currently redundant site back into use with activity resulting from residential occupiers. In principle, this would tend to have a positive impact on anti-social behaviour concerns as it creates natural surveillance to areas within and adjacent the site. Members concerns are noted however it is considered that this scheme would not, in principle, result in any link to an increase in anti-social behaviour. Furthermore, it is not the requirement of this development to holistically address existing crime prevention issues.

17.3 Therefore, in planning terms, the proposal is not considered to result in an adverse impact in respect of anti-social behaviour and crime prevention.

18.0 **Planning Balance**

18.1 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.

18.2 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.

19.0 **Process**

19.1 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.

20.0 PART C: RECOMMENDATION

20.1 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.

21.0 **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.

12. None of the residential units hereby approved shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of the proposed household waste and recycling arrangements for the development that considers the distance to the highways from the site. The development shall be implemented in accordance with the approved details.

REASON: To clarify waste management proposals in the interests of ensuring suitable arrangements for occupiers and ensuring that access to the site can be maintained in the interests of policy 8 of the adopted Core Strategy 2006 - 2026.

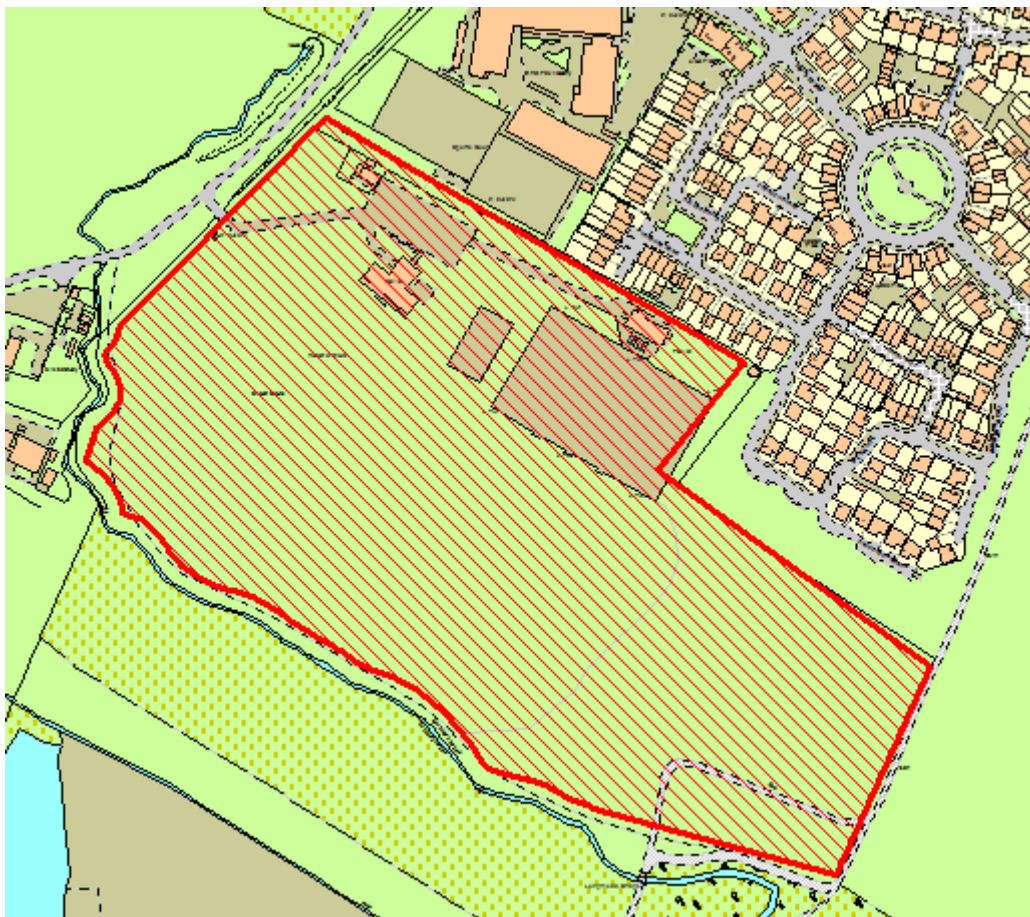
13. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority that show all of the parking spaces hereby approved as having electric vehicle charging points. The EV charging points must have at least a 'Type 2' sockets, and be Mode 3 enabled EV charging units and be rated at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase). The number of EV charging points required at

the opening of the development must meet at least 50% EV charging provision, with the remainder of the EV chargers being installed at an agreed date. At least 1 charging unit should be provided for within the accessible parking spaces. The Electric Vehicle charging points shall be constructed to be fully operational and made available for use prior to occupation of the offices. The Electric Vehicle charging bays shall be retained in good working order at all times in the future.

REASON: To provide mitigation towards the impacts on the adjacent Air Quality Management Area 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.

Registration Date:	25-Feb-2021	Application No. P/10482/013
Officer:	Shivesh Seedhar	Ward: Upton
Applicant:	Slough Cricket Club	Application Type: Major
		13 Week Date: 27 May 2021
Agent:	Mr. Simon Millett, Walsingham Planning Bourne House, Cores End Road, Bourne End, SL8 5AR	
Location:	Cricket Club, Upton Court Road, Slough, SL3 7LT	
Proposal:	Planning application for a new cricket pitch with supporting changing room building, scoreboard store, practice nets, low level fencing, ball stop screen and all associated works.	

Recommendation: Delegate to the Planning Manager for Approval



1.0 **SUMMARY OF RECOMENDATION**

- 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 approval subject to finalizing conditions and any other minor changes.
- 1.2 The application is being brought to committee for decision as it comprises of a major development due to the overall site area of the proposal.
- 1.3 The application was deferred to allow for the press notice consultation of 21 days to take place from 2nd April 2021 to 23rd April 2021.

PART 1: BACKGROUND

2.0 **Application Site and Surroundings:**

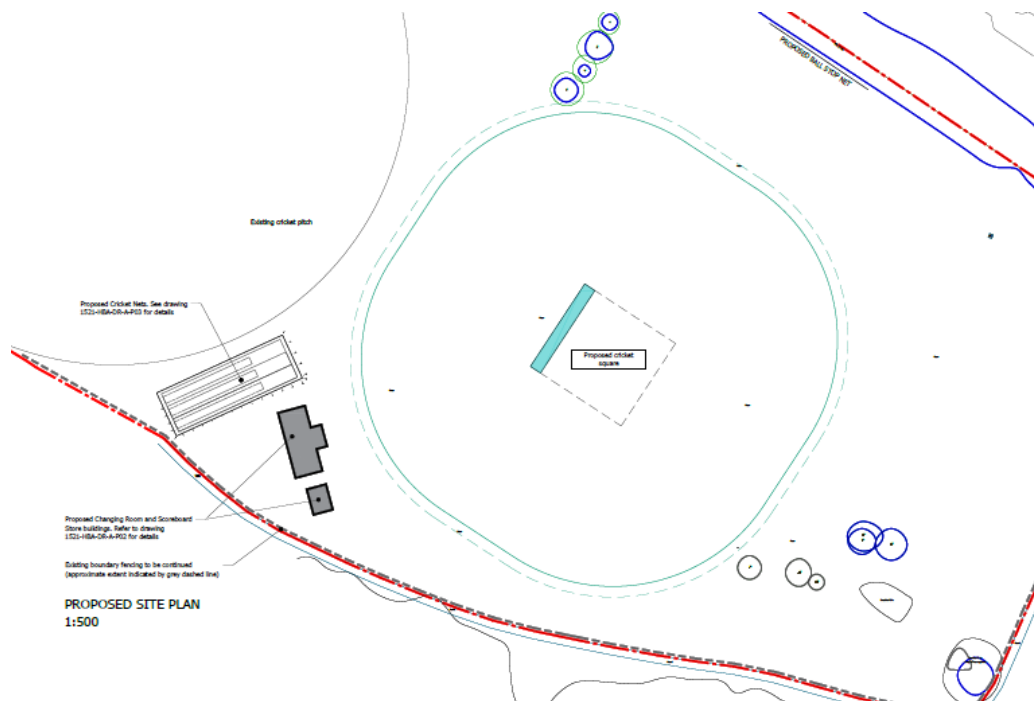
- 2.1 The application site comprises of land occupied by both Slough Cricket Club and Slough Hockey Club, and is located to the south east of Upton Court Park, east of Slough Rugby Club, and south of recently constructed residential development, with Boxall Way and Summersby Court being the nearest dwellings to the site). The site area is over 10.5 hectares.
- 2.2 The site is accessed from Upton Court Road to the north some 400m away, which leads upon an access road to the site. This road also provides access to Slough Rugby Club. The application site is located approximately 1.8 miles from Slough Railway Station and adjacent bus station. The nearest bus route is located approximately 966m away (12 minute walk away) with services along London Road, north to the site.
- 2.3 Parts of the site fall into Flood Zones 2 and 3 and is within the Green Belt, as determined by the Site Allocations Development Plan Document which supports the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document. Aerial images available to the Council show the site is generally bordered by established trees, providing a degree of screening from public vantage points.
- 2.4 The Linear Park, as designated by Local Plan Policy CG2, is situated at the south of the site, the purpose of the Linear Park is to provide pedestrian and cyclist access from the eastern to western borough boundaries, and CG2 seeks to promote use, and improve access of this route; the proposed timber shed would be in close proximity to the

Linear Park. The south-eastern section of the site falls within Ditton Park, a Grade II Historic Park and Garden.

2.5 The site is located on the edge of a built-up area with Ditton Park Academy and the early 20th century major housing development to the north; to the east lies further residential with farmland further east. To the south are playing fields and to the west is Slough Cricket Club comprising a car park and clubhouse. The residential properties located on Oxlade Drive to the north of the site are approximately 22m from the Pavilion building. The residential properties on Boxall Way to the east of the site are approximately 75m away from the Pavilion building.

3.0 **Proposal**

3.1 The proposed development would involve the creation of a third cricket pitch to the south-eastern section of the site on an area of under-developed land. This is accompanied by the erection of a single-storey timber shed to provide a new changing room, a new scoreboard, a training net, a high batting screen and an extension to the perimeter fence.



3.2 The proposed cricket pitch will comprise of a cricket pitch square and a full size field outfield. The proposed pitch will be constructed by a specialist sports turf consultant in accordance with Sport England and the English Cricket Board (ECB) guidance for club/recreational standard.

- 3.3 A batting screen 30m wide x 10m high is proposed to the north of the new cricket pitch, located in front of a small section of the existing boundary fencing and trees alongside the boundary between the club and the housing development to the north along Boxall Way. The screen will be constructed from green steel posts and a green synthetic mesh.
- 3.4 The proposed changing rooms will be located south west of the site alongside the cricket pitch boundary. The changing room is proposed to be 17m in length, 7m in depth and 5.3m high with a pitched roof. The building will also contain a dual pitched canopy, extending an additional 2.1m in depth, and terminating 4.7m in height from its highest ridge point. The proposed footprint of the changing rooms will be 130sqm.
- 3.5 The proposed scoreboard building will be located within the same region of the site as the changing rooms, to its right. The building will be 6.7m wide, 3.1m deep with a height 2.9m with a flat roof. The building will have a footprint of 20sqm. Both the buildings will be constructed from timber, red roof tiles and uPVC double-glazed windows.
- 3.6 The proposed cricket net will be located to the left of the proposed changing rooms. The net will consist of 3 training lanes with artificial turf. The net will be constructed in the form of a 35m x 12m x 4m steel frame. The frame columns will be 48mm in diameter, and the netting will be green. The net will be designed to adhere to the ECB Guidance Notes for Provision and Installation of Non-Turf Cricket Pitches and Net-Cage Facilities' and the ECB 'Code of Practice and Technical Requirements for the Design and Installation of Non-Turf Cricket Facilities'.
- 3.7 A low level fence will be constructed towards the south and east boundaries of the site, which is in addition to similar fencing currently present on site. The fencing will be a green fence designed with steel posts and a mesh. This fencing has been provided to prevent pedestrians from walking onto the site.
- 3.8 Some trees on the western boundary and in the southern corner of the site of the proposed pitch are proposed to be removed to provide the field boundary.
- 3.9 The cricket club is accessed by a shared access route from King's Reach. The site currently comprises of 55 car parking spaces including a designated disabled parking bay. These existing parking and access arrangements associated with the site are proposed to remain as part

of the development. However, in addition to this, following consultations with Transport and Highways, a designated overflow car park is proposed to meet the additional parking demand in an area already used for overflow parking. The overflow car park will be a reinforced grass parking grid system. This is a similar arrangement to community sports clubs across the country. The car park will provide 23 spaces.

3.10 Pre-application advice was given to the applicant on 4th September 2020 in response to PreApp/1305. The following elements were assessed and advice was given:

- The principle of development,
- The design and impact on the character of the area,
- Highways, Transport and Parking,
- Flood risk.

In summary, there were no objections to the proposal in principle and it was advised that a full application be submitted to the LPA. However, further details were requested for the purposes of assessing a planning application on transport, fencing and screening details including elevations relative to the existing trees, heritage and arboriculture.

3.11 The application is supported by the following information:

- Transport Statement,
- Historic England Listing Description of Ditton Park,
- Arboricultural Impact Assessment,
- Design and Access and Heritage Statement,
- Letter of Support from the Berkshire Cricket Foundation,
- Letter of Support from the Home Counties Premier Cricket League,
- Letter of Support from the Thames Valley Cricket League.

Further to this, an Ecological Assessment, Parking Summary Note and Proposed Additional Parking Layout Plan has been provided.

4.0 **Site History**

4.1 The relevant planning history for the site is set out below (planning that has been excluded involves invalid submissions).

P/10482/000 Change of use to recreational cricket facility

Approved with conditions

26-May-1998

P/10482/001 Retention of temporary access to allow construction of cricket pitches

	Approved (LLP); Informatives	26-Apr-1999
P/10482/002	Change of use to recreational cricket and football facility and construction of new pavilion	
	Approved with conditions	26-Apr-1999
P/10482/003	Erection of a detached pitched roof mobile home for groundsman	
	Approved with conditions	19-Apr-2000
P/10482/004	Development comprising the laying out of an artificial playing pitch, the installation of floodlighting and the erection of a pavilion building (amended plans 01/05/02).	
	Approved with conditions	17-Jun-2002
P/10482/005	Use of existing access road and construction of link road (to serve proposed gurdwara. Sports facility on site falling within Royal Borough of Windsor and Maidenhead)	
	Withdrawn (Treated as)	13-Nov-2002
P/10482/006	Retention of access road and formation and layout of car park	
	Refused	19-Sep-2003
P/10482/008	Retrospective application for an outbuilding store and scoreboard enclosure.	
P/10482/009	Lawful development certificate for existing marquee that has been in place for more than 4 years	
	Withdrawn	08-Jan-2020
P/10482/011	Construction of a temporary marquee from 01/10/2019 until 28/10/2019	
	Withdrawn by applicant	19-Nov-2019
P/10482/012	Change of use of a clubhouse, artificial hockey pitch and car park (Use Class F.2), between 7.30am and 5.00pm Monday to Friday only, to educational use (Use Class F.1) for a temporary period as required until 28th February 2021. Use Class F.2 to operate outside of these hours. (Revised Description of Development and Additional Documents submitted 25.09.2020)	
	Approved with conditions	17-Nov-2020

5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020, site notices at the site and surrounding streets on the access road to the club off King's Reach and Summersby Court were displayed on 11th March 2021. A press notice was issued in the Slough Express on 2nd April 2021.

5.2 One hundred and one objections to this application were received between 11th March 2021 and 26th April 2021. Additionally, fifty-nine comments of support were received. In summary, the objections raised the following points:

1. The car parking is shared between the hockey club and cricket club. The proposal would cause a strain on the existing parking provision and a rise in traffic within the area.
2. The single service road to the site would be inadequate for the rise in traffic resulting from the proposal as it also services Slough Rugby Club and Slough Hockey Club.
3. The land is not owned by the cricket club, sufficient notice of the application was not provided to the sports club membership, and is not common ground available for them to develop for their sole use.
4. The transport statement incorrectly refers to hockey as a winter sport, and is in fact used throughout the year by Hockey, therefore would increase congestion and strain on parking. Additional concerns are raised in relation to the contents of the transport statement being inaccurate.
5. The car park has been used for airport parking
6. Concerns in relation to residential unit on site have also been made. It is noted that this was built in accordance with planning permission granted on 19th April 2000 (LPA ref: P/10482/003).
7. The proposed 10m high fence is not clearly delineated on the amended plans and would impact the view from the club house

5.3 The issues raised within the objections in relation to car parking and rise in traffic and congestion are largely addressed in the Assessment Section 11.0 later in the report.

5.4 In relation to Point 3 as stated above, the additional information provided by the applicant and agent is sufficient enough to demonstrate that the land is under the ownership of the applicant and is therefore valid. One of the trustees named on the land deed provided has also confirmed the above. It should be noted that any person can make a planning application regardless if they own the land or not, as this can be applied for under Certificates A, B or C in accordance with Town and Country Planning (Development

Management Procedure) (England) Order 2015 Certificate under Article 14.

- 5.5 It is noted that the large majority of the objections have originated from the Hockey Club membership. Any issues debating the ownership of the land in relation to this is deemed to be a legal issue as opposed to planning and are therefore not for planning to assess. Additionally, any disputes between the parties are not material issues for planning to consider.
- 5.6 In reference to point 5, this use has since ceased.
- 5.7 In reference to point 6, the proposed development would not impact this as it is situated well north of the application site.
- 5.8 In reference to point 7, the proposed 10m high fence is indicated on amended drawing number 1521-HBA-DR-A-P01. The location of this is the same as the original plan submitted, north-east of the pitch. It is not considered that the location of this would impact the views from the clubhouse.
- 5.9 Two petitions to the council were submitted in support (7th April 2021) and in opposition (28th March 2021) of the proposed application. Each petition has 438 signatures and 383 signatures respectively. The matters raised within this are similar in nature to the objections and are therefore addressed and summarized in Paragraphs 5.2 to 5.7.
- 5.10 Furthermore, the agent has provided a response to some of the matters raised within the objections on 25th May 2021:

Site Ownership

There has been some misinformation around the ownership of the site. The applicant has provided a copy of a Land Registry title and Slough Sports Club Constitution demonstrating that the Application Form and Certificate are correct to the satisfaction of the Council.

Access

Comments have been received about the suitability of the existing access road to the Cricket Club. The Council's Transport Officer agrees with the applicant that the vehicular access which will serve the proposed development is fit for purpose. They have no objections regarding access.

Car Parking

A Transport Statement produced by RGP supports the application and provides a trip generation rate for the proposed development. At the request of the Council, an independent car park/traffic survey was carried out on a weekend matchday when both cricket pitches were being used and hockey training was taking place and supported the Transport Statement's trip generations rates and confirmed that 15 additional car park spaces would be required for the new pitch. The survey took place at a time when different households were not permitted to share cars, and this is therefore a worst-case scenario. A designated overflow car park is proposed to meet the additional parking demand in an area already used for overflow parking. The overflow car park will be a reinforced grass parking grid system. This is a similar arrangement to community sports clubs across the country. The car park will provide 23 spaces. This is ample capacity to comfortably accommodate all periods of peak demand generated on matchdays by the Cricket and Hockey Clubs. This represents an improved arrangement when compared to the existing situation at the site.

6.0 **Consultations**

6.1 A total of five consultees were contacted in relation to this application. Transport and Highways and Arboriculture were consulted on 16th March 2021. Parks and Open Spaces were consulted on 18th March. Contaminated Land were consulted on 24th March. Sport England were consulted on 8th April 2021.

6.2 **Sport England**

Comments received on 23rd April 2021:

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Proposal and impact on playing fields

The proposal is for a new cricket pitch with supporting changing room building, scoreboard store, practice nets, low level fencing, ball stop screen and all associated works.

Assessment

The proposals are taking place on land which although not currently laid out as formal playing pitches, is still considered as playing field. The site is also that of Slough Hockey Club, so in my assessment I have consulted with England Hockey EH and the English Cricket Board.

The comments received from EH were mainly around the wider issue, which included the operation of the site, which I will return to later. They raised no objections to the planning application.

The ECB made a number of comments which I will summarise: the need to ensure the wicket meets the appropriate standards; the need to ensure that ball strike issues have been assessed by an appropriate consultant; they question the pavilion design and wonder if it meets the league requirements; and finally they question the appropriateness of the design of the nets.

The ECB are supportive of the proposal in principle, subject to their concerns being addressed.

Like EH they also have questions on the operation of the wider site. Having sat on the playing pitch steering group, I am aware of some

challenges between the hockey fraternity and the cricket fraternity on this site. I would suggest that these issues are discussed with both the ECB and EH present, and one of the outcomes is the production of a sustainable master plan which suits both sports.

I would be grateful if these comments are passed on to the applicants.

Conclusion and recommendation

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England **does not wish to raise an objection** to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Following this consultation, the comments were passed on to the applicant, in light of the comments from EH and the ECB.

6.3 **Arboriculture**

Comments provided on 23rd April 2021.

I am in broad agreement with the submitted arboricultural impact assessment of the proposal and the trees on the site within the report Arboricultural Survey and Impact Assessment Slough Cricket Club, Upton Court Road, Slough, SL3 7LT On behalf of Slough Cricket Club February 2021.

The key aspect to this is the level of compensation planting is provided for the loss of trees. There is plenty of space around the grounds to achieve this which is unusual bonus of this scheme. I suggest for every 1 tree removed x 4 are planted at 8/10cm girth (2m high) the species planted is a range of native trees similar to those removed.

The applicant can finalise the arboricultural method statement and tree protection plan to which can then be an approved document, removing the need for a tree protection condition and further application.

The applicant must provide a landscape plan that helps infrastructure surrounding the cricket pitch settle into the landscape and additionally, compensates for the loss of trees. In addition the land surrounding the pitch will require ongoing maintenance etc. This area should be set aside and maintained for wildlife values and demonstrate biodiversity net gains. A landscape master plan is required and should be provided ahead of any approval so that the principles can be agreed.

An preliminary ecological assessment should be undertaken to check for protected species on site, such as slow worms, bats and foraging bats plus any further recommended surveys prior to any approval. If flood lighting is proposed it should be bat friendly see guidance from the Bat conservation trust. Timber from trees removed must be retained on site for biodiversity habitat piles.

The ecologist must make further recommendations and assist in developing the landscape plan to improve biodiversity around the site.

Recommendation

No objection subject to the satisfactory submission of additional information.

The ecological assessment provided was considered as acceptable, with the inclusion of a condition to ensure ecological management plan is produced prior to occupation. The agent has agreed to deal with the above by condition in relation to the landscaping plan, which was considered acceptable to the arboricultural officer. Additionally, the arboricultural officer was satisfied with the finalised arboricultural method statement and tree protection plan.

6.4 Parks and Open Spaces

Comments provided on 26/04/2021. These have been summarized below:

- Looking at the plans, there are concerns about the fencing to the boundary which is very close to the footpath/cycle path where currently there is no fence thus closing in an area that at present is pleasantly open.
- Also the location of the changing room seem odd as it was expected that they would be better nearer the top of the slope nearer the existing buildings for security and being less liable to damage should the stream over top its banks. The club has

already been in contact with the council about this, as earlier last year it did over top on at least one occasion. We have cleared the stream to try to prevent further issues but feel that we will be forever being chased to maintain this semi natural feature as a result of the choice of location for the building.

- There is no drainage to the field so the lower portion of the field always lies wet which the club thinks is due to the stream where it isn't. Last season as a result of this the club tried to claim that the lower cricket square was unusable laying the blame on the council.
- Unless the applicant manages to sort drainage, the building will be in a vulnerable position and feel that the fencing will make the area less attractive.

In relation to the above, the applicant and the agent provided the following response to justify the location of the changing room:

- We never had any issues with flooding due to the stream in ground 2 (which is next to this proposed new pitch) and on the land where there will be our new third pitch as they are on higher planes compared to ground 1 and away from the problem area which is near the scoreboard of ground 1. The problem was always for ground 1 and the reason was that the stream was not dredged for years. It was done last year and since then we have had no issues at all with water logging and it is not a concern any more.
- The proposed location is chosen for the club house because as per the master plan this was a dead space and best utilization of land. If we relocate to a lower end near hockey pitch (it was also considered as an option) it will be using up a valuable practice area and also not desirable from pedestrian and players point of view and equally we want to keep it away from nearby housing to mitigate any noise impact from players congregating there.
- On the proposed low level fencing, this is proposed in order to prevent pedestrians and domesticated animals walking onto and across the pitch, causing damage and interrupting play. It is proposed to be green in colour and mesh to blend in and remain open in appearance. The Club can erect this fencing under Part 2, Class A of the Permitted Development rights.

Following this, the Parks and open spaces team accepted the rationale behind the location of the changing room etc, however were still concerned regarding the fence. Additionally, it was made clear that the council will not be regularly dredging the stream at the council's expense to prevent any flooding of the new buildings.

The department also added the additional comments:

- The proposed buildings, screening, fencing, score board and cricket nets would constitute a negative visual intrusion on what is currently a pleasant natural and open streamside corridor along a popular cycling and walking route. I would prefer these to be sited at the northern end of the site nearer existing buildings to minimise impact on the natural setting to the south
- Loss of natural habitat. The site is presently mature grassland which affords good wildlife habitat. The square and outfield would provide very poor natural habitat
- The southern side of the site is the most prone to flooding so buildings and structures would be at risk if sited here
- The proposed galvanised and steel tube boundary fence is too utilitarian in style for the setting. A simpler wooden post and rail fence with green mesh would look more appropriate
- Also on an ecological note; bats have been seen using the area. They are either commuting or roosting in the larger trees on the other side of the path/cycle way, also the stream has toads breeding in it (not sure if they constitute a significant species). Having said that, that all occurs on the other side of the path away from the proposal.

Given this, the agent confirmed that they will amend the design of the fence. The issues relating to the natural habitat and bats were referred to the arboricultural officer.

Overall, the Parks and Open Spaces team considered the above proposal to be acceptable with the information provided and justification from the applicant. An informative has been added to ensure that the applicant is aware that the council will not bear the cost of regularly dredging the stream to prevent any flooding of the new buildings

6.5 **Contaminated Land**

Comments provided on 14th May 2021.

The proposed development is not located in the immediate vicinity of any significant PCLs; thus, there are no objections.

6.6 **Transport and Highways**

Comments provided on 14th April 2021

Vehicular Access

The existing Cricket Club is served by an existing access road King's Reach. The vehicle access measures 5 metres wide, which is wide enough to accommodate two-way traffic flow. Parking controls prevent vehicle parking in close proximity to the access. No collisions have

been recorded at the site access based on public available collision data from www.CrashMap.co.uk.

SBC Highways and Transport have no objection to the vehicular access for the proposed development.

Trip Generation

The Transport Statement provides an assessment of the site's trip generation which has been completed using estimates of trip generation provided by the operator of the Cricket Club. It has not been possible to complete an assessment using TRICS (the national trip generation database) as the database does not contain survey data of cricket clubs.

117 people are forecast to be on site when the proposed cricket pitch and the two existing cricket pitches are in use.

RGP estimate that the cricket club would generate a total of 92 two-way vehicle trips on match day, or 46 one-way trips. RGP estimate this on the basis that each team comprises 14 players and 1 coaching staff member, with each player/coaching staff member per team would travel together with at least one other player to matches. It is forecast that 3 spectators per pitch would travel by car, with the remaining spectators travelling in the same car as players, given that most spectators would be family or friends of players. RGP estimate 15 arrivals by car per pitch on a match day.

RGP state that with matchdays taking place on Saturdays and Sundays, trips made to the site would not conflict with the conventional highway peak hour periods (08:00 – 09:00 and 17:00 – 18:00, Monday to Friday). RGP also outline that trip generation during training sessions is considerably less during training sessions than competitive match days, given there are no away teams or spectators.

RGP say that their estimate is a robust one which does not take account of using team minibuses.

Parking

SBC Highways and Transport request further evidence regarding parking demand on match days. The completion of a Parking Demand Survey by an independent traffic survey on a weekend match day is required. Photos of car park occupancy should be provided.

The Slough Borough Council Parking Standards (2008) state that for Sports and Leisure land uses, the provision of car parking should be considered based on the merits of the site.

RGP have forecast demand for 46 car parking spaces during match days based on the observations provided by Slough Cricket Club, which could be accommodated by the 56 parking spaces provided. However the evidence provided is not supported by any photos or a survey.

Cycle Parking

SBC Highways and Transport require the applicant to detail how much cycle parking is provided. The Slough Borough Council Parking Standards (2008) require the provision of 1 cycle parking rack per 10 staff and 1 cycle parking rack per 20 visitors for Sports/Leisure facilities.

The provision of cycle parking is necessary to ensure the proposals comply with Paragraph 108 of the NPPF which requires applications for development ensure appropriate opportunities for sustainable transport modes have been taken up.

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.

The applicant has provided a parking demand survey taken on a match day as requested. Transport and Highways were satisfied with the content and conclusions of this, however they would require that it is demonstrated on plan that sufficient room to provide 23 spaces is provided. In terms of cycle parking, the applicant and agent stated that some players bring their bikes but there is no formal parking for this, it is just placed near where they are situated. The Transport and Highways team on this occasion were willing to forgo the requirement for cycle parking, given these circumstances.

Additionally, the department requested that a reinforced grass parking grid system as opposed to rubber matting is provided to accommodate any new/regular car parking demand.

The agent has provided amended and additional plans and an amended transport note to reflect this. Upon reviewing this, the Transport and Highways team were happy with the amendments provided and had no objections to the proposal given the information provided. A condition has been inserted to ensure that the scheme for parking, maneuvering and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the site.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National Planning Policy Framework:

- Chapter 2: Achieving sustainable development
- Chapter 8: Promoting healthy and safe communities
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt land

Local Plan for Slough March 2004 policies:

- EN1 – Standards of Design
- CG2 – Linear Park

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

- Core Policy 1 – Spatial Strategy
- Core Policy 2 – Green Belt and Open Spaces
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment

Supplementary Planning Documents and Guidance

- National Planning Practice Guidance

8.0 Slough Local Development Plan and the NPPF:

8.1 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 (NPPF) was published on 19th February 2019.

Planning Officers have considered 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.

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or;
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The policies referred to are those in this Framework relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

- Paragraphs 133-147 (Section 13) relates to 'protecting the Green Belt' and paragraph 133 confirms that the Government attaches great importance to Green Belts.
- Paragraph 143 identifies that inappropriate development is, by definition, harmful to then Green Belt and should not be approved except in 'very special circumstances'.
- Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.2 The planning considerations for this proposal are:

- The Principle of Development,
- The Design and Impact on the Character of the Area,
- Highways, Transport and Parking,
- Landscape and Arboriculture,
- Flood Risk

9.0 **Assessment**

The Principle of Development

- 9.1 Paragraph 83 of the NPPF encourages LPAs to enable the retention and development of accessible local services and community facilities including sports venues. Section 8 of the NPPF (paragraphs 91 onwards) promotes healthy and safe communities, stating that planning decisions should aim to achieve healthy, inclusive and safe places, and provide social, recreational and cultural facilities and services the community needs, for example through the provision of sports facilities and venues for all sections of the community.
- 9.2 Within the Green Belt there is a general presumption against inappropriate development which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 145 of the NPPF sets out that the construction of new buildings should be regarded as inappropriate development, exceptions to this include:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 9.3 Very special circumstances must exist to justify setting aside the policies of restraint. Local planning authorities are required to give substantial weight to any harm which might be caused to the Green Belt by the inappropriate development.
- 9.4 Core Policy 1 of the Slough Local Development Framework Core Strategy 2006-2026 states that all development will take place within the built up area, predominantly on previously developed land, unless there are very special circumstances that would justify the use of Green Belt land. Core Policy 2 of the Slough Local Development Framework Core Strategy 2006-2026 states that the existing areas within the Metropolitan Green Belt will be maintained, and existing private and public open spaces will be preserved and enhanced.
- 9.5 The proposal is identical to that submitted for pre-application advice on 4th September 2020 in response to PreApp/1305. This proposal relates to the new buildings, boundary treatment and provision of an additional cricket pitch within an established cricket ground, set within an existing site on previously developed land which is in continuing use. The site has buildings in its curtilage, related to the cricket and hockey clubs, and the proposed additional buildings would not result in an excessive level of built form within the Green Belt. The buildings would provide facilities in relation to outdoor sport, and would fall within the exception provided by Paragraph 145 of the NPPF; therefore it would be considered to be appropriate within the Green Belt. The footprint of the proposed changing room, whilst moderately large at 130m² would not appear overly dominant or prominent within the site, and would not have a significant impact upon the openness of the Green Belt.
- 9.6 Within the pre-application advice, the proposed net fencing at 15m high could have an impact upon the openness of the Green Belt, by enclosing the area with a visually obstructive boundary treatment, particularly if the net has a fine mesh, or overly dominant struts/posts. At pre application stage it was recommended further details of the net specifications would be required to ensure there is no such visual obstruction and the fence does not obscure views of the Green Belt. Given the details provided on drawing 1521-HBA-DR-A-P01 the height

of this has been reduced to 10m and will be constructed from dark green synthetic fibre mesh netting and Green PPC galvanised steel posts. This is not deemed to be overly dominant and is therefore acceptable in design terms. At pre-application stage, the proposed timber fencing to the south and east of the site were deemed unlikely to have a detrimental impact, due to proximity to existing trees. In line with consultation advice from Parks and Open Spaces, the fencing detail has been altered to be have a treated timber top rail fixed to the timber posts, with treated square timber posts set in concrete pad foundations with decorative timber capping, a green PPC metal mesh fence fencing fixed back to timber posts and treated timber bottom rails fixed to the posts. This is again shown on 1521-HBA-DR-A-P01. As stated within the pre-application advice, elevations showing the relationship with the trees for the net and timber fencing would be necessary in the event that a planning application is submitted. These have been submitted as part of the application. The laying out of a cricket pitch would retain openness within the Green Belt, with no permanent structures likely to be required within this area; the proposed removal of trees to facilitate the cricket pitch would have a minimal impact upon the openness of the Green Belt, however may have an impact upon the character of the area (particularly the setting of the Historic Park and Garden). This element is further discussed in the section below.

9.7 Sport England Playing Fields Policy and Guidance (August 2018) states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.”

Therefore Sport England have been consulted on this application as a statutory requirement as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).

9.8 Notably Sport England did not raise any objections, as they were satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

It is noted that Sport England consulted with both The ECB and EH (England Hockey). Both raised no objections with The ECB supportive to the proposal subject to the concerns in relation to the need to ensure that ball strike issues have been assessed by an appropriate consultant; they question the pavilion design and wonder if it meets the league requirements; and finally they question the appropriateness of the design of the nets.

Both EH and The ECB have raised questions about the operations of the wider site, with the issues between the Hockey and Cricket sections at Slough Sports Club being known. They have suggested that these issues are discussed with both the ECB and EH present, and one of the outcomes is the production of a sustainable master plan which suits both sports. However, in relation to the application itself, no objections were raised.

- 9.9 Based on the above the proposal would be appropriate development in the Green Belt, particularly due to the additional outdoor sports provision and therefore acceptable in principle, and be in accordance with the principles of the NPPF and Core Policies 1 and 2 of the Slough Local Development Framework Core Strategy 2006-2026.

The Design and Impact on the Character of the Area

- 9.10 Core Policy 8 of the Slough Core Strategy states that all development should be sustainable, of a high quality, and should improve the quality of the environment. To achieve high quality design, development should, amongst other things, respect its location and surroundings and reflect the street scene and the local distinctiveness of the area. Additionally, Local Plan Policy EN1 states that development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of: scale, height, massing/Bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to water courses. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused.

- 10.0 As stated previously, the proposed buildings are the same size and design as those deemed acceptable at pre-application stage. The proposed buildings are considered to be modest in terms of height, with the tallest being the proposed changing room (approximately 5.3m in height), and sited within the southern most region of the site, approximately 200m from the nearest residential property at Boxall Way and Summersby Court, and within an area surrounded by trees. The buildings are not considered to cause a detrimental impact upon the character of the area due to their relatively isolated location within the 10.5 hectare site, and would be appropriate for a sports facility.
- 10.1 A heritage statement and a Historic England listing description of Ditton Park has been provided to assess the impact of the removal of the trees on the character of the area. The listing description states that Ditton Park is a landscaped park with open farmland to the west. The M4 motorway (to the south) and Ditton Park research station (to the west) have both built on the former parkland.
- 10.2 The heritage statement from the agent has stated that the existing trees do not contribute to the setting and character of the listed buildings and gardens of the area, and therefore concluded that the removal of the low-quality trees will have a neutral impact (less than substantial harm) upon the character of the area or the setting of the Ditton Park Historic Park and Garden. This means that the trees lost are considered to be low quality. From the comments provided by the Arboricultural officer, new planting will be required to mitigate this loss, including 4 new trees for every 1 tree lost. This will help to improve the appearance of the site when viewed from Ditton Park. It has been agreed by the agent and the officer that this can be dealt with by condition through the provision of a landscaping plan.
- 10.3 The Parks and Open Spaces Department has provided consultation comments in relation to the development. This is provided in full detail in Paragraph 6.3 of the report. The department has raised concerns in relation to the location of the proposed buildings. However, they accepted the rationale of the location provided by the agent and applicant, provided the materials of the proposed fencing was changed. This was accepted and amended by the agent.
- 10.4 Therefore given the above, the removal of the existing trees and erection of the new buildings, nets, cricket pitch and high net screen would not significantly harm the character of the area.

Highways, Transport and Parking

- 11.0 Paragraph 108 of the NPPF 2019 states that in assessing specific applications for development, it should be ensured that:

a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) Safe and suitable access to the site can be achieved for all users; and

c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the NPPF 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.

- 11.1 Within the pre-application advice (LPA Ref: PreApp/1305), it was stated that it was unlikely that the proposed single storey timber shed and scoreboard store would contribute to an increase in traffic to the site, and the existing site access and parking arrangements would remain. However, it was noted that the provision of an additional cricket pitch could cause an intensification of use at the site, in terms of participants and spectators.
- 11.2 It is noted that a number of objections have been raised in relation to the proposal, with concerns that the addition of another cricket pitch would strain the existing car parking capacity at the club, which is shared with the Hockey club also. There are also concerns that the single service road leading to the club would not be able to cope with the increase in traffic as a result of the development. Additionally photographs have been provided through the objections to demonstrate the busy nature of the car parking at the club. However, it cannot be determined if this traffic generation can be solely generated to the operations of the cricket club, or the operations of the sports club as a whole.
- 11.3 A transport statement has been provided as part of the application. The statement indicated that the proposed third pitch would generate up to 30 more two-way vehicle movements per match day. The statement has also stated that out of the 55 existing car parking spaces, 46 cars would be parked on site during peak demand generated on match days, which would equate for 85% of the existing capacity.
- 11.4 The Transport and Highways Department were consulted to assess the application. The comments as outlined in Paragraph 6.6 of the report were largely supportive of the application, provided an updated parking survey taken on a match day was provided, and issues related to cycle parking were addressed. Upon receipt of this, the Transport and Highways team were satisfied with the findings, pending the provision a reinforced grass parking grid

system as opposed to rubber matting to accommodate any new/regular car parking demand. Amended and additional plans have been provided to reflect this amendment, providing an additional 23 spaces. In relation to the cycle parking, the applicant has advised that people travelling to the site by bicycle generally leave their bike in vicinity to the seating or playing area, and do not anticipate that any cycle parking will be widely used. Given this, the Transport officer accepted that the cost of providing cycling parking would be onerous, and have forgone the requirement for cycle parking on this occasion. Therefore, Transport and Highways were happy with the level of information provided and raised no further objections to the application.

- 11.5 A condition has been inserted to ensure that the scheme for parking, maneuvering and the loading and unloading of vehicles shown on the submitted plans shall be laid out prior to the initial occupation of the site.
- 11.6 A condition in relation to the overflow car parking area has also been inserted to ensure that the proposal complies with the amended approved plans provided as part of the application.

Landscape and Arboriculture:

- 12.0 The submitted plans indicate that 12 trees will need to be removed and one partially removed in order to provide a new cricket pitch. As shown with the Arboriculture Impact Assessment provided by the agent, these survey items to be removed are T5, T6, T7, T8, T9, T10, T11, T12, G13, G14 and G15, with G16 being partially removed. All other trees are to be retained.
- 12.1 The Arboricultural Officer has assessed the proposal and stated they had no objections to the proposal, provided that an updated landscaping plan and an ecological management plan is provided. Full comments in relation to this are provided in Paragraph 6.5 of the report. The consultant confirmed that they were happy for this to be dealt with by condition.
- 12.2 Additionally Contaminated Land had stated that the proposed development is not located in the immediate vicinity of any significant PCLs, therefore no objections to the application have been raised.

Flood Risk

- 12.3 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by preventing unacceptable levels of soil, air, water pollution or land instability.
- 12.4 Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 DPD (2008) states that all development [...] be of a high quality design that is practical, attractive, safe, accessible and

adaptable, respect its location and surroundings, shall not cause contamination or a deterioration in land, soil or water quality and receptors, will only be permitted where it is safe and it can be demonstrated that there is minimal risk of flooding to the property and it will not impede the flow of floodwaters, increase the risk of flooding elsewhere or reduce the capacity of a floodplain. It also states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.

- 12.5 Core Policy 9 also states that development will not be permitted unless it protects and enhances the water environment and its margins. The Slough Borough Council Flood risk and surface water drainage Planning guidance (January 2016) provides additional guidance on the consideration of flooding issues.
- 12.6 Policy EN34 of the Local Plan (2004) states that Development which increases the demand for off-site service infrastructure, such as water supply, surface water, foul water drainage or sewerage treatment, will not be permitted unless sufficient capacity already exists or extra capacity will be provided in time to serve the development without harm to the environment.
- 12.7 The proposed new buildings would be located within an area of the site within flood zone 3 (higher probability of flooding), as designated by the Environment Agency, as such measures would typically be necessary to minimise and mitigate the flood risk in the area. The proposed buildings would relate to outdoor sports and recreation, and provide essential facilities such as changing rooms; such uses are designated as “water compatible” and considered to be appropriate development by the Environment Agency. As outlined within the pre-application report, the overall footprint of the new buildings is unlikely to have a significant impact upon the flood risk in the area, given the large area of undeveloped land within the site and surroundings.
- 12.8 On the basis of the above, the proposal is considered to be in accordance with Core Policy 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026 DPD (2008) and paragraph 170 of the NPPF (2019).

Planning Conclusion

- 13.0 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.

- 13.1 Notwithstanding the above, officers have considered whether there are any other material circumstances that need to be taken into account, notwithstanding the development plan provisions.
- 13.2 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.”
- 13.3 The report identifies that the proposal complies the relevant saved policies in the Local Plan and Core Strategy. The development would make a positive contribution to the provision of sports facilities in the Borough.
- 13.4 Weighing all of the factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies in the Core Strategy and Local Plan, the proposals would constitute sustainable development due to the significant community benefits. In applying Paragraph 11 of the NPPF, it is considered that the benefits of the proposals outweigh any minor adverse impacts.
- 13.5 As the proposals are in accordance with the Development Plan and there are no other material considerations that would lead to an alternative determination of the planning application, the proposals would be in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

PART C: RECCOMENDATION

- 13.6 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 that the application be delegated to the Planning Manager for Approval, subject to finalising conditions and any other minor changes.

PART D: LIST OF CONDITIONS

- 14.0 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.

14.1 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. 1521-HBA-DR-A-P01 D (revised), Dated 10/02/2021, Recd On 12/05/2021,

(b) Drawing No. 1521-HBA-DR-A-P02, Dated 10/02/2021, Recd On 25/02/2021,

(c) Drawing No. 1521-HBA-DR-A-P03, Dated 10/02/2021, Recd On 25/02/2021,

(d) Drawing No. 1521-HBA-DR-A-P04, Dated 10/02/2021, Recd On 12/05/2021,

(e) Drawing No. 1521-HBA-DR-A-LOC01, Dated 10/02/2021, Recd On 25/02/2021,

(f) Drawing No. Transport Statement, Dated 02/2021, Recd On 25/02/2021,

(g) Drawing No. Ecological Assessment, Dated 03/2021, Recd On 22/03/2021,

(h) Drawing No. Car Parking Summary Note, Dated 05/2021, Recd On 15/05/2021,

(i) Drawing No. Arboricultural Survey and Impact Assessment and Method Statement, Dated 05/2021, Recd On 17/05/2021,

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.

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

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

14.3 The scheme for parking, maneuvering and the loading and unloading of vehicles shown 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, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

14.4 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

a) a scaled plan showing vegetation to be retained and trees and plants to be planted:

b) proposed hardstanding and boundary treatment:

c) a schedule detailing sizes and numbers of all proposed trees/plants

d) Sufficient specification to ensure successful establishment and survival of new planting.

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy EN3 of the Slough Local Plan (adopted March 2004) and Core Policies 2 and 8 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document (DPD) (adopted December 2008).

14.5 There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy EN3 of the Slough Local Plan (adopted March 2004) and Core Policy 8 of the Slough Local

Development Framework, Core Strategy 2006-2026 Development Plan Document (DPD) (adopted December 2008).

14.6 Landscape & Ecological Management Plan (LEMP)

Prior to occupation details of a 25 year landscape ecological management plan that includes but not limited to the ecological enhancements outlined within Section 5 (Ecological Evaluation) of the Ecological Assessment dated March 2021 and the Landscape Proposal under Condition 2 must be submitted and approved by the planning authority.

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits to enhance its setting within the immediate locality in accordance with Policy EN3 of the Slough Local Plan (adopted March 2004) and Core Policies 2 and 8 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document (DPD) (adopted December 2008).

14.7 Prior to occupation of the development, the Arboricultural Method Statement and Tree Protection Plan submitted as part of the application shall be implemented.

REASON: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy EN3 of the Slough Local Plan (adopted March 2004) and Core Policies 2 and 8 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document (DPD) (adopted December 2008).

14.8 The proposed overflow car park to provide 23 car parking spaces shall be provided, marked out and surfaced in accordance with the approved plans that have been agreed with the Local Planning Authority.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area.

Informatives

14.9 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.

14.10 The council will not bear the cost of regularly dredging the neighbouring stream to prevent any potential flooding of the proposed buildings.

14.11 The following British Standards should be referred to:

a) BS: 3882:2015 Specification for topsoil

b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs

c) BS: 3998:2010 Tree work – Recommendations

d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)

e) BS: 4043:1989 Recommendations for Transplanting root-balled trees

f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).

h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations

i) BS: 8601:2013 Specification for subsoil and requirements for use

This page is intentionally left blank

Registration Date:	24-Aug-2020	Application No:	P/02028/008
Officer:	Alistair de Joux	Ward:	Central
Applicant:	Hom Investments Ltd	Application Type:	Major
		13 Week Date:	23-Nov-2020
Agent:	Danks Badnell Architects Ltd, Kings Stables, 3-4 Osborne Mews, Windsor SL4 3DE		
Location:	Thomas House, Petersfield Avenue, Slough SL2 5EA		
Proposal:	Demolition of the existing building (Use Class B2) and construction of a 5 storey building with lower ground parking, to accommodate 18 residential units (Use Class C3) with associated works.		

Recommendation: Delegate to the Planning Manager for approval subject to the criteria set out in paragraph 1.1.



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:

1. No objections that raise substantive additional issues arising from reconsultation having been received by 25th June 2021;
2. Satisfactory resolution of surface water drainage issues;
3. Satisfactory provision of refuse / recycling storage, visitor cycle storage and basement car park provision for disabled car space and confirmation of cycle spaces;
4. The satisfactory completion of a Section 106 Agreement to secure infrastructure made necessary by the development; and
5. Finalising conditions and any other minor changes;

OR

B. Refuse the application if the completion of the above has not been satisfactorily completed by 23rd December 2021 unless a longer period is agreed by the Planning Manager, or 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 The proposed building would provide 18 no. units in a five storey building with an excavated lower ground undercroft to provide parking for 17 no. cars including one intended for disabled use, and a cycle store for 18 no. cycles. Five of the flats would provide one bedroom and the remainder two bedrooms.

2.2 The building has been designed in a similar style to the apartment building at BMW House, which is to the east of the site on Petersfield Avenue at a distance of less than 50m. Like this neighbouring building, the main structure would be four storeys high and clad predominantly in brick with cast stone detailing with a fifth floor level clad in standing seam metal or slates, which is set back from the front and in from the rear main building lines. Unlike BMW House, the building features slit windows in the flank wall elevations, which visually break up the expanse of this wall. As it will be necessary for these to be obscure-glazed and non-opening, the flats can be regarded as a mix of single and dual aspect, facing either

to front and / or to the rear. (These aspects of the proposal are further discussed in Section 10 and 11 of this report.)

- 2.3 The proposals have been amended during the course of the application, with key changes including the elimination of the majority of balconies at the rear of the building, which would face 100-104 St Pauls Avenue, and improved space for landscaping at the rear.

3.0 Application Site

- 3.1 The site currently comprises a single storey building with a vehicle access on the western side of the site and car parking to the front, set on the north side of Petersfield Avenue and approximately 300m to the east of the Slough Local Plan town centre boundary. It is understood to be in a current commercial use by HSB Plastics, and is within an existing business area. The surrounding area is mixed with industrial, commercial residential accommodation. Immediately adjacent to the proposed site are the following:

- North: Residential gardens associated with properties at 100 – 104 St Pauls Avenue (even number range);
- East: Commercial use (Auto Centre);
- South: Petersfield Avenue
- West: Commercial use and substation.

- 3.2 Also to the east, there is an existing apartment building of similar height to that proposed here, BMW House, which was subject to planning permissions granted in 2018 and 2019 (refer planning history below). Other buildings in the surrounding area vary in form, scale, style, and appearance. Retriever House which is opposite on Petersfield Avenue is typical of the small scale buildings currently in employment uses in this locality; it sited on a corner site with frontage also to Albion Close, which serves a range of industrial and distribution premises.

4.0 Relevant Site History

- 4.1 The site has no recent planning history, the site application having been made and approved in 2006:

- P/02028/007 Change of use to car/vehicle hire (Sui Generis). Approved with conditions and informatives: 24 October 2006.

- 4.2 The BMW House site referred to above has the following planning history:

- P/00988/015 Demolition of the existing B8 and B1 office and warehouse and the construction of a part 4, part 3 and part 2 no. storey residential building comprising of 24 no apartments, with a semi basement car park. Approved with conditions and informatives: 14 March 2018.
- P/00988/016 Construction of an additional storey on top of existing apartment building. New floor to provide 4no. additional apartments comprising 3no. 1 bed apartments and 1no. 2 bed apartment, and associated parking. Approved with conditions and informatives: 2 May 2019.

5.0 Neighbour consultations

5.1 Site notices were initially posted on Petersfield Avenue and St Pauls Avenue on 8th September 2020. Reconsultation site notices were posted following the receipt of amended drawings week ending 4th June, and the application was advertised in the Slough Express also on 4 June 2021. The reconsultation on amended drawings therefore continues until two days after the Committee meeting where this application will be considered. Any additional comments received will be noted in the amendment sheet.

5.2 The following comments were received in response to the first consultation, from the occupiers of six properties in St Pauls Avenue:

- The proposals will lead to loss of privacy of residents. Using the example of BMW House flats can be viewed internally at night time because of the full height of the ceiling to floor windows. Smaller windows should be used in the rear design of the building and the small balconies should be created at the front of the building only. Obscured glazing of rear-facing windows is suggested by another objector.
- There will much more noise than at present, both during construction and occupation on the building.
- Impacts on parking on St Pauls Avenue in conjunction with other recently approved development in the area.
- Increased traffic congestion.
- Loss of light.
- This area of Slough cannot absorb more housing.

6.0 Consultations

6.1 Berkshire Archaeology

The site lies within a built environment where there has been little past opportunity for archaeological mitigation works.

Due to this there is little understanding of the archaeological potential of the overall area, and what as-yet unknown heritage assets could be at risk from this and future development.

The proposed site is limited in scale and has been significantly developed in the past. It is currently laid entirely to hardstanding around the existing structure. This will have had a significant negative impact on the survival of potential archaeology.

Despite this lack of understanding of archaeological potential in the local area, in the view of Berkshire Archaeology, the past development impacts and scale of the development mean that no scheme of archaeological mitigation is warranted in relation to these development proposals.

Therefore, in the view of Berkshire Archaeology, should this development proposal be permitted, it should be allowed to proceed with no further requirement for archaeological mitigation works.

6.2 Thames Water

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.

SBC consultees

6.3 Lead Local Flood Authority

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

- Surface Water Drainage Strategy (SWDS) Report No. 5501_SWDS Prepared by Ambiental Environmental Assessment August 2020

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

Surface Water Drainage

- Evidence from Thames Water for acceptance to discharge surface water to public sewer network.
- Please provide a drawing showing proposed overall level strategy for the site and how this interacts with the proposed drainage strategy.
- Exceedance flows are considered in the report section 6.1. Please provide a more detailed drawing showing where surface water will flow, and pooling may occur.

Foul Water Drainage

- No foul proposals have been submitted. Please provide a foul drainage design and confirmation from the statutory water authority that there is sufficient capacity at the proposed connection location to cater for the proposed development foul flows.

6.4 Air Quality

In line with the Slough Low Emission Strategy, the scheme is considered to have a MINOR impact on air quality. As such, only Type 1 mitigation is required in line with the Low Emission Strategy.

Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided for each parking space, in line with table 7 of the LES Technical Report.
- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report.

6.5 Environmental Noise

Petersfield Avenue is highly industrial. Sources including commercial activity, plant noise, road traffic and HGV noise are likely to cause disturbance to future occupants of the development. Due to this, it is requested that an environmental noise

assessment is completed in line with ProPG: Planning and Noise Guidance. The assessment will indicate the likely risk of adverse effects from:

- Noise arising from current traffic sources e.g. road traffic, rail and aviation, on future residents of the development
- Increase in traffic noise to existing residents in the area and future residents of the development
- Existing and/or proposed plant noise to existing residents in the area and future residents of the development (for example, presence of substations)
- Existing commercial noise including operational HGV noise
- Construction traffic noise and construction activities on site

The assessment will indicate the likely risk of adverse effect from noise, which will determine the level of mitigation required for the development. This may include:

- Consideration of development orientation and internal layout for screening purposes and to locate bedrooms facing away from noise sources, to ensure an internal noise level of LAeq 35 dB is not exceeded during the day or LAeq 30 dB during the night, or exceed LAMax limit of 45dB 10-15 times per night
- Application of good acoustic design principles such as acoustic glazing for windows, and potential for air ventilation systems, details of which shall be submitted as part of the noise impact assessment.

6.6 Land Contamination Officer

The report identified several Potential Source-Pathway-Receptor Linkages for Human Health Risk Assessment and recommends further intrusive ground investigation. I concur with this decision as this is supported by our database of Potentially Contaminated Land sites.

The report also includes an **Intrusive Investigation Method Statement** which outlines the requirements for further investigation work. The proposed works and monitoring are acceptable (subject to conditions as recommended).

6.7 Tree Officer / Arboricultural / Landscape Consultant

Comments have been provided to several iterations of the landscape plan. The revisions have been requested to improve the ability of the proposed soft landscaping scheme to provide screening to the rear of the site.

There is a large mature tree growing on adjoining land. It is highly likely that the proposal will have an impact on this tree both in terms of construction and post development pressure. Construction: damage to soil, branches etc. Post development as this tree is a sycamore which will drip honey dew onto parked cars leading to damaged paint.

The applicant must provide supporting information to demonstrate how these issues are overcome.

A detailed landscape plan is also needed.

The consultant also commented on public realm tree planting as follows:

I have assumed the design of the tree pits would be fairly standard 900mm x 900mm pit with stake in the hard surfaced areas, this is a detail that would normally be addressed by the highways tree officer. Increasing the specification for tree pits with the use of strata cells would be supported if there is space to do so. There is excellent guidance and cad plans on both the main suppliers web sites

here: <https://greenblue.com/gb/case-studies/> or
<https://citygreen.com/products/stratacell/>

I have attached a more detailed design for convenience. Both products are very similar in function with minor nuance.

Providing a tree lined street along Petersfield Avenue would have significant long term benefits for the community. Street trees play an important role in reducing air pollution, surface water flooding, crime reduction and increase a sense of wellbeing for people.

To further the feasibility of this a site survey by the highways tree officer should be undertaken to determine if tree planting is possible and not constrained by underground services. It would also be useful to have confirmed costs for tree planting for Sec106 agreements.

6.8 Transport and Highways Development

The following comments were received on an earlier basement car parking layout with a slightly larger basement area and less retained ground for soft landscaping than is now being considered:

A Transport Statement produced by PEP has been submitted in support of the application which covers Transport Issues associated with the site.

Vehicular Access

The agent has confirmed that the existing services covers in the footway adjacent to the site would be adjusted to suit the crossover including lowering the services if required, at cost to the applicant. The existing access would be closed off and the adjacent kerbs and footway reinstated, which would be dealt with at detailed design stage.

Trip Generation and Traffic Impact

An amended assessment of the site's trip generation potential has been completed by PEP transport consultants who have removed the **EX-03-X-01** survey site at Southend-On-Sea which SBC considered incomparable with the proposed development in Slough. The amended trip rate per dwelling is 0.223 two-way trips during the AM Peak Hour and 0.232 two-way trips during the PM Peak Hour. The resultant trip generation would be 4 two-way trips during the AM Peak Hour (0800-0900) and 4 two-way trips during the PM Peak Hour (1700 – 1800).

SBC considered TRICS Site: **DV-03-C-01**, Bonhay Road, Exeter incomparable with the proposed site and requested its removal from the calculation of trip generation. The agent has not removed this site from the calculation and this site is still considered unsuitable for a site in this location.

However, the removal of the site would not greatly increase the expected trip generation of the site and therefore SBC Highways and Transport have no objection to the application on the basis of trip generation which is likely to have a negligible impact on highway capacity.

Parking Provision

The scheme has been revised to provide 17 parking spaces in order to accommodate a landscaping margin on the site. SBC Highways and Transport accept the provision of 17 parking spaces on the basis that they are allocated to each dwelling.

Parking Layout

The agent has provided swept path analysis (pep Track 3286.T02) of the proposed basement car park in response to SBC's previous comments dated 17th December. The swept path analysis has been completed using an estate car measuring 1.804m wide and 4.71m long.

SBC require the swept path analysis to be completed using a large car measuring 5.1m long in accordance with the specification provided in Design Bulletin 32. Various models of cars longer than 5.1m long are available for purchase.

The swept paths show that a car would need to use the full width of the access ramp to access each space within the basement. It would appear that a car ingressing/egressing a space would need full use of the ramp and car park and that other cars would need to wait for the ingressing/egressing car to finish its manoeuvres.

Given the geometry of the car park forces vehicles to occupy the centre of the ramp, the site geometry could also encourage vehicles ingressing the site to reverse back onto the public highway to allow vehicles to egress the development.

SBC require the implementation of a priority system controlled by traffic lights which prioritizes access for vehicles entering the development which are waiting at the gate. This is to prevent vehicles reversing onto the public highway given that Petersfield Avenue is a well trafficked through road.

Electric Vehicle Charging Parking Provision

The agent has sought clarification on the number of Electric Vehicle Charging Points (EVCP) required for the proposed development. The Slough Low Emissions Strategy (2018-2025) provides guidance for the provision of EVCP.

Table 7 of the strategy requires residential developments to provide 1 charging point per unit, for each unit with an allocated/dedicated parking space and requires that the residential EV Charging points must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase.

Therefore SBC Highways and Transport seek agreement that 17 charging points will be provided.

6.9 Refuse and Recycling

There is No Access to the refuse bins once cycles are attached to the visitor's cycle racks.

An 1100lt bin is both large and requires a fair amount of space to manoeuvre both for the refuse bin and the person moving the bin.

Requirements for this location should be two 1100lt refuse and three 1100lt recycling containers.

6.10 Education

After a large expansion programme in the primary sector over a decade or so birth rates have dropped in more recent years. This has created a surplus of places in some areas of the town in the infant phase, we remain short of places in the junior phase so still request contributions for this phase. We only (seek funding) for places where there is a need to create extra places for the new development.

Section 106 funding is therefore requested as follows:

Primary	Secondary	Post-16	Early Years	SEND	Totals
£22,304	£9,859	£9,859	£4,339	£4,194	£50,556

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National Planning Policy Framework 2019 and National Planning Practice Guidance:

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 6: Building a Strong Competitive Economy
- Chapter 7: Ensuring the vitality of town centres
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 10: Supporting high quality communications
- 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
- Chapter 16: Conserving and enhancing the historic environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which, for decision-taking, means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Core Policy 1 - Spatial Vision and Strategic Objectives for Slough
- Core Policy 4 - Type of housing
- Core Policy 5 - Employment
- 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

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

Policy H11 - Change of Use to Residential
Policy H14 - Amenity space
Policy EN1 - Standard of Design
Policy EN3 - Landscaping
Policy EN5 - Design and Crime Prevention
Policy T2 - Parking Restraint
Policy T7 - Rights of Way
Policy T8 - Cycling Network and Facilities
Policy T9 - Bus Network and Facilities

7.4 Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4:
 - Part 1: Planning application procedure and decision making
 - Part 2: Developer contributions and affordable housing
 - Part 3: Transport and highway guidance
 - Part 3: Update to Table 3 charges for highways agreements and licences
 - Part 4: General development guidance
- Proposals Map 2010
- SBC Slough Low Emission Strategy (LES) 2018 – 2025 Technical Report

7.5 Planning and Compulsory Purchase Act 2004

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 in June 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.

7.6 Emerging Preferred Spatial Strategy for the Local Plan for Slough

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. The *Local Plan Spatial Strategy Key Components* report was considered by the Planning Committee at the extraordinary meeting of 26th August. The three key themes for the Spatial Strategy which are derived from the Local Plan Vision and analysis of the most important issues that are facing Slough. These are:

- To make Slough a place where people want to “work rest, play and stay”, by making sure that people who have prospered in Slough have the opportunity to “stay” in the Borough
- By making sure that we have “inclusive growth” in Slough by ensuring that more of the wealth that is generated in Slough stays in Slough, by enabling residents to participate in more of the well paid employment opportunities in the town and providing more facilities in the Borough for people to use and enjoy.
- Making Slough a place where residents can meet all of their needs and be able to “live locally” in their own community, which will help to develop local communities and reduce the need for people to travel.

7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals. This planning report identifies the possible equality impacts on the protected groups within the following sections.

8.0 **Planning Assessment**

8.1 The planning considerations for this proposal, as considered in the following discussion, are:

- The principle of redevelopment
- Mix and density of dwellings
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- The amenities of future residents at the site
- Sustainable Design and construction

- Flood Risk and Surface water drainage
- Ecology
- Housing Supply
- Affordable Housing
- Highways / Transport and parking
- Safe and Accessible Environment
- Fire Strategy
- Infrastructure / Section 106 requirements

9.0 Principle of development

9.1 Core Strategy Policy 1 (Spatial Strategy) provides for development to take place within the built up area and predominantly on previously developed land, with high density housing located within the town centre. It also states that

Elsewhere the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of use will not be allowed in locations that lack the necessary supporting infrastructure, facilities or services or where access by sustainable means of travel by public transport, cycling and walking are limited.

9.2 The explanatory text for Core Strategy Policy 4 (Types of Housing) states that individual sites will continue to be redeveloped for housing in the more accessible "urban" areas of the town such as the edge of centres, some main road frontages and other mixed use medium or high density areas that are well served by public transport. Read in conjunction with Policy CS1, this provides some support for flatted development that are in the more urban areas of the town but outside the Town Centre, subject to the site's context, location and availability of services. While the site is outside the Town Centre as existing, it is in a highly sustainable location that is within easy walking distance of the town centre's amenities and transport hubs, and within an area that already includes high density residential development as well as employment uses.

9.3 However, the site is within a protected employment area. Core Strategy Policy 5 (Employment) sets out that there will be no loss of sites to non-employment generating uses, especially where this would reduce the range of jobs available. The proposal would result in the loss of 380 sq.m. of employment floorspace, and it therefore represents an exception to policy which must be given significant weight in the planning balance. The application states that:

The existing building requires major refurbishment to bring it back into a lettable standard for B2 use, and is in a condition likely to prove unacceptable to the commercial leasehold market, especially due to its location away from the Slough Trading Estate, poor vehicular access for large vehicles and limited size of the unit.

Due to the extent of refurbishment works required this is not considered a viable option and the client now seeks an alternative long term financial solution, especially as the business currently operating from the premises do not own the building and their lease is due to finish by the of the year.

In addition they have advised our client that they will not be renewing the lease. This is likely due to the poor standard of accommodation within the building, its size and location. It is extremely unlikely that any new tenant would take on a lease without a major refurbishment and building improvements.

- 9.4 No evidence has been submitted to show that any marketing either of the building or the site for employment purposes has been undertaken, or any other feasibility study carried out for a non-residential development, although the Planning Statement notes that pre-application advice was given in 2020 and did not oppose residential development. This considered two options, one fully residential and the other with a small ground floor office space. The advice given suggested that inclusion of the office space would not be necessary.
- 9.5 The application states that “*The site is within an area recognised as suitable for residential redevelopment within emerging policy*”. However, the Local Plan is at a very early stage of preparation and carries only very limited weight in decision making at this stage. The applicant’s Planning Statement refers to the inclusion of the site within the 2016 Review of the Local Plan for Slough as site ref. OTH144, which included all of the existing commercial development on the northern side of Petersfield Avenue. Site ref. OTH144 was also included in the Local Plan Issues and Options Consultation Document of 2017. In both documents, it was suggested that “Residential led redevelopment and streetscene enhancement” would be appropriate for the area of existing commercial development on the northern side of Petersfield Avenue. More recently, the Proposed Spatial Strategy Regulation 18 Document (November 2020) was recently consulted on. This referred only briefly to the site, as one of “...the growing and proposed residential areas north of the station such as on Petersfield Avenue and the Akzo Nobel site”. The Regulation 18 Document also references the Slough Regeneration Framework 2020. This is not a statutory planning document, which is of relevance here in that it notes the potential for incremental change from employment to residential use in this area, and also states that Petersfield Avenue could form a key pedestrian link between the Akzo Nobel site and the railway station:]

Petersfield Avenue...provides an important west to east connection and walking route between Stoke Road and Wexham Road and potentially onwards to Uxbridge Road through the Akzo Nobel and former Gas Works sites when these are brought forward for development. The route can also serve to link residential areas to the northern entrance to the railway station. The public realm needs improving on this route to deliver continuous footways and with tree planting improving the streets quality, and breaking up the visual impact of on street car parking.

- 9.6 As the Akzo Nobel site is now coming forward for development following outline permission being granted in November 2020 for a strategic mixed use development including up to 1000 homes (planning ref. P/00072/096), the ability of the sites north of Petersfield Avenue including Thomas House site to achieve streetscene enhancement as well as residential-led redevelopment can therefore be seen as part of the Council’s direction of travel for the enlargement and enhancement of Slough town centre and its surroundings. While this in itself does not overcome the policy objection to

the loss of employment space, this must be given some weight in the planning balance.

Having regard to the NPPF 2019 and Core Policies 1 and 4 of the Core Strategy, it is considered that there is significant support within the adopted Development Plan to support the principle of higher density of residential development in this location, subject however to mitigating impacts on existing nearby residential occupiers and any other amenity issues.

- 9.7 The Policy CS5 constraint on protecting employment areas must also be considered against the overall level of housing needs. As Slough does not currently have a five housing land year supply, paragraph 11 of the NPPF must be considered. This states that in making decisions on applications,

...this means: ...

d) where ...the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.8 The issues in NPPF para. 11 (d)(i) and (ii) are further considered in the discussion below.

10.0 **Mix of housing**

- 10.1 A key aim of national planning policy is to deliver a wide choice of high quality homes and to create sustainable, inclusive and mixed communities, and this is reflected by local planning policy in Core Strategy Policy 4 (Types of Housing). This states that in urban areas outside of the town centre new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location and the availability of existing and proposed local services, facilities and infrastructure.
- 10.2 The proposed mix of unit sizes at the site is 5 one-bedroom (1B1P) and 15 two-bedroom flats. The two-bedroom units are predominantly designed to 2B3P standard but also include five 2B4P flats. The majority of the flats would be single aspect, and six of these have a single aspect to the north, while eight of the two-bedroom flats would be dual aspect including all five of the larger 2B4P units. This represents a greater proportion of larger units than at BMW House where the mix as approved under the two planning permissions noted in the Planning History above was 13no. 1-bed and 15no. 2-bed flats.
- 10.3 While the flatted nature of the development means that it is implicitly less suitable for family occupation than would be the case with dwellinghouses, the provision of eight dual aspect 2-bed flats all with a south facing balcony or terrace, including five which meet the size standard for 2B4P apartments, provides the option of occupation by small families.
- 10.4 The single aspect north-facing flats comprise one 1-bed ground level flat

with a terrace, four 2-bed (2B3P) units with one at each level from ground to third floors, and one 2B4P unit at fourth floor level. Those at ground floor and fourth floor levels all have a private terrace.

- 10.5 A financial contribution towards provision of off-site affordable housing is to be provided, in accordance with the Council's Developer Guide Part 2 "Developer contributions and affordable housing", which does not require on-site affordable housing provision for developments of 15 - 24 flats. Details are set out in Section 22 of this report.
- 10.6 Overall, the development provides a diverse range of unit sizes, which is considered appropriate for this location, and which will contribute to a balance of household types and sizes in this locality. As such this aspect of the proposal is considered to be acceptable.
- 11.0 **Impact on the character and appearance of the area**
- 11.1 The National Planning Policy Framework paragraphs 124 - 131 encourage 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 site is in a prominent location on Petersfield Avenue and is highly visible from the street. The proposed building would also be prominent in views from the residential properties surrounding the site.
- 11.3 The proposed building would occupy the full width of the plot, at about 22m wide and would be a maximum 17m in height. The proposed height, design and choice of materials would be similar to that of BMW House (P/00988/015 and P/00988/016), although the plot is not as wide nor would the lower levels of the building extend as far back from the street frontage as this nearby building. Balconies or terraces are proposed to the front and rear of the building, and include inset balconies at the front which help to provide a crisp design that accentuates the proposed building's generally clean lines. While in the drawings originally submitted for the application the provision of balconies was also a feature of the rear elevation, in the amended drawings now being considered most of those to the rear have been deleted in the interests of improving internal light conditions in the north-facing flats and to limit the scope for overlooking of neighbours gardens.
- 11.4 While the building style and massing is representative of an emerging new character on the north side of Petersfield Avenue, the proposal represents a significant change in scale from the nearby houses on St Pauls Avenue to the north. The presence of suburban housing there is an important constraint that means that the five stories proposed is considered under the existing planning framework to be the maximum scale that can be achieved in this location; this height also takes into account the separation distance to the properties to the north. It will be important to ensure that long-term landscaping is provided and maintained in the area provided for planting; however the small area provided for this purpose particularly on the street frontage will provide only a limited opportunity to provide the building with an appropriate setting. There would be no active outdoor amenity space, although as compared to the original submissions the landscaping provision to the rear has been improved in the amended plans being considered. A continuous area for planting at the rear of the site would be retained adjacent to the rear boundary, in order to provide a more significant level of landscaping to the rear of the site, and it will be

important to ensure that large grade trees are planted in this area. A long-term landscape management plan will be necessary to ensure the long term retention and viability of the planting at both front and rear.

- 11.5 It is apparent that there are no significant trees or other vegetation at the site, and no tree survey was submitted with the application. There is, or until recently was, a large tree at the rear of the neighbouring garden at 102 St Pauls Avenue. As officers have not been on site during the course of the covid pandemic, confirmation of its presence is still to be ascertained, and it is intended that this will be noted in the amendment sheet. A condition recommends that no excavation, which is required to form the basement car park, shall take place until a survey of neighbouring trees and vegetation (to the extent possible from within the site boundaries and public land) and arboricultural mitigation strategy has been submitted and approved, to ensure the future viability of this tree. If still present, its retention would assist in screening views between the proposed building and the rear of neighbouring gardens. It is noted that the tree is not subject to a tree preservation order or in a conservation area so there would be no impediment to it being removed by the property owner, and if it has been then the recommended condition would not be required.
- 11.6 In order to secure an acceptable setting and to support the development of an appropriate street scene as envisaged in the early Local Plan consultation document and in the Slough Regeneration Framework, it would be necessary and important for this to be supported by a financial contribution towards the public realm of this area. This is set out in further detail in Section 22 of this report.
- 11.7 Provided that the proposed building is constructed in high quality external materials and that the landscaping and the public realm contribution is secured as noted above, it is considered that a high quality development can be achieved here that will have an acceptable impact on the character and appearance of the area.
- 12.0 **Impacts on the amenity of neighbouring occupiers**
- 12.1 The National Planning Policy Framework encourages new developments to 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 Policy EN1.
- 12.2 Two storey dwellinghouses on St Pauls Avenue are located to the north, with numbers 100, 102 and 104 all sharing their rear boundaries with the application site. Minimum window to window separation distances (to number 104) would be approximately 51m to ground floor and 56m to first floor windows. Distances from the proposed rear windows and the rear facing balconies at the application site to the common rear boundaries would be approximately 14m. Separation distances to 100 and 102 are slightly further (about 1m) from the proposed building. While these separation distances are sufficient to ensure that there would be no direct impact on neighbours within their dwellings to warrant refusal of the proposal, amendments to the scheme have been provided to ensure that residents' enjoyment of their rear gardens is also protected. Measures to ensure this include the deletion of most of the rear facing balconies, and the retention of an area of ground at its natural level adjacent to all three of the adjoining rear boundaries, to provide for landscaping that would filter views between the development and the neighbouring residential gardens, allowing for a softer, greener outlook. Due to the low level of the

two ground level balconies, there would be no intervisibility between residents of the ground floor flats and properties to the rear, as a rear boundary fence and soft landscaping would screen any possible views. This soft landscape area would be deepest in the north-west corner of the property where at least one large specimen tree would be provided, which would filter any views from the single terrace above ground floor level, which would be set behind the parapet at fourth floor level.

12.3 The adjacent land uses to the south, east and west are commercial, where it is not considered that there will be any harmful impact in relation to overlooking or an overbearing impact.

12.4 A daylight and sunlight study was submitted with the application, which demonstrates that there would be no significant impact on the amenities to neighbouring residential properties.

13.0 **Living conditions for future occupiers at the development**

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

13.2 The Council's Developer Guide Part 4 Supplement '*Space standards for residential development*' (November 2018) sets out the minimum internal space requirements for new dwellings. The single-bedroom units comfortably exceed the minimum size for 1B1P units although they are under the minimum for 1B2P flats as set out in the Standard. The two bedroom units are comfortably in excess of the minimum for 2B3P, and as noted above five exceed the 70 sq.m. threshold for 2B4P units.

13.3 The daylight and sunlight study also assessed internal natural light levels for future occupiers of the development. While rooms to the front of the development have diminished light levels where these open onto a balcony, this is because the balconies are set into the front of the building so a balance has had to be struck between using this area either as external amenity space or as an enlarged interior space. It is considered that because these apartments are south facing, the provision of an amenity space is an important asset that balances the impacts on internal light levels. Whilst the single-aspect ground floor apartment which is affected in this way has a bedroom with higher internal light levels, and the other apartments that would be impacted in this way are all dual aspect. As noted at Section 2 in this report, the flats have slit windows in their side elevations, and while consideration has been given to deleting these in order to allay any future concerns regarding the development of adjoining sites, it is considered to be sufficient for them to be obscure glazed and non-opening. Considered against the other amenities of these flats, the natural light levels for each flat will provide future occupiers with an acceptable level of amenity.

13.4 This assessment also takes into account that there is no active amenity space for residents. While eleven have private balconies, seven are not provided with any private amenity space - which is a failing of the scheme - and a section 106 financial contribution will be required in order to provide improvements to existing or any new outdoor public open space that will be capable of providing for both the active and passive recreational needs of residents within walking distance of the site.

- 13.5 The Environmental Health officer has requested evidence to show that future occupiers of the development will not be adversely impacted by disturbance from neighbouring employment sites. This will be in the form of an environmental noise assessment as noted at Section 6.5 of this report, which will be required to demonstrate that the flats have adequate sound insulation and ventilation to ensure that they do not suffer adversely from noise generated by employment activities in the locality. A pre-commencement condition will be required to ensure that this issue is properly considered in the detailed post-planning decision phase of the development.
- 13.6 It would be advantageous for future occupiers to have additional vegetation in the form of planter boxes or similar, to screen views of the car park from the two ground floor balconies and possibly also for the balcony serving the first floor over the vehicle access ramp. This would however require on-going maintenance in order to be effective. Discussion is continuing with the planning agent on this point, and the result of this will be noted in the amendment sheet.
- 14.0 **On-site ecology**
- 14.1 Paragraph 175 of the NPPF 2019 encourages development to incorporate biodiversity improvements, especially where this can secure measurable net gains for biodiversity. It is noted that the site is largely developed and that there is little or no vegetation on the site at present. Use of native species for landscaping will assist in supporting this objective, and while the landscaping scheme submitted as part of the application relies largely on non-native ornamental plants, it is recommended that native species should be selected in order to provide a net biodiversity gain as part of the development. This will be especially applicable at the rear of the site.
- 15.0 **Sustainable design and construction**
- 15.1 NPPF 2019 seeks to promote high levels of sustainability. NPPF paragraph 153 in the NPPF sets out that:
- In determining planning applications, local planning authorities should expect new development to:*
- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
 - b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*
- 15.2 Core Strategy Policy 8(1) requires all development to include measures to:
- a) *Minimise the consumption and unnecessary use of energy, particularly from non renewable sources;*
 - b) *Recycle waste;*
 - c) *Generate energy from renewable resources where feasible*
 - d) *Reduce water consumption; and*
 - e) *Incorporate sustainable design and construction techniques, including the use of recycled and energy efficient building materials.*
- 15.3 The application states that

The proposed development seeks ... sustainable renewable energy to provide the required 15% reduction in TER. All units will have the benefit of mechanical heat and ventilation recovery system to ensure there is always fresh air in the units. There will also be provision of photovoltaic solar panels on the roof to provide renewable energy on site.

While the above targets are achievable, it would be for the applicant to demonstrate that this development will be energy efficient and that it will assist in the transition to a low carbon future. As this has not been done within the application, it is considered that this should be provided for by a pre-commencement condition, to be established before any development commences at the site.

16.0 **Flood Risk and Surface water drainage**

16.1 The application site lies within Flood Zone 1 where there is a less than 0.1% (1 in 1000) chance of tidal/fluviial flooding, and is also at very low risk surface water flooding. A Surface Water Drainage Strategy is included in the application documents.

16.2 Most of the development will be covered in hard surfaces and the excavation of an open basement level car parking represents a particular challenge for the disposal of surface water. Storage and use of rainwater for irrigating landscaping and installation of a green roof provides two potential options but these are likely to be only partial solutions. As noted in the consultation comments at Section 6.3 in this report, the Council's drainage consultant has requested further information which is required to ensure that the development does not rely on Thames Water drains for the disposal of all surface water, and this will need to be resolved ahead of any planning permission being issued.

17.0 **Housing supply**

17.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.

17.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the 20 year plan period between 2016 and 2036. The Council's Housing Delivery Action Plan (July 2019) confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). Last year's figures show 500 completions. The emerging targets are for the delivery of near 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan

17.3 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 Land Supply. The proposal would make a welcome contribution to the supply of housing and would

assist in meeting the broad housing mix requirements within the Borough.

18.0 **Highways / Transport and parking**

18.1 Paragraph 108 of the NPPF states that in assessing planning applications it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

18.2 Paragraph 109 of the NPPF 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. Paragraph 110 states that development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport and appropriate facilities that encourage public transport use. It also states applications for development should create places that are safe, secure and attractive, minimising conflicts between pedestrians, cyclists and vehicles and allow the efficient delivery of goods and access by service and emergency vehicles. Development should also be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

18.3 The Highways Officer's comments as noted in Section 6.8 above are generally favourable. However, it is considered that further detail is required in regards to dimensions of the single disabled car parking provided and of the cycle storage space. In addition, as noted at Section 6.9 in this report, the Council's Refuse and Recycling Manager has requested amendments to the bin store, which is likely to require the deletion / relocation of visitor cycle spaces shown adjacent to the store. This will need to be resolved before any planning permission can be issued. Any amended design submitted before the Planning Committee meeting will be reported in the amendment sheet.

18.4 The site's proximity to the Rail and Bus Stations and its proximity to the Town Centre will ensure that future residents are able to access key amenities on foot. In line with the emerging policies relied on in the application, a contribution towards public realm improvement will be required towards upgrading the pedestrian routes to these accessible facilities, including street tree planting as envisaged in Local Plan Issues and Options consultation Document of 2017 and as discussed in Section 9 of this Report.

19.0 **Safe and Accessible Environment**

19.1 Paragraph 91 of the NPPF 2019 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other
- Are safe and accessible, so that crime and disorder, and the fear

of crime, do not undermine the quality of life or community cohesion - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

19.2 These objectives are consistent with Core Strategy Policies 8 and 12, and Local Plan Policy EN5.

19.3 The key issues with this development are the provision of secure access to the lobby and to the basement car park. Details of how this will be provided will be required by condition.

20.0 **Fire Strategy**

20.1 The NPPF 2019 does not have any policies relating to fire safety; this is normally considered under Building Control rather than planning. However, a fire strategy is recommended by condition.

21.0 **Infrastructure requirements/Section 106**

21.1 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements. The following Section 106 contributions are therefore required:

On-site provision	
Landscape management plan to ensure permanent retention and maintenance of landscaping required to mitigate potential impacts on neighbours	
Off-site provision – financial contributions	
Education	£50,556
Recreation	£13,500
Public realm	£23,400
Affordable housing off-site contribution	£176,188.50
Total	£263,644.55

21.2 In order to secure the necessary infrastructure and amenities made necessary by the development, a Section 106 legal obligation will need to be completed before any planning permission can be issued.

22.0 **Equalities Considerations**

22.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing or working 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 (e.g.: 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).

- 22.2 This report identifies the need to ensure the new development provides new residential and A class units which are suitable for individuals, with respect to access and use. The Design and Access Statement identifies design measures that will be incorporated to make the development safer and more secure, therefore considerate of all individuals with protected characteristics. Conditions have been recommended to ensure the floorspace within the development and external areas are laid out to be easily accessible to all protected groups.
- 22.3 The proposals will make provision for wheelchair accessible car parking spaces, level accesses and thresholds to the buildings and communal terraces.
- 22.4 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development e.g.: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures can be incorporated into the demolition method statement and construction management plan to mitigate the impact and minimise the extent of the effects.
- 22.5 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the local planning authority exercising its public duty of care, in accordance with the 2010 Equality Act.

23.0 Planning Conclusion

- 23.1 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.
- 23.2 Notwithstanding the above, officers have considered whether there are any other material circumstances that need to be taken into account, notwithstanding the development plan provisions.
- 23.3 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 proposal would deliver 18 new flats of an acceptable standard in a very sustainable location, along with the infrastructure made necessary by the development. This infrastructure would include the public realm and streetscape improvements which are envisaged in Petersfield Avenue in the early Local Plan consultations and non-statutory Regeneration Framework.

- 23.4 The report identifies that the proposal does not comply with Core Strategy Policy 5, in that the site is in an employment area. The Council does not currently have a five housing land year supply, and as noted in Section 9 paragraph 11 of the NPPF must be considered. With respect to 11 (d)(ii), any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.
- 23.5 It is therefore considered that, in applying the planning balance, the presumption in favour of sustainable development must take precedence in this case.

PART C: RECOMMENDATION

A. Approval subject to:

1. No objections that raise substantive additional issues arising from reconsultation having been received by 25th June 2021;
2. Satisfactory resolution of surface water drainage issues;
3. Satisfactory provision of refuse / recycling storage, visitor cycle storage and basement car park provision for disabled car space and confirmation of cycle spaces;
4. The satisfactory completion of a Section 106 Agreement to secure infrastructure made necessary by the development; and
5. Finalising conditions and any other minor changes;

OR

- B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 11th August 2021 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

PART D: DRAFT CONDITIONS

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. Drawings for approval

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

19/12/01 dated AUG20, received 24 August 2020 (Site location plan)
19/12/10D dated 05/05/20, received 7 June 2021 (Upper Ground Floor Plan)
19/12/11C dated 05/06/20, received 7 June 2021 (Lower Ground Floor Plan)
19/12/12C dated 03/06/21, received 7 June 2021 (First Floor Plan)
19/12/13B dated 05/05/20, received 7 June 2021 (Second Floor Plan)
19/12/14B dated 05/06/20, received 7 June 2021 (Third Floor Plan)
19/12/15B dated 05/05/20, received 7 June 2021 (Fourth Floor Plan)
19/12/16B dated 05/05/20, received 7 June 2021 (Site Plan)
19/12/17B dated 8/20/20, received 7 June 2021 (Block Plan)
19/12/18C dated 11/20/20, received 7 June 2021 (Block Plan)
19/12/19B dated 11/20/20, received 7 June 2021 (Offset drawing)
19/12/20A dated 02/06/20, received 13 May 2021 (Proposed Front Elevation)
19/12/21A dated 05/06/20, received 13 May 2021 (Proposed Rear Elevation)
19/12/22 dated 05/06/20, received 13 May 2021 (Proposed West Elevation)
19/12/23A dated 05/06/20, received 13 May 2021 (Proposed East Elevation)
19/12/24A dated 01/12/21, received 13 May 2021 (Sections)

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. Construction and Environmental Management Plan (CEMP)

No development shall commence until a Construction and Environmental Management Plan (CEMP) 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) Location and operation of cranes / other non-road mobile machinery.
- (ii) Non-road mobile machinery (NRMM) controls in line with table 10 of the Slough Borough Council Low Emissions Strategy 2018 – 2025 Technical Report.
- (iii) Confirmation that all construction vehicles to meet a minimum Euro 6/VI Emission Standard
- (iv) A noise management strategy including community liaison and communication, and complaints procedures
- (v) Means of control of dust, odour, surface water run off and any other effluvia
- (vi) site security arrangements including hoardings.

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

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

4. Construction Traffic Management Plan

Prior to the commencement of any works of demolition or construction, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The CTMP shall include: Construction traffic routes; provisions for loading and off-loading, parking, turning provision, visitors and construction vehicles (to a minimum Euro 6/VI Standard) and NRMM controls (stage IIIB); measures to be made on site; measures to prevent mud or other waste materials from being deposited on the highway; and a programme for demolition and construction. The CTMP shall be fully implemented in accordance with the approved details and retained throughout the construction phase of the development.

REASON: In the interest of minimising danger and inconvenience to local and strategic highway users and in the interests of air quality and to ensure minimal disruption is caused neighbouring businesses and residents in accordance with policies 7 and 8 of the

Slough Borough Council Core Strategy 2008, and the requirements of the National Planning Policy Framework 2019.

5. Survey of neighbours trees

Prior to the commencement of any works of demolition or construction, a survey of neighbouring trees and vegetation (to the extent possible from within the site boundaries and public land) and arboricultural mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. Any excavation or raising or lowering of levels within the prescribed root protection area(s) shall be carried out only in accordance with the approved details.

REASON: Required to safeguard and enhance the character and amenity of the area and to ensure the continued viability of neighbouring vegetation, in accordance with Core Strategy Policy 8 (2)(b) & (c).

6. Noise assessment

Development works shall not commence until a detailed Noise Assessment And Mitigation Design Report(s) relating to the operational phase of the development, in accordance BS4142:2014+A1:2019 and with reference to BS8233:2014 has been submitted to and approved in writing by the local planning authority. The assessment must demonstrate:

- (i) how the development will provide Noise Mitigation that will ensure that internal noise level of LAeq 35 dB is not exceeded during the day or LAeq 30 dB is not exceeded during the night and that the LAMax limit of 45dB shall not be exceeded more than 10 times per night; and
- (ii) how other criteria required to achieve BS8233:2014 compliant internal noise levels for future occupants at the site will be provided.

The development shall then be constructed in accordance with the approved details prior to first occupation, and retained and maintained as such for the lifetime of the development.

REASON To ensure the future residential occupiers within the development are not exposed to unacceptable noise levels, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework.

7. 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 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.

8. 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.

9. Details and Samples of materials

Prior to any above ground works commencing within the development, details of the external materials including paint colours, cladding, any stonework, brickwork (including patterns/ detailing) down pipes, gutters, edging details to flat roofs, balustrades, balconies, glazed facades, and framing, including the details of bond, colour, mortar mix and mortar colour on all external facades and roofs of the buildings, balcony materials including any screens, details of any green walls and green roofs, all set out clearly to coordinate the materials and details to and between each part of the building shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site for inspection prior to works, as part of the submissions to be approved. The development shall be carried out strictly in accordance with the approved details prior to its first occupation and shall be retain for the lifetime of the development.

REASON: To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with the agreed Design Codes for the development and with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, Policy EN1 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework 2019.

10. Building sustainability and energy efficiency

Prior to any construction works above slab level being carried out, details of the proposed sustainability, energy efficiency and low carbon measures to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. No residential unit shall be used or first occupied (other than for construction purposes) until the approved details have been implemented, and the approved details shall be retained for the lifetime of the development.

REASON In the interest of sustainable development in particular minimising heat loss and reducing carbon emissions, and in accordance with Policy 8 of the Core Strategy (2006-2026), and National Planning Policy Framework 2019 Chapter 14 and the guidance contained in the Council's Developer's Guide Part 2 (updated 2017).

11. Fire Strategy

Prior to commencement of works above slab level a Fire Strategy for the avoidance of fire and protection of occupants in any fire event, including details of sprinkler systems or of alternative means of controlling fire within the buildings, and demonstrating how emergency access by Fire Service vehicles and crew members and other features considered necessary by the Royal Berkshire Fire and Rescue Service will be provided to the respective Plots, shall be submitted to and approved in writing the by Local Planning Authority. The development shall be carried out strictly in accordance with the approved Fire Strategy, and the approved details shall be retained in operational condition for the lifetime of the development.

REASON: To provide sufficient level of safety for occupiers and property, in accordance with Policy 8 of the Slough Borough Council Core Strategy 2008 and the National Planning Policy Framework 2019.

12. Secure by design

Prior to commencement of works above slab level, details of controls on access to the lobby and basement car park that demonstrate that the development accords with the principles of Secured By Design shall be submitted to and approved by the local planning authority. The approved details shall be implemented retained for the lifetime of the development.

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 National Planning Policy Framework (2019).

13. Prior to occupation: Landscape (Soft and Hard)

Prior to completion or first residential occupation of the development hereby approved, (whichever is the sooner), details of treatment of all parts on the site not covered by buildings shall have been submitted to and approved in writing by the Local Planning Authority, and all landscaping and sub-surface requirements (e.g. tree pits and routing of other infrastructure) shall have been completed. Details for approval under this condition shall include:

- (i) a scaled plan showing all trees and plants to be planted and hard materials to be used;
- (ii) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving;
 - b) tree pit design;
 - c) underground modular systems;
 - d) Sustainable urban drainage integration;
 - e) use within tree Root Protection Areas (RPAs);
 - g) details of the all hard-surfacing materials; and
 - h) external lighting;

- (iii) a schedule detailing sizes and numbers / densities of all proposed trees / plants including grades which shall include at the rear of the site heavy grade specimens 5 - 10m tall at the time of planting, including at least one specimen 8 - 10m in height in this location;
- (iv) measures to be taken to ensure that any trees or other vegetation in neighbouring properties is taken into account and protected (to the extent possible within the site boundaries) by the proposed landscaping;
- (v) external lighting including details of luminance and design;
- (vi) specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
- (vii) types and dimensions of all boundary treatments

The approved details shall then be retained for the lifetime of the development.

REASON: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to enhance its setting within the immediate locality in accordance with and Core Strategy Policy 8.

14. Details of Car Parking including EV

Prior to the first occupation of the development, car parking including Electrical Charging Points for all car parking spaces, a traffic-light control for vehicle accessing and egressing the basement car park, and cycle storage shall have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved layout and details shall be retained for the lifetime of the development.

REASON To ensure that vehicle parking is provided, that highways safety requirements are complied with, and to encourage greater use of cycling and the up-take of electric vehicle use, in accordance with Policy T2 of the Adopted Local Plan (2004), Policies 7 and 8 of the Core Strategy 2008, the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework

15. Flank windows to be obscure glazed and non-opening

All flank wall side elevation windows shall be non-opening and obscure glazed to the highest level of opacity, and shall be retained as such for the lifetime of the development.

REASON: To ensure that their presence does not prejudice the future development of adjacent sites.

16. Telecommunications Equipment

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without written approval first having been obtained from the Local Planning Authority.

REASON: To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 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).

Informatives:

1. This decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Local Plan for Slough 2004 and the Slough Local Development Framework, Core Strategy 2006 - 2026, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Local Policies:- H11, H14, EN1, EN3, EN5, T2, T8 and T9 of The Adopted Local Plan for Slough 2004; Core Policies 1, 4, 5, 7, 8, 9, 10, 11 and 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008; and the Residential Extensions Guidelines Supplementary Planning Document, Adopted January 2010.

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section on 01753 477340.

2. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments or additional information. It is the view of the Local Planning Authority that the proposed development is capable of improving the economic and social conditions of the area for the reasons given in this notice and it is therefore in accordance with the National Planning Policy Framework.

3. Thames Water Comments

There are water mains crossing or close to your development. Thames Water does 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-yourdevelopment/Working-near-or-diverting-our-pipes>

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

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 above comments are based on a Surface Water input of up to 1l/s and a gravity connection to the foul sewer.

4. Landscape and Ecological Management Plan

The Landscape and Ecological Management Plan required by the above condition and secured by the Section 106 agreement shall include the following elements:

- a) A statement of the overall design vision for the development and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility.

- b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) Inspection for pests, vermin and diseases and proposed remedial measures.
- g) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.
- j) Details of ecological improvements and treatments in accordance with guidance set out within BS42040:2013 Biodiversity code of practice.

Registration Date:	02-Feb-2021	Application No:	P/06350/002
Officer:	Christian Morrone	Ward:	Upton
Applicant:	Mr. Brent Arthur	Application Type:	Major
Agent:		13 Week Date:	4 May 2021
Location:	Gurney House, Upton Road, Slough, SL1 2AE		
Proposal:	Construction of a residential development containing 16 terrace houses including the following elements: New build, park facing 16 terraced house scheme 3 bedrooms plus 1 study per house electric car charging points for each house Secure gated development landscaped works minor modifications to boundary walls		

Recommendation: Delegate to the Planning manager for Approval



1.0 **SUMMARY OF RECOMMENDATION**

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

A) For Approval, subject to

1. Securing an up to date ecological assessment which satisfactorily minimise impacts on biodiversity
2. Securing a satisfactory drainage strategy in consultation with the lead local flood authority
3. the satisfactory completion of a Section 106 to secure the following:
 - a) £218,578 Affordable Housing contributions
 - b) £386,992 Education Contributions
 - c) Financial contributions or works by the developer to provide of at least two new lighting columns by footway between Upton Road and Lascelles Park.
 - d) Revoking parking permits for future occupiers
4. agreement of the pre-commencement conditions with the applicant/agent; finalising conditions; and any other minor changes.

B) Refuse the application if the completion of the above has not been satisfactorily completed by 23rd December 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee

1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is a full planning application for:

- Clearance of remaining hardstanding
- Construction of a residential development containing 16 terrace houses (each 3 bed plus 1 study)
- 32 Car parking spaces
- Landscaping
- New access

3.0 **Application Site**

3.1 The application site is located on the south-eastern side of the Upton Road which is a residential street and to the north-eastern side of Lascelles Park which is a park allocated as Public Open Space. The site previously comprised a part single storey part two storey building used as a residential care home (Gurney House). The building has since been demolished and the site largely cleared other than concrete hardstanding, debris, and shrubbery along with trees, bushes fencing and brick walls along the boundaries.

3.2 The site is located approximately 45 metres from the southwest edge of the Sussex Place / Clifton Road Conservation Area and approximately 50 metres from the Grade II Listed dwelling at no .74 Upton Road . The site is also located approximately 250 metres from the southeast edge of the defined Town Centre boundary. The site is not located within any specific allocation as defined by the local development.

3.3 The surrounding area largely comprises good sized traditional two storey semi detached and detached houses. There are however, three storey flats to the southwest on the opposite side of Upton Road and two storey flats neighbouring the site to the northeast (with access to Lascelles Park between to the two sites). Further northeast are Elvian House and Chiltern House which are both three storey traditional buildings located on the edge of the Sussex Place / Clifton Road Conservation Area.

4.0 **Relevant Site History**

4.1 The most relevant planning history for the site is presented below:

P/06350/001 Erection of 6no. 5 bedroom semi-detached houses with garages and garden rooms, 2no. 3 bedroom semi-detached houses with garden rooms and 2no. 3 bedroom semi detached houses. Associated new hard and soft landscape works and modifications to existing boundary walls. Formation of 7no. new vehicular cross-overs to the footpath along Upton Road.
Approved with Conditions; Informatives; 21-Jun-2018
[Not implemented and expires 21-Jun-2021]

S/00698/001 Construction of 10 new build houses with associated access road, parking areas, gardens and other external landscaped areas.
Approved with Conditions; Informatives; 13-Jan-2015
[Not implemented and expired]

S/00698/000 Prior notification for the demolition of existing care home.
Prior Approval; Permission Granted/Inf; 10-Jun-2013

5.0 **Neighbour Notification**

5.1 Due to the development being a major application , 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 09/02/2021. The application was advertised in the 26/02/2021 edition of The Slough Express.

One letter of objection has been received by a neighbouring resident objecting to the proposal with comments relating to:

- The design does not fit in with either similar traditional houses on Upton Road or the surrounding houses around Lascelles Park
- The flat roof will be visible both from Upton Road and from Lascelles Park and it will just look like an eye sore
- The loss of any on-street permit parking should be replaced
- The residents of the proposed Gurney House should not be eligible to use on-street permit parking

Five letters of support have been received by neighbouring residents supporting the proposal with comments relating to:

- The occupier of 91 Upton Road has reviewed the plans detailing the distance from the property, and has no objections to the proposed development and is happy for the application to be granted and for building to proceed.
- We support the application but would like the following carefully considered:
 - adjacent pathway entering into Lascelles's park is dark and the previous lighting that is now within the site should be replaced. This access should be made wider
 - Security
 - Trees and shrubs
 - Access
 - Transport
 - Section 106 as applicable and to be applied to local footway, highways improvement and should also cover the alleyway – entrance to the park.
 - CCTV installed in the area to deter criminal activity have no
 - No drinking alcohol in the entrance to the park signage.
 - Transport – Upton Road has very limited parking permit spaces; the development should have restricted parking availability on the road.
 - Materials and general look of the development be in keeping with neighbouring homes

The consultation period has expired.

The above comments are taken into consideration within the relevant parts of the Planning Assessment below.

6.0 **Consultations**

6.1 Local Highway Authority:

The planning application is for the erection of a new residential development containing 16 three-bedroom terraced houses including a new access. The site is currently unoccupied.

Planning permission was previously granted during 2015 for the construction of 10 new build houses (S/00698.001) on site and permission was granted for the construction of 6 five-bedroom semi-detached houses and 7 new vehicular crossovers (P/06350/001) during 2018.

Vehicular Access:

SBC Highways and Transport require the applicant to provide a General Arrangement drawing of the access which provides the width, corner radii and the visibility splays from the proposed site access. Visibility splays of 2.4m x 43m should be demonstrated in accordance with the visibility requirements set out by the Manual for Streets. These can be secured by condition.

Access by Sustainable Travel Modes:

SBC request that the applicant confirm lighting arrangements for the site to ensure pedestrians can safely access the site at night. The applicant should also demonstrate pedestrian visibility splays of 2m x 2m.

The site can be considered accessible by sustainable travel modes. The site is situated 500 metres (6 minutes' walk) from Slough High Street and 1400m from Slough Railway Station (18 minutes) walk. During the Morning Peak, Slough Railway Station offers 4 services per hour to Burnham Station, 6 services per hour to London Paddington, 7 services to Maidenhead and 8 services per hour to Reading.

Trip Generation and Traffic Impact:

The site would not generate a significant number of vehicle movements which could be deemed as detrimental to the highway network or require further analysis.

Layout:

The parking spaces appear to work for a 5.1m large vehicle, even the tighter

ones with a multi-point manoeuvre, it would be reasonable for these to be demonstrated prior to commencement and secured via condition.

Parking:

32 parking spaces are displayed on the Proposed Block Plan (Drawing No P54168-A(BP)XX-001-Rev-P5 dated 13/02/2020).

The proposed number of parking spaces is considered compliant with the Slough Developers Guide – Part 3: Highways and Transport which provides Slough's adopted parking standards. For 3-bedroom dwellings located in Rest of Town Centre/Predominantly Residential Areas, the standards require the provision of 2 parking spaces per dwelling with all spaces assigned. Therefore 32 parking spaces are required by the Slough Parking Standards. It is noted that a study could be used as a bedroom, but given the good accessibility of the site to services, amenities and public transport facilities. As such we would not be looking to refuse it on parking grounds or request any further parking spaces.

To the north of the site, a single yellow parking restriction is already implemented on Upton Road which restricts parking between 8am – 7pm. To the south-west of the site, some unrestricted parking is available. The development is not expected to cause an overspill of parked vehicles onto Upton Road, given on-street parking is restricted and the provision of 2 spaces per dwelling which should accommodate all demand for car ownership amongst residents.

SBC Highways and Transport have no objection based on the proposed number of parking spaces.

Please could you condition the application to prevent any of the dwellings being converted into/sub-divided to be used as multiple flats or as HMO's.

Also not sure if you would be looking to restrict PD rights for these but may be a good idea, they're already good sized houses and increasing number of rooms (loft conversions, outbuildings, extensions, etc) could increase demand on parking/attract HMO uses.

Electric Vehicle Charging:

1 charging point per property is being provided which is deemed acceptable. This should be a minimum 7kw(approx.) wallbox for each property as opposed to an external 3 pin plug. I believe this may be detailed in the low emissions strategy. In any case, I believe the details of the EV chargers can be secured by means of a pre-commencement condition.

The specification provided should be agreed with Slough's Environmental Quality Team.

Cycle Parking:

Secure cycle parking is displayed to the rear of each property on the proposed site plan. Further details of the type of cycle parking should be provided, but it is recommended that these are secured by condition.

Servicing and Refuse Collection:

The applicant is required to provide details of the servicing and refuse collection arrangements on the site. If a refuse vehicle is required to enter the site then swept path analysis should be provided which demonstrates that a refuse vehicle can safely ingress/egress the proposed development.

Bins should be presented for collection within 15m of the nearest point where a refuse vehicle can stop in accordance with the drag distances presented in the SBC Guidance for Refuse and Recycling Storage for New Dwellings.

A servicing and refuse management plan should be secured by condition to ensure bins are located in appropriate location and collected safely.

6.2 Thames Water:

Waste Comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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.

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.

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

6.3 Neighbourhood Protection:

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

6.4 Contaminated Land Officer:

I have reviewed the documents submitted, and even if it was not update, a previously submitted report provides further insights into the situation on site. The previously submitted report was "Phase I Contaminated Land Desk Study Report" (Ref. 60861R1, dated September 2014) prepared by Envirep.co.uk. This report was submitted with a previous application ref. S/00698/001, which was approved without the comments of the Contaminated Land Officer (CLO) at the time. However, there was conversation between the CLO and consultant before the report was submitted and all the issues raised were addressed.

Given the nature of the proposed development, I agree with the conclusion of the report stating that risk to the identified receptors is low, and no Phase II Intrusive Site Investigation is required at this stage of the development.

Based on the above I recommend that the watching brief condition is placed on the decision notice.

6.5 Lead Local Flood Authority:

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

- Design and Access Statement
- Block Plan and Location Plan

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 wholesite; 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.
- 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.

6.6 Housing:

We confirm the trees within link way to the Lascelles Park are on SBC Land and their removal is acceptable subject to good quality replacements within the site.

6.7 Parks, Open Spaces:

No comments received

6.8 Environmental Quality; Air Quality:

Overall, AQ is unlikely to be an issue here. It is far from any major roads where poor air quality is usually concentrated, and the development in itself is unlikely to produce enough trips to cause a worsening of air quality elsewhere.

6.9 Environmental Quality: Noise

It hasn't been mentioned in any of the documents uploaded on the portal, despite being requested in the pre-application advice letter: "Any plant equipment location should be identified and the noise levels must be at an acceptable standard on the adjoining and future occupiers. The Developer Guide Part 2, 2017, sets out the Council's expectations for sustainable design and construction". As there is potential to have a sub-station on site, this may introduce a new intrusive noise source that would need to be considered. If this has been addressed but was considered insignificant, I would like to see the evidence. Noise from other sources such as road traffic are unlikely to be audible as the development is on a quiet street, and you could consider noise from Lascelles Park which has a nearby basketball court, however noise impact is likely to be very low.

6.10 Education Authority

We would like to nominate the education contributions to the expansion of Haybrook College a special school that provides places for secondary and post-16 pupils and serves the whole town.

6.11 Landscape Advisor:

Existing site:

Recommended for TPO's:

- Evergreen oaks adjacent to Lascelles Park/ spring field and the link footpath/electrical sub station.

Trees to be retained and protection during construction :

- Yew tree by entrance gate situated on link way (Upton road Lascelles Park)

Notable trees to be removed:

- Two Ash trees outside the site adjacent to boundary and link way – appears to be outside the site and on SBC Housing stock land an extension from Springfield the adjacent site.
- Tree by 91 Upton road SBC Highways verge.

No objection to removing these trees subject to securing appropriate tree

planting and landscaping as explained below and obtaining the relevant permissions from SBC Housing

Proposed landscaping:

It is visualised that the scrub and small trees adjacent to the boundary wall and Upton road will be removed during the development of this site. Their replacement and the environmental management of this boundary area will require sensible management. This should include maintain the area as a car free zone with a suitable barrier. Planting replacement Trees and shrubs which will foster the local environmental and reflect the proximity to the local Park.

Recommendation:

Tree planting pits to be constructed to incorporate an element of SuDs management. With the suggestion of a produce incorporation honeycomb plastic modals (example GreenBlue Urban Ltd).

This should be supported by refreshing the Tree pits by excavated and back filled with reconstructed top soil on the lines of 2x2 metres with a depth of 1 metre.

The adjoining surface area around the tree base should be permeable to allow water penetration to the tree's root zone. The permeable surfacing could well be liner rather than square in construction.

Tree size as they are to be a feature to the entrance of each house selection from Nursey stock at stem size 12 to 14 cm is recommended

6.12 Heritage Advisor

The application site comprises a vacant plot as Gurney House (a mid 20th century building) was demolished in 2014.

The site lies on the south side of Upton Road. The Sussex Place / Clifton Road Conservation Area lies to the north, separated from the application site by the Lascelles Nursery / Springfield House. Any impact upon the setting of the Conservation Area needs careful consideration. A Heritage Statement has been submitted as part of the application in accordance with NPPF, para. 189.

The red brick front boundary wall to the site looks to be 19th century, so pre-dates Gurney House; It makes a strong positive contribution to the street scene. Its proposed retention as part of the redevelopment of the site is welcomed - it may be advisable to condition its retention and repair (if necessary) and to ensure that any new openings / alterations within the wall are sensitively created and any new sections of wall match existing in terms

of size / appearance and brick bond etc.

The proposed development will comprise 3 blocks of 3 storey brick-built townhouse style dwellings with flat roofs. They are of a contemporary design and whilst they do differ in style to the rather more traditional rendered / brick built detached and semi-detached 2-storey pitched roof properties to this part of Upton Road the set back of the new dwellings behind the wall and their reasonably modest scale is considered to sit comfortably enough in this position and to preserve the setting of the Conservation Area.

The grade II listed 74, no 74 Upton Road lies over 50 metres to the west of the Gurney House site and BEAMS would agree with the Heritage Statement which considers there would be no adverse impact upon the setting of this designated heritage asset due to the distance between the two and the lack of sightline.

The use of high-quality materials and design detailing will be essential in ensuring the development sits comfortably in this location and the appearance of the flank elevations, particularly to Springfield may need to be addressed further - the elevation plan seems to show this as a wall of solid brickwork.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 National Planning Policy Framework 2019:

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 12. Achieving well-designed places

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

Chapter 16: Conserving and enhancing the historic environment

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

Core Policy 1 – Spatial Strategy

Core Policy 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 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Polices)

- EN1 – Standard of Design
- EN3 – Landscaping Requirements
- EN5 – Design and Crime Prevention
- H13 – Backland/Infill Development
- H14 – Amenity Space
- T2 – Parking Restraint
- T8 – Cycle Network and Facilities

Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document 2010
- Slough Borough Council Developer's Guide Parts 1-4
- Proposals Map (2010)
- Nationally Described Space Standards
- ProPG: Planning & Noise: Professional Practice Guidance on Planning & Noise. New Residential Development. May 2017

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 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.

The weight of the harm and benefits are scaled as follows:

- Limited

- Moderate
- Considerable
- Substantial

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

The emerging Preferred Spatial Strategy has been developed using 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.

Protecting the built and natural environment of Slough's suburban areas is one of the key elements in the emerging Spatial Strategy.

7.3 The planning considerations for this proposal are:

- Land Use
- Supply of housing
- Impact on the character and appearance of the area
- Impact on Heritage Assets
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Crime Prevention
- Highways and Parking
- Surface water drainage
- Contaminated Land
- Affordable Housing
- Infrastructure
- Section 106 Requirements
- Impact on biodiversity and ecology
- Equalities Considerations
- Neighbour representations
- Presumption in favour of sustainable development

8.0 **Planning history**

8.1 The planning history is a material consideration. The previous planning application (ref. P/06350/001) for the following was approved on 21st June 2018:

Erection of 6no. 5 bedroom semi-detached houses with garages and garden rooms, 2no. 3 bedroom semi-detached

houses with garden rooms and 2no. 3 bedroom semi detached houses. Associated new hard and soft landscape works and modifications to existing boundary walls. Formation of 7no. new vehicular cross-overs to the footpath along Upton Road.

The above development has not been implemented and its planning permission expires in June 2021. The pre commencement conditions have not been discharged.

8.2 The main differences between the current proposals and the previously approved extant scheme (ref. P/06350/001) are set out below:

- Change in the housing type and numbers from 10 x three storey semi detached houses comprising (6 x 5 bed and 4 x 3 bed) to 16 x three storey terrace houses (in three blocks) comprising (16 x 3 bed plus 1 study)
- Proposed building line fronting Upton Road set further back into the site
- Boundary wall fronting Upton Road largely retained with single point of vehicular access compared to opening onto Upton Road and creating 7no. new vehicular cross-overs
- Proposed 32 car parking spaces compared 35 car parking spaces
- Alternative dwelling design from pitched roofed traditional type dwelling to a flat roofed more contemporary type dwellings
- Alternative parking layout
- No rear garden room proposed

8.3 In addition, prior to application (Ref: P/06350/001) being approved, the following planning application (ref. S/00698/001) was approved on 13th January 2015:

Construction of 10 new build houses with associated access road, parking areas, gardens and other external landscaped areas.

The above development has not been implemented and its planning permission has now expired.

8.4 The current proposals are different from the 2015 consent (ref. S/00698/001) in respect of the following elements:

- Change in the housing type and numbers from 10 x two - three storey semi detached houses comprising (10 x 4 bed) to 16 x three storey terrace houses (in three blocks) comprising (16 x 3 bed plus 1 study)
- Proposed 32 car parking spaces compared 30 car parking spaces
- Alternative dwelling design from pitched roofed traditional type dwelling to a flat roofed more contemporary type dwellings
- Alternative parking layout

- 8.4 Since the previous approvals the National Planning Policy Framework has been updated on 19 February 2019 and the Local Planning Authority can not demonstrate a Five Year Land Supply. In addition The Emerging Preferred Local Plan for Slough 2016 – 2036 for Slough has been published.
- 8.5 This report considers the effects of the proposed changes to the previous permission but it is acknowledged that the principle of the development of the site for housing is acceptable..
- 8.6 The surrounding area has not substantially changed since the previous applications were determined.

9.0 **Land Use**

- 9.1 The site is not located within any specific designation by the local development plan. The principle of residential development of the site, in particular family homes, is acceptable and complies with Core Policy 3 and 4 for the type and distribution of housing. The proposed density of the site would marginally exceed the Core Policy 4 minimum of 37 dwellings per hectare (43 dwellings per hectare).
- 9.2 The Emerging Preferred Spatial Strategy seeks to protect the built and natural environment of Slough's suburban areas. The provision of family houses at an appropriate density could achieve this in principle.
- 9.3 Based on the above, the proposals comprise a residential-led redevelopment of previously developed land which would be policy compliant in land use terms. Neutral weight is attributed to the planning balance.

10.0 **Supply of housing**

- 10.1 The extant Core Strategy covers the 20 year plan period between 2006 and 2026. Core Policy 3 sets out that a minimum of 6,250 new dwellings will be provided in Slough over the plan period, which equates to an average of 313 dwellings per annum. Core Policy 3 states that proposals for new development should not result in the net loss of any existing housing.
- 10.2 Slough Borough Council is in the process of preparing a new Local Plan for Slough which covers the 20 year plan period between 2016 and 2036. The Council's Housing Delivery Action Plan (July 2019) confirms that the objectively assessed housing need for the plan period is 893 dwellings per annum (dated April 2019). The emerging targets are for the delivery of near 20,000 new homes over the plan period in order to ensure this strategic target is achieved and exceeded to allow for additional population increases over the lifetime of the Local Plan
- 10.3 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 Land Supply. The proposal for 16 residential units would make a contribution to the supply of housing, and given that that the tilted balance is engaged, this contribution would in principle be afforded considerable positive weight in the planning balance.

10.4 *Housing mix*

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 reflected in Core Strategy Policy 4. The Local Housing Needs Assessment for RBWM, Slough & South Bucks (October 2019) suggests in table 39 the following percentage mixes are needed within Slough:

	1 bed	2 bed	3 bed	4 bed
Market	5	19	57	20

10.5 The proposal would include 16 x 3 bed units (with an additional study a first floor which could be used as a bedroom). The proposal provides units where the need is most, and considering the relatively small scale of the site, the proposal is considered to comply with the housing mix requirements of Core Policy 4, and the requirements of the National Planning Policy framework.

10.6 The provision of 16 x 3 / 4 bed units provides much needed family housing. A financial contribution of £218,578 towards offsite affordable housing is also included. As such, considerable positive weight would be tilted in favour of the supply of housing.

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

11.1 The National Planning Policy Framework 2019 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 EN3.

11.2 The application site is located on the south-eastern side of the Upton Road which is a residential street and to the north-eastern side of Lascelles Park which is a park designated as Public Open Space. The site previously comprised a part single storey part two storey building used as a residential care home. The building has since been demolished and the site largely cleared other than concrete hardstanding, debris, and shrubbery along with trees, bushes fencing and brick walls along the boundaries.

11.3 The surrounding area largely comprises good sized traditional two storey semi detached and detached house with relatively generous separation distances between them. However, the row of semi detached houses adjoin the site to the southwest have notably smaller spaces between them. To the northeast there are larger scale buildings comprising the two storey flats

neighbouring the site to the east (Springfield). Further northeast are Elvian House and Chiltern House lies to the north which are both three storey traditional buildings.

- 11.4 The site was formally occupied by an elderly persons care home which comprised a large part single part two storey flat roof building set back within site, finished in a buff brick.
- 11.5 The proposal would comprise 16 x three storey terrace houses in three blocks, fronting Upton Road but set back beyond the front building line of the existing houses in the street. The proposed houses would incorporate a flat roof form, and a large rear terrace at first floor, which provides a simple building shape. The pattern of fenestration which is set-in via brick surrounds from ground to the top floor results in a vertical emphasis in the scheme's appearance, and also provides visual depth in the façade. The use of a buff brick (lighter brick for the set-in parts) draws from the previous building on the site. Windows and doors would comprise dark grey aluminium frames. This would result in a contemporary appearance, but due to the depth in the front façade and the use of a buff brick, there is an acknowledgment to the previous building on the site and the more traditional houses in the immediate and wider locality. It is important to secure a good quality stock brick as part of the planning permission. Following negotiations with the Applicant, the following bricks are proposed. It is considered they would be of a good quality and appropriate appearance for the proposed buildings and the character of the surrounding area. The bricks are secured by condition:
- Main elevations: Traditional Brick & Stone Facing Brick Mystique. Colour – Buff Multi.
 - Set-in elements: Imperial Marque Buff Handmade Facing Brick. Colour – Buff.
- 11.6 The existing building-line in Upton Road would not be continued on this scheme, however, the previous care home in the site was also set back well beyond this building line and also behind the traditional brick wall which appears to date from the 19th century. Therefore, the setting of the building back from the frontage would not be an unusual feature in the street and the retained parts of the original brick wall at the frontage will preserve a key built feature within the streetscene which contributes to the character of the area.
- 11.7 The proposed westernmost dwelling would be sited within one metre from the neighbouring boundary at 91 Upton Road and approximately 3.7 metres from this neighbouring dwelling. Normally one metre from the common boundary is required to prevent a visual terracing affect, however, given the proposed dwelling would be set well back from the front of 91 Upton Road, the proposal would not result in a visual terracing effect.
- 11.8 The front part of the proposed easternmost dwelling would be sited within one metre from the eastern boundary where it abuts a soft landscape verge and

footway which connects Upton Road to Lascelles Park. Officers have some concern about this physical relationship. However, given the splayed nature of the eastern boundary, the majority of the easternmost dwelling would be set away from the boundary by more than 3 metres, which on balance is an appropriate distance to prevent a visually overbearing feature in this location.

- 11.9 The plans refer to solar panels on the roof; however none are drawn on the plans or elevations. The applicant asserts these will not be seen from the public realm as they will be contained behind the proposed elevations which extend above the flat roof to create a parapet. A condition can be included to secure details of the solar panels to ensure they would be largely screened for the surrounding area.
- 11.10 The existing boundary wall is an established feature in the street which is proposed to be substantially retained as part of the development. The retained wall would help preserve an original feature within the streetscene which encloses the more contemporary buildings on the site which are set back from the frontage. A condition should be included to ensure the wall is retained (in accordance with the proposed plans/elevations) during the construction works and thereafter.
- 11.11 The proposal would result in the loss of a number of trees along the boundaries within the site. The Council's Landscape Advisor has raised no objection to this subject to an appropriate tree replacement tree planting. There are two Ash trees within the site adjacent to boundary and link way to the Lascelles Park which are outside the site and appear to be on SBC Housing land. These trees which are identified as T13 and T14 on the submitted topographical site survey would need to be removed to enable the easternmost dwelling to be built out. SBC Housing has agreed to the removal of these trees subject to good quality replacements within the site. The plans propose indicative landscaping and tree planting which the Council's Landscape Advisor has raised no objection to subject to securing a good quality a detailed landscape scheme. This should include 12 to 14 cm replacement trees to the front of the dwellings and tree pit design for the roots. This is secured by condition.
- 11.12 The Council's Tree Officer has also commented that the Yew tree by entrance gate situated on link way and the street tree located to the left of 91 Upton Road this should be protected during the construction phase and should be secured by condition. In addition the Council's Tree Officer has recommend the Evergreen Oaks to the rear adjacent to Lascelles Park and the link footpath/electrical sub station should be retained and further assessment be carried to consider protection by a preservation order.
- 11.13 Based on the above, although some elements of the scheme remain of concern to officers, on balance the proposal constitutes a good standard of design overall which complements the character of the area and broadly complies with Core Policy 8 of the Core Strategy, Local Plan Policies EN1

and EN3, and the requirements of the National Planning Policy Framework. The design of development and impact on the appearance of the area can be afforded positive weight being applied in the planning balance given the current site is under-used and comprises of hardstanding which contributes little to the appearance of the area.

12.0 **Impact on Heritage Assets**

- 12.1 Sections 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 seeks special regard to the desirability of preserving a listed building or its setting and to preserve or enhancing the character or appearance of a conservation area.
- 12.2 Paragraph 189 of the National Planning Policy Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 12.3 Chapter 16 of the NPPF intends to preserve and enhance the historic environment; paragraph 193 requires local planning authorities to afford great weight to the asset's conservation, irrespective of whether the potential harm is substantial harm, total loss or less than substantial harm.
- 12.4 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 12.5 Core Policy 9 of the Core Strategy, (2006 – 2026) Development Plan Document December 2008 states that development will not be permitted unless it:
- Enhances and protects the historic environment;
 - Respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations;
- 12.6 The following heritage assets are located within relative close proximity to the east of the site:
- Sussex Place / Clifton Road Conservation Area
 - 74 Upton Road (Grade II Listed)

A Heritage Statement has been submitted with the application. The impacts have been assessed by the Council's Heritage Advisor who has commented that due to the relatively low level of the proposal development, its positioning within the site, and separation distances from these heritage assets, the proposal would preserve their setting.

- 12.7 Based on the above, the proposal would protect the surrounding heritage assets and would not lead to any level of harm as defined by the National Planning Policy Framework and would comply with Core Policy 9 of the Core Strategy, (2006 – 2026) Development Plan Document December 2008. Neutral weight should be applied to the planning balance.
- 13.0 **Impact on amenity of neighbouring occupiers**
- 13.1 The National Planning Policy Framework 2019 encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.
- 13.2 As per the previous buildings on the site, the proposal would not reflect the existing building-line in Upton Road and the proposed dwellings would be set back into the site and extend beyond the rear elevations to the west in Upton Road. The proposed westernmost dwelling would be positioned within close proximity of the neighbouring residential boundary at 91 Upton Road. There are side facing windows at ground and first floor serving 91 Upton Road positioned approximately 2.8 metres from the common boundary. When considering the impacts on these windows, regard will be given to the fact that they are positioned very close to the common boundary with the application site and therefore do not benefit from space normally provided with a site to contribute to their amenity value. It is noted the property benefits from open aspect at the frontage and rear of the building.
- 13.3 The ground floor side facing windows at 91 Upton Road serve a dining room (single aspect) which is centrally positioned in the side elevation, and further to the rear are two kitchen windows in the side. The kitchen is also served by a rear facing window which is positioned within a glazed rear projection.
- 13.4 The first floor side facing windows at 91 Upton Road serve a bedroom (single aspect) which is centrally positioned in the side elevation above the dining room. To the rear end of the side elevation is a side facing window serving a W.C, and further rear is a side facing window serving a bedroom.
- 13.5 The proposed westernmost dwelling would be set back within the site and beyond the plane of the centrally positioned ground floor dining room first floor bedroom windows. Given the proposal would still be within relatively close proximity of these flank windows there would be a degree of overbearing impact and loss of daylight and sunlight. However when considering the windows would be free of encroachment, and given the already close positioning of the windows to the common boundary, the proposal would not result in unacceptable impacts to the living conditions in the adjacent building overall in terms of overbearing impact, loss of daylight and sunlight. In addition, given the oblique relationship with the proposed windows in the front elevation of westernmost house, the proposal would not result in an unacceptable loss of privacy within the dwelling.

13.6 The ground floor side facing kitchen windows and first floor W.C window at 91 Upton Road would be encroached upon by the development which results in a separation distance of approximately 3.5 metres – 3.7 metres. Due to the scale, siting and height of the development and its proximity to the neighbouring property it is anticipated that the proposals would result in an overbearing impact, loss of daylight and sunlight and the conditions within these rooms would be subject to some noticeable change. However regard needs to be given to the following:

- The kitchen and WC are not habitable rooms (there is a separate dining room). However, given the kitchen is served by existing windows and is not a transient area, there would be some degree of harm to the living conditions experienced by occupiers within this room.
- The side facing windows are already positioned close to the common boundary and therefore do not benefit from space normally provided with a site to contribute to their amenity value
- The kitchen is served by rear facing windows that would only be encroached upon by 45 degrees (from the centre of the window) at ground floor and terrace screening.
- The existing occupier of 91 Upton Road is supportive of the application

It is accepted that the proposal will impact the light and outlook within the kitchen and W.C and the change is likely to be noticeable within these rooms.

13.7 The rearmost first floor side facing bedroom window at 91 Upton Road would have a separation distance of approximately 3.8 metres from the development. This bedroom does not benefit from an additional rear facing window. It is considered that The proposal would result in an overbearing impact, loss of daylight and sunlight on the bedroom and the occupiers would experience a discernible change in light levels and increased sense of enclosure within this room. In considering the harm, regard needs to be given to the following:

- The side facing windows are already positioned close to the common boundary and therefore do not benefit from space normally provided with a site to contribute to their amenity value
- The existing occupier of 91 Upton Road is supportive of the application
- The bedroom is not the master bedroom within the property.

The proposal is anticipated to noticeably impact the light and outlook within this bedroom. When considering the above combined impacts on the bedroom, kitchen and WC, the proposal is considered to result in a moderate degree of harm to living conditions within this dwelling which otherwise would benefit from good aspect on the frontage and rear facades with the majority of

windows benefitting from good levels of sunlight, daylight and aspect. Although, officers have found a degree of harm would occur which would affect living conditions of the occupiers within the specified rooms, officers conclude that the living standards within the overall dwellinghouse will not be demonstrably compromised as a result of the proposals.

- 13.8 There are no side facing windows proposed, and therefore, there would not be a privacy issues in relation to the side facing windows. A condition can be included to ensure no windows are installed in the side elevation of the westernmost dwelling.
- 13.9 The proposal would not encroach within 45 degrees of the centre of the first floor front or rear facing windows at 91 Upton Road, which is in line with the development plan requirements.
- 13.10 Externally, the eastern side of 91 Upton Road is used as access to the rear garage and the overbearing impact and loss of daylight and sunlight in this location would be received on transient basis and would not result in a significant impact on the living conditions.
- 13.11 Externally to the rear of 91 Upton Road, the proposed westernmost dwelling would extend beyond the main rear elevation of 91 Upton Road by approximately 10.4 metres at ground floor and the upper floors by 3.8 metres. When considering the rear glazed extension is used for storage and is not habitable, and there is an existing garage by the common boundary, the proposal would not result in unacceptable impacts on the amenity to the rear of the property. A condition should be included extend the brick western side elevation adjacent to the terrace to 1.8 metre above the floor level of the terrace to prevent overlooking into the sensitive parts of the rear garden at 91 Upton Road.
- 13.12 The separation between the proposed dwellings and the neighbouring properties on the opposite side of Upton Road would prevent any unacceptable amenity issues.
- 13.13 The proposal would result in an increase in comings and goings, however, for a scheme of 16 dwellings and 32 parking spaces it would not be to a degree that would raise concerns in terms of unacceptable noise and disturbance. A condition should be included to require a noise assessment for any plant / substation required as part of the proposal.
- 13.14 Based on the above, the proposal would comply with elements of Core Policy 8 of the Core Strategy, the majority of the criteria set out in Local Plan Policy EN1, and the requirements of the National Planning Policy Framework. However, there is a conflict with policy criterion (j) and (k) of EN1 in relation to the overbearing impact and loss of daylight and sunlight to the side facing windows serving the kitchen at 91 Upton Road. This is harm is afforded moderate negative weight being applied in the planning balance. The harm is

tempered in this instance given the impacts are to rooms with windows on the flank façade of the adjoining property which would typically be adjacent to a facing dwelling given the pattern of development in the area and are themselves unneighbourly given the aspect..

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

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

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 Local Plan Policy H14 seeks an appropriate level while having regard to:

- a) the type and size of dwelling and type of household likely to occupy dwelling;
- b) quality of proposed amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility;
- c) character of surrounding area in terms of size and type of amenity space for existing dwellings;
- d) proximity to existing public open space and play facilities; and
- e) provision and size of balconies..

14.4 *Access:*

Access would be gained directly from Upton Road via a dedicated pedestrian access to the west of the site, and a vehicular access centrally. Considering the number of residential units proposed, the access point would appropriately distribute residents and visitors past an acceptable number of residential units and therefore minimise likely disturbance for future occupiers.

14.5 *Internal living conditions:*

The gross internal areas and bedrooms would exceed the Nationally Described Space Standards. The layout of the houses are such that all principle habitable rooms serving would be served by windows that provide good outlook, and appropriate levels of daylight and sunlight.

14.6 *External amenity space:*

The proposed garden depths range between 10.8 metres – 13.4 metres. Given the rear gardens would be of a good quality and given the location adjacent to Lascelles Park, they would be acceptable. The Residential Extensions Guidelines require that 3 bedroom houses to retain 9 metre back garden, and 4 bedroom houses a 15 metres back garden. As such, a

condition should be included to limit what can be constructed under permitted development.

14.7 *Noise:*

A condition should be included to require a noise assessment for any plant / substation required as part of the proposal.

14.8 Conclusion:

Based on the above, the proposal would largely comply with Core Policy 8 of the Core Strategy, Local Plan Policy H14, and the requirements of the National Planning Policy Framework. Neutral weight should be applied to planning balance.

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. Core Policy 12 of the Core Strategy requires development to be laid out and designed to create safe and attractive environments in accordance with the recognised best practice for designing out crime.

15.2 The National Planning Policy Framework requires developments to be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

15.3 Access from the street would be gained directly from the footway in Upton Road where there is already a good level of natural surveillance. There is also a service entrance by the footway link to Lascelles Park.

15.4 The design and access statement proposes these access points to be gated and fob controlled. Given the site comprises a communal parking area, and alley type access to the rear gardens, subject to securing appropriate details by condition, no objections are raised on this regard.

15.5 The construction of the easternmost dwelling would result in degree of enclosure when using the footway. The footway an area of concern in relation to safety and potential for criminal activity and anti social behaviour. Developing the site for residential houses would reduce the anti social activity the empty site currently attracts. In addition, due to the front and rear facing windows and increased movements around the site there would be an increase in natural surveillance around the site.

15.6 Previously, the footway was lit by column lighting one of which is located within the application. It appears the footway is no longer lit, and the lighting within the application site would be removed to make way for the easternmost dwelling. Following discussions with the Applicant, it has been verbally

agreed the development would contribute towards new lighting which can be sited within the grass verge by the footway. SBC housing who own this land has agreed to this. Either a financial contribution will be sought to secure at least two column lighting units to illuminate the footway between Upton Road and Gurney House, or the developer will undertake such works themselves. The Local Highway Authority and SBC Housing will advise of the most appropriate of the two when finalising the Section 106.

- 15.7 Neighbour representations have requested CCTV is installed the footway, and the footway be improved and widened. Given the financial contribution being secured towards the lighting, it is not considered reasonable to place further cost in the development to remedy an existing problem.
- 15.8 It is clear that the existing site and link way into the park are causing anti social issues and the proposed development would likely result in a reduction of such issues. This weighs in favour of the proposal, and limited positive weight should be applied in the planning balance.
- 15.9 Based on the above, and subject to securing the final constructions towards the lighting, and the side facing windows, the proposal would be accordance with Local Plan Policy EN5; Core Policy 12 of the Core Strategy; and the requirements of the National Planning Policy Framework. Limited positive weight should be applied in the planning balance.
- 16.0 **Highways and Parking**
- 16.1 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. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 109 of the National Planning Policy Framework 2019 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’.
- 16.2 *Access and Trip Generation*
- 16.3 The main vehicular access to the site would be created centrally along the northwest boundary via Upton Road. This would result in the loss of some on-street parking spaces; however, the loss would be considerably less than the previous application (ref. P/06350/001) which proposed seven vehicular crossovers in Upton Road. Therefore the proposal would have betterment in this regard. In addition the Council’s Parking Team have confirmed their loss should not affect permit allocation capacity given the existing spaces and number of dwellings in the street.

- 16.4 The existing access via the Springfield House access would be adapted as a secondary service and delivery access, and a further pedestrian access is proposed via Upton Road to the western end of the site. The Local Highway Authority has requested the plans incorporate Manual for Streets compliant pedestrian and vehicular visibility splays, corner radii, and swept analysis for the car parking spaces and bin collection. The Local Highway Authority confirmed these can be secured by condition.
- 16.5 *Car parking:*
- 16.6 The application proposes 32no.parking spaces which is in accordance with the quantum set out in the Developers Guide for 3 bed houses. Should the proposed study in each house be used as a bedroom, then the quantum would rise to 48 spaces. The Developer's Guide is clear that these standards should be applied flexibly for residential development in very accessible locations. The Local Highway Authority has not objected to the proposed parking provision. Given the site's close proximity to the services, facilities, and transport links in town centre, the proposed parking provision is considered acceptable for this this development in this location. Representations from neighbouring residents have requested the occupiers of the development should be prevented from obtaining on street parking permits. The Local Highway Authority has commented that there would be a loss of permit spaces on the street to create the access, and in combination with the additional residents as a result of the development, there would not be capacity on the street to provide permits for the residents of the proposed dwelling, As such permits should not be allocated to occupiers of the proposed development. As such this can be secured as an obligation in the Section 106.
- 16.7 The Local Highway Authority has requested a condition to ensure the houses could not be used as Houses in Multiple Occupation (HMOs); as such a use could cause parking stress. Planning permission would be required to change the use to larger HMO (more than six residents living together). Smaller HMOs (up to six people living together) would normally require 0.5 spaces per room, and therefore three spaces per dwelling. This is the same quantum as required if the studies were to be used as bedrooms to create four bed houses, and the Local Highway Authority have not objected on that basis. As such, a condition restricting the use of the houses to small HMOs is not justified on parking grounds.
- 16.8 In accordance with The Low Emissions Strategy 1 x charging point per dwelling (where parking is allocated) or 1 charging point per 10 spaces (where parking is unallocated) is required. Based on the plans, the 16 car parking spaces on the driveway fronting each house would clearly be allocated to each dwelling, the remaining would be communal. The Design and Access statement confirms each of the spaces to the front of the houses will have a 10-14KW wall mounted charging point. These are acceptable and can be secured by condition.

16.9 *Cycle parking:*

16.10 Cycle storage would comprise an external store in the rear garden of each dwelling, which is in accordance with the developers guide. The plans illustrated a square box where this store would be sited but no other details are provided. As such, appropriate details of these stores can be secured by condition. Given the size of the rear gardens, there is ample provision for short term visitor cycle parking.

16.11 *Servicing and Refuse Collection:*

Refuse storage would comprise an external store in the rear garden of each dwelling, with access via alleyways along the side and rear. It is not noted on the plans where the bins would be collected from and it is not clear how collection could take place without the bins being placed in areas that would obstruct the access road or cause neighbour amenity issues. The Developers Guide requires appropriate collection points to be drawn on the plans. In addition the Local Highways Authority has requested details of the servicing and refuse collection arrangements on the site swept path analysis for a refuse vehicle should it need to enter to collect within the required 15 metre drag distance. The Local Highways Authority has confirmed these can be secured by condition as part of a servicing and refuse management plan.

16.12 Summary:

Based on the above, subject to conditions, the proposal would have acceptable impact on the highway network and comply with Core Policy 7 of the Core Strategy, Local Plan Policies T2 and T8, and the requirements National Planning Policy Framework 2019. Neutral weight should be applied to the planning balance.

17.0 **Surface water drainage**

17.1 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.

17.2 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.

17.3 The application did not include a drainage strategy. However, this has recently been submitted and the lead local flood authority have been consulted. An update will be provided to the planning committee on this matter.

18.0 **Contaminated Land**

18.1 Paragraphs 170 and 178 of the National Planning Policy Framework require a site to be decontaminated so that it is suitable for its proposed use. This is reflected in Core Policy 8 of the Core Strategy

18.2 The site is identified as being as a medium risk of being potentially contaminated and falls within a Source Protection Zone for groundwater abstraction.

18.3 No contamination reports have been submitted. It is noted that the previous application (ref. S/00698/001) required a contaminated land watching brief to take place during the construction works. The Council's Contaminated Land Officer and has confirmed a watching brief should be applied to this proposal.

18.4 Based on the above, and subject to the watching brief condition, the proposal would comply with Core Policy 8 of the Core Strategy and the requirements National Planning Policy Framework 2019. Neutral weight should be applied to the planning balance.

19.0 **Affordable Housing**

19.1 Core Policy 4 of the Slough Local Development Framework Core Strategy states that for all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing

19.2 Table 3 in the Council's updated Developer Guide Part 2, (September 2017) sets out those developments of 15 to 24 units, a financial contribution for off-site affordable housing will be sought starting from the 15th unit. For a 16 unit development comprising 16x 3 bed units the amount to be equates to £132,513. However, each of the proposed dwellings include a study which is served by windows and a terrace area and is large enough to be used a bedroom should any future occupier wish to do so. Therefore, for the purposes of affordable housing contribution, the calculation should be based upon 16 x 4 bed units, which amounts to £218,578. This shall be secured through the Section 106.

19.3 Based on the above, the proposal would comply with Core Policy 4 of the Core Strategy and the requirements National Planning Policy Framework 2019. Due weight should be applied to the planning balance.

20.0 **Infrastructure:**

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

20.1 *Education:*

As the proposal would be between 15 and 100 units, in accordance with Core Policy 10 and Part 2 of the Developer's Guide, the Education Authority would seek education contributions in accordance the tariffs set out in on page 6 of the Developer's Guide. As described above, the use of the large study could easily be accommodated as a bedroom and therefore for the purposes of education requirements this sets a payment for a 4 bedroom house at £24,187. As such, a payment of £386,992 will be required for 16x 4 bed units. This shall be secured through the Section 106.

20.2 *Open Space / Recreation*

As the proposal is for less than 70 units, and includes sufficient onsite amenity space, the proposal does not attract any requirements for Open Space / Recreation.

20.3 Based on the above, the proposal would comply with Core Policy 10 of the Core Strategy and the requirements National Planning Policy Framework 2019. Neutral weight should be applied to the planning balance.

21.0 Section 106 Requirements

21.1 A section 106 is required to secure the following:

Financial:

Affordable Housing: £218,578

Education: £386,992

New Lighting by footway £6,000
between Upton Road and
Lascelles Park.

Non Financial:

Revoking parking permits for future occupiers.

21.2 The Applicant is yet to formally agree Heads of Terms.

21.3 Based on the information assessed, such obligations are required to ensure the proposal would provide policy compliant Affordable Housing and Education contributions; to provide appropriate replacement lighting for the footway between Upton Road and Lascelles Park; and to ensure sufficient parking permit availability remains on the public highway for existing residents, in order to comply with Core Policies 4, 7, 10, and 12 of the Local

Development Framework Core Strategy and Policies EN5 and T2 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.

22.0 **Impact on biodiversity and ecology**

22.1 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.

22.2 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. However the site has been vacant for an extended period of time and contains areas of shrubs and mature trees which could contain habitats, and therefore an ecological assessment would be required.

22.3 The application did not include an ecological assessment. However, such an assessment is being carried out at the time of writing. An update will be provided to the planning committee on this matter.

23.0 **Neighbour Representations**

23.1 Officers have considered the third party representations put forward by the residents of the neighbouring properties. The material planning considerations raised have been addressed within the relevant sections of this report within the Officer's assessment.

24.0 **Equalities Considerations**

24.1 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).

24.2 The proposal would provide new family residential accommodation. Appropriate car parking in the way of one private driveway per dwelling and 16 communal spaces within the site are provided. Access into the building is via doorways at ground level and Internal wheelchair accessibility is controlled by Building Regulations. Given the number of dwellings is less than 25, in accordance with the Developers Guide, there is no requirement to ensure any of the dwellings are Building Regulation complaint wheelchair user dwellings.

24.3 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.

24.4 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.

25.0 **Presumption in favour of sustainable development:**

25.1 The application has been evaluated against the Development Plan, the NPPF and other relevant material planning considerations. The Authority has assessed the application against the planning principles of the NPPF and whether the proposals deliver “sustainable development.” The Local Planning Authority can not demonstrate a Five Year Land Supply and therefore 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 should be applied.

The proposal for 16 residential units would make a contribution to the supply of housing, and given that that the tilted balance is engaged, this contribution would in principle attracts considerable positive weight in the planning

balance.

The provision of 16 x 3 / 4 bed units provides much needed family housing. As such, when considering the proposed benefits which include a financial contribution of £218,578 towards offsite affordable housing, considerable positive weight would be tilted in favour of the supply of housing.

In addition, the proposed development would likely result in a reduction of anti social issues in the site and the adjoining link way into the park. This attracts limited positive weight in the planning balance.

Overall, the weight allocated to the benefits from proposal is considered to amount to **considerable positive weight**.

The report identifies that the proposal broadly complies with the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are conflicts with criterion set out in Policy EN1. This includes the overbearing impact and loss of daylight, sunlight, and outlook to the side facing windows serving the kitchen, WC and first floor bedroom at 91 Upton Road (Moderate negative weight).

Overall, the weight allocated to the adverse impacts from proposal is considered to amount to **some moderate negative weight (in respect of the impact on residential amenity)**.

Subject to addressing the issues set out in the recommendation, when considering the proposal which in all other respects comply with the local and national policies towards the defined housing need at a time where there is not a Five Year Land Supply within the Borough, the Local Planning Authority consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole and tilted in favour of the supply of housing. On balance, it is recommended the application be delegated to the Planning Manager as set in the recommendation below.

26.0 **PART C: RECOMMENDATION**

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

A) For approval subject to:-

1. Securing an up to date ecological assessment which satisfactorily minimise impacts on biodiversity
2. Securing a satisfactory drainage strategy in consultation with the lead

local flood authority

3. the satisfactory completion of a Section 106 to secure the following:
 - a) £218,578 Affordable Housing contributions
 - b) £386,992 Education Contributions
 - c) Financial contributions or works by the developer to provide of at least two new lighting columns by footway between Upton Road and Lascelles Park.
 - d) Revoking parking permits for future occupiers
4. agreement of the pre-commencement conditions with the applicant/agent; finalising conditions; and any other minor changes.

B) Refuse the application if the completion of the above has not been satisfactorily completed by 23rd December 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee

27.0 PART D: LIST CONDITIONS AND INFORMATIVES

1. Commence within three years

The development hereby permitted shall be commenced within three years of 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. Drawing Numbers

The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Drawing No. P54168 - A(02)00-001; Dated 23/12/2020; Rec'd 18/03/2021
- b) Drawing Titled 'Site Survey As Existing' Dated June 2014; Rec'd 30/04/2021
- c) Drawing No. P54168 - A(BP)XX-001 Rev P5 (showing block plan and floor plans); Dated 23/12/2020; Rec'd 18/03/2021
- d) Drawing No. P54168 - A(04)XX-002; Dated 23/12/2020; Rec'd 18/03/2021
- e) Drawing No. P54168 - A(04)XX-003; Dated 23/12/2020; Rec'd 18/03/2021
- f) Drawing No. P54168 - A(04)XX-004; Dated 23/12/2020; Rec'd 18/03/2021
- g) Drawing No. P54168 - A(04)XX-005; Dated 23/12/2020; Rec'd 18/03/2021
- h) Drawing No. 5264-BAL-ZZ-01-DR-A-03-0001 Rev P1; Dated May 2021; Rec'd 14/05/2021
- i) Drawing No. 5264-BAL-ZZ-ZZ-DR-A-04-0001 Rev P1; Dated May 2021; Rec'd 14/05/2021

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. Construction Traffic Management Plan

No demolition or development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority, which shall include details of the 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 wheel cleaning facilities during the construction period and machinery to comply with the emission standards in Table 10 in the Low Emission Strategy Guidance. Details should also be provided of contractor parking delivery timings, traffic management for deliveries, working hours, wheel washing facilities, and turning and maneuvering spaces for large vehicles/construction plant. The plan shall thereafter be implemented as approved before 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 in accordance with Policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework .

4. Working Method Statement

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

- (i) control of noise
- (ii) control of dust, smell and other effluvia
- (iii) control of surface water run off
- (vi) construction working hours

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

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

5. Details of materials

Prior to the commencement of the development hereby approved, specification and appearance details the roof material, edging/ copings, windows, balconies, access gates, and all hard standing areas (in accordance with the approved drainage strategy) shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details approved. The external elevations to the dwellings hereby approved shall be finished in the brick as required by condition 16 of this planning permission.

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, 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.

6. Detailing

Prior to the commencement of the development hereby approved, details of the appropriate depth and reveals of the inset elevational panels on the front elevation as shown within the design and access statement imagery shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details approved.

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

7. Submission of landscaping scheme

Prior to the commencement of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning This shall include details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i. Scaled plan showing the existing trees, vegetation and landscape features to be retained and the trees and plants to be planted pursuant to the approved plans. Trees T13 and T14 as shown on the approved site survey will need to be removed to make way for the new housing. The remaining trees to be removed shall be in accordance with the approved drawing number P54168 - A(BP)XX-001. All other trees shall be retained.
- ii. The proposed tree planning pursuant to the approved plans shall be an appropriate selection from Nursey stock at stem size 12 to 14 cm.
- iii. Location, type and materials to be used for hard landscaping including specifications in coordination with the approved drainage strategy
- iv. Root protection details:
 - a) tree pit design
 - b) underground modular systems
 - c) use within tree Root Protection Areas (RPAs)

- v. A schedule detailing sizes and numbers/densities of all proposed plants and to include species which attract Bumble Bees;
- vi. Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and
- vii. A plan and / or schedule demonstrating coordination and compliance with the ecological enhancements.

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

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning

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.

8. Tree Protection

Prior to the commencement of the development hereby approved, tree protection measures during construction of the development for existing retained trees (as identified on the approved landscaping scheme) in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

- i. Specific issues to be dealt with in the TPP and AMS:
- ii. Location and installation of services/ utilities/ drainage.
- iii. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- iv. Details of any development within the RPA or that may impact on the retained trees, including details of the no-dig specification where necessary and other root mitigation. Details shall include relevant sections through them.
- v. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- vi. A specification for scaffolding and ground protection within tree protection zones.

- vii. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- viii. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- ix. Methodology and detailed assessment of root pruning
- x. Arboricultural supervision and inspection by a suitably qualified tree specialist
- xi. Methods to improve the rooting environment for retained and proposed trees and landscaping.

The approved measures shall be implemented prior to works beginning on site and shall be provided and maintained during the period of construction works.

REASON To ensure the satisfactory retention of trees to be maintained in the interest of visual amenity and to meet the objectives of Policies EN1 and EN3 of The Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the requirements of the National Planning Policy Framework (2019).

9. Access and parking layout

Prior to the laying of any finishing materials for the hardstanding at the front of the site, a General Arrangement drawing of the access, gates, and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The General Arrangement drawing shall include appropriate width, corner radii and the visibility splays from the proposed site access, visibility splays of 2.4m x 43m in accordance with Manual for Streets, operation and swing of the access gate, the marking out of 32 parking spaces and appropriate tracking for a 5.1 metre vehicle to access the parking spaces.

The access and parking layout as shown on the approved General Arrangement drawing shall be fully completed and made available for residents upon first occupation of the development, and retained for this purpose at all times in the future.

REASON: In order to ensure that safe and usable access into the site and parking spaces in accordance with Core Policy 7 of the Local Development Framework Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

10. Substation

Prior to the installation of the substation, the following details shall be

shall be submitted and approved in writing by the Local Planning Authority:

- j) the appearance of the substation being largely contained behind the existing boundary wall which shall be retained, and;
- k) a noise assessment for the substation with any mitigation both in accordance with ProPG: Planning and Noise Guidance and British Standard 8233:2014.

The development shall thereafter be carried out in accordance with the details and any mitigation approved. The substation used and maintained in accordance with the manufactures requirements for the lifetime of the development.

REASON To ensure the substation does not form part of the boundary treatment and thereby have satisfactory appearance of the development and to ensure adequate mitigation against external noise levels from the substation to protect the existing neighboring residents and future occupier of the development from noise disturbance in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, 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.

11. Photovoltaic panels / solar panels

Prior to the installation of any photovoltaic panels / solar panels, plans and elevations of the panels on the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The plans and elevation shall confirm that the panels will not be visible from the surrounding area (pursuant to the email confirming this dated 03/03/2021).

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

REASON To ensure the development of the substation would have acceptable impacts on the character and appearance of the area, and to ensure any reflective glare does not have an adverse impact on the amenity of Lascelles Park, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN1 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019.

12. Refuse and recycling management plan

Prior to the first occupation of the development hereby approved a Refuse

and Recycling Collection Management Plan for the development including refuse vehicle tracking and location of bin collection in accordance with the Part 4 of the Slough Developers Guide, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented on first use of the development and thereafter retained for the lifetime of the development.

REASON: In order to ensure that safe provision is made for refuse and recycling storage and collection, to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by displaced bins and to ensure the free flow and safety of the highway network, in accordance with Core Policy 7 and 8 of the Local Development Framework Core Strategy, and the requirements of the National Planning Policy Framework.

13. Landscape management plan

No part development hereby approved shall be occupied 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 plans, and should include time scale for the 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 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.

14. Boundary treatment

Prior to the first occupation of the development hereby approved, details of the proposed boundary treatment including position, external appearance, height and materials shall be submitted to and approved by the Local Planning Authority.

The approved boundary treatment shall be fully installed in accordance with the approved details prior to the first occupation of the development and retained at all time on the future.

REASON To prevent the loss of privacy for the neighbouring occupiers at 91 Upton Road and the future occupiers of the approved development would have acceptable impacts on the character and appearance of the area, in accordance with Core Policy 8 of The Slough Local Development

Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN1 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019.

15. Privacy screening

Prior to the first occupation of the development hereby approved, details of the privacy screening to each side of the external terrace areas measuring 1.8 metres in height from the floor level of the terraces shall be submitted and approved in writing by the Local Planning Authority.

The privacy screening to the to the west side terrace area of the westernmost dwelling shall comprise a continuation of the ground floor brick elevation to a height of 1.8 metres above the floor level of the terrace.

The privacy screening shall be installed to each side of the external terrace areas in accordance with the approved details prior to the first occupation of the development hereby approved and retained as such at all times in the future.

REASON To prevent the loss of privacy for the neighbouring occupiers at 91 Upton Road and the future occupiers of the approved development would have acceptable impacts on the character and appearance of the area, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN1 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019.

16. Brick to elevations

The external elevations to the dwellings hereby approved shall be finished in the following brick:

- a) Main elevations: Traditional Brick & Stone Facing Brick Mystique.
Colour – Buff Multi.
- b) Set-in elements: Imperial Marque Buff Handmade Facing Brick.
Colour – Buff.

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, 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.

17. Retention of boundary wall

Other than the alterations to create the approved vehicle and pedestrian access into the site, the existing boundary wall shall be retained at all times in the future.

REASON to the soften the change to a more contemporary building in the site 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, 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.

18. No access to park

No access shall be created across the site boundary shared with Lascelles Park.

REASON to retain the existing boundary wall adjoining landscaping within Lascelles Park 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, 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.

19. Removal of householder permitted development

Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 2015 (as amended) (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Classes A, D, and E , no extensions to the dwelling or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority.

REASON The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed and to prevent porches to conflicting with the driveway parking and the style and appearance of the front elevation, in accordance with Policy H14 and EN1 of The Local Plan for Slough 2004, 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

20. Removal of permitted development to create upward extensions

Notwithstanding the terms and provisions of the Town & Country Planning

General Permitted Development Order 2015 (as amended) (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Classe AA and Schedule 2, Part 20, Class AC, no extensions to the dwelling(s) to create extensions or new dwellinghouses shall take place without the express permission from Local Planning Authority through a full planning application.

REASON The height of the development is already higher than the neighbouring properties and an increase in height would need to be carefully considered to ensure it would be acceptable in terms of the character and appearance of the area, the impact on the rear garden and side facing windows at the neighbouring property at 91 Upton Road, in accordance with Policy EN1 of The Local Plan for Slough 2004, 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 further windows.

No windows (other than those hereby approved) shall be formed in the south-west side elevation of the south-westernmost dwelling hereby approved without the express permission from Local Planning Authority through a full or householder planning application.

REASON To minimise any loss of privacy to occupiers of adjoining residential property at 91 Upton Road in accordance with Policy EN1 of The Local Plan for Slough 2004, 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.

22. Electric Vehicle Charging

Each of the parking spaces within the driveway to the front of each dwelling shall be served by an Electric Vehicle Charging Point which must have a 'Type 2' socket and be rated to at least 3.6kW 16amp 0 7kW 30amp single phase. The Electric Vehicle Charging Point shall be fully installed to each driveway and be fully operational prior to the first occupation of each dwelling, and 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, the Slough Low Emission Strategy 2018 – 2025 Technical Report, and the requirements of the National Planning Policy Framework 2019.

23. Access

The vehicular and pedestrian accesses as shown on the approved plans shall be fully completed prior to first occupation of the development hereby approved and retained at all times in the future.

REASON: In order to ensure that safe and usable access into the site in accordance with Core Policy 7 of the Local Development Framework Core Strategy, Policy T2 of The Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework.

24. Surface water drainage - TBC

25. Ecology – TBC

Informatives

1. 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.

2. Thames Water

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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>

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 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

3. Highways:

A highways agreement with the Local Highway authority will need to be entered completed before the accesses into the site can be constructed. .

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.

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.

This page is intentionally left blank

Registration Date:	12-Feb-2021	Application No:	P/06651/103
Officer:	Christian Morrone	Ward:	Cippenham Meadows
Applicant:	St James's Place UK Plc/Lidl GB Ltd	Application Type:	Major
		13 Week Date:	14 May 2021
Agent:	Mr. Colin Burnett, Burnett Planning 7-10 Adam Street, London, WC2N 6AA		
Location:	Units 2C, 3A, 3B, Slough Retail Park, Twinches Lane, Slough, SL1 5AL		
Proposal:	Variation of conditions 7 (Items to be sold), 8 (Hours of opening) & 9 (Hours of deliveries) of planning permission P/06651/086 dated 05/11/2015		

Recommendation:

Delegate to the 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 APPROVED as per the conditions set out in Part D of the report.
- 1.2 This application is being brought to Committee on the request of the Planning Manager due to the change in the type and scale of retail being proposed in this location.

PART A: BACKGROUND

2.0 Proposal

2.1 This application is for

- Variation of conditions 7 (Items to be sold), 8 (Hours of opening) & 9 (Hours of deliveries) of planning permission P/06651/086 dated 05/11/2015

2.2 **Proposed Variation of Condition 7:**

The variation of condition 7 seeks to permit the sale of food and drink for consumption of the premises within unit 3A. The following wording is proposed by the applicant (changes shown in bold italic):

“Except for Unit 3A which shall be used as a foodstore for the sale of food & drink and non-food goods, the site shall be used predominantly for the retail sale of items which by virtue of their nature and/or size require removal from the premises by vehicle. Except in Unit 3A, there shall be no retail sales of food or food products at the site, other than consumption of food by customers on the premises”

2.3 The existing unit has a GIA of 2,096sqm (1,353sqm at ground floor and 743sqm at mezzanine). The proposed store will have the same GIA, however, the following limitations are proposed:

- The mezzanine level would be used for ancillary non-sales use
- The sales area would be limited to 1,100 square metres at ground floor level
- The remaining 253 square metres at ground floor level would be used for ancillary non-sales use

2.4 **Proposed Variation of Condition 8:**

The variation of Condition 8 seeks to change to opening hours to customers in unit 3A from:

Existing hours: 08:00 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays

Proposed hours: 08:00 hours to 22:00 hours on Mondays-Saturdays, 10:00 hours to 18:00 hours on Sundays and Bank/Public Holidays

2.5 The following wording of Condition 8 is proposed by the applicant (changes shown in bold italic):

“The premises shall not be open to members of the public/customers outside the hours of 0800 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays except for Unit 3b which between 1st November and 23rd December each year shall not be open to members of the public outside the hours of 08:00 to 23:00 Mondays to Fridays, 08:00 to 20:00 on Saturdays and 10:00 to 17:00 on Sundays and Bank/Public Holidays; **and except for Unit 3A which shall not be open to the public outside the hours of 08.00 to 22.00 Monday to Saturday including bank/public holidays, and outside the hours of 10.00 to 18.00 on Sundays**”

2.6 **Proposed Variation of Condition 9:**

The variation of Condition 9 seeks to change the commercial delivery hours to unit 3A from:

Existing hours: 08:00 hours to 16:00 hours on Mondays-Fridays, no deliveries on Saturdays, Sundays and Bank Holidays

Proposed hours: 06:00 hours to 23:00 hours on Mondays-Fridays, 06.00 to 23.00 hours on Saturdays, Sundays and Bank Holidays

2.7 The following wording of Condition 8 is proposed by the applicant (changes shown in bold italic):

There shall be no commercial deliveries visiting the site outside the hours of 08:00 to 18:00 hours on Mondays to Fridays other than for Unit 3b, where there shall be no commercial deliveries visiting the site outside of the hours 07:00 to 19:00 Mondays to Fridays between 1 October and 31 December each year, **and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours Mondays to Fridays.** There shall be no deliveries on Saturdays, Sundays and Bank Holidays other than for Unit 3b where there shall be no commercial deliveries visiting the site outside of the hours 08:00 to 19:00 on each of these days between 1 October and 31 December each year, **and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours on Saturdays, Sundays and Bank Holidays**”

3.0 Application Site

- 3.1 The redline of the application site accommodates three single storey retail units on the corner of Cippenham Lane (north side) and Twinches Lane (east side) and fronting surface level parking to the west. The application site forms part of the Slough Retail Park which is part of a wider defined 'Existing Business Area' (Wellcroft Road-Twinches Lane Business Area). The Retail Park is positioned between Bath Road (north) and Cippenham Lane (south) and accessed via Twinches Lane (west). Slough Retail Park comprises a total of eight retail units which front onto surface level parking and then Twinches Lane to the west. The retail units sell non-food items. An additional Costa Coffee Pod is located in the parking area.
- 3.2 The retail units are serviced to the rear of the site (east), where there is an existing service road accessed via Bath Road at the north and runs to the southern end of the site at the rear. On the opposite side of this service road to the east are a number of two storey houses in Pearl Gardens, some of which have rear gardens which back onto this service road.
- 3.3 To the west on the opposite side of Twinches Lane, and to the south on the opposite side of Cippenham Lane is predominately two storey housing. To the southwest there is a public house and a shopping parade which comprises ground floor retail units and two floors of flats above. To the north are the neighbouring retail units in the Retail Park, and further north are the Westgate and The Slough Trading Estate Business Areas.

4.0 Site History

- 4.1 P/06651/104 Variation to the wording of condition 13 (Security Barrier) of planning permission P/06651/030 dated 31/07/1997
Case Officer Note: Currently under consideration. Relates to this application
- P/06651/102 Repositioning of customer entrance and associated alterations to shopfront; reconfiguration and reduction of mezzanine floorspace, alterations to customer car park and provision of trolley bay, repositioning rear delivery doors and alterations to rear escape doors and erection of plant enclosure in service yard and removal of 8 staff parking bays
Case Officer Note: Currently under consideration. Relates to this application
- P/06651/101 Advertisement consent to display 1no non illuminated slim frame flex face.
Approved with Conditions; Informatives; 20-May-2021
Case Officer Note: this is for an Iceland sign at Unit 1
- P/06651/100 Variation of condition 15 (restriction of products on sale) of planning permission P/06651/011 dated 29/03/1988 (which was for the erection of 3 retail warehouses) to allow for the sale of food goods within up to 198 sqm of the Class A1 (retail) floorspace in

Unit 6 for consumption off the premises.
Approved with Conditions; Informatives; 06-Feb-2020

P/06651/086 Variation of condition no. 9 of planning permission p/06651/075 dated 18-oct-2013 for subdivision of unit 3 to form units 3a & 3b; the insertion of a mezzanine floor of 743m² within unit 3a to be used for sales; the insertion of a mezzanine floor of 465m² within unit 3b to be used for storage; replacement of existing shopfronts to unit 2c, unit 3a & 3b, alterations to elevations, repositioning of roller and addition of roller shutter on east elevation, new paving to front to allow for extending commercial deliveries visiting the site outside from the hours of 08:00 - 18:00 monday to friday to the hours of 08:00 to 18:00 hours on mondays to fridays other than for unit 3b, where deliveries may take place between 07:00 and 19:00 mondays to fridays between 1 october and 31 december each year. There shall be no deliveries on saturdays, sundays and bank holidays other than for unit 3b where deliveries may take place between 08:00 and 19:00 on each of these days between 1 october and 31 december each year
Approved with Conditions; Informatives; 05-Nov-2015

Case Officer Note: this is the planning permission to be varied

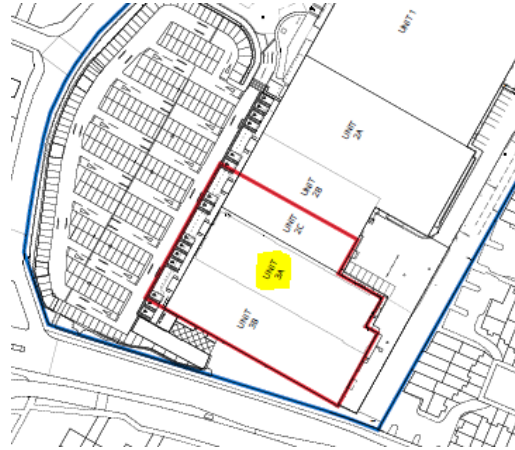
P/06651/076 Variation of condition no. 8 of planning permission p/06651/075 dated 18-oct-2013 for subdivision of unit 3 to form units 3a and 3b; the insertion of a mezzanine floor of 743m² within unit 3a to be used for sales; the insertion of a mezzanine floor of 465m² within unit 3b to be used for storage, replacement of existing shopfronts to unit 2c, unit 3a and unit 3b, alterations to elevations, repositioning of roller shutter and addition of roller shutter on east elevation, new paving to front to allow for unit 3b, which between 1 november and 23 december each year, shall not be open to members of the public outside the hours of 0800 to 2300 on mondays to fridays, 0800 to 2000 on saturdays and 1000 to 1700 on sundays and bank / public holidays.
Approved with Conditions; Informatives'; 14-Feb-2014.

P/06651/075 Subdivision of unit 3 to form units 3a and 3b; the insertion of a mezzanine floor of 743m² within unit 3a to be used for sales; the insertion of a mezzanine floor of 465m² within unit 3b to be used for storage, replacement of existing shopfronts to unit 2c, unit 3a and unit 3b, alterations to elevations, repositioning of roller shutter and addition of roller shutter on east elevation, new paving to front.
Approved with Conditions; Informatives; 18-Oct-2013.

Case Officer Note: the retail unit subject to the submitted variation application was created by this planning permission.



Existing site plan before subdivision by P/06651/075.



Site plan as a result of subdivision by P/06651/075. Unit 3A highlighted yellow.

- P/06651/069 Installation of mezzanine floor (875 square metres gross/ 857 square metres net sales) within unit 2b
Approved with Conditions; Informatives; 12-Jul-2012
- P/06651/068 Proposed mezzanine, new shop front and minor external alterations to rear elevation
Approved with Conditions; Informatives; 16-Dec-2011.
- P/06651/067 Variation of condition 12 of planning permission p/06651/011 to allow insertion of mezzanine floor upto 200m²
Approved with Conditions; Informatives; 15-Dec-2009.
- P/06651/065 Certificate of lawfulness of proposed development to allow a minimum of 55% of the floor space of phase 1 of the slough retail park to be used for the sale of non flood items which by virtue of their nature and/or size require the removal from the premises by motor vehicles and for a maximum of 45% of any other non food retail items.
Approved Grant CLU/D; 23-May-2007.
- P/06651/064 Demolition of existing entrance and lobby, erection of new canopy and signage, new entrance points, relocation of disabled parking spaces and installation of retail floor space at mezzanine level
Approved with Conditions; Informatives; 27-Mar-2007
- P/06651/063 Demolition of existing entrance and lobby, erection of new canopy and signage, new entrance points relocation of disabled parking spaces and installation of retail floorspace at mezzanine level
Approved with Conditions; Informatives; 27-Mar-2007.
- P/06651/058 Variation of condition no.12 of planning consent p/06651/011 to insert a mezzanine floor
Approved with Conditions; Informatives; 11-Jan-2005

- P/06651/055 Variation of condition 12no. Of planning permission p/06651/011 dated 29/03/88 to allow installation of mezzanine floor
Approved with Conditions; Informatives; 30-Sep-2003
- P/06651/051 Variation of condition 11 of planning permission p/06651/030 dated 31/07/97 to enable the sale of bulky electrical goods
Approved with Conditions; Informatives; 07-Feb-2003
- P/06651/030 Demolition of building 189 bath road and erection of non- food retail warehouse unit car parking and service access as extension to twinches lane retail park (amended plans received 15.07.97 and 08.01.96)
Approved with Conditions; Informatives; 31-Jul-1997

Case Officer Note: the second phase of the Retail Park was originally created by this application, and does not include the application site.

- P/06651/029 Relaxation of condition no. 16 (opening hours) of planning permission p/06651/011
Approved with Conditions; 27-Jul-1995

- P/06651/011 Erection of 3 retail warehouses with ancillary parking and service vehicle facilities (amended plans received 06/01/88 and 13/01/88)
Approved with Conditions; 29-Mar-1988

Case Officer Note: the first phase of the Retail Park was originally created by this application, and includes the application site.

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 12/03/2021 edition of The Slough Express. Site notices were displayed outside the application site on 16/02/2021. The consultation period has expired.

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

- 5.2 *Community Involvement on behalf of the Applicant:*

- 5.3 In February 2021 the Applicant carried out a consultation with local community by sending out an information leaflet to 10,000 properties nearest the site, outlining the proposals, alongside a covering letter and Freepost feedback form. A website was also created that outlines the proposals and allows visitors to provide detailed comments. The statement explains the proposals and asks whether the property occupier, whether they, family, or friends are 'keen to see the food store on Slough Retail Park, there are various ways to help support the application'.

- 5.4 1,461 replies were sent to the Applicant. 1,372 responded 'Yes' (94%); 56 responded 'No' (4%); 33 responded 'Undecided (2%)'.

5.5 According to the Applicant, those supportive of the plans raised comments in relation to:

- Improves local affordable shopping choice
- Lidl's existing store at Farnham Road is too far to go
- Creates jobs
- Convenience and availability of parking

According to the Applicant, those not supportive of the plans raised comments in relation to:

- Need – there are sufficient supermarkets
- Additional traffic

6.0 Consultations

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

6.1 Local Highway Authority

Access:

Vehicular access would be provided via the existing priority junction with Twinches Lane. No changes are proposed to the vehicular access arrangements for the site.

Trip Generation:

The survey data from January 2020 has been used to establish a trip rate profile for Slough Retail Park, which has then been applied to the floor area for Unit 3A.

The TA has assumed that 60% of the vehicle trips generated by the proposed use will be new to the road network, whilst 20% of vehicle trips would be passby/diverted from other land uses within Slough Retail Park and a further 20% of trips will be pass-by and diverted trips already on the Slough Road network. As a result, the TA forecasts that the proposed development will generate the following additional trips:

- 17 two-way trips during the AM Peak Hour (08:00 – 09:00)
- 41 two-way trips during the PM Peak Hour (17:00 – 18:00)
- 70 two-way trips during the Saturday Peak Hour (12:00 – 13:00)
- 122 two-way trips during the Sunday Peak Hour (13:00 – 14:00)

SBC Highways and Transport accept the forecast trip generation for the proposed development.

Traffic Impact Assessment:

Junction capacity assessments have been completed for junctions surrounding the

site based on the following data:

- Manual Classified Count (MCC) surveys were undertaken by an independent survey company on 24th January 2020 during peak hours on Friday and Saturday 25th January and 26th January 2020;
- Growth factors from TEMPRO were applied to these traffic flows to produce traffic flows for the year 2025;
- Vehicle Trips from the proposed development then added to the 2025 Future Year Flows to create a 2025 + Development Scenario; and
- Proposed development trips were distributed based on the turning movements obtained from the 2020 survey data.

Junction capacity assessments have been completed for the following junctions:

- Slough Retail Park Access/Twinches Lane priority junction
- Twinches Lane / Cippenham Lane signal junction
- Bath Road service roads / Twinches Lane priority junction
- Twinches Lane / A4 Bath Road signal junction

The junction capacity assessments have been amended and corrected at the request of WSP (SBC's sub-consultant).

The capacity assessment forecasts that the Slough Retail Park Access is likely to exceed capacity during the Sunday Peak Hour. Queues of up to 13 vehicles are forecast on the access for the retail park, with delays of up to 171 seconds and an RFC of 1.01. The capacity assessment forecasts that the access will operate within capacity on the weekday AM and PM Peak Hours and during the Saturday Peak Hour.

The capacity assessment for the junction of Twinches Lane / Cippenham Lane forecasts that on a Weekday in the 2025 Base + Development AM Peak Hour, the junction will have 33.4% spare capacity (Practical Reserve Capacity) with a maximum queue of 8 vehicles. During the PM Peak, the junction is forecast to have 28.4% spare capacity, with a maximum queue of 10 vehicles.

During the Saturday Peak, the junction is forecast to have 18.4% spare capacity, with a maximum queue of 12 vehicles. During the Sunday Peak for the 2025 + Development scenario, the junction is forecast to have 10.7% spare capacity, with a maximum queue of 10 vehicles.

The capacity assessment for the junction of Twinches Lane with the Bath Service Roads forecasts that the junction will operate well within capacity after the addition of development traffic. Delays of up to 13 seconds are forecast, which is considered immaterial and unlikely to be noticeable to drivers.

For the A4 Bath Road / Twinches Lane Junction, the capacity assessment forecasts that the junction will operate with spare capacity on a weekday with spare capacity of 5.5% and queues total delay of up to 22 seconds during the AM Peak Hour and spare capacity of 6.7% and delays of up to 25 seconds during the PM Peak Hour. During the Saturday peak, the A4 Bath Road / Twinches Lane

junction will operate with spare capacity of 3.7% and total delay of up to 30 seconds.

SBC Highways and Transport have no objection to the proposed development based on the forecast impact on highway capacity. The capacity assessments forecast that after the junctions will still operate with spare capacity after the addition of traffic generated by the proposed development.

Car Parking:

The traffic surveys provided entry and exit counts at the internal mini roundabout within Slough Retail Park which allowed existing car parking demand in both car parks to be determined.

The surveys show that during the peak period for parking demand on a weekday (Friday) for the north car park) occurs between 11:00 – 12:00 where the maximum parking demand is 101 vehicles, equating to a minimum capacity of 50 spaces.

For the South Car Park, the survey identified that peak parking demand occurred between 13:00 – 14:00hrs, where the maximum parking demand is 54, equating to a minimum spare capacity of 231 spaces.

Across both the north and south car parks in Slough Retail Park, there is a minimum spare capacity of 290 spaces on a weekday (Friday) which occurs between 11:00 – 12:00hrs.

On Saturday, the survey showed that across both North and South Car Parks there is minimum spare capacity on a Saturday of 177 spaces between 14:00 – 15:00hrs.

SBC Highways and Transport have no objection to the proposed development on the basis of car parking availability. The traffic survey completed in January 2020 demonstrated that the car parks have spare capacity to accommodate parking demand associated with the proposed development.

EV Car Parking:

SBC Highways and Transport request confirmation of whether Electric Vehicle Charging Points will be provided on site. 10% EVCP parking provision is suggested based on the maximum parking accumulation associated with the application site and expected use of the Lidl Store. The Slough Low Emissions Strategy (2018 – 2025) provides SBC's requirements for the provision of Electric Vehicle Charging Points.

Cycle Parking:

SBC Highways and Transport request confirmation of what existing provision there is for cyclists at Slough Retail Park and whether any additional cycle parking spaces / facilities are proposed for users of the Lidl Store. It is recommended that further details of cycle parking could be secured by condition.

Framework Travel Plan:

A Framework Travel Plan (FTP) has been submitted with the objective to reduce single-occupancy private car journeys in favour of more sustainable modes of travel. TRICS SAM compliant surveys will be completed in accordance with the SBC Travel Plan Guidance. The surveys will be completed in Year 1, Year 3 and Year 5 to measure and monitor the success of the Travel Plan. The FTP has been prepared in advance of occupation and as a result, no site-specific mode share targets have been included.

However the FTP sets the target to reduce single occupancy vehicle trips by 10% by Year 5 of the Travel Plan. Within 6 months of occupation and post completion of the initial travel survey, the baseline mode split will be revised, as required.

SBC Highways and Transport have no objection to the Framework Travel Plan. It is recommended that a full travel plan is secured by planning condition.

Servicing and Refuse Collection:

The TA proposes that servicing and deliveries will take place as per the existing arrangements. Deliveries and service vehicles will continue to use the Bath Road to access the service yard of Unit 3A as per existing conditions.

Swept path analysis of a 16.50m articulated delivery vehicle has been provided on Drawing No. VT-054-01, dated May 2021 and Drawing No. VT-054-02, dated May 2021.

The swept paths demonstrate that the manoeuvres would have an operational impact on several loading bays for Units 2A, 2B and 2C. As a result, cooperation will be required between the operators of each unit to ensure deliveries do not conflict and restrict the servicing requirements for other units.

SBC Highways and Transport request that a Delivery Servicing Plan (DSP) is provided detailing the management of deliveries and the servicing area to the rear of Unit 3A. The DSP should also provide the anticipated profile of deliveries across a typical week for this specific proposed development needs to be set out, including the maximum anticipated deliveries per day. It is recommended that the DSP is secured by planning condition.

Summary and Conclusions:

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

Delivery and Servicing Plan:

Prior to commencement of the development, a site servicing strategy and Delivery

and Servicing Plan (DSP) for the development including vehicle tracking, shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, estimated no. of deliveries emergency access, collection of waste and recyclables, silent reversing methods/ location of drop-off bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the development.

REASON: In order to ensure that satisfactory provision is made for deliveries, drop-offs and refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy T3 of The Adopted Local Plan for Slough 2004, Policies 7 and 10 of the adopted Core Strategy 2006-2026 and the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework (2019).

Cycle Parking:

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

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

6.2 Environmental Quality – Air Quality:

An air quality assessment (AQA) was completed by RPS Group in support of planning application P/06651/103. This was requested by the LPA due to the proximity of the development to two nearby Air Quality Management Areas (AQMAs) at Tuns Lane (AQMA 3) and the Town Centre (AQMA 4) (0.6km and 2km from the development site, respectively).

The transport assessment which informs this AQA indicates that a net increase in annual average daily (AADT) trips of up to 377 AADT occurs within AQMA 3, on Church Street. AADT in AQMA 4 decreases as vehicles divert from existing retail to the new store therefore only AQMA 3 is considered further in the assessment.

The methodology followed to produce the AQA supports a conservative approach, including high vehicle growth assumptions, use of conservative background concentrations, and no improvement in background concentrations resulting from vehicle emission improvements and uptake of cleaner technologies. This is accepted as a worst case scenario approach.

Results indicate that the development on Twinches Lane will have minimal impact on concentrations in the Tuns Lane AQMA. However, the LPA require electric vehicle charging facilities for all developments, regardless of their air quality

impact, to promote and increase uptake of sustainable travel, and to aid compliance with air quality and carbon targets. The following mitigation is therefore requested:

- 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 10% of parking spaces.
- Provision of 4 rapid chargers (Type 2, 43kW/50kW) and 4 fast chargers (Type 2, Mode 3, 7.4Kw/22Kw) on site.
- Any gas fired heating plant should meet the minimum emission standards in table 7
- The Travel Plan shall be monitored and include details of the promotion of sustainable travel, including cycling and walking, electric vehicle use, usage of the EV charging infrastructure, reducing car journeys and increasing modal shift.
- Operational and delivery vehicles should be Euro VI compliant.

6.3 Environmental Quality – Noise:

Following the assessment of for the additional information requested, it is concluded that noise generated by the proposal would be below background noise levels and therefore low impact, so I can confirm that the operational hours are acceptable from a noise perspective.

6.4 Planning Policy:

The proposal to allow food sales within a retail park has to be seen within the context of the changing nature of retail within Slough. The Spatial Strategy recognised that Slough town centre is failing, that it will no longer be a sub-regional shopping centre and there will be a significant reduction in the amount of retail floorspace in the town centre. In contrast, it was recognised that the Farnham Road and Langley District centres are thriving and that these, along with the smaller neighbourhood centres need to be supported as part of the “living locally” strategy.

This means that that Policy 6 n the Core Strategy (Retail, Leisure and Community facilities) has to be interpreted in the light of changes to national policy, as set out in the NPPF, and changes to local circumstances.

Core Policy 6 states that all new major retail, leisure and community developments will be located in Slough town centre and out-of-centre retail developments will be subject to the sequential test. This planning application is not for “new” retail development and is not required to carry out an impact assessment because it is less than the 2,500m² (gross) threshold in the NPPF. There is no longer a requirement to demonstrate that there is a “need” for the development and so the only tests that the proposal needs to satisfy in order to comply with Core Policy 6 is that there are no sequentially preferable sites in designated centres and that the site is accessible by a variety of means of transport.

Given the nature of the proposed food store, it is not considered necessary to

consider whether there are any preferable sites in the town centre.

Paragraph 7.120 of the Core Strategy states that

“There should be no further expansion or intensification of the out of town centre retail parks or individual retail warehouses which should continue to provide for bulky goods only”.

The nature of the retail parks have changed since then and so the proposal for a food store should be considered in this context.

PART B: PLANNING APPRAISAL

7.0 Policy Background

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 largely considered to be in compliance with the National Planning Policy Framework 2019. Any non compliance parts are addressed in the planning assessment.

7.1 Minor Material Amendment Background

The National Planning Practice Guidance states that less substantial changes to an existing planning permission can be achieved through a Minor Material Amendment by varying or removing the conditions attached to planning permission by using Section 73 of the Town and Country Planning Act 1990.

7.2 Relevant Planning Policies

The National Planning Practice Guidance (NPPG) states that an application under Section 73 shall be considered against the Development Plan, material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Given the above, the proposed changes are considered to engage the following planning policies:

National Planning Policy Framework 2019:
Chapter 2: Achieving sustainable development
Chapter 4: Decision-making
Chapter 6: Building a strong, competitive economy
Chapter 7: Ensuring the vitality of town centres
Chapter 9: Promoting sustainable transport

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 6 (Retail, Leisure and Community Facilities)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)

Local Plan for Slough March 2004 policies:

- EN1 (Standard of Design)
- EMP2 (Criteria for Business Developments)
- EMP12 (Remaining Existing Business Areas)
- S1 (Retail Hierarchy)
- 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. The Proposed Spatial Strategy was published for consultation on November 2020. The consultation ended on 11th January 2021.

The Proposed Spatial Strategy recognised that Slough town centre is failing, that it will no longer be a sub-regional shopping centre and there will be a significant reduction in the amount of retail floorspace in the town centre. In contrast, it was recognised that the Farnham Road and Langley District centres are thriving and that these, along with the smaller neighbourhood centres need to be supported as part of the “living locally” strategy.

7.3 The planning considerations for this proposal are:

- Planning History
- Land Use
- Impact on neighbouring properties
- Traffic and Highways Implications
- Air Quality
- Whether the changes ‘Minor Material Amendments’
- Equalities Considerations
- Presumption in favour of sustainable development

8.0 Planning History

- 8.1 The planning history is a material planning consideration. The retail park was granted planning permission in two phases, the first phase: ref. P/06651/011 dated 29/03/1988 for the erection of 3 retail warehouses with ancillary parking and service vehicle facilities. The second phase for the remaining retail park was granted on 31/07/1997 for a further two units to the northern part of the site (ref. P/06651/030). Both permissions restrict the sale of food items.
- 8.2 Unit 3 was originally approved under the first phase (ref. P/06651/011). There have been many applications over the years to vary the P/06651/011. However, in October 2013, a full planning application was approved which subdivided Unit 3 to create Unit 3A and Unit 3B, insertion of a mezzanine floor, and other alterations (ref. P/06651/075). Unit 3A is the retail unit subject to this application.
- 8.3 P/06651/075 was then varied by P/06651/076 to extend the opening hours in Unit 3B and again by P/06651/086 to allow extended delivery hours in Unit 3B.
- 8.4 Given Unit 3A (which is the subject of this application), was created by the full planning permission P/06651/075, and given this has since been varied to the latest permission at P/06651/086, the Local Planning Authority consider the P/06651/086 permission is the relevant planning permission which needs varying in relation to this application for Unit 3A..

9.0 Principle of development

- 9.1 The reason for Condition 7 in the P/06651/086 permission is:

To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

- 9.2 This application seeks to vary conditions to permit the sale of food and drink within unit 3A for consumption of the premises. Therefore, in accordance with the NPPG, it is necessary to consider the implications on the basis of the current planning policy context.
- 9.3 Local Plan Policy S1 requires all new retail proposals to comply with the sequential test in order to maintain, enhance and protect the retail hierarchy comprising the town centre, district centres, and neighbourhood centres.
- 9.4 The explanatory text leading up to Local Plan Policy S1, at Paragraph 4.1, clarifies that the shopping hierarchy comprises the town centre as having a sub-regional role; supplemented by two district shopping centres at Langley and the Farnham

Road, and a number of smaller neighbourhood centres and local parades. Paragraph 4.8 explains the existing neighbourhood centres in the hierarchy provide access to their immediate population, provide local services and facilities and generally reduce the need for residents to travel to obtain basic services.

9.5 Core Policy 6 of the Core Strategy requires all new major retail developments to be located in the shopping area of the Slough town centre. Out-of-centre and edge-of-centre retail developments will be subject to the sequential test. Developers will be required to demonstrate that:

- It is of an appropriate scale;
- There are no sequentially preferable sites in designated centres;
- The site is accessible by a variety of a means of transport.

9.6 Core Policy 6 of the Core Strategy and Local Plan Policy S1 also states that all new major retail out-of-centre and edge-of-centre retail developments will need to carry out an impact assessment and demonstrate the need for the retail development. The National Planning Policy Framework has since been published, and demonstrating the need is no longer required, while the impact assessment is only required where the floor area exceeds 2,500sqm. As such, these are not required for this proposal.

9.7 Paragraph 87 of The Framework requires Local Planning Authorities to apply the sequential test to planning applications for main town centre uses that are not in existing centres or in accordance with an up to date development plan. Paragraph 010 of The NPPG sets the context for applying the sequential test:

'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.'

9.8 The Framework defines the Town Centre as an:

'Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.'

9.9 The application has been submitted pursuant to a household survey undertaken by a NEMS market research on behalf of the applicant. This has identified that 54% of the residents of Cippenham carryout their food shopping in the out of centre Asda at Telford Drive, while 15% of Cippenham residents use the Town

Centre Tesco in Brunel Way, and 7% use the edge of Town Centre Sainsbury's in Uxbridge Road (7%). The applicant therefore considers that a more local food store provision for the Cippenham residents, and particularly at the scale proposed, would be suited within the designated shopping centres closer to Cippenham .

9.10 As the floor area of the proposed floor exceeds 1,000 square metres, the proposal could be regarded as a 'major retail development' and therefore in accordance with Core Policy 6, the store should be located within the Slough Town Centre. In undertaking the market research, the applicant has considered Slough Town Centre, but has concluded this would not be sequentially preferable location. This is because the evidence suggests the majority of Cippenham residents are not using Slough Town Centre for food shopping, but are using the out of centre Asda. Therefore in accordance with Core Policy 6, a sequential test has been carried out to find any sequentially preferable sites in designated shopping centres. Based on the evidence provided, and using reasonable judgment align with the NPPG advice that sequential tests should be proportionate and appropriate for the given proposal, the applicant considers the sequentially preferable locations for this proposal are the shopping centres closer to the Cippenham residents, which include:

- Elmshott Lane
- Bath Road
- Chalvey High Street
- Chalvey Road West

9.11 Although Slough Town Centre has been screened as a sequential location but then not including within the sequential test, there is a conflict with Core Policy 6. However, this conflict in policy should be considered in the context that the sales area will be limited to 1,100 square metres, and the evidence provided that asserts Slough Town Centre would not be a sequentially preferable location. Regard should also be given to the NPPG which advises 'the application of the Sequential Test will need to be proportionate and appropriate for the given proposal'

9.12 The submitted Sequential Test considers:

1. whether there are any available sites that are suitable in the agreed sequentially preferable locations
2. the market and locational requirements of the uses concerned
3. whether the assessment (of suitable alternative sites) is proportionate and appropriate to the given proposal
4. whether there is flexibility to demonstrate whether more central sites have been fully considered

9.13 The applicant has adopted the following minimum thresholds for assessing the suitability or alternative premises/sites applying flexibility in format and scale. The Sequential Test considers the suitability of sites which can accommodate car parking, serving, GIA of between 1,300 – 2460sqm, on a minimum site of 0.6 hectares of land to determine whether any alternative sites are suitable or viable. The applicant has set out a comprehensive assessment of the suitability and

viability in accordance with the NPPG.

- 9.14 Having regard for the conclusions in the Sequential Test, it is considered that the applicant has provided sufficient evidence to demonstrate that there are no suitable alternative sites within the sequentially preferable locations. Consideration has been given the suitability of the alternatives in accordance with the NPPG.
- 9.15 The site is located within a 'Remaining Existing Business Area' where Policy EMP12 allows a range of business developments. Given the nature of the existing unit and neighbouring units are retail, the change to food retail would not conflict with Policy EMP12 in this instance.
- 9.16 Based on the above, the application has demonstrated the proposed store could not be located within the designated shopping centres local to the site. However, there is a conflict with Core Policy 6 by not locating the store in Slough Town Centre or not including Slough Town Centre in the sequential test. However, when assessing the acceptability of the proposal as whole, this conflict in policy will need to be considered in the context of the size proposed sales area which is relatively small, the evidence provided to support the sequential locations which officers consider to be sufficiently robust, and the NPPG which advises 'the application of the Sequential Test will need to be proportionate and appropriate for the given proposal' which the applicant has demonstrated to officers satisfaction.

10.0 Impact on neighbouring properties

- 10.1 The National Planning Policy Framework encourages new developments 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 In addition to varying Condition 7 to allow a food store accommodate unit 3a, the application also proposes to vary conditions 8 and 9 to extend the hours of opening and to extend the hours of delivery. The extended hours are as proposed:

Condition 8 (opening hours):

Existing hours: 08:00 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays

Proposed hours: 08:00 hours to 22:00 hours on Mondays-Saturdays, 10:00 hours to 18:00 hours on Sundays and Bank/Public Holidays

Condition 9 (delivery hours):

Existing hours: 08:00 hours to 16:00 hours on Mondays-Fridays, no deliveries on Saturdays, Sundays and Bank Holidays

Proposed hours: 06:00 hours to 23:00 hours on Mondays-Fridays, 06.00 to

23.00 hours on Saturdays, Sundays and Bank Holidays

- 10.3 The site is located within a defined Business Area. The closest residential occupiers are located to the east in Pearl Gardens, where a number of the rear gardens serving two storey housing back onto the service road which accesses the service yard for the application site and also its neighbouring units. There are also residential occupiers on the opposite side of Cippenham Road to the south, and on the opposite side of Twinches Lane to the west.
- 10.4 A noise report has been submitted which sets out the background noise levels, and then uses noise survey result from other Lidl stores to calculate the impact on the residential occupiers in Pearl Gardens, and the residential occupiers to the south and east. It is noted that there would be increase in vehicle movements to the site via the public roads, and the food deliveries via the rear service road being up to 3 x HGVs per day (along with additional refuse collection).
- 10.5 The Council's Environmental Quality Officer has assessed the submitted noise report and commented that the resulting noise levels would fall below the existing background noise levels, and therefore the impact in the would be acceptable.
- 10.6 No external changes are proposed as part of this application.
- 10.7 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 Policy Framework.

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, and EMP2. 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 Access:
- Vehicular access would be provided via the existing priority junction with Twinches Lane. No changes are required to the access.
- A Transport Statement has been submitted with the application which uses dated and record from similar sites (TRICS) which forecasts the following traffic generation. The forecast figures retrieved from TRICS have then be reduced by 40% as it is assumed that 20% would be linked trips in relation to the other units

in Slough Retail Park and a further 20% would be linked trips diverted from existing trips on the Slough Road network:

AM Peak Hour (08:00 – 09:00):	17 two-way trips
PM Peak Hour (17:00 – 18:00):	41 two-way trips during
Saturday Peak Hour (12:00 – 13:00):	70 two-way trips
Sunday Peak Hour (13:00 – 14:00):	122 two-way trips

- 11.3 The Local Highway Authority has assessed the method used to calculate this trip generation and raised no objection.
- 11.4 The impacts of the resulting traffic generation on the highway network have been tested using junction modelling on the relevant local junctions within the vicinity of the site. The Local Highway Authority has reviewed the junction modelling and commented that they will still operate with spare capacity, and have therefore raised no objections.
- 11.5 It is also assumed that HGV movements will amount to 2 – 3 deliveries per day, via the rear service road, access by Bath Road. Refuse collection would also take place at via this service road. Tracking details have been provided which show the service vehicles would require manoeuvring space at the rear of Units 2A, 2B and 2C. This is likely to be the existing scenario given the space available at the rear of the unit. However, as there would need to be a degree of cooperation with the neighbouring units, and given the occupier would be a different operator, and there also may lead to a change in profile of servicing / deliveries, a service and delivery management plan should be secured by condition.
- 11.6 *Vehicle Parking*
- The existing unit is served by communal parking for the entire retail park. This comprises 151 spaces to the north of the access point and 285 spaces to the south of the access point (which are nearer the proposed store). In total there are 436 communal parking spaces serving the retail park. The Developers Guide requires 1 car parking space per 30 square metres, which translates as 63 parking spaces.
- 11.7 The physical alterations application (ref. P/06651/102) includes some changes to the parking layout. These result in a reduction of 8 spaces to the southern car park and 8 staff spaces at the rear.
- 11.8 The applicant has undertaken surveys of the existing parking demand and has used the trip generation survey data to calculate the resulting parking demand. The results show that the car park would still operate well within maximum capacity. The highest peak on the Sunday between 13:00 and 14:00 show the demand could be met within the southern carpark, and with a spare capacity of 82 car parking spaces. The Local Highway Authority has assessed the parking provision and has commented that the car parks have spare capacity to accommodate parking demand associated with the proposed development and raise no objection in relation to parking provision.

11.9 The Low Emission Strategy requires 10% of the parking spaces to be EV charging bays. Following discussions with the Applicant, the Local Highway Authority, and the Council's Air Quality Officer, it is agreed the 10% should be application to the highest parking demand for the proposal. This would be 10% of the 73 spaces required during the Sunday peak, which equates to 8 EV bays (4 charging points).

11.10 Following negotiations, the Applicant has agreed to provide 4 fast charging bays and 4 rapid charging bays, subject to National Grid or the electricity provider raising no objection to the rapid charges in terms of demand. Officers do not envisage an issue in this regard, however, if there are valid power supply issues, and then the Applicant has agreed to provide 10 fast charging bays. An appropriately worded new planning condition can secure the EV charging bays which is recommended to be added to the list of conditions pursuant to the planning permission..

11.11 **Cycle parking**

For a retail unit in this location, the Developers Guide requires 1 cycle space per 125 square metres, which equates to 15 cycle parking spaces. There may be space by the front of the store to provide the spaces, or alternatively, given the amount of spare car parking capacity, the loss of some spaces to provided cycle parking could also be explored if required. This can be secured by a new planning condition which is recommended to be added to the list of conditions pursuant to the planning permission..

11.12 ***Travel Plan***

A Travel Plan has been submitted with the application which aims to encourage staff and customers to travel sustainably and to help them consider their transport options when travelling to and from the site. The Travel Plan would ideally be secured via a Section 106 and would also attract a monitoring fee of £6,000. However, in this case, there is no other reason to require a Section 106 and such a requirement for the Travel Plan and monitoring fee alone would not be expedient given the time / cost involved in creating the agreement. In addition the impacts on the highway network are considered acceptable, and there is ample provision of EV Charging and cycle parking, the Travel Plan can be secured by an appropriately worded condition which is recommended to be added to the list of conditions pursuant to the planning permission. The Local Highway Authority has also recommended this approach.

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, and EMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

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 There are a number of Air Quality Management Areas (AQMA) in the vicinity of the site, and given there would be an increase on traffic movements, and Air Quality Assessment has been submitted. The Assessment concludes that even in a worst case scenario, there would a minimal impact on concentrations in the Tuns Lane AQMA. This has been assessed by the Council's Air Quality Officer with has agreed with these results and commented that no bespoke mitigation is required. However, given the scale of the development, the following mitigation is sought by the Low Emission Strategy and is secured by new conditions:
- At least 10% of EV parking spaces. Please see paragraphs 11.9 and 11.10 for the agreed quantum and type.
 - Any gas fired heating plant should meet the minimum emission standards in table 7. This can be secured b condition.
 - Travel Plan. Please see paragraph 11.2 for the reason why this is agreed to be secured by condition.
 - Operational and delivery vehicles should be Euro VI compliant. This can be added to the service and delivery management plan condition.
- 12.4 Based on the above, and subject to the recommended new planning conditions, the proposal would comply with Core Policy 8 of the Core Strategy and the requirements of the National Planning Policy Framework.

13.0 Whether the changes 'Minor Material Amendments'

- 13.1 Section 73 of the Town and Country Planning Act 1990 allows minor material changes to be made to planning permission where there is a relevant condition that can be varied.
- 13.2 Paragraph 017 of the National Planning Practice Guidance states there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

13.3 The proposed changes from the principal application would not substantially change, and therefore the proposal falls within the scope of Section 73 of the Town and Country Planning Act 1990

14.0 Equalities Considerations

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

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Take steps to meet the needs of people with certain protected characteristics; and;
- Encourage people with protected characteristics to participate in public life (et al).

14.2 The proposal would provide a new employment facility that would provide employments opportunities. Wheelchair access including accessible parking spaces consistent with the Manual for Streets guidance will be secured via the physical alterations application (ref. P/06651/102).

14.3 It is considered that there will be temporary and limited adverse impacts upon all individuals, with protected characteristics, whilst the conversion works are under way. 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 conversion works has the potential to cause nuisances to people sensitive to noise or dust. Given the conversion works would largely take place internally, the adverse impacts would be very limited and in this instance it would not be reasonable to secure a management plans for the conversion works.

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

14.0 Presumption in favour of sustainable development

14.1 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."

14.2 The report identifies that there is a conflict with Core Policy 6 by not locating the store in Slough Town Centre and not including Slough Town Centre in the sequential test. However, when considering the following:

- The proposed sales area would be limited to 1,100 square metres which comprises a relatively small food store and falls under the 2,500 sqm threshold whereby a needs assessment is not required by the NPPF;;
- The evidence provided to support the sequential locations;
- The NPPG which advises 'the application of the Sequential Test will need to be proportionate and appropriate for the given proposal';
- Full compliance with all the other relevant planning policies subject to conditions;

The proposal is considered to be in broad compliance with the Local Development Plan and the National Planning Policy Framework 2019 when taken as a whole. On balance, the application is recommended for approval.

15.0 PART C: RECOMMENDATION

15.1 Having considered the relevant policies and planning considerations set out above, it is recommended the application be APPROVED.

16.0 PART D: LIST CONDITIONS AND INFORMATIVES

The following conditions have been agreed with the Applicant.

1. Time Limit – Deleted as no longer relevant
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. PL.0101 Rev A, Dated June 2013, Recd On 10/09/2013
 - (b) Drawing No. PL.0102 Rev A, Dated June 2013, Recd On 10/09/2013
 - (c) Drawing No. PL.0103 Rev A, Dated June 2013, Recd On 10/09/2013
 - (d) Drawing No. PL.0104 Rev A, Dated June 2013, Recd On 10/09/2013
 - (e) Drawing No. PL.0105, Dated June 2013, Recd On 05/07/2013
 - (f) Drawing No. PL.0106 Rev A, Dated June 2013, Recd On 10/09/2013
 - (g) Drawing No. PL.0107 Rev A, Dated June 2013, Recd On 10/09/2013
 - (h) Drawing No. PL.0108 Rev A, Dated June 2013, Recd On 10/09/2013
 - (i) Drawing No. PL.0109 Rev B, Dated June 2013, Recd On 10/09/2013
 - (j) Drawing No. PL.0110 Rev A, Dated June 2013, Recd On 10/09/2013
 - (k) Drawing No. PL.0111, Dated June 2013, Recd On 05/07/2013
 - (l) Drawing No. PL.0112 Rev B, Dated June 2013, Recd On 10/09/2013

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

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

permission. The entrance features hereby approved shall be carried out in materials that match as closely as possible the colour, texture and design of the existing entrance feature to the front of Unit 2a Twinches Lane Retail Park.

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 new paving shall be carried out in materials that match as closely as possible the colour, texture and design of the existing adjacent paving at the date of this permission.

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

5. No increase in floorspace created by internal sub-division, mezzanine floor, or external extension other than that hereby permitted shall take place without the prior written approval of the Local Planning Authority.

REASON To protect the vitality and viability of existing shopping centres within the borough and to comply with Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

6. No goods, materials or plant shall be deposited or stored outside of the buildings.

REASON To safeguard the visual amenities of the locality, and the privacy and amenities of the adjoining properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

7. Condition Varied

Except for Unit 3A which shall be used as a foodstore for the sale of food & drink and non-food goods, the site shall be used predominantly for the retail sale of items which by virtue of their nature and/or size require removal from the premises by vehicle. Except in Unit 3A, there shall be no retail sales of food or food products at the site, other than consumption of food by customers on the premises.

REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

8. Condition Varied

The premises shall not be open to members of the public/customers outside the hours of 0800 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays except for Unit 3b which between 1st November and 23rd December each year shall not be open to members of the public outside the hours of 08:00 to 23:00 Mondays to Fridays, 08:00 to 20:00 on Saturdays and 10:00 to 17:00 on Sundays and Bank/Public Holidays; and except for Unit 3A which shall not be open to the public outside the hours of 08.00 to 22.00 Monday to Saturday including bank/public holidays, and outside the hours of 10.00 to 18.00 on Sundays

REASON To ensure that the use of the premises does not prejudice the quiet enjoyment by neighbouring occupiers of their dwellings by reason of noise or general disturbance 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.

9. Condition Varied

There shall be no commercial deliveries visiting the site outside the hours of 08:00 to 18:00 hours on Mondays to Fridays other than for Unit 3b, where there shall be no commercial deliveries visiting the site outside of the hours 07:00 to 19:00 Mondays to Fridays between 1 October and 31 December each year, and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours Mondays to Fridays. There shall be no deliveries on Saturdays, Sundays and Bank Holidays other than for Unit 3b where there shall be no commercial deliveries visiting the site outside of the hours 08:00 to 19:00 on each of these days between 1 October and 31 December each year, and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours on Saturdays, Sundays and Bank Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

10. Original mezzanine restriction - Deleted as no longer relevant

11. The floor space of the mezzanine within Unit 3b hereby approved shall be used for the storage of goods and for no other purposes.

REASON To protect the vitality and viability of existing shopping centres within the Borough and to comply with Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

12. New Condition - Delivery and Servicing Plan

Prior to the commencement of the foodstore use in Unit 3A, a site servicing strategy and Delivery and Servicing Plan (DSP) for Unit 3A including vehicle tracking, shall be

submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, estimated no. of deliveries, collection of waste and recyclables, silent reversing methods/ location of drop-off bays and vehicle movement in respect of the foodstore use in Unit 3A, and promote best endeavours to ensure delivery vehicles visiting Unit 3A should be a minimum Euro VI compliant. The approved measures shall be implemented on first use of the foodstore use in Unit 3A and thereafter retained for the lifetime of the approved foodstore use in Unit 3A.

REASON: In order to ensure that safe provision is made for deliveries, drop-offs and refuse storage and collection, to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, and to mitigate air quality impacts in accordance with Core Policy 7 and 8 of the Local Development Framework Core Strategy, PolicyEMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

13. New Condition – EV Charging

Prior to the first commencement of the foodstore use in Unit 3A, details of 4 fast charging bays (Type 2, Mode 3, 7.4Kw/22Kw) and 4 rapid charging bays (Type 2, 43kW/50kW) shall be submitted to and approved in writing by the Local Planning Authority.

In the event that there are power supply issues in relation to providing rapid charges, then robust evidence of such issues shall be submitted to the Local Planning Authority. Where it is accepted that rapid charging bays cannot be provided, details of 10 fast charging bays (Type 2, Mode 3, 7.4Kw/22Kw) shall be submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging bays shall be provided in accordance with the approved details, prior to first occupation of the unit as a food store and once installed shall be retained in good working order for the lifetime of the foodstore use in unit 3A.

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.

14. New Condition - Cycle Parking

Prior to the first commencement of the foodstore use in Unit 3A hereby approved, details of the cycle parking provision (including location, housing and cycle stand details) in accordance with the Part 3 of the Slough Developer's Guide shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the first use of Unit 3A as a foodstore and shall be retained at all times for the lifetime of the foodstore use in Unit 3A

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Core Policy 7 and 8 of the Local Development Framework Core

Strategy, Policy T8 and EMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

15. New Condition – mezzanine in unit 3A for non sales purposes only

The floor space of the mezzanine within Unit 3A shall be used for non sales purposes only.

REASON To ensure the store remains at an appropriate scale for its location to serve local residents, to be consistent with the method used to carry out the town centre sequential test, and to have acceptable impacts on the highway network and parking provision, in accordance with Local Plan Policy S1, T2, and T8, Core Policy 6 and 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.

16. New Condition – Sales Area

The sales area within Unit 3A shall be limited to 1100 square metres at ground floor only. No further sales area above 1100 square metres within Unit 3A shall be created.

REASON To ensure the store remains at an appropriate scale for its location to serve local residents, to be consistent with the method used to carry out the sequential test, and to have acceptable impacts on the highway network and parking provision, in accordance with Local Plan Policy S1, T2, and T8, Core Policy 6 and 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.

17. New Condition - Gas-fired boilers emissions

All gas-fired boilers within Unit 3A shall meet any of the following minimum standards at all times:

- Individual gas fired boilers <40mgNOx/kWh.
- Spark ignition CHP engine 250 mgNOx/Nm3
- Gas turbine 20mgNOx/Nm3

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.

18. New Condition – Travel Plan

On commencement of the foodstore use in Unit 3A, the Travel Plan Aims &

Objectives, Travel Plan Targets, Action Plan, Sustainable Transport Measures, Travel Plan Roles and Responsibilities within the submitted Travel Plan produced by Milestone Transport Planning (ref. MTP Ref: 20-023); Dated February 2021; Rec'd 12/02/2021 shall be implemented as set out in the submitted Travel Plan. The Travel Plan shall be monitored and reviewed in accordance with the timescale set out in the plan. A record of the monitoring and reviewing shall be made available for inspection upon request by the Local Planning Authority.

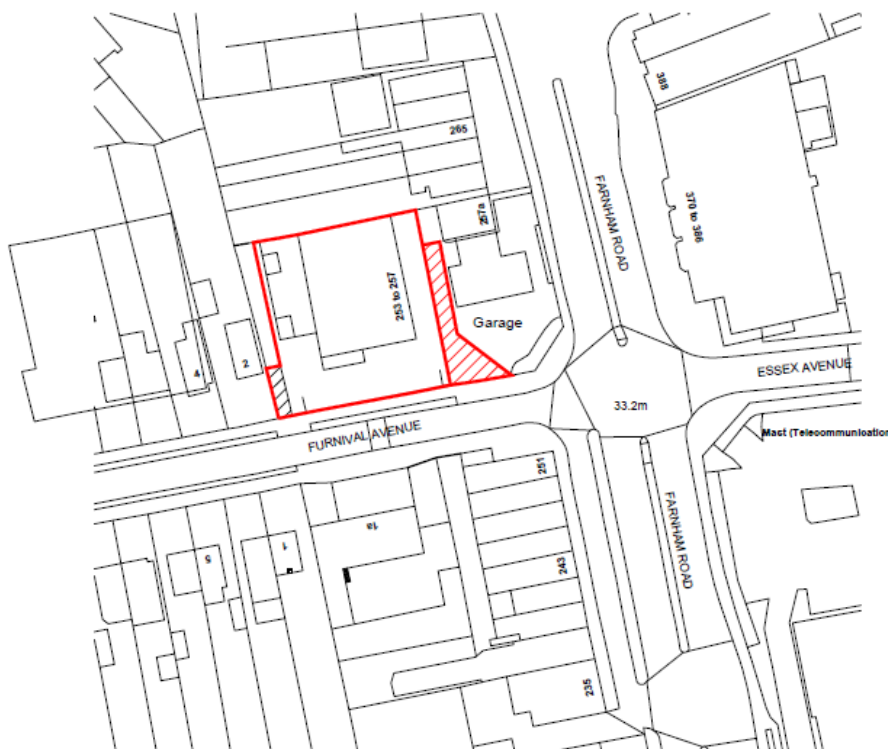
REASON To reduce travel to the site by private car, to meet the objectives of Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2019.

Informatives:

1. The "sales area" referred in Condition 16 excludes the areas to which customers do not have access and also excludes the entrance lobby area, i.e. as shown on plan URB 3A[08] 00 05 submitted with application P/06651/102.
2. The Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting further information and clarifications. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

Registration Date:	29-March-2021	Application No:	P/00226/045
Officer:	William Docherty	Ward:	Farnham
Applicant:	Hillstone Properties Limited	Application Type:	Major
Agent:	GAA Design, Suite 1, First Floor, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location:	253-257, Farnham Road, Slough, Berkshire, SL4 4LE		
Expiry Date :	28 th June 2021		
Proposal:	Change of use at ground floor from nursery (D1 Use Class) to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking , undercroft parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.		

Recommendation: Delegate to the Planning Manager for REFUSAL



P/00226/45 - 253-257 Farnham Road, Slough

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This application has been referred to the Planning Committee for consideration as the application is for a major development.
- 1.2 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 Refusal.
- 1.3 This is on the following grounds:

Reason 1

The proposed development by reason of the excessive height and design would result in a dominant and incongruous form of development which would have a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

Reason 2:

The proposed development would result in additional overlooking of properties to the west by virtue of the position, orientation and number of balconies and windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The proposals would have an unneighbourly and visually intrusive effect upon the rear garden of 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 3:

The proposed development would create additional overlooking to the adjoining site to the east by virtue of the position and number of balconies and windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come

forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policy 8 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 4:

In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and paragraph 54 of the NPPF.

PART A: BACKGROUND

2.0 **Proposal**

2.1 The proposal is for change of use at ground floor from nursery (D1 Use Class) to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking , undercroft parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.

2.2 The application has been made following the refusal of application reference P/00226/044 which was for '*Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 12 self-contained residential flats (net increase in 15 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping (Revised Plans and Description of Development dated 13.10.2020)*'. The reasons for refusal of this application were for the following reasons:

1. *The proposed development by reason of the excessive height of the building would result in a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor (above the consented second floor) would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-*

neighbourly and overbearing design that would fail to comply with Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

2. *The proposed development would create additional opportunities to overlook the adjoining gardens to the west by virtue of the position and number of bedroom and living room windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon garden space at 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).*
3. *The proposed development would create additional opportunities to overlook the adjoining site to the east by virtue of the position and number of bedroom and living room windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).*
4. *The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted is likely to lead to additional on street car parking or to the obstruction of the access to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policy T2.*
5. *In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on affordable housing, education and open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and the NPPF.*

2.3 The above application was refused following 2 successful applications for approval; a full planning application for 9 flats and single storey roof extension and external alterations with associated works (P/00226/043 –

granted in 2020) and an application for the Prior Approval for change of use of the first floor to provide 9 flats (F/00226/040 – granted 10th September 2018). The applicant has commenced work on the change of use on the first floor.

2.4 The proposals are for an additional 14 flats with the units comprising 2 studio units, 5 x 1 bed 2 person units and 7 x 2 bed 3 person units. The proposed ground floor is to 3 residential units, undercroft car, cycle parking with external bin store, railing enclosure, boundary treatment, parking, and landscaping similar to the approved P/00226/043. The additional 2nd floor is proposed to match the same external treatment of the lower floor facades within a rendered concrete frame with recessed external brick walls encasing the windows/glazed elements. The proposals would have a thicker concrete band between 2nd and 3rd floors and have smaller windows at 2nd floor than the previously approved scheme.

2.5 The proposals include a minor change to the building line of the western elevation with the external wall projecting forward within a zig zag line. The change from previous proposals is that the windows and balconies in the northwestern corner have been re-orientated to face west/southwest as opposed to the previous schemes were these were to face west/northwest. The façade works to the western elevation results in a small amount of additional floorspace which increases the building footprint. The proposals would extend the existing ground and first floors..

2.6 The 3rd floor is the biggest difference from the previously refused 4 storey building, with a standing seam mansard proposed with inset windows and balconies, with this floor containing 5 of the additional flats, as opposed to the previously refused 6. The inset windows and balconies are in either the east or west elevations bar 1 window which is located on the south elevation; no windows in the mansard are proposed to the north elevation. A lift overrun protrudes from the top of the mansard which extends above the height of the previously refused proposed development. The other significant change relates to the omission of the ground floor commercial use which is replaced with additional car parking.

2.7 The proposals include re-landscaping the external area to the west of the proposed ground floor residential units with new boundary treatment which comprises a privacy screen with lower level timber fencing and landscaping and metal railings to the front of the proposals.

2.8 The proposals include the provision of a refurbished car parking area within the existing forecourt adjacent to Furnival Avenue to provide 8 spaces and provision of newly demarked parking spaces 1-6 and 14. Car parking spaces 15-23 are located internally within the ground floor which also includes spaces within the enclosed area which abuts the Petrol Station demise to the east. Two spaces contain EV chargers.

2.9 A refuse and bin store is located adjacent Furnival Avenue and has the capacity to contain 2x 1100L Eurobins for recycling and 2x1100L Eurobins

for residual waste. The cycle store is located in the undercroft and has 26 spaces using a two-tier bike stand.

The following documentation has been submitted as a part of the planning application:

2.10

- Application Forms
- Site Location Plan
- Existing Plans and Elevations
- Proposed Plans, Sections and Elevations
- Planning Statement
- Design and Access Statement
- Drainage Strategy
- Surface Water Drainage Design
- Surface Water Pro-Forma
- Daylight and sunlight report
- Transport Statement
- Parking Stress Survey
- Building Control site inspection report dated September 2019

3.0 **Application Site**

3.1 The site contains a two storey building with flat roof which is surrounded by un-marked forecourt car parking area which was formerly used as a nursery (Use D1) at ground floor and offices (B1(a)) at first floor.

3.2 Prior approval has been obtained with all conditions discharged for the change of use of the first floor offices to 9 residential flats under Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal was the same as that approved under reference F/00226/039 although the internal layout of the first floor had been changed.

3.3 The applicant has provided an inspection report (dated 4th September 2019) from Slough Borough Council (SBC) of the prior approval to residential had commenced with it noting:

- Erection of metal studwork for the first floor corridor/ party walls was in progress.
- Amendments to the internal layouts of flats were required with the formation of a corridor lobby with a suitable AOV/ installation of an automatic fire suppression system is required in order to comply with Approved Document B2/ BS 9991.
- The site would be seen again (by SBC Building Control) when corridor/ party walls constructed.

3.4 To the east of the site, there is a petrol station with convenience store which is within the designated Shopping Area. Properties to the south

(No's. 235-251 Farnham Road) are also within the designated shopping area. There are rows of detached and semi-detached residential properties to the west along Furnival Avenue and residential properties above the commercial properties to the north on Farnham Road. The Budgens convenience store adjacent to the petrol station has been extended by one floor to contain a small first floor which is used for storage.

4.0 **Site History**

4.1 P/00226/046

Submission of details pursuant to condition 4 (samples), 5 (Architectural Details), 8 (Landscaping Scheme), 11 (Construction & Environmental Management Plan), 13 (Method of Obscure/Opaque Glazing), 18 (Glazing and Ventilation) & 19 (Secure by Design) of planning permission P/00226/043 dated 22/04/2020

Decision: Pending

P/00226/044

Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 12 self-contained residential flats (net increase in 15 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping (Revised Plans and Description of Development dated 13.10.2020)

Decision: Refused 17th November 2021

Reasons for refusal noted in proposal section above.

P/00226/043

Change of use at ground floor from nursery (D1 Use Class) to provide 3 x self contained residential flats (C3 Use Class) together with integral cycle parking and undercroft parking, external alterations to the facades of the building and erection of single storey extension at roof level above the converted (residential) first floor to provide an additional 6 self-contained residential flats (net increase in 9 x flats excluding the first floor). External cycle store, bin store, railing enclosure, boundary treatment, parking, and landscaping. (Revised Description of Development and Revised Plans submitted 10/12/2019 & 08/01/2020)

Approved with Conditions 22-April-2020

F/00226/042: Submission of details pursuant to condition 3 (Noise Impact Assessment) of planning permission F/00226/040 dated 10/09/2018.

Conditions Complied With: 15-Aug-2019

F/00226/040: Prior approval for a change of use from office (B1) to residential (C3) at first floor level to provide with 9 flats.

Approved with conditions 10-Sept-2018

F/00226/039: Prior approval for a change of use from office (B1) to residential (C3) at first floor level to provide with 9 flats.

Approved with Conditions; Informatives – 18-Sept-2017

P/00226/038: Submission of details pursuant to condition 6 (surface water) of planning permission P/00226/034 dated 23 July 2015.

Conditions Complied With; Informatives 26-Oct-2015

P/00226/037: Submission of details pursuant to Condition 4 (site investigation and remediation) of planning permission P/00226/034 dated 23 July 2015.

Conditions Complied With; Informatives 18-Dec-2015

P/00226/036 Submission of details pursuant to condition 8 (working method statement) of planning permission P/00226/034 dated 23-07-2015.

Conditions Complied With; Informatives 22-Sep-2015

P/00226/035: Advertisement consent for replacement of existing signage on retail shop from 'BP' shop to 'Budgens of Farnham'.

Approved with Conditions; Informatives 20-Apr-2015

P/00226/034: Construction of a ground floor and first floor extension to retail shop within petrol station.

Approved with Conditions; Informatives 23-Jul-2015

P/00226/033: Installation of an internally illuminated totem sign.

Approved with Conditions; Informatives 10-Sep-2010

P/00226/032: Change of use of first floor from day nursery (D1) to offices (B1a) and insertion of entrance doors and canopy over.

Approved with Conditions; Informatives 29-Jul-2005

5.0 **Pre-Application Advice:**

5.1 Pre-application advice was sought by the same applicant for a development scheme comprising the re-cladding of the building and the erection of a part two, part three storey extension at the top of the existing building, and a part one, part two storey side extension, retention of existing D1 (nursery) at ground floor level to provide a total of 24 flats (12 x 1 bed and 12 x 2 bed).

5.2 Following the advice received from officers, the applicant opted to submit a prior approval to convert the offices on the first floor offices to residential under permitted development and commenced works to implement this approval. The applicant subsequently submitted a planning application for the extensions above first floor and change of use of the ground floor to create additional residential accommodation. The applicant reduced the height of the extensions by two levels and the quantum of residential accommodation as a consequence of negotiations with officers.

5.3 Prior to submission of the subject application the applicant sought advice from the council as to whether the proposed scheme would be acceptable, whilst a formal pre-application was not submitted, the planning officer advised that there appeared to be previous reasons for refusal which had not been addressed and a single storey extension would potentially be the maximum allowable on this site.

6.0 **Neighbour Notification**

A neighbour consultation was carried out via site notice. Three site notices were displayed on 13th April 2021, 2 on Furnival Avenue and 1 on Farnham Road. The application was also advertised in The Slough Express. No comments were received on the application.

7.0 **Consultation**

7.1 **Transport and Highways**

Application Description

The site will provide a total of 23 residential flats over 4 floors, consisting of:

- 9 x Studio Flats;
- 6 x 1 Bedroom Flats; and
- 8 x 2 Bedroom Flats.

This proposal equates to the construction of an additional 5 residential flats compared to the existing planning permission (App Ref: P/00226/043). The site will be served via the existing access points, with entry gained from the right of way across the shared petrol station access. A separate exit point onto Furnival Avenue is also provided. The access and egress will be the same as per the agreed access arrangements for the consented 18 unit scheme (App Ref: P/00226/043) which had 23 parking spaces and a parking ratio of 1.27 spaces per dwelling.

23 parking spaces are proposed which equates to 1 space per flat. A total of 24 secure and covered cycle parking spaces will be provided for the residential use in a secure storage area adjacent to the lobby and 8 spaces in the form of 4 cycle stands will be provided for the commercial use in a separate, secure cycle store. The proposed site plan is shown on Drawing No. 20-00-P09.

SBC Highways and Transport Comments

Vehicular Access

The site will be served via the existing access points, with entry gained from the right of way across the shared petrol station access and a separate exit point onto Furnival Avenue. The access and egress is the same as the consented 18 unit scheme (App Reference: P/00226/043).

A review of publicly available collision data from Crashmap indicates that there is not an existing accident problem in close proximity to the site access which would be exacerbated by additional traffic generated by the proposed development.

No objection is raised to the access for the proposed development by the Highways and Transport Team.

Access by Sustainable Travel Modes

The proposed development is relatively accessible by bus and bicycle, although does not benefit from being located in close proximity to a train station or Slough High Street. The site has a SBC PTAL rating of 2 which is considered low on a scale of 1 – 6b. In comparison, Slough Town Centre has a PTAL rating of 5.

The proposed development is 2500m (9 minutes cycle ride) from Burnham Railway Station and 3500m (13 minutes cycle ride) from Slough High Street. The nearest bus stops to the site are the Lidl bus stops on Farnham Road. The X74 and 7 Bus services place Slough Railway Station and Slough High Street within 15-20 minutes bus journey of the development site. The X74 provides 4 services per hour. The 12 'The Trader' offers a bus service to Burnham twice per hour.

Drainage

The applicant is required to provide details of surface water disposal from the access and car parking area. No surface water from the development should drain onto the public highway. Further details of drainage for surface water should be secured by condition.

Trip Generation

The Transport Assessment for the site presents an assessment of trip generation based on trip rate data from the TRICS database. The trip rates are based on survey sites in Greater London, which are considered incomparable with development sites in Slough. The proposed vehicular trip rates for the site presented in Table 5.1 are considered unrealistically low for this location, particularly given the provision of 23 car parking spaces on-site. The vehicular trip rates and forecast vehicular trip generation are not accepted.

However Slough Highways and Transport have no objection to the proposed development based on trip generation. The site is not expected to have an adverse impact on highway capacity.

Car Parking

The proposed layout of parking spaces is the same as that previously consented (P/00226/043). This equates to 1 parking space per dwelling for 23 dwellings. This is significantly below the number of parking spaces proposed for the previously consented scheme and significantly below the number required by the Slough Borough Council Parking Standards.

The Slough Developers Guide – Part 3 (2008) sets out parking standards for the Borough. The site is situated outside of the Town Centre Zone and therefore the parking standards for ‘Predominantly Residential’ Areas have been applied. The parking standards require 33 parking spaces or 1.43 spaces per dwelling for the proposed development, as demonstrated in Table 1 below:

Table 1: Slough Borough Council Parking Requirements

Dwelling Size	No. of Dwellings	SBC Standard per Unit		Requirement	
		Car Spaces	Cycle Spaces	Cars	Cycles
1 Bed Dwellings	15	1.25	1	19	15
2 Bed Dwellings	8	1.75	1	14	8
Total Parking Requirement				33	23

Source: Slough Borough Council Developers Guide – Part 3 – Highways and Transport (2008).

As demonstrated by the table above, the proposed 23 parking spaces would be a

shortfall of 10 parking spaces against the 33 spaces required by the Slough Borough Council Parking Standards. However, the provision of 1 parking space per dwelling is likely to ensure demand for car ownership/parking demand is met within the development.

Local Car Ownership Data has been considered to understand if local facilities and public transport availability reduce the need to own a car in this area of Slough. The local car ownership data is presented in Table 2 below:

Table 2: Recorded Local Car Ownership

	Slough 002B	Slough 002
Total Households	547	3462
Total Cars	649	4157
Cars Per Household	1.19	1.20

Source: 2011 Census – QS416EW – Car or Van Availability. ONS Crown Copyright.

As shown in Table 2 above, 1.19 cars per household were recorded in Slough 002B which contains part of the site. 1.20 cars per household were recorded for the wider MSOA of Slough 002.

The proposed 1 parking space per dwelling is considered appropriate given the recorded car ownership levels and Slough Borough Council’s objective to reduce car ownership and car use within the borough with Core Policy 7 of the Core Strategy (2006 – 2026) sets out that: *‘The level of parking within residential development will be appropriate to both it’s location and the scale of development’*. Paragraph 7.131 of the Core Strategy sets out that ‘A critical tool for implementing the objectives of the Local Transport Plan is the control of parking within new development’.

EV Parking

Two of the spaces shown on the proposed site plan are marked as ‘EV’ for installation of Electric Vehicle Charging Points. It is recommended that the specification of Electric Charging Points is agreed in discussion with the Environmental Quality Team.

Cycle Parking

The cycle parking shown on the proposed site plan (Drawing No. 01-01-Rev-P06) does not appear to provide individual, secure storage lockers and the security arrangements for the bicycle storage are not clear from the submitted plans. The applicant is required to submit further details clarifying the security arrangements for the cycle storage including that the cycle store will have a door with keycode access to prevent access from strangers and that CCTV will be provided. It is recommended these details are secured by condition.

The Slough Borough Council Developers Guide – Part 3 – Highways and Transport requires that Cycle Spaces for visitors are needed for blocks of flats of 10 or more units (Major Developments). No visitor cycle parking is provided for the proposed development.

Refuse Collection, Servicing and Deliveries

The location of the bin store would allow refuse collection to take place from the kerbside, without collection operatives entering the site. The proposed bin store appears the same as shown on the previously consented plans. No objection is raised on the basis of refuse collection.

Summary and Conclusions

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

Recommended Conditions for Approval

Access

No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approval 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.

Visibility

No other part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided on both sides of the access and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

REASON: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

Gates

No vehicle access gates, roller shutters doors or other vehicle entry barriers or control systems 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.

Layout

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.

Cycle Parking

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

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

Construction Management Plan

No demolition or development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority which shall include a site set up plan and details of parking provision to accommodate all site operatives, visitors and construction vehicles (construction vehicles to be a minimum of EURO 6/VI Standard), off-loading areas, parking and turning within the site and wheel cleaning facilities during the construction period and machinery to comply with the standards with the emissions standards in Table 10 in the Low Emissions Strategy Guidance. The plan shall thereafter be implemented as approved before 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 interest 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 2019.

Bin Storage

No part of the development shall be occupied commence until bin storage has been provided 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

Informatives

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

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway

drainage system.

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.

This permission shall not be deemed to confer any right to obstruct the Public Right of Way crossing or abutting the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990.

7.2

Lead Local Flood Risk Authority Advisors.

Comments received under P/00226/045 - The County Council has reviewed the SPH Structures Surface Water Drainage Design Report FNH/SPH/XX/XX/RP/S/8000/P2, SPH Structures drainage plan/strategy drawings FNH/SPH/XX/B1/DR/S/8000/P2 and Slough Borough Council Surface Water Drainage Pro-Forma. The submitted information addresses our requirements and we have no further comments.

7.3

Environmental Quality – Ground Contamination

No comments received

7.4

Thames Water – No objection.

Comments received under P/00226/045 -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.

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.

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.

7.5 Crime Prevention Design Advisor

No Comments received – no objections to previous scheme subject to a condition requiring Secure by Design compliance (silver standard).

7.6 Environmental Quality: Air Quality – No objections.

Comments received in respect of previous scheme. The same issues apply.

In line with the Slough Low Emission Strategy, the scheme is considered to have a MINOR impact on air quality. The development is not expected to contribute to a worsening of air quality.

The development is close by two roads: Farnham Road is within <30m and Furnival Avenue within 14m of the façade. As Farnham Road has a high traffic flow, there is risk that future occupants of the development could be exposed to poor air quality. It is recommended that exposure is assessed, either through dispersion modelling or diffusion tube monitoring. The development supports cycling infrastructure by providing cycle spaces, which aids to fulfil Slough Borough Council's modal shift objective.

Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there is allocated parking for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report

7.7 Environmental Quality: Noise

Comments received in respect of previous scheme. The same issues apply.

An environmental noise assessment was completed by KP acoustics, based on continuous measurements obtained from 28/05/19-29/05/19. As no weekend monitoring was conducted, it is difficult to tell if these measurements are representative of the external noise climate.

Measurement positions are suitable to determine worst case at the front façade. As expected, the noise levels are highest in NMP1, at 61dB

L_{Aeq}16h and 58dB L_{Aeq}8h. L_{Amax} values have not been presented in the table, however the graph at the end of the report suggests that L_{Amax} levels reach to just below 90dB on a few occasions, for example just before 06:30. It is noted later in the report that glazing performance calculations have taken L_{Amax} values into consideration, and as WHO Guidelines for Community Noise (1999) allow for 45dB L_{Amax} to be exceeded 10-15 times a night, this is considered acceptable.

The plans show that there are balconies which face out to Farnham Road. The suitability of the balconies in terms of environmental noise have not been considered, however due to the nature of the urban environment, it is expected that external noise will be high and their use will be within the occupants discretion.

Mitigation Requirements

To ensure that residential amenity is protected once the development is occupied, the following is required:

Glazing:

South and East Elevations: R_w 36dB, achieved with 6/12/10mm glazing.

North and West Elevations: R_w 31dB, achievable with 4/12/4mm glazing.

Ventilation:

A number of ventilation options have been provided within the noise impact report. It is recommended that mechanical ventilation is installed to reduce external noise ingress and ensure risk of overheating is minimised. However, it also states in the report that once a preferred option is chosen, a full assessment would be required by KP Acoustics to ensure a compliant internal noise level can be achieved. This must be completed.

Recommendation: The report states that all glazed and non-glazed element calculations would need to be finalised once all design proposals are finalised, therefore a final noise assessment must be submitted to SBC once the design is confirmed, which also includes an assessment to determine the chosen ventilation does not hinder compliance with internal noise levels. This must be submitted to and approved by SBC prior to commencement.

8.0 **PART B: PLANNING APPRAISAL**

8.1 **Policy Background**

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

The National Planning Policy Framework (NPPF) 2019

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

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

Core Policy 1 – Spatial Strategy
Core Policy 3 – Housing Distribution
Core Policy 4 – Type of Housing
Core Policy 5 – Employment (inc “Areas for Major Change”)
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 8 – Natural and Built Environment
Core Policy 9 – Natural and Built Environment
Core Policy 11 – Social Cohesiveness
Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

Policy H9 – Comprehensive Planning
Policy H10 – Minimum Density
Policy H14 – Amenity Space
Policy EN1 – Standard of Design
Policy EN3 - Landscaping
Policy EN5 – Design and Crime Prevention
Policy T2 – Parking Restraint
Policy T8 – Cycling Network and Facilities

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

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

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

The 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.

Other relevant documents

- Slough Local Development Framework, Site Allocations, Development Plan Document (adopted November 2010)
- Slough Local Development Framework Proposals Map 2010
- Slough Borough Council Developer's Guide Parts 1-4
- Guidelines for the Provision of Amenity Space Around Residential Properties (January 1990)

8.2 The principal planning considerations for this proposal are:

- Principle of development and status of the PD Approval
- Design and Impact on Streetscene and Local Townscape
- Housing Mix and Standard of Accommodation
- Highways Impacts, Transport and Car Parking Matters
- Impacts on Residential Amenity
- Environmental Impacts

9.0 **Principle of Development**

Policy Designations: The site is located within a residential area adjacent to the Farnham Road District Shopping Centre which is located to the east of the site. The site is not within a conservation area or located within any specific current planning designations.

9.1 **Loss of Nursery (Class D1) use:** The proposal results in the change of use of the ground floor nursery (Class D1) which results in the loss of 445 sqm floorspace.

9.2 Local Plan Policy OSC17 (Loss of Community, Leisure and Religious

Facilities) states that development proposals which would result in the loss of a community, leisure, or religious facility will not be permitted unless it can be shown that:

- a) the facility is no longer required for alternative religious, leisure or community use;
- b) an acceptable alternative facility can be provided which would serve the existing users; or
- c) it would be economically unviable to repair or alter the building for an alternative community use.

9.3 The loss of the ground floor nursery to a parking area was previously assessed under approved application P/00226/043 where it was considered acceptable, siting that the ground floor use formerly comprised of a private nursery therefore it is considered that the facility would not fall within the category of being a community facility for the purposes of this policy restriction to be applied. As such, the loss of the Class D1 Nursery is considered to be acceptable in principle.

9.4 **Residential Use:** Local Plan Policy H11 (Change of Use to Residential) states that proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to their meeting all of the following criteria:

- a) a satisfactory independent access is provided;
- b) any parking provision meet the aims of the integrated transport strategy;
- c) satisfactory minimum room sizes and internal layouts are achieved; and
- d) satisfactory sound insulation measures are taken between each residential unit and adjoining properties.

9.5 The policy also recommends that proposals should also provide appropriate amenity area which can take the form of roof gardens, balconies, or more traditional forms of amenity space such as ground level gardens.

9.6 This policy mainly is concerned with encouraging residential use within upper floors above commercial uses so it is considered that it is not strictly applicable to the proposals. However, the residential use of the ground floor has been previously assessed under both application P/00226/043 and P/00226/044 and deemed to be acceptable; where it was considered to be established through the (PD) Approval (P/00226/040) for use of the first floor as 9 flats and the former planning approval for 9 flats (P/00226/043). Therefore, in planning terms subject to the PD approval works being completed, it is considered additional residential uses would be acceptable in land use terms.

9.7 **Prior Approval Status:** The description of development confirms that the proposals would involve the change of use of the ground floor Class D1 Nursery, minor extensions to the western façade of the building to facilitate

a new zig-zag building line and erection of and extensions above the first floor level former offices. The proposed works facilitate the provision of 3 x self contained flats at the ground floor, minor enlargement of the prior approval consented flats at first floor level and 6 x self contained flats within the new second floor level and 5 x self contained flats in the third floor; this results in a total residential provision of 14 new dwellings.

- 9.8 There would be a total 23 residential dwellings within the whole building once the first floor units approved under F/00226/040 are taken into account. Notwithstanding this, as the change of use of the first floor has not been completed, the prior approval has not been implemented under Part 1(b) of Section 56 of the Town and Country Planning Act 1990 (as amended) which states:
- 9.9 “Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated, (b) if the development consists of a change in use, at the time when the new use is instituted
- 9.10 As the new use approved under the Prior Approval consents F/00226/039 or F/00226/040 (ie: residential) within the first floor has not been instituted, it is considered that the prior approval has not been implemented. Therefore, officers need to consider whether the proposed works specified in this planning application could be carried out with or without the prior approval development.
- 9.11 Officers have also considered whether the proposed works should be considered cumulatively with the residential units in the prior approval permissions (ie: as a major development comprising 23 dwellings).
- 9.12 In coming to a view of the status of the prior approval consent, officers consider that there is a strong possibility of these works being carried out as part of one development project noting that the applicant is the same on both the planning application and the prior approval application. Nonetheless, the applicant has obtained prior approval and has commenced works on implementation of the development (which details are verified by the Building Control Inspection). If planning permission is not given, the applicant retains the option of implementing the prior approval on the basis of the previous application (where SBC has no further control on the use). This would result in the provision of windows at first floor level which could overlook the adjoining gardens at 2 and 4 Furnival Avenue and further cycle, bin store and car parking provisions which the Council has limited further controls over. If this planning permission is given (for the works described in the application description), the applicant has the option of implementation of the internal works consented in the Prior Approval (as a separate building project) followed by occupation, before implementing either the current or previously approved application as a follow up building project. Sequentially, the applicant could arrive at the same end result if implementing both Prior Approval followed by the development permitted by the Planning Permission (as separate

building projects). However, the applicant has indicated that they intend to carry out works under the same construction programme and as the proposals include alterations to the first floor flats, it is understood that occupation of the units will not occur in advance of the other building works.

- 9.13 The description of development confirms that the applicant is seeking planning permission for additional residential units on the ground, second and third floors (by way of the extension). The applicant confirms that this application does not seek planning permission for the change of use on the first floor which they contend will be completed under the prior approval (F/00226/040). The first floor plans have been included as part of the approved plans to ensure appropriate stacking of the units (bedrooms over bedrooms) and as these works have already commenced via the prior approval consent, this approach is considered to be acceptable with regards to the fall back position.
- 9.14 On this basis, it is acknowledged by officers that the proposed development (as per the description of development) could theoretically occur as a standalone development with the offices (or nil uses) being reinstated on the first floor (although this remains unlikely in our view). The resulting juxtaposition of uses would at this scenario create shared accesses, car parking and the need for potential sound attenuation to mitigate noise between the floors with the offices not being subject to any planning controls (in terms of hours of operation, ventilation and plant machinery operations). It is considered that there would be potential conflicts from an unregulated office use being sandwiched between two floors of residential use as the planning permission could not impose further restrictions on the office use. As such, it is considered there is limited scope within the current application to secure conditions to protect living conditions within the proposed flats on the ground and second floors, beyond sound insulation measures (if the first floor reverted to an office use).
- 9.15 Notwithstanding this, the proposed change of use of the ground floor (to residential) and extension to provide residential flats above first floor could be an acceptable use (in principle) in combination with the more recent prior approvals (ref: F/00226/039 or F/00226/040). Officers consider that the residential uses would be compromised if the offices were retained at the first floor (if the PD schemes are not fully implemented).
- 9.16 Notwithstanding the concerns, were the offices to be reinstated, it is established that planning permission should not be refused where a concern or impact can be overcome by means of imposing a planning condition. Given the first floor is within the red line of the application site and the developer has control over this building, a planning condition could ensure the proposed development is only carried out in combination with the residential use permitted under the prior approval F/00226/040 granted on 10 September 2018. It is considered that this condition would be necessary, relevant, enforceable, precise and reasonable (in accordance

with sections 70 & 72 of the Planning Act 1990). The developer has agreed to this condition under application P/00226/043 and the principle of the development is considered to be acceptable in land use terms.

- 9.17 It is considered in land use terms, and subject to a condition which requires the implementation of the prior approval scheme on the first floor, that residential use within the ground, second and third floors would be acceptable subject to a detailed consideration of the planning merits.

10.0 **Design and Impact on streetscene**

- 10.1 The thrust of Policy EN1 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy is that the design of proposed residential development should be of a high standard of design and reflect the character and appearance of the surrounding area.

- 10.2 Policy H9 of the Adopted Local Plan for Slough states that a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.

- 10.3 **Scale, Height & Bulk:** The proposed external works as listed in the application description include the erection of 2 additional floors to the building, increasing the height of the building by approximately 6m (excluding the lift overrun), this would result in a similar height of development to the refused development reference P/00226/044, albeit with a mansard roof as opposed to a flat roof in relation to the 4th floor. As noted in the previous report, the surrounding environment to the east of the site comprises a more urban context with buildings of predominantly 3 storeys on Farnham Road which is a District Shopping Centre. There are instances of where the building heights extend above 3 storeys on Farnham Road such as the Cash and Carry building to the east of the BP Petrol Station on the opposite side of the Furnival Avenue/Farnham Rd crossroads) but the predominant height is at 3 storeys. To the west, and including the application site – the scale is predominantly two storey and suburban in character.

- 10.4 The first reason for refusal of application P/00226/044 was for the following reason:

- 1) *The proposed development by reason of the excessive height of the building would result in a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor (above the consented second floor) would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with*

Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

- 10.5 With the principle of the second floor extension is considered to be acceptable, consideration needs to be given as to whether the current proposals for a 3rd floor extension with an alternative design and form address the reason for refusal noted above.
- 10.6 It is clear from the wording of the reason for refusal that the height of the building from the previous scheme (P/00226/044) was considered to have a harmful impact upon the character and appearance of Furnival Avenue and residential areas to the west and upon the parade on Farnham Road and that the proposals comprised an unacceptable height and form of development which constitutes an over-development of the site, contrary to policy. This is further expanded upon in the case officers report where it was noted that:
- 9.3) It is considered the additional height would not relate well to the suburban context and scale of buildings to the west on Furnival Avenue and the building would also appear substantially higher than the immediate buildings on Farnham Road to the north, including the petrol station. The proposed development site sits back from Farnham Road behind the BP Petrol Station and lies within a more residential setting on Furnival Avenue. Notwithstanding the setting, the existing building character is of a more commercial form and this would be viewed at a prominent location within the local townscape when viewed from the south at the cross roads with Farnham Road and Furnival Avenue at the rear of the Petrol Station. The commercial character and proportions of the existing building differs from the residential and domestic character of the buildings on Furnival Avenue. Officers consider that the additional third floor (above the consented single storey extension) results in a building of excessive height and scale in the current context. The resulting relationship with the two storey semi-detached dwellings to the west on Furnival Avenue with appear awkward with the height of the development looming over the roofs of the suburban housing. In this context, the proposals are viewed to be unacceptable and would result in demonstrable harm to the street scene.*
- 10.7 The proposed scheme whilst different in design from the previously refused, would be the same height and it considered that the proposals would not relate well to the suburban context and scale of buildings west on Furnival Avenue and the would appear substantially higher than the immediate buildings on Farnham Road to the north, appearing excessive and dominant in the streetscene constituting significant harm to the residential character of the area and of the streetscene.
- 10.8 Furthermore, as per the previous scheme it is also considered the additional residential uses on the proposed third floor would present some constraints were the adjoining petrol station building and open courtyard to come forward for redevelopment. The additional height above the approved second floor would cause a further potential obstruction if the adjacent

Petrol Station site came forward for development with a second aspect at the rear. Whilst the mansard, with inset windows, has improved the situation from the previously refused application to some degree, it is still considered with the inclusion of the balconies and increased fenestration along that the eastern façade that the proposals would still add a significant constraint should this site come forward in the future, with the additional height symptomatic of the proposed over-development of the site, with the approved development P/00226/043 (of a lower height) viewed on the basis that it did not unduly restrict the adjoining site.

- 10.9 The above has been contested by the applicant in this submission in the planning statement. However, no further design material has been produced to satisfy the concern about how this development would safeguard the potential for an adjoining development coming forward. Without further compelling evidence or supporting designs, officers are not persuaded that the applicant has addressed the reason for refusal. Conversely, the submitted design and access statement proposes that the development would assist in potential future development on 261 Farnham Road and further north as a positive element of the scheme but does not show how this could be achieved in design terms. It is noted that saved policy H9 (Comprehensive Planning) of the Slough Local Plan states that *'a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised.'* Although not specified in the previous reason for refusal, this policy has been identified as being applicable and is included within the reason for refusal in this recommendation..
- 10.10 **Design and Appearance:** The proposed scheme involves a different design approach to the previously refused P/00226/044, with a mansard roof at 3rd floor as opposed to a continuation of the lower floors previously proposed; the design of the building below the 3rd floor is similar to the previously approved scheme and considered acceptable. It is noted that in application reference P/00226/044 that whilst it was considered that the proposals were excessive in height, there were no objections to the proposed design approach of that scheme, with regards to the continuation of the existing form.
- 10.11 The proposed mansard would be set in slightly from the building envelope with inset windows and balconies on the east and west elevations, with one window to the south (front) elevation; the mansard is to be roofed using standing seam. It is considered that the mansard does not relate well to the existing style of the building which is a simple flat roofed design. The mansard is considered to jar with the simple form of the building and its angled roof pitches conflict with the vertical concrete grid below. The mansard form would be uncharacteristic within the residential context of Furnival Avenue and, creates an incongruous addition to the building, which would be exacerbated by the increased height, which would fail to integrate with the host building and the streetscene.

- 10.12 Landscaping: There is limited scope for landscaping at ground level, but the line of trees and planting at the Furnival Avenue frontage and ground floor residential units adjacent to the service road is welcomed. The applicant has proposed a landscaping condition could be imposed which could require further information on the proposed planting.
- 10.13 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 behavior. No comments were received by the Crime Prevention Design Advisor however no objections were raised to the previous schemes subject to a condition requiring Secure by Design compliance (silver standard).
- 10.14 Based on the above, due to the excessive height and inappropriate design and form of the extensions proposed, and the resulting poor relationship with the adjoining suburban housing in Furnival Avenue and Farnham Road, the proposal would not have an acceptable impact on the character and visual amenity of the area and would fail to comply with Policy EN1 and H9 of the Local Plan for Slough March 2004 (Saved Policies), Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

11.0 **Housing and Standard of Accommodation**

- 11.1 The National Planning Policy Framework seeks to deliver a variety of homes to meet the needs of different groups in the community. This is largely reflected in local planning policy in Core Strategy Strategic Objective D and Core Policy 4. The National Planning Policy Framework states that planning should create places with a high standard of amenity for existing and future users. 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." Policy H14 of the Adopted Local Plan seeks an appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities.
- 11.2 The proposals comprise a 2 studio units, 5 x 1 bed 2 person units and 7 x 2 bed 3 person units (14 units in total). It is considered that the proposals provide a mix of homes appropriate for the location (close to a district/local shopping centre) that would help achieve sustainable, inclusive and mixed communities. Given the scale of development, positive weight would be carried forward in the Planning Balance.
- 11.3 The proximity of residential uses in close proximity to the petrol station has been considered and due to the potential for noise from passing cars and the limited external amenity space, the site is unsuitable for family accommodation. The area to the east is characterized by residential uses

above commercial uses and so, residential use would be acceptable for a flatted development.

- 11.4 The proposed 14x flats (subject to this application) subject to consideration of this planning application would have sufficient sized internal spaces that would broadly comply with the Nationally Described Space Standards. It is noted in the application form that

The Proposed Flats are sized as follows:

Floor	Flat No.	No. of Bedrooms	Size (sqm)
Ground	1	2 Bed	56.56
Ground	2	1 Bed	49.69
Ground	3	1 Bed (Studio)	36
First*	4	1 Bed (Studio)	40.3
First*	5	1 Bed (Studio)	40.4
First*	6	1 Bed	57
First*	7	1 Bed (Studio)	45.8
First*	8	1 Bed (Studio)	37.4
First*	9	1 Bed (Studio)	35.5
First*	10	1 Bed (Studio)	35.7
First*	11	1 Bed	41.7
First*	12	1 Bed (Studio)	31.5
Second	13	2 Bed	62.5
Second	14	1 Bed	57.5
Second	15	1 Bed (Studio)	40.31
Second	16	2 Bed	69.4
Second	17	2 Bed	67.2
Second	18	1 Bed	47.3
Third	19	1 Bed	48.8
Third	20	2 Bed	82
Third	21	2 Bed	58
Third	22	2 Bed	61.6
Third	23	1 Bed	48.4

**First floor apartments extended (but use approved under Prior Approval Ref: F/00226/040)*

- 11.5 Most of the proposed flats would be served by windows that provide a suitable degree of aspect, outlook and privacy. However, given the constrained shape of the site and the proximity to adjoining and adjacent buildings, there is limited further scope to improve on the aspect with the majority of dwellings being single aspect.
- 11.6 The previous schemes have included obscure glazing on the west elevation to assist in mitigating overlooking, which were noted on the previous plans. Whilst reference has been made in the application to obscure glazing in the submitted design and access statement, where 2

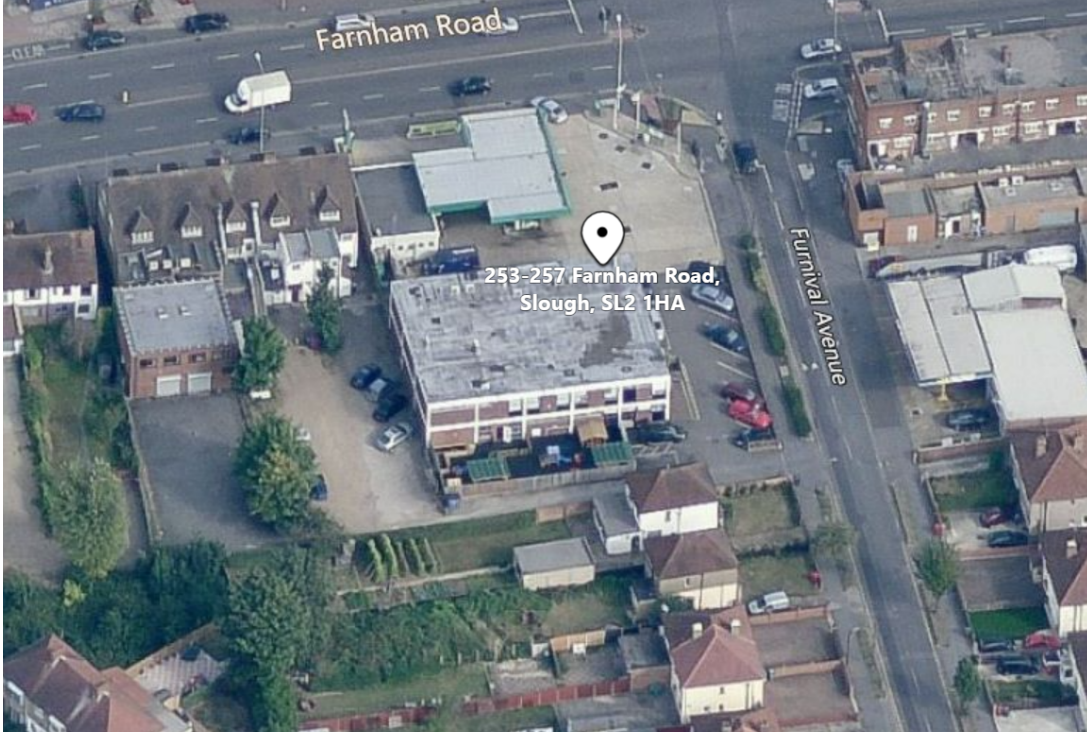
windows are noted on the materials diagram as being obscure glazed at first floor, it is not clear if these are the only windows to be obscure glazed as part of the proposals. The relevance of this to the living conditions of the future occupiers of the flats would be level of outlook provided, particularly first floor flat number 7. Whilst this unit technically has not been applied for as part of this scheme, the window serving this unit, as all of the windows serving the north western corner of the building, have been repositioned to face west/south west back towards the properties on Furnival Avenue. This differs from the prior approval and the consented scheme for 3 storeys and the physical alteration and its impact on living conditions is considered a material consideration as part of the proposals.

- 11.7 The proposed development contains some useable external space to the ground floor units and there balconies provided at second floor and inset in the mansard with 13 of the 14 new units having some form of private amenity space. There however is an overall shortfall of amenity space and no communal provision it is considered that planning contributions could be secured for open space and recreation purposes in accordance with the Developer Guide. The level of amenity provision for the development would therefore considered to be satisfactory subject to contributions towards open space and recreation improvements, of which the applicant has previously agreed too.

12.0 **Relationship With and Potential Impact on Neighbouring Properties**

- 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 guidelines set out in The Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document regarding generally acceptable separation distances within a residential context are considered to be of relevance.
- 12.3 The proposals have been assessed with regards to the potential impacts on daylight and sunlight levels in the adjoining residential properties, the potential for increased overlooking of existing private amenity space and towards existing windows in adjacent dwellinghouses and the likelihood of noise disturbances from the increased use of the site.
- 12.4 2 Furnival Avenue is adjacent to the development to the west. This comprises a semi detached two storey dwelling fronting onto Furnival Avenue which has both north and southern aspects. The flank elevation of No. 2 is adjacent to the western elevation of the proposed extended building at 253-257 Farnham Road. No. 2 Furnival Avenue has been extended at the rear at ground floor with a full width extension. The rear elevation of the extension contains double doors and a window which faces onto the garden. The property also contains a single storey outbuilding which comprises a garage located approx. 20m from the western elevation

of 253-257 Farnham Road. There are also windows in the rear elevations of the upper levels of 261 Farnham Road -269 Farnham Road which have oblique views of the development to the south west. See below image with the arrows signifying the views towards the site and from the site overlooking 2 Furnival Avenue. From the below images the relationship of the existing buildings can be seen.



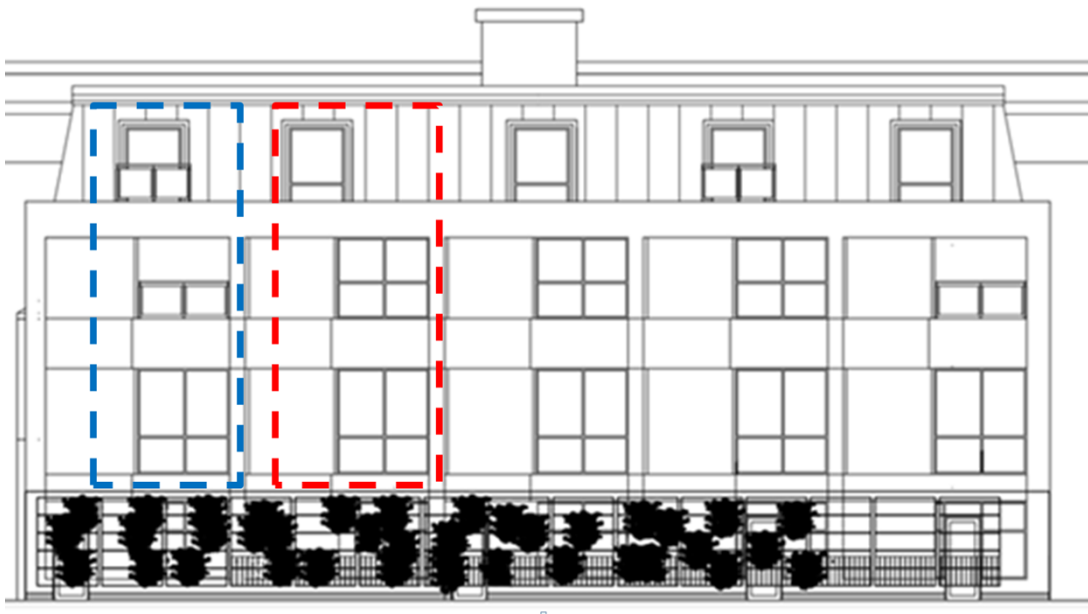
Aerial view from west of existing building



Aerial view from north of existing building

12.5 The above images also identifies the approximate orientation of potential views from the development (which would overlook the service road and garden of 2 Furnival Avenue. The existing first floor within the building contains high level windows on the western façade adjacent to the rear garden and service yard.

12.6 The image below comprises the western elevation of the proposals highlighting (in the dashed boxes) which windows and balconies are considered to have the potential to overlook the neighbouring property at 2 Furnival Avenue. These windows serve 5 flats; 2 at the first floor (flat 6 and 7), 2 at the second floor (flat 14 and 15) and 1 at the third floor in the new proposed mansard (flat 20), which is served by a total of 3 windows on the western elevation.



12.7 **Overlooking:** The proposals differ from the approved 3 storey scheme and refused 4 storey scheme on the west elevation with the 1st floor and 2nd floor windows in the north western corner of the development, (the bottom 2 windows/balconies hatched in blue in the above image), serving flats 7 and 15, have been re-orientated to face back south west towards 2 Furnival Avenue and the 2nd floor window being and replaced with an inset balcony; all of the windows in the 2nd floor also being smaller than the previous schemes. The obvious alteration is the inset mansard roof, this element of the scheme, which is set back from the external wall of the building, with windows and balconies being inset; both of the identified windows both the red and blue hatching in the image above serve flat 20.

12.8 As noted in the quality of Standard of accommodation section above, whilst the previous schemes on the site have provided obscure glazing, it is not clear from the proposals which windows have been proposed to be obscure glazed.

- 12.9 The proposed Mansard is considered a minor improvement on the previous refused scheme with regards to the resulting level of overlooking on the Furnival Avenue being less, with the inset windows decreasing the level of overlooking from the previously refused scheme, being set back over 1.4m from the buildings edge. However, a balcony is proposed on the north western corner of the mansard allowing occupants of the flat to walk out, provide views back to the rear of 2 Furnival Avenue and the garden space. There is also a proposed balcony located below this on the proposed 2nd floor which as noted above has been reoriented to as part of the proposals and would also provide views back to 2 Furnival Avenue, with again the 1st floor flat number 7 also being re-orientated towards 2 Furnival Avenue differing from the previous scheme. Whilst the window serving flat 7 could be obscure glazed, this is the only window serving this flat and therefore it is considered that this would harm the outlook of the unit to an unacceptable degree. Whilst it is considered that the proposed mansard is an improvement with regards to overlooking to the previously refused scheme, for the reasons noted above it is not considered that the proposals have fully addressed this to a satisfactory degree. Overall it is considered that the proposals would result in a loss of privacy to the occupiers of 2 Furnival Avenue due to the increased level of overlooking and the perception of overlooking by virtue of the intrusive nature of the proposals. This would cause harm to living conditions and amenity of occupiers contrary to Local Plan Policy EN1.
- 12.10 **Daylight & Sunlight:** A daylight and sunlight report has been submitted as part of the proposals assessing the scheme against BRE guidance, this considers the impact of the scheme on neighbouring properties. The report notes that the development would be in accordance with BRE guidance and that the development would have a acceptable impact on surrounding properties including the upper floors at 261-269 Farnham Road or at 2 Furnival Avenue. As such, the proposal would not amount to a significant loss of daylight or sunlight within the closet properties.
- 12.11 **Overshadowing:** As part of the daylight and sunlight report overshadowing has been assessed and the development is considered to have an acceptable impact on neighbouring properties to this regard.
- 12.12 **Noise:** No noise assessment was submitted as part of the scheme however the Council's Environmental Quality (Noise) team has raised no objections to the previous proposals on the site subject to the imposition of conditions require details of the chosen glazing and ventilation schemes to be submitted and approved in writing prior to construction commences. The internal noise levels stated within BS8233:2014 should be met.
- 12.13 In conclusion, the proposed development would create additional opportunities to overlook 2 Furnival Avenue to the west by virtue of the position and number of balconies and windows on the western elevation of the first, second and mansard floor which, are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon 2 Furnival Avenue by

virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

13.0 **Parking and Highway Safety**

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

13.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.

13.3 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 access by emergency vehicles, and provide facilities for electric vehicle charging. Paragraph 109 of the National Planning Policy Framework states:

“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”.

13.4 Reason for refusal 4 of application P/00226/044, stated the following:

4) The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted is likely to lead to additional on street car parking or to the obstruction of the access to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policy T2.

The application has been supported by Transport Statement and Parking stress survey report

13.5 As noted above the ground floor layout of this scheme has been amended, removing the previously proposed commercial space and proposing the space for undercroft car parking and cycle parking, creating a total of 23 parking spaces. Whilst this would be an improvement on the previous scheme, this would still be a shortfall of 10 parking spaces against the 33 spaces required by the Slough Borough Council Parking Standards. The scheme however has been reviewed by the Council's Highways Team where local car ownership data has been considered and it is noted that the proposed 1 parking space per dwelling is considered appropriate given

the recorded car ownership levels and Slough Borough Council's objective to reduce car ownership and car use within the borough with Core Policy 7 of the Core Strategy (2006 – 2026).

- 13.6 The proposals include 2 electric charging points are proposed. As set out by the council's environment officer, all of the parking spaces should have access to electric vehicle recharging facilities. A condition could be imposed in order to secure these provisions as was done so with application P/00266/43
- 13.7 24 x secure cycle spaces are proposed on site in a separate bike store located in the undercroft parking area in a two tier bike stand. The scheme provides cycle parking for over 1 per unit and is considered acceptable.
- 13.8 The bin stores for the site has been located on the south eastern corner of the site, next to Furnival Avenue, to ensure that the bins are located in an area which accords with the maximum drag distance of 10m for Eurobins The proposed bin store has the capacity to contain 2x 1100l Eurobins for recycling and 2 x 1100L Eurobins for residual waste which is considered to be acceptable.
- 13.9 Subject to the above provisions, the proposed development would provide an acceptable level of car and cycle parking and provide adequate access for vehicles and pedestrians without endangering highway safety. Subject to conditions, the proposals would comply with Core Policy 7 and Local Plan Policies T2 and T8 and the section 9 of the NPPF.
- 14.0 **Ecology**
- 14.1 Paragraph 170 of the NPPF requires new development to minimize 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.
- 14.2 The application property does not fall within a designated Special Protection Areas, Special Areas of Conservation or Site of Special Scientific Interest. It is not within 200m of ancient woodland, and is not an agricultural building or barn. The building was previously used as an office and nursery and is currently undergoing internal conversion. Officers are satisfied there would be no likely significant harm on protected species or ecology resulting from the proposed development.
- 14.3 Some new landscaping is proposed within the amenity areas adjacent to the ground floor residential units and along the southern boundary adjacent to Furnival Avenue. New trees will could be planted on the Furnival Avenue frontage. A detailed landscaping scheme would be recommended and this should contain a planting schedule. This could be conditioned along with a method statement to ensure that the proposed trees would survive (and be replaced within 5 years). This therefore gives opportunity to

provide planting that would attract ecological habitats. Given the quantity of landscaping, together with ecologically focused planting; the proposal is considered to result in a potential minor net gain for biodiversity.

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

15.0 **Surface Water Drainage and Flooding**

- 15.1 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. 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.

- 15.2 The application includes a drainage strategy which has been previously assessed by the Lead Local Flood Authority and found to be acceptable in principle, but with further details being required. The Lead Local Flood Authority recommended that this can be dealt with by condition.

- 15.3 The site falls within Flood Zone 1 and Flood Risk Assessment has been provided with the application. The site lies outside a flood warning zone and therefore no issues are identified. The Slough Strategic Flood Risk Assessment (2009) has not identified the site as having critical drainage issues.

- 15.4 No objections have been raised from Council's Highways and Transport team or the Lead Local Flood Authority regarding potential flooding impacts and having regard to the National Planning Policy Framework, the proposal is considered to be acceptable in terms of flood risk.

16.0 **Contamination risks on the site**

- 16.1 With regard to contamination, the Local Planning Authority must assess whether, as a result of the proposed change of use, taking into account any proposed mitigation; the site would still constitute Contaminated Land.

- 16.2 No comments have been received from the contaminated land officer. However, comments were received in relation to the previous prior approval application which would still apply. These comments confirmed that the risk of potential contamination on site would be low and no objections were raised on land contamination grounds.

17.0 **Air Quality**

- 17.1 The site is not located within an AQMA. 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. The proposals 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.

17.2 The Council has 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.

17.3 The development is close by two roads: Farnham Road is within <30m and Furnival Avenue within 14m of the façade. As Farnham Road has a high traffic flow, there is risk that future occupants of the development could be exposed to poor air quality. The development supports cycling infrastructure by providing cycle spaces, which aids to fulfil Slough Borough Council's modal shift objective.

17.4 The Council's Air Quality Officer advises that the scheme is considered to have a MINOR impact on air quality. The development is not expected to contribute to a worsening of air quality subject to the following mitigation measures being secured by condition:

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there is allocated parking for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report and that All construction vehicles shall meet a minimum Euro 6/VI Emission Standard.

17.5 Based on the above and subject to conditions, the proposal would satisfy Core Policy 8 of the Core Strategy and the National Planning Policy Framework.

18.0 **Section 106 Contributions**

18.1 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.

18.2 The proposed development relates to the provision of 14 new dwellings, in addition to small extensions to 9 consented dwellings. Under approved

application reference P/00226/043, officers considered whether affordable housing should be provided in light of overall provision of housing in the altered and extended building, i.e. including the units approved under prior notification. In coming to a view on this matter, officers had regard to the approved prior approval application which could have been implemented without the planning application and could comprise a separate building project. As such, although the development works are undoubtedly linked by virtue of the altered elevations comprising the cladding and fenestration enhancements, the use of the first floor is not subject to consideration in this application and only the net increase in dwellings should be considered. It was also considered that both Prior Approval and Application schemes provide a high number of studio apartments, which are likely to be available at more affordable levels.

18.3 The proposed scheme comprises 14 additional units and therefore would fall one unit short of the 15 unit requirement for affordable housing and education contributions. The previously refused application included an affordable housing contribution given it proposed 15 dwellings. The current scheme proposes 1 fewer apartments and the applicant states that this is down to the reduced floor area within the upper floor. Officers are of the view that 15 apartments could reasonably be provided which would normally incur the requirement for an affordable housing contribution. In this case, an alternative scheme for 15 dwellings has not been shown to work within the upper floor therefore the scheme is considered on its merits on the basis of 14 dwellings. Given the absence of affordable housing contributions for a development which could potentially accommodate 15 apartments, the benefits attributed to the provision of new housing is tempered in the planning balance where only a limited-moderate positive weight is afforded. These contributions were required as part of the previously refused scheme and such provisions for new housing were considered as a positive in the planning balance which could be afforded more weight (ie: moderate).

18.4 The proposals are considered to require an Open Space/Recreation Contribution of £4,200 (based on £300 per dwelling in Developer Guide). Based on the information assessed to date, such obligations would be considered to 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.

18.5 The above provision could be secured through a Section 106 Agreement and the applicant had previously agreeing to make these contributions.

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 Local Planning Authority cannot demonstrate a Five Year Land Supply and therefore 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 should be applied.

- 19.2 The report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are some conflicts with the Development Plan, namely the harmful impact on the visual amenity and character of the surrounding area, harm to the living conditions of the adjacent occupiers and the prejudicial impact on the development potential of the adjoining site.
- 19.3 In coming to a conclusion, officers have given due consideration to the limited-moderate benefits of the proposal in providing 14 new flats towards the defined housing need at a time where there is not a Five Year Land
- 19.4 Supply within the Borough and the re-use of a previously developed brownfield site. The Local Planning Authority considers therefore that the adverse impacts of the development, on the local character of the area, streetscene and on residential amenity would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole. On balance, the application is recommended for refusal.

20.0 **Summary**

- 20.1 The proposal has been considered against relevant development plan policies and the NPPF, and regard has been had to the comments received, and all other relevant material considerations.
- 20.2 Having considered the relevant policies set out, the representations received from consultees and all other relevant material considerations, it is recommended that the application is refused.

21.0 **PART C: RECOMMENDATION**

21.1 **Recommendation**

Refuse Planning Permission for the following grounds:

Reason 1

The proposed development by reason of the excessive height and design would result in a dominant and incongruous form of development which would have a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor would comprise an unacceptable height and form of development which constitutes an over-

development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

Reason 2:

The proposed development would result in additional overlooking of properties to the west by virtue of the position, orientation and number of balconies and windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The proposals would have an unneighbourly and visually intrusive effect upon the rear garden of 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 3:

The proposed development would create additional overlooking to the adjoining site to the east by virtue of the position and number of balconies and windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 and H9 of the Slough Local Plan (March 2004) and Policy 8 of the Core Strategy (2008) and paragraph 127 of the NPPF (2019).

Reason 4:

In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and paragraph 54 of the NPPF.

Informative

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner providing clear advice prior to submission of the application. 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.

This page is intentionally left blank

Registration Date:	01-Apr-2021	Application No:	P/01125/008
Officer:	Alex Harrison	Ward:	Cippenham Green
Applicant:	Ragbir Singh, Thames Valley Garage	Application Type:	Major
		13 Week Date:	
Agent:	Bal Nijjer The Quay, Farnham Lane, Farnham Royal, SL2 3RY		
Location:	2A, Bower Way, Slough, SL1 5HX		
Proposal:	Demolition of existing building and construction of 11 no flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 12 car parking spaces/12 cycle storage spaces and amenity space at the rear.		

Recommendation: Delegate to Planning manager for Refusal



1.0 **SUMMARY OF RECOMMENDATION**

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

1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

PART A: BACKGROUND

2.0 Proposal

2.1 Full planning permission is sought for the demolition of the existing building and its redevelopment to provide a single building housing 11 flats. The building is proposed as a 3 storey building with a part pitched roof combined with a flat roof. 12 off street parking spaces are proposed to the front of the site and the existing access is retained to Bower Way.

2.2 Since the submission of the application the applicant has submitted amended plans to make minor design changes to the scheme through the provisions of balconies, gardens areas, a roof terrace and to vary the external materials proposed. A plan has also been submitted to annotate the soakaways will be used for drainage.

2.3 The application is accompanied by the following documents:

- Plans
- Planning, Sustainable Drainage Strategy and Design and Access Statement
- Transport Statement

3.0 **Application Site**

3.1 The site is located on the southern side of Bower way and measures 300 square metres in area. The site is currently used as a commercial garage with MOT centre. It has a 2 storey flat roof building to the southern part of the site and a forecourt to the front.

3.2 The site is immediately adjacent to another commercial garage to the west along with other non-residential uses on Elmshott Lane, including a car sales business which runs to the southern side of the site. There are residential properties to the north and east of the site in two separate flat developments. The residential character of Bower Way is a mix between terraced family homes and flats.

4.0 **Relevant Site History**

4.1 F/01125/007
Prior approval notification for a change of use from offices (Class B 1 (a))

to 2no residential flats (C3) at first floor.
Withdrawn by the applicant.

F/01125/006

Notification for prior approval for the proposed change of use of the first floor from office (Class B1(a)) to 2 No. Residential flats (Class C3).
Refused 13/04/2016

P/01125/005

Alterations to front elevation to provide two new doorways.
Withdrawn 12/06/2006

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) a site notice was displayed outside the site on 13/04/21. The application was advertised as a major application in the 07/0/21 edition of The Slough Express.

5.2 At the time of writing, 0 letters have been received.

6.0 Consultations

6.1 Thames Water

Waste Comments

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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the

public sewer.

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.

Water Comments

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.

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.

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
- 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 Highways

Vehicular Access

SBC require the applicant to submit a General Arrangement drawing of the site access which provides site access width, corner radii and demonstrates visibility splays of 2.4m x 43m can be provided from the site access in accordance with the Manual for Streets Visibility Standards for a road subject to a 30mph speed limit. Pedestrian visibility splays of 2.4m x 2.4m should also be demonstrated.

SBC require the applicant to provide a parking restriction along Bower Way on the site frontage to ensure vehicles can safely ingress/egress the proposed development. Any such restriction would be subject to completing a TRO and the associated public consultation. On-street pavement parking has previously occurred along the site frontage on Bower Way, which may prevent safe access.

Access by Sustainable Travel Modes

The proposed development is located in close proximity to a number of facilities, providing opportunities for residents to travel by sustainable travel modes. The site benefits from being located in close proximity to the Elmshott Lane Neighbourhood Centre which includes a One Stop Convenience Store, Barbers Shops, Fast Food Takeaways, Vets and Cippenham Library all within 150m (2 minutes) walk. The site is also located 1000m (13 minutes) walk from a M&S foodstore.

The site is located within walking distance of several educational facilities and is approximately 120m from Cippenham Primary School, 550m (7 minutes walk) from Cippenham Nursery, 950m (12 minutes walk) from Western House Academy, 1500m (19 minutes walk) from Westgate Secondary School.

The proposed development is located approximately 900m (11 minutes) walk from Burnham Railway Station. Burnham Railway Station offers 4 services to Reading and London Paddington during the AM Peak Hour. The site is located 150m from bus stops on Bower Way, where the Number 5 provides 1-2 services per hour between Cippenham and Slough. The Bath Road Bus Stops are located 450m from the proposed site where the Number 4 provides 1-2 services per hour between Slough, Heathrow and Maidenhead.

A 2018 study of Public Transport Accessibility Level (PTAL) gave the site a PTAL rating of 1b on a scale of 1a to 5b, with 5b being the highest PTAL rating available in Slough.

Trip Generation

SBC Highways and Transport require confirmation of the source of trip generation information.

The Transport Statement states in paragraph 5.1 that the development will generate 5 vehicular movements in the AM Peak and 5 two-way vehicular movements in the PM Peak but does not provide a data source.

Car Parking

SBC Highways and Transport require the provision of a scaled, site layout plan which demonstrates the proposed parking spaces measure a minimum of 2.4m x 4.8m, with a minimum aisle width of 6.0m. Spaces bounded by a physical feature such as a wall should be widened by 300mm on the side bounded by the wall.

12 parking spaces are proposed at a ratio of 1 allocated parking space per dwelling.

SBC Highways and Transport consider the provision of 1 parking space per dwelling acceptable at this location given the site's proximity to Burnham Railway Station. In addition Car Ownership of 1.2 cars per dwelling was recorded within Cippenham Green Ward for 1 and 2 bed flats during the 2011 Census. Whilst this data is outdated, it is understood to be the best available data.

The proposals are considered in accordance with Policy T2 of the Slough Local Plan which allows for residential development to provide a level of parking appropriate to its location. Paragraph 8.62 of the Slough Local Plan states that it may be suitable to seek lower parking in areas which are well served by public transport.

However, SBC Highways and Transport require the applicant to consider providing parking control measures on Erica Close to protect residents parking from any overspill of parked vehicles associated with the development.

EV Parking

The applicant proposes the inclusion of an Electric Vehicle Charger (EVCP) for each dwelling and therefore the proposals can be considered compliant with the Slough Low Emission Strategy (2018 – 2025) which requires the provision of one EVCP per dwelling where parking is allocated.

It is recommended that the specification of the EVCP should be agreed with the SBC Environmental Quality Team who manage EV Charging in Slough.

Cycle Parking

SBC Highways and Transport require the applicant to provide short-stay visitor cycle parking in the form of Sheffield Stands. The SBC Developers Guide – Part 3: Highways and Transport requires the provision of visitor cycle parking for developments of flats numbering more than 10 dwellings.

The provision of 1 secure and covered cycle parking space per dwelling is in accordance with SBC's cycle parking standards for allocated, long stay cycle parking.

SBC Highways and Transport require the applicant to provide details of the size, design and location of the allocated cycle stores for residents.

Servicing and Refuse Collection

SBC Highways and Transport require the applicant to clarify refuse collection arrangements. If a refuse vehicle is required to enter the site, then swept path analysis should be provided which demonstrates the site provides suitable turning space for a refuse vehicle to ingress and egress the site in a forward gear. Swept paths should be provided of a Dennis Eagle Elite 6 which is used within Slough. The refuse vehicle should not be required to reverse onto the public highway or reverse more than 12 metres.

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. Alternatively, should you wish to determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

Following the submission of amended plans

Vehicular Access

Drawing No. 2021/03-Rev-C, dated May 2021 fails to demonstrate a 2.4m x 43m visibility splay from the proposed vehicular access in accordance with the Manual for Streets (MfS) standards for a 30mph speed limit.

The submitted plan is insufficient for consideration and does not include a scale bar which allows the displayed measurements to be checked.

The X distance of 2.4m should be measured from the kerb line/ carriageway edge where vehicles give way to other vehicles, rather than the back of the footway.

The 2.4m x 33m splay shown to the east of the site access is insufficient and could not be provided. The eastern splay crosses the adjacent plot (Holly Court) which is assumed to be third party land outside the applicants' ownership. Visibility splays must be demonstrated within land owned by the applicant or land defined as publicly maintained highway.

The western visibility shown is blocked by the proposed bin store and the full extent of the western visibility splay has not been demonstrated on the proposed site plan.

The submitted plan is insufficient for consideration and does not include a scale bar which allows the displayed measurements to be checked.

SBC Highways and Transport request the submission of a suitable scaled, General Arrangement drawing of the site access which provides site access width, corner radii and demonstrates visibility splays of 2.4m x 43m can be provided from the site access in accordance with the Manual for Streets Visibility Standards for a road subject to a 30mph speed limit.

If the applicant cannot provide visibility splays which are compliant with the MfS standards, the applicant is required to complete a speed survey and provide visibility splays in accordance with the 85th percentile of recorded vehicle speeds, based on MfS standards.

The applicant has provided no response to SBC's request (dated 29/04/21) for the applicant to provide a parking restriction along Bower Way on the site frontage to ensure vehicles can safely ingress/egress the proposed development. This restriction would ensure vehicles have enough space to turn in and out of the site and have unobstructed visibility when egressing the site. Any such restriction would be subject to completing a TRO and the associated public consultation. On-street pavement parking has previously occurred along the site frontage on Bower Way, which may prevent safe access.

The applicant has not demonstrated safe access and suitable visibility can be provided. Therefore SBC Highways and Transport recommend refusal on highway safety grounds. Paragraph 108 of the NPPF requires that in assessing applications for development, it should be ensured that: *'safe and suitable access to the site can be achieved for all users'*.

Access by Sustainable Travel Modes

The proposed development is located in close proximity to a number of

facilities, providing opportunities for residents to travel by sustainable travel modes. The site benefits from being located in close proximity to the Elmshott Lane Neighbourhood Centre which includes a One Stop Convenience Store, Barbers Shops, Fast Food Takeaways, Vets and Cippenham Library all within 150m (2 minutes) walk. The site is also located 1000m (13 minutes) walk from a M&S foodstore.

The site is located within walking distance of several educational facilities and is approximately 120m from Cippenham Primary School, 550m (7 minutes walk) from Cippenham Nursery, 950m (12 minutes walk) from Western House Academy, 1500m (19 minutes walk) from Westgate Secondary School.

The proposed development is located approximately 900m (11 minutes) walk from Burnham Railway Station. Burnham Railway Station offers 4 services to Reading and London Paddington during the AM Peak Hour. The site is located 150m from bus stops on Bower Way, where the Number 5 provides 1-2 services per hour between Cippenham and Slough. The Bath Road Bus Stops are located 450m from the proposed site where the Number 4 provides 1-2 services per hour between Slough, Heathrow and Maidenhead.

A 2018 study of Public Transport Accessibility Level (PTAL) gave the site a PTAL rating of 1b on a scale of 1a to 5b, with 5b being the highest PTAL rating available in Slough.

Trip Generation

SBC Highways and Transport requested confirmation of the source of trip generation information on 29th April 2021. No trip generation information has been submitted.

The Transport Statement states in paragraph 5.1 that the development will generate 5 vehicular movements in the AM Peak and 5 two-way vehicular movements in the PM Peak but does not provide a data source.

Car Parking

SBC Highways and Transport require the provision of a scaled, site layout plan which demonstrates the proposed parking spaces measure a minimum of 2.4m x 4.8m, with a minimum aisle width of 6.0m. Spaces bounded by a physical feature such as a wall should be widened by 300mm on the side bounded by the wall.

12 parking spaces are proposed at a ratio of 1 allocated parking space per dwelling.

SBC Highways and Transport consider the provision of 1 parking space per dwelling acceptable at this location given the site's proximity to Burnham Railway Station. In addition Car Ownership of 1.2 cars per dwelling was recorded within Cippenham Green Ward for 1 and 2 bed flats during the 2011 Census. Whilst this data is outdated, it is understood to be the best available data.

The proposals are considered in accordance with Policy T2 of the Slough

Local Plan which allows for residential development to provide a level of parking appropriate to its location. Paragraph 8.62 of the Slough Local Plan states that it may be suitable to seek lower parking in areas which are well served by public transport.

The applicant has not responded to SBC's request (dated 29/04/21) for the applicant to consider providing parking control measures on Erica Close to protect residents parking from any overspill of parked vehicles associated with the development.

EV Parking

The applicant proposes the inclusion of an Electric Vehicle Charger (EVCP) for each dwelling and therefore the proposals can be considered compliant with the Slough Low Emission Strategy (2018 – 2025) which requires the provision of one EVCP per dwelling where parking is allocated.

It is recommended that the specification of the EVCP should be agreed with the SBC Environmental Quality Team who manage EV Charging in Slough.

Cycle Parking

SBC Highways and Transport require the applicant to provide short-stay visitor cycle parking in the form of Sheffield Stands. The SBC Developers Guide – Part 3: Highways and Transport requires the provision of visitor cycle parking for developments of flats numbering more than 10 dwellings.

The provision of 1 secure and covered cycle parking space per dwelling is in accordance with SBC's cycle parking standards for allocated, long stay cycle parking.

SBC Highways and Transport require the applicant to provide further details of the size, design and location of the allocated cycle stores for residents. It is recommended these details could be secured by condition.

Servicing and Refuse Collection

SBC require the reconsideration of the location of the bin store shown on Drawing No. 2021/03-Rev-C. The bin store should not interfere with the revised visibility splay which has been requested.

SBC Highways and Transport request confirmation of the delivery and servicing arrangements and the provision of swept paths which demonstrate a long wheel base can ingress and egress the site in a forward gear. This is required to ensure the site can accommodate deliveries associated with online shopping.

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. Alternatively, should you wish to

determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

6.4 Contaminated Land Officer

No comments received.

6.5 Environmental Quality

No comments received.

6.6 Crime Prevention Design Advisor

No comments received to date.

6.7 Neighbourhood Team

No comments received.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 National Planning Policy Framework and National Planning Policy Guidance:

Core Policies: Achieving Sustainable Development

Chapter 4: Promoting sustainable transport

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring good design

Chapter 8: Promoting healthy communities

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

Chapter 11: Conserving and enhancing the natural environment

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

Core Policy 1 – Spatial Strategy

Core Policy 4 – Type of Housing

Core Policy 6 – Retail, Leisure, and Community Facilities

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural and Built Environment

Core Policy 10 – Infrastructure

Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint
T8 – Cycle Network and Facilities
OSC15 – Provision of Facilities in new Residential Developments
S1 – Retail hierarchy
EN17 – Locally listed buildings

Other Relevant Documents/Guidance

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

Planning and Compulsory Purchase Act 2004

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.

8.0 **Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of development
- Housing mix
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Impact on vitality and viability of the town centre
- 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 existing site is an existing commercial site that forms one of a number of small businesses in this area that predominantly front Elmshott Lane as well as turning the corner into Bower Way.
- 9.2 Core Policy 1 of the Slough Core Strategy relates to the spatial strategy for Slough. It states that development should take place within the built up area and predominantly on previously developed land. Proposals for high density housing should be located in Slough town centre. Outside of the town centre the scale and density of development should relate to the site's current/proposed accessibility, character and surroundings.
- 9.3 Core Policy 4 of the Core Strategy states that high density housing should be located in Slough town centre. In the urban areas outside the town centre, new residential development will predominantly consist of family housing and be at a density related to the character of the surrounding area, the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.
- 9.4 The proposed development will provide 11 flats. These are not considered to be family housing and this is an area where Core Policy 4 would seek a predominance of such housing. However Core Policy 4 does not rule out flats in principle as it states high density housing should be located in the town centre. The provision of 11 flats on this site would not be considered to amount to a high-density scheme. It is reflective of the scale of other flat developments in the immediate area and therefore the scheme is not considered to be contrary to Core Policy 4.
- 9.5 Given that this site is a commercial garage and immediately abuts another commercial garage, the principle of development for this site is dependent on whether or not suitable living conditions can be achieved. For this site the principle of development would be dependent on whether or not the ground is subject to any contamination and whether or not there are suitable noise levels in the area and assessments would be required to demonstrate that the site is suitable.
- 9.6 The application was submitted with very little information for what is, in planning terms, a major development. The lack of information is contributory to the Officer recommendation for this case. In respect of the principle of development no contaminated land survey or noise assessment was submitted with this application. While contaminated land can be conditioned if required, although not ideal on a site like this, it is not

possible to condition a noise assessment as noise levels will determine the suitability of residential use in principle and detailed elements such as whether windows can be opening or if mechanical ventilation is required.

- 9.7 The absence of a noise assessment in particular means that it is not possible to conclude if the principles of development is acceptable. It is possible that the site could achieve a development of 11 flats as the scale and density of development would appear appropriate however this, and detailed designs, could be affected by any apparent noise impacts.
- 9.8 As a result it is considered that the applicant has failed to provide sufficient information to determine that the principle of residential development, and specifically this scheme as designed, would be acceptable 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 the following mix:

- 5 x one bed flats
- 6 x two bed flats

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

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

10.3 Some flexibility can be exercised in relation to the table above depending on the location of development and the characteristics of the surroundings. In this instance the scale of development, at 11 units, is not overly high and the even split between 1 and 2 bedroom units can be considered appropriate. It would not harm the goals of achieving a sustainable, inclusive and mixed community. The housing mix is therefore acceptable in light of Core Policy 4 of the Core Strategy.

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 application was submitted with limited detail beyond 4 elevations for

the proposed building. There is no streetscene details and no visualisations of the scheme to aid assessment. The applicant has since submitted amended plans that show the proposal in the context of the adjacent buildings to the east and west.

- 11.3 The form of the building as proposed is a single block with a rectangular footprint sited at the southern part of the site. The building was originally proposed to be faced in buff brick with a clay tile roof. A uniform arrangement of windows and doors were shown on the front and rear elevations with both sides left blanks aside from the entrance to the upper floor flats shown on the east elevation. The roof is proposed as a crown roof which pitches to a certain extent before creating a large flat roof area.
- 11.4 The case officer wrote to the agent upon reviewing the design to outline a number of concerns with the proposal as submitted. Ultimately the design for the scheme was not considered to be of high quality and it would not amount to an enhancement of the area. A redevelopment proposal such as this provides, in principle, a blank canvas for detailed designs and the Council should not settle for development that does not reach a high standard of design. The design also created a number of amenity concerns through the provision of a communal area to the south of the site that would result in harm to the ground floor units that would be adjacent to it through loss of privacy.
- 11.5 The applicant submitted amended plans which added balconies to the north and south elevations and removed one of the second floor units to replace it with a roof terrace that is a covered area that is enclosed with obscure glazing. This change reduced the number of units proposed to 11. Other amendments were to change the external facing materials to include hanging tiles and red brick courses and the inclusion of a front projecting roof gable that does not have a central ridge and is also not shown on the roof plan.
- 11.6 While the extent of proposed changes are noted they are not considered to address the design concerns raised. The proposed development is considered to result in a non-descript design that does not maximise the potential to enhance the character of the area.
- 11.7 It can be seen that the proposed design has sought to reflect the external appearance of Charlcot Mews and Holly Court but this would not necessarily achieve what would be regarded as high quality design. The facades generate little visual interest and the amended plans, through the provision of large roof overhang and obscure glazed screen will detract further. There is no principal entrance to the building which would accentuate a principal elevation. Instead the majority of residents would enter through a side door off an alley. The roof gable does not reflect enough of an evolution in design to address the concerns.
- 11.8 Paragraph 130 of the NPPF states that ... *'Permission should be refused*

for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...'

Therefore the concerns raised above reflect the advice of the NPPF.

11.9 It goes on to say, in para 131 that:

'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

11.10 It is considered that the proposed development is not innovative and the design fails to raise the standard of design in the area. The changes are noted however inclusion of a roof terrace as designed is considered to detract further from the quality of the scheme. The NPPF is clear in stating that good design is a key aspect in achieving sustainable development stating that planning decision should ensure developments are visually attractive and add to the overall quality of an area. It is considered that this proposal as currently submitted, in spite of the submitted changes, fails to achieve this.

11.11 Based on the above the proposal would have an unacceptable impact on the character and visual amenity of the area and therefore would not comply with Policies EN1 and EN2 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the NPPF 2012.

12.0 **Impact on amenity of neighbouring occupiers**

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 nearest residential properties to the application site are immediately to the east and north. Land uses to the south and west are non-residential.

12.3 In respect of outlook, the building as designed proposes windows with outlooks to the north and south only which would have outlooks over the parking forecourt on the application site and the lot for the used car site to the south. To the north the windows will look towards the flats at Charlot Mews but the distance between the proposed building and this existing building is suitable enough to ensure there would be no adverse overlooking impact.

12.4 The outlooks to the direct south would not have any adverse impact on

residential amenity due to the adjacent land use to the south. However to the south east there is a building with flats forming part of Holly Court. The south facing windows at the south eastern corner of the will have an indirect outlook towards these windows but the amended plans showing the balconies would exacerbate an impact as the first floor balcony would allow for a more direct outlook to these windows on the neighbouring building. It is considered that this results in a significant adverse impact on neighboring amenity through overlooking to the extent that there is detriment to amenity.

12.5 As stated above the building, at 3 storeys in height, results in a bulky addition to the streetscene which is exacerbated by the roof structure. Consideration therefore falls to whether or not there are any overbearing impacts. Again, due to the nature of land uses to the west and south, there would be no overbearing impact. Similarly, the distance between the proposed building and Charlot Mews would mean that, while the building is visible, it would not be overbearing.

12.6 There are concerns over a potential overbearing impact to the east. The immediate east shows the proposed building abuts the existing building housing the flats at Holly Court. The relationship between the proposed building and Holly Court is such that the proposal is immediately southwest of its neighbour. The relationship is such that the building will be indirectly in the outlook of south facing windows of Holly Court. As the building is 3 storeys in height with a roof there is concern that the relationship between the two buildings would result in an overbearing character and loss of light in the afternoon/evening to the south facing windows of Holly Court.

12.7 The applicant has to provide any daylight/sunlight assessment with the application to demonstrate that there would not be an adverse impact. The south facing windows at Holly Court serve, according to the approved plans for that site (ref P/12995/000), living rooms and bedrooms and it is considered that these rooms would have the extent of natural light and sunlight they receive adversely affected by the proposed development. The applicant has failed to provide any information with the application that would demonstrate that this is not the case and therefore it is considered that there would be a significant adverse impact on the amenity of neighbouring residents through an overbearing and loss of light to the detriment of the enjoyment of those units.

12.8 For the reasons described above the submitted scheme is considered to have an adverse impact on the amenity of the occupiers of Holly Court through overbearing impact, loss of light and overlooking of the upper floor accommodation of 33 Elmshott Lane. The proposal is therefore considered to be contrary to 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 scheme as designed show that all units will be acceptable in size in respect of the national prescribed space standards.
- 13.4 The originally submitted plan showed a communal area proposed to the south but this would have resulted in privacy impacts to the ground floor units that faced this area as no separation ad been proposed. I the amended plans the applicant has added balconies to the first and second floor units and private garden areas to the ground floor units. Each unit therefore has private amenity space although it is noted that the ground floor units that fact north would not have an ideal level of privacy as all residents would pass the private gardens and be able to look into these areas.
- 13.5 As mentioned above the amended plans also include a 'roof terrace' which is proposed as a covered enclosed area at second floor level that is entirely enclosed with obscure glazing. Regardless of the considerations on design impacts of this element, it provides a communal area for occupies but it would not have an outlook and would have a boxed in character. It is considered to provide little I the way of amenity value, particularly when each unit has its own amenity space proposed.
- 13.6 The application was not submitted with a noise assessment included. Such assessments are used to determine what ambient noise levels there would be at the site during the day and night. Areas where there are noise impacts mean that mitigation proposals might be required such as non-opening windows which would in turn require mechanical ventilation of units. The requirement for this report was raised with the applicant but they have refused to submit one, giving reasons why one was not necessary.
- 13.7 The concern with this site is that there is a commercial garage immediately adjacent the site to the west and a car dealership to the south. Certainly the commercial garage raises concerns in principle over noise outputs from that site and the impact on the proposed units. It is a common requirement for residential development to include noise assessments to demonstrate amenity levels. The absence of such a report with this application means that it is not possible to determine is suitable amenity levels can be achieved. Given the proximity of the use to the site it is not appropriate to require this detail by condition as the findings are necessary to determine the principle of development and would in from detailed designs of the scheme.

13.8 Based on the above, the living space and balcony space would appear to be in accordance with the NPPF and the Development Plan although it is noted that there are design concerns with this application that could affect provision on a revised scheme. However the applicant has failed to demonstrate that suitable levels of amenity can be provided for this development in respect of noise levels when considering adjacent land uses. Therefore the application has not been shown 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.

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 Highways Officer made comments highlighting a necessity for a large amount of detail required in order to be able to assess the scheme. The applicant did send amended plans in response but the detail received is not considered to address the original comments.

14.3 It is noted that matters relating to the clarification of trip generation and waste/servicing arrangements have not been addressed. These are matters that require addressing prior to determination and would not be suitable to be left as a condition. Without this information it is not possible to confirm if the layout as proposed is suitable for a residential use and that the traffic generated by the proposed use is reflective of the scale of development proposed.

14.4 The amended plan has shown the proposed parking and access layout in greater detail than originally submitted. The additional comments received from the Highways Officer acknowledge that he details cannot be considered acceptable as they cannot be scaled and the details submitted does not show that suitable visibility can be achieved and has stated that either visibility needs to be achieved or a speed survey is carried out on Bower Way to establish appropriate splays.

14.5 The Highways Officer has stated the development would require electric vehicle charger points for each dwelling. As there is 1 space per dwelling proposed, this requirement would then apply to all parking spaces. This

would be secured by condition should the scheme have been considered acceptable.

14.6 It is also noted that, should the scheme have been found to be acceptable, the applicant would have been required to enter into a legal agreement to undertake a Traffic Regulations Order to provide a parking restriction along Bower Way to ensure that the access would be safe. The absence of any suitable information in this application means it does not demonstrate that vehicles can enter and leave the site safely given the extent of street parking that is prevalent in the area.

14.7 On the basis of the level of information provided the applicant has failed to demonstrate that the proposed redevelopment of the site would not have an adverse impact on highway safety and convenience and therefore the scheme is not considered to be in accordance with Policy 7 of the Core Strategy and Local Plan saved policies T1 and T8.

15.0 **Sustainable Design and Construction**

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

15.2 No information has been provided in respect of energy efficiency and sustainability. The plans do not show any sustainable development proposals although it is noted that the planning statement advises that there is 'potential' for rainwater harvesting and PV panels due to the flat roof proposed.

15.3 The applicant has not provided any information to demonstrate, or show a commitment to, that the development would achieve a carbon emissions rate that is 15% lower than Building Regs requirements and therefore the scheme is unable to show any benefits to this extent.

16.0 **Crime Prevention**

16.1 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.

16.2 No comments have been received from the Crime Prevention Design Advisor. It is noted that the entry to the building can be made secure. The site layout shows an access at the western extent of the site from Elmshott

Lane and this could cause concerns as it could make the site accessible in an area that has little to no surveillance.

- 16.3 Should the proposed development have been considered acceptable, a condition would be added to a consent that would require the development to gain a secured by design accreditation. The absence of any information on this proposal means that there can be no perceived security benefits from the scheme.

17.0 Surface Water Drainage

- 17.1 The site lies within Flood Zone 1 and is in an area that is not considered to be a high flood risk.

- 17.2 The Leal Local Flood Authority has considered the application and asked for a suite of information to enable them to consider any potential impact on flood risk. The applicant has not provided any information and instead submitted an amended plan that labelled the approximate location of a soakaway.

- 17.3 It is noted that the applicant's statement has proposed drainage systems in the form of rainwater harvesting and surface water drainage to soakaways however this information is not sufficient enough for this planning application, as reflected in the comments from the Flood Authority.

- 17.4 The amended plan does not provide the information required by the Flood Authority and does not provide a suitable alternative to what was requested. As a result the proposed development is not acceptable in light of Policy 8 of the Core Strategy.

- 17.5 It is noted that Thames Water have comments and raised no objections. This consultant considers the capacity of existing waste and water infrastructure to accommodate new development which is a different consideration from the Lead Local Flood Authority. Therefore the Thames Water comments are not an alternative to the Flood Authority's view.

18.0 Air Quality

- 18.1 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.

19.0 Determination approach

- 19.1 The application is brought before Members in its current guise as it was felt that the issues that need to be addressed and the changes that would subsequently be required were too significant to be dealt with by an amendment and would require a resubmission afresh. It should be noted that the application was submitted without any pre-application discussion

from the applicant which would have raised issues prior to submission and advised on solutions and requirements.

19.2 Paragraph 128 of the NPPF addresses design approaches and states:

128. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

19.3 The concerns were raised with the applicant and it was recommended that the application be withdrawn so that there could be pre-application discussions or for the applicant to consider a revised proposal. This was rejected by the applicant on more than one occasion which has subsequently led to the report coming before the Committee.

19.4 The NPPF does require a proactive approach to bringing development forward however it is clear that this is a requirement on the part of the Council and the developer. It places great weight on the benefits that pre-application discussions can bring and encourages Councils to promote this. The Council did promote this with the applicant but the reluctance to adopt this approach has resulted in the need to determine the application as submitted. The applicant has chosen not to submit for preapplication discussions and have chosen not to engage proactively with the Council before the application was submitted.

19.5 There is no obligation on Council to take a scheme with a number of issues and negotiate through the application process to the point it can be supported. If a permission for a proposal can be achieved then Officers will seek to work with the applicant however this proposal has a number of significant issues that has resultant from concerns with the merits of the scheme and a substandard level of information submitted.

20.0 Planning Balance

20.1 The Council is currently unable to demonstrate a deliverable 5 year housing land supply. As a result Paragraph 11 of the NPPF is engaged. This means that sustainable development proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

20.2 In consideration of whether or not development is sustainable, para 8 of the NPPF set out 3 objective that should be met in order for a scheme to be considered sustainable development; the economic, social and

environmental objective.

As a result of the issues raised above, the proposed development is not considered to meet either the social or environmental objectives of paragraph 8 and therefore does not amount to sustainable development in the eyes of the NPPF. However, for information the proposal has been balanced in accordance with the requirements of Paragraph 11.

20.3 In the application of the appropriate balance, it is considered that there are significant benefits from the provision of 11 residential units in a sustainable location. However the proposed development is not considered to be of a high quality design and will have a significant adverse impact on existing residents while being unable to demonstrate that appropriate amenity levels can be achieved for occupiers of the proposed scheme. Furthermore the applicant has failed to demonstrate that the scheme is acceptable in drainage and highway terms.

20.4 The adverse impact of the issues identified above significantly outweigh the benefit of housing provision and therefore, on balance it is recommended that planning permission be refused.

21.0 PART C: RECOMMENDATION

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

1. The applicant has failed to demonstrate, through the lack of any noise assessment undertaken at the site, that the site and the design of development proposed, is acceptable in principle. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal can achieve a suitable level of residential amenity for future occupiers when taking account of adjacent land uses. The proposal is therefore contrary to Core Policies 4 and 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF.
2. The proposed development would, by virtue of its bulk and detailed design, result in a contrived and presumptuous design that would not help to achieve a high quality of design and would not enhance the quality of the built environment. The proposal is therefore contrary to policies EN1 and EN2 of the Local Plan for Slough March 2004 and Core Policy P8 of the Local Development Framework Core Strategy 2008 and the requirements of the NPPF.
3. The proposed development, by virtue of the scale, bulk and siting, would result in an unacceptable loss of amenity to neighbouring residents at Holly Court by way of an overbearing character, loss of light and loss of outlook. The applicant has failed to demonstrate that there would be no significantly adverse harm and the proposal

is therefore contrary to Core Policy 8 of the Local Development Framework Core Strategy 2008 and Policies EN1 and EN2 of the Adopted Local Plan.

4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on surface water drainage which could lead to flooding. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.
5. On the basis of the information submitted with this application, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposals would not have an unacceptable impact on highway safety and convenience which could lead to inadequate parking, access and servicing arrangements for the development proposed. The proposal is therefore contrary to Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document and the requirements of the NPPF 2018.

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 23rd June 2021
CONTACT OFFICER: Howard Albertini, Special Projects Planner
(For all Enquiries) (01753) 875855
WARD(S): All.

PART I
FOR DECISION**DEVELOPER CONTRIBUTIONS FOR NATURAL HABITAT AT UPTON COURT PARK****1. Purpose of Report**

To seek agreement to the principle of seeking developer contributions via Section 106 planning obligations for increasing natural habitat at Upton Court Park and other recreation spaces in Slough to address the Council's duty under the Habitat Regulations as Local Planning Authority re reducing visitor pressure, as a result of new residential development, on sensitive habitat at Burnham Beeches (a Special Area of Conservation).

2. Recommendation(s)

The Committee is requested to resolve:

- (a) That the principle of seeking developer contributions via Section 106 planning obligations for increasing natural habitat at Upton Court Park and other recreation spaces in Slough is agreed.
- (b) That details of the precise contributions sought are incorporated in, initially, supplementary planning guidance and subsequently in a draft Supplementary Planning Document.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**3a. Slough Wellbeing Strategy Priorities**

The decision being requested is associated with priority 1 Strong, healthy and attractive neighbourhoods. The proposal provides an opportunity for recreation spaces in the Borough to be enhanced.

3b. Five Year Plan Outcomes

The proposal contributes to :

- Outcome 2: 'Our people will be healthier and manage their own care needs'.

Creating more natural habitat can help people enjoy nature locally and encourage outdoor recreation.

- Outcome 3: ‘Slough will be an attractive place where people choose to live, work and stay’. Natural habitat is seen as attractive an attractive feature by many people.

4. **Other Implications**

(a) Financial

The proposal provides an opportunity to gain income specifically for enhancing recreation spaces.

(b) Risk Management

Recommendation from section 2 above (abbreviated)	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
Principle of seeking developer contributions for natural habitat at Upton Court Park. Details of the precise contributions incorporated in supplementary planning guidance and subsequently in a draft supplementary planning	Non agreement risks Natural England objecting to some major developments.	Informal arrangement with Natural England and ad hoc requests to developers.		Adopt supplementary planning guidance and/or document to secure funding for natural habitat.

(c) Human Rights Act and Other Legal Implications - none

(d) Equalities Impact Assessment - none

5. **Supporting Information**

5.1 Burnham Beeches is designated a Special Area of Conservation under the European Habitats Directive¹ and is protected under the Habitats Regulations

(see 6.1 & 6.2 below for details). It is managed by the City of London and its southern boundary is just over 1 km from the north boundary of the Borough at Farnham Lane.

- 5.2 Under Habitat Regulations the Council as local planning authority has to take account of the impact of new development on Burnham Beeches as a Special Area of Conservation. Large new developments cannot be approved without a Habitat Regulations Assessment having been carried out to determine what impact new development might have on Burnham Beeches. And the Council has to be satisfied, through an Appropriate Assessment, that development can go ahead without a significant environmental effect on the Beeches either alone or in combination with other projects. National Planning Policy Framework para. 175 and Core Strategy policy 9 (Natural and Built Environment) are also relevant to this matter in terms of protecting natural habitat and biodiversity.
- 5.3 The City of London have found evidence of damage to biodiversity and the sensitive environment because of the number of visitors to the site (Footprint report Background Paper 4). They are now managing access to the site in various ways to limit further damage. New residential development in the surrounding area will create additional visitor pressure so the City of London, supported by Natural England and Buckinghamshire Council, seek ways to limit this pressure i.e. to mitigate it. In brief they seek ways to fund their continuing programme of access management, restoration work and creation of alternative natural or semi natural habitat spaces that can be used for informal recreation.
- 5.4 The aim of creating the above mentioned alternative recreation spaces is firstly to attract visitors who might have otherwise travelled to Burnham Beeches and secondly to improve biodiversity for the area in general that, in terms of context for the Beeches, helps support biodiversity as part of a network of spaces. People can enjoy regular walks in local woodland or an area with natural habitat without necessarily going to Burnham Beeches on a regular basis. This is particularly so for dog walkers.
- 5.5 The Council's Parks Team have prepared an Upton Court Park masterplan for general play/recreation enhancements including more natural habitat/biodiversity (details in Appendix A). Natural England have agreed that the natural habitat and related access improvements in the plan can make the Park more attractive for local recreation and improve its biodiversity in such a way that they would count as suitable mitigation regarding additional visitor pressure on Burnham Beeches linked to new development in the town. Other open spaces in the town can also be considered for similar enhancements in the future.
- 5.6 Where new residential development is likely to have significant environmental effects on Burnham Beeches to address the Council's duty regarding the Habitats

Regulations etc. it is proposed to require those residential developments to make contributions towards the identified Upton Court Park enhancements and potentially similar enhancements in other open spaces in the town. The contributions would be made via Section 106 planning obligations. It would only apply to development within a zone 5.6 km from Burnham Beeches (see plan at Appendix B;) a zone referred to in Footprint report (background paper 4) and used by Buckinghamshire Council. This zone covers the northern and western parts of the town up to and including the town centre.

- 5.7 This type of contribution requirement is found in other Council areas where development takes place near Special Areas of Conservation or similar environmentally sensitive sites. Buckinghamshire Council have introduced such a scheme (see 6.3 below).
- 5.8 Financial contributions for Upton Court Park have already been secured from the Akzo Nobel site redevelopment, agreed for the Montem Leisure Centre site and are under discussion for the Canal Basin/Stoke Wharf site. The earlier Horlicks site redevelopment secured contributions to Salt Hill Park enhancements and Burnham Beeches access management. This was agreed before the Upton Court Park masterplan had been prepared. The proposal for contributions is for money to be spent within the Borough of Slough not at Burnham Beeches.
- 5.9 Natural England have objected to some recent major new residential development planning applications. They withdrew their objection to the Horlicks and Akzo Nobel site schemes based upon the contributions secured as mentioned above. Whilst they agree the principle of contributions referred to above they have not withdrawn their formal objection to the Montem Leisure Centre and Canal Basin site planning applications (and some more recent applications) pending the Council formally adopting a Supplementary Planning Document to deal with the mitigation matter for all future residential development. Officers consider such a document whilst desirable is not necessary at present bearing in mind the principle of contributions is accepted and the existence of the Upton Court Park plan.
- 5.10 Subject to legal advice the Council believe current planning applications can be approved without the objections being withdrawn provided an Appropriate Assessment is carried out – a specific assessment, under the Habitats Regulations to show how any significant effects can be mitigated. But it is preferable for the objection to be withdrawn consequently it is proposed for the contribution requirement to be set out initially in published guidance and subsequently in a Supplementary Planning Document. It is hoped that Natural England will withdraw the objections if Planning Committee approve this developer contribution proposal or on publication of Guidance on the matter.
- 5.11 If approval is given by Planning Committee the contribution requirement proposal

can be published on the Council web site under the existing Developers Guide banner. This will make the Council's intentions clear to future applicants of residential developments. A full Supplementary Planning Document (SPD) (see 6.5 below for details) can be prepared for formal consultation and adoption by the Council later in the year. The resource and procedural implications of adopting this mean it cannot be done quickly. However an adopted SPD rather than just published guidance gives the contribution requirement greater weight when determining future planning applications. The SPD will be prepared under National Planning Policy Framework para. 174 & 175 plus Core Strategy policy 9 Natural and Built Environment and 10 Infrastructure (re leisure infrastructure).

5.12 The Council is already liaising with Natural England regarding the Upton Court Park Plan and the contributions. It will continue to do so in preparing the guidance and SPD. A draft SPD will be presented to Planning Committee before going out for consultation.

5.13 Before guidance or a SPD document is published some further work is required regarding the precise identification and costing of suitable Upton Court Park projects, or other projects in the town. The current Plan needs to separate out the natural habitat related projects. Further work is also needed to decide if a scale of charges is introduced dependent upon the type of development or its distance to the Beeches (See 6.4). And decide what threshold to use regarding size of development in relation to application of the requirement.

5.14 At present about £ 3.5 million worth of relevant enhancements at Upton Court Park have been identified. A final figure will be established. The proposal is for large residential developments (to be defined precisely re the further work referred to above) within the 5.6km zone to contribute to suitable projects in the Upton Court Park Plan to a value of at least £ 3.5 million.

5.15 Any further refinement of the proposal will be reported on the meeting amendment sheet.

6 Further detail or additional background information.

6.1 Special Areas of Conservation (SAC) are within the top tier of nature conservation sites within England and are protected under the Conservation of Habitats and Species Regulations 2017 (as amended, hereafter referred to as the Habitats Regulations) and are stipulated in the National Planning Policy Framework (NPPF). This affords SAC with the highest level of protection in England's hierarchy of sites designated to protect the important features of the natural environment

6.2 The Habitats Regulations contend with the impact of developments and the impact

of Development Plans upon the SAC. Local Planning Authorities are identified as the “competent authority” for the purposes of determining whether a proposed development scheme or development plan document is likely to have a significant effect upon a SAC. This assessment must have regard to the SAC conservation objectives. The effect of the Habitats Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or Development Plan will not adversely affect the integrity of a SAC.

- 6.3 Buckinghamshire adopted in November 2020 a Supplementary Planning Document - Burnham Beeches Special Area of Conservation - Strategic Access Management and Monitoring Strategy. This document requires developers to contribute £2,024 per dwelling for mitigation irrespective of dwelling type or size of development in a zone between 0.5 and 5.6 km from Burnham Beeches. The sum was established by calculating total mitigation costs and dividing it by the current estimate of new homes proposed for the area within the zone.
- 6.4 Factors relevant to calculation of contribution . Whilst a flat charge per additional new home might be appropriate, as has been applied so far, consideration will be given to a sliding scale or criteria based charges. Criteria relevant to the charge per dwelling are type of home – house or flat, number of bedrooms, car ownership, distance to Burnham Beeches. All these factors could influence the likelihood of occupants visiting Burnham Beeches. Dog ownership is another factor but it is not practical for charges to reflect this other than reflecting separating houses and flats occupants of the latter being less likely to need to walk dogs. The threshold, in terms of size of development, when the contribution will apply needs to be established. Schemes of 100 net additional homes has been used as a threshold so far.
- 6.5 Supplementary Planning Documents cannot introduce new planning policy but provide more detailed advice or guidance on policies in an adopted local plan. They have to be prepared in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012, which includes a requirement for consultation. Once adopted they can be treated as a material consideration in decision-making.
- 6.6 Contributions agreed so far. The range of contributions recently agreed or being discussed range from approximately £ 350 to £ 380 per dwelling with different circumstances applicable to each site. This level of charge would broadly cover the costs of enhancement works at Upton Court Park taking account of expected growth of new homes over the new Local Plan period – to 2040 and allowing for smaller development sites not being caught by the requirement and not all development being within the 5.6km zone.
- 6.7 Viability It should be noted that where there is evidence that a development will not

be viable if all Section 106 obligations are applied the Council can agreed reduced contributions and that might include reductions in the mitigation contributions proposed re natural habitat.

7. **Conclusion**

A combination of evidence of greater numbers of visitors to Burnham Beeches causing damage to the sensitive and protected habitat – a Special Area of Conservation- and the Council's duty under Habitats Regulations consideration of certain planning applications needs to address these matters. New residential development can increase visitor numbers to Burnham Beeches but to mitigate this, where necessary, developer contributions under Section 106 planning obligations can fund appropriate natural habitat enhancements within Slough, to attract residents to alternative open spaces such as the natural habitat enhancements identified at Upton Court Park. To implement these enhancements approval is sought for developer contributions via Section 106 planning obligations to be made. In particular it will identify Upton Court Park works, of a certain value, that relevant developments would contribute to. The contribution requirement can be outlined in initially published guidance and subsequently adoption of a Supplementary Planning Document (SPD). The latter carries more weight when deciding applications and in addition it will allow Natural England to withdraw their current objections to some planning applications. Natural England have agreed the principle of the Upton Court Park enhancements and the Council is working with them re drafting guidance and SPD.

8. **Appendices Attached**

'A' - Summary of Upton Court Park enhancements re natural habitat

'B' - Plan to show the Burnham Beeches 5.6 km zone.

9. **Background Papers**

'1' Proposals for the development of an Upton Court Park Master Plan November 2020. Slough Borough Council; Open Spaces and Allotments Team.

'2' Objection from Natural England re planning application ref. P/07383/010 Montem.

'3' Objection from Natural England re planning application ref. P/07584/011

'4' Liley, D. (2019). Impacts of urban development at Burnham Beeches SAC: update of evidence and potential housing growth, 2019. Report by Footprint Ecology for Chiltern and South Bucks Councils.

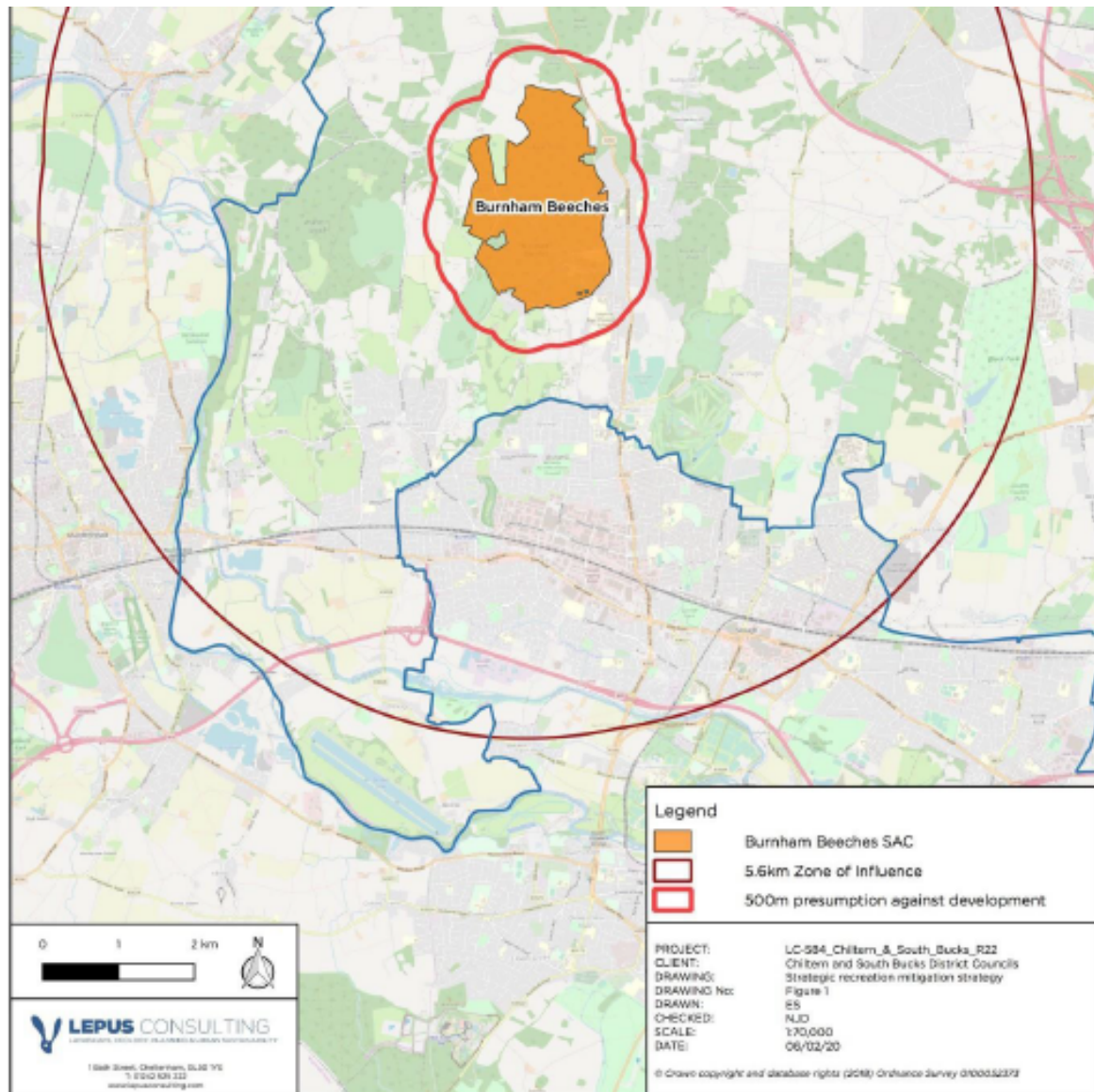
Appendix A

Upton Court Park masterplan – summary of enhancement elements and indication as to which are not supported by Natural England (NE) as mitigation re natural habitat/improved access .This is a draft list; it has not been finalised nor fully approved by the Council yet.

	Master Plan Elements		Elements not accepted by NE as relevant mitigation re natural habitat/access
1	Walking and cycling infrastructure	New walking path to main gate	
		Create continuous walking and cycling route in parks	
2	Blue infrastructure and wetlands developments	Central wetlands area	
		Pond and rill	
3	Improvements to the parks infrastructure	Removal of dead trees	
		Extra tree planting	
		New seating and bins	
4	Recreational landforms	Mounds and bunds	
5	Cycle sport, recreation and physical activity	Outdoor Velodrome	no
		BMX Track refurbishments	no
		Cycle training circuit	no
6	Assault Course	TuffMudder style	no
7	Play area improvements	Enhancements to existing play area	
8	Biodiversity and environment improvements	Bee corridors/ flower meadows	
		Interpretation boards	
		Community orchard and foraging trails	
9	Main Infrastructure	New main gate	
		New heritage style lights	
		Resurface main drive	
10	Events		
11	Park Ranger Service (per annum)	Vehicle, tools, ranger	
12	Visitor centre, café/restaurant and changing facility	New build - café / restaurant, changing facilities, community space / classroom.	no

Appendix B

Plan to show the Burnham Beeches 5.6 km zone overlapping Slough
(extract from Buckinghamshire Council SPD)



This page is intentionally left blank

SLOUGH BOROUGH COUNCIL**REPORT TO: PLANNING COMMITTEE****DATE: June 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/17511/004	15, Ward Gardens, Slough, SL1 5ED Retrospective application for a rear outbuilding and relocation of garage.	Appeal Granted 13 th May 2021
2017/00189/ENF	Golf Driving Range, Colnbrook Alleged unauthorised car parking	Notice Varied / Upheld 26 th May 2021
P/17989/001	26a, Chalvey Road East, Slough, SL1 2LU Conversion of loft into habitable room and insertion of a side and rear dormer and 2no. front rooflights	Appeal Dismissed 2 nd June 2021



Appeal Decision

Site visit made on 16 March 2021

by **Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th May 2021

Appeal Ref: APP/J0350/D/21/3269332

15 Ward Gardens, Slough, SL1 5ED

- 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 Mr B Qejvani against the decision of Slough Borough Council.
 - The application Ref P/17511/004, dated 12 December 2019, was refused by notice dated 20 January 2021.
 - The development proposed is for an outbuilding and relocation of garage.
-

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding and the relocation of a garage at 15 Ward Gardens in accordance with the terms of the application, Ref P/17511/004, dated 12 December 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 Rev P2.
 - 2) The building hereby permitted shall not be occupied until the windows on the rear elevation facing the boundary with No. 13 Ward Gardens have been fitted with obscured glazing, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 3) The fence on the boundary with 13 Ward Gardens shall be retained and maintained at 1.8m in height (the height measured from ground levels on the side of 15 Ward Gardens). The fence shall be maintained as such for the duration of the development hereby approved.
 - 4) The development hereby approved shall be completed in materials to match the main property.

Main Issues

2. The appeal raises 2 main issues:
 - The effect of the proposal on the character and appearance of the street scene, and
 - The effect of the proposal on the living conditions of occupiers of a neighbouring property by reason of overshadowing.

Reasons

Character and appearance

3. The appeal site is a semidetached property located on a corner plot adjacent to a pedestrian footpath serving Cippenham Village Green. At the end of the footpath is a short drive which links the rear of the appeal site to Lower Cippenham Lane. The rear boundary of the site lies by properties in Rodwell Close.
4. At the time of my site visit building works had largely been completed.
5. The flank boundary to the footpath includes a high metal fence and gates which obscure views of the proposed building. There is effectively no streetscene at this point given the site's relationship with neighbouring properties. The proposed buildings can hardly be seen from the pedestrian footway at the side of the appeal site or from across the adjacent public open space.
6. The proposed scheme differs from a permission in 2018¹ for a rear outbuilding. The permitted scheme would have included an outbuilding separate from an existing garage in the rear garden, which would have extended across the garden away from the main property. In the original permission the flank wall of the outbuilding and the rear wall of the garage would have been close to the boundary with No.13 Ward Gardens. There would have been a small gap between the 2 buildings along this boundary.
7. In contrast the proposed building, has been re-orientated along the boundary shared with the neighbouring property and extended to include a relocated garage.
8. The combined structure would have a total floorspace less than of the approved scheme and the outbuilding would have a shallow pitched roof of similar design to that originally proposed. The garage has a separate shallow pitched roof.
9. Saved Policy EN1 of the Local Plan (2004) and Policy CP8 of the Core Strategy (2008) require that new development respects its surroundings. These policies are amplified in published guidance². The appeal scheme is set well away from the flank boundary facing Cippenham Park and this together with the fencing means that it is largely obscured from views which could detract from the streetscene and Cippenham Village Green. It would not be dominant and out of keeping with the streetscene and its impacts are only marginally different from those of the permitted scheme.
10. For the above reasons, I conclude that the proposals would not adversely impact on the character and appearance of the street scene and would not conflict with Saved Policy EN1 of the Local Plan (2004) and Policy CP8 Core Strategy (2008) or published guidance.

Living conditions of neighbouring property

11. The proposed building would have a length of just over 10m along the boundary with the neighbouring property and would vary in height from its eaves to the ridge height at about 3.5m. However, for its most part this would be stepped away from the boundary due to the shallow pitch. The garage

¹ P/17511/000

² Slough BC Residential Extensions Guidelines 2010.

would lie adjacent to an existing shed in the rear garden of the neighbouring property.

12. The appellant owns the fence on the boundary between Nos.13 and 15 Ward Avenue and the appeal site. They have confirmed that a fence of up to 1.8m could be erected as part of the scheme. Whilst this would raise the height of the existing fence by several feet it would have the effect of reducing the impacts of the proposal on the neighbouring property without resulting in a loss of light. It would also reduce the potential for a loss of privacy from overlooking from the rear windows included in the building.
13. The degree of impact of the proposed scheme would be marginal when compared to the extant permission. Given its height to eaves the new building is only marginally higher than a normal garden fence. For this reason, it would not result in an increased sense of enclosure and overshadowing. A condition requiring extension in height of the fence between the appeal site and the neighbouring property would minimise the marginal impacts arising from the proposal.
14. For these reasons the proposed development would not conflict with Saved Policy EN1 of the Local Plan (2004) and Policy CP8 Core Strategy (2008) and published guidance.

Other Matters

15. Interested parties have raised various matters in respect of another property in the area. I do not have the details of this but the party could raise this with the appropriate authorities.

Conditions

16. I have imposed a condition in respect of the plans for reasons of certainty. Other conditions have been imposed regarding the materials to minimise the impact of the appeals on the character and appearance of the area. A further condition has been imposed to ensure that the 2 rear windows are retained in obscure glazing in order to reduce the risk of overlooking. Finally, a condition requiring the raising to the fence height to 1.8m to minimise the impact of the proposed scheme on the amenities of the neighbouring occupiers.

Stephen Wilkinson

INSPECTOR



Appeal Decision

Site visit made on 2 September 2020

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/J0350/C/17/3189567

**Land at Former Golf Driving Range, Galleymead Road, Colnbrook, Slough
SL3 0EN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Douglas Hepsworth of Lanz Group against an enforcement notice issued by Slough Borough Council.
- The enforcement notice, numbered 2017/00189/ENF, was issued on 19 October 2017.
- The breach of planning control as alleged in the notice is:
 - i. Without planning permission, the unauthorised material change of use of the Land from use as a golf driving range (D2) to use as a (B8) storage area and as a sui generis commercial car park.
 - ii. Without planning permission, the unauthorised development comprising the laying of hardstanding (approximately located and shaded green on the Plan).
- The requirements of the notice are:
 - (i) Cease the use of the Land as a commercial car park.
 - (ii) Remove the vehicles associated with the commercial car park from the Land
 - (iii) Cease the use of the Land for the storage of waste containers.
 - (iv) Remove the waste containers from the Land
 - (v) Remove the hardstanding from the Land
 - (vi) Remove the fences erected to facilitate the use of the Land for storage of waste containers and parking of vehicles (approximately marked blue on the Plan).
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. I note that the site is no longer used for the storage of waste containers, such that the enforcement notice may have been complied with in this regard. No waste containers were on the site at the time of my visit. Nevertheless, these were stored on the site when the notice was issued so I need to take them into account in coming to my decision.
2. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.

The Appeal on Ground (a) and the Deemed Planning Application

Background and Main issues

3. The Former Golf Driving Range, Galleymead Road, Colnbrook is located within the Green Belt and the appellant and Council agree that the proposed development would be inappropriate development within the Green Belt. As such, it would conflict with Policy CG9 of the Slough Local Plan (LP) and the Framework that seek to protect the strategic Green Belt gap between the Slough urban area and Greater London. I see no reason to disagree with their conclusions in this regard.
4. Consequently, the main issues are:
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the intrinsic character and beauty of the landscape and access to recreation;
 - The effect of the development on flood risk;
 - The effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site;
 - The effect of the development on air quality;
 - The effect of the development on ecology and biodiversity;
 - Whether there are other considerations weighing in favour of the development; and
 - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the proposal.

Reasons

Openness

5. The former golf driving range comprised a car parking area adjacent to Galleymead Road with buildings to the rear extending across much of the width of the land. Behind those buildings was a large grass area. The grass over the northern part of that area has been replaced with hardstanding that has since been used for storage of waste containers and as a commercial car park.
6. Galleymead Road forms the access through an industrial estate, with substantial buildings and hardstanding to the north and west of the golf driving range. Over Bath Road to the south is residential development and woodland. To the east is the M25 motorway.
7. The development has resulted in the covering of much of the previous golf driving range with a substantial amount of hardstanding. This is visible through the trees from Bath Road on the approach to the bridge over the M25 and from the bridge itself. This results in further hardstanding within the substantial developed area in the vicinity of the site. This adds to the visual effect of built development on the site and reduces the amount of planting that would otherwise relieve the harsh appearance of surrounding built development.

8. Albeit of a somewhat transient nature, the uses for storage of waste containers and parking of vehicles on this hardstanding further results in harm to the openness of the Green Belt in spatial terms, over and above the visual effect of the hardstanding.
9. For these reasons, I conclude that the additional hardstanding along with its use for waste storage and commercial parking harms the openness of the Green Belt. As such, it is contrary to Core Policy 2 of the Slough Local Development Framework Core Strategy (CS) and the Framework that seek to preserve and enhance private and public open spaces and keep land within the Green Belt permanently open.

Landscape and recreation

10. The former golf driving range is located within Colne Valley Park and comprised an open green space to the rear of the buildings fronting Galleymead Road. Development on Galleymead Road otherwise comprises industrial and commercial buildings typical of an industrial estate. To the rear of the site is the M25 motorway with a strip of countryside between that and Heathrow airport. There is residential and industrial development to the opposite side of Bath Road to the side of the site, with treed open space closest to the M25 over which Bath Road crosses. Given the developed nature of Colnbrook and Heathrow airport, the site materially contributed to the landscape character within the limited strip of countryside separating these developments both in terms of its green appearance and its recreation use.
11. The development introduced hardstanding and open storage onto the land that extends commercial development into the green space adjacent to the urban area of Colnbrook. It extended the built commercial development of the industrial estate. Although hidden to some extent by the bund adjacent to the parking and open storage, this harms the landscape character of this area and reduces its contribution to the strip of countryside between Colnbrook and Heathrow airport.
12. I note that a landscaping condition could be applied to require further screening to the development. However, any planting would take some time to establish and it is unlikely to fully disguise the development such that some harm to the surrounding landscape would remain.
13. The land was previously used as a golf driving range. That use ceased prior to the use for car parking and outside storage having commenced. Nevertheless, these uses reduce the likelihood of the land returning to a recreational use, whether as a golf driving range or another open recreational use.
14. For these reasons, I conclude that the hardstanding and uses for storage of waste containers and parking of vehicles harm the intrinsic character and beauty of the landscape and reduces access to recreation. As such, this is contrary to Policy CG1 of the LP and the Framework that seek to maintain and enhance the landscape of the Colne Valley Park, resist urbanisation of areas of countryside and provide opportunities for countryside recreation.

Flood risk

15. The majority of the hardstanding and uses for storage of waste containers and parking of vehicles is located within flood zone 3 where there is a high probability of flooding. The formation of hardstanding on the land will have

altered the flood characteristics of the site. Storage of containers and parking of cars will remove capacity from the floodplain.

16. Taking these factors into account, the hardstanding and uses of the land has reduced the capacity of the floodplain, which will increase the flood risk in the area and downstream.
17. For these reasons, I conclude that the development has increased flood risk contrary to Core Policy 8 of the CS and the Framework that seek to ensure development is safe, where it will not increase the risk of flooding elsewhere or reduce the capacity of the floodplain.

Highway

18. The access to the storage area for waste containers and car parking uses a previous access to the site. However, the use for storage and parking of cars has increased the intensity of use, with more vehicles coming and going to the facility and using the surrounding road network. The parking is related to Heathrow airport and adds capacity and choice for travellers using the airport.
19. The access to the site is close to the junction of the access to this and neighbouring industrial premises with Galleymead Road that could lead to conflict between vehicles using these junctions. However, it is unclear how much additional traffic is using the access compared to the previous use. Given the proximity of those junctions, it is likely that any increase in traffic has resulted in some harm to highway safety and convenience.
20. The car parking is located a short distance from the airport, such that it results in additional vehicle journeys. It would not reduce the need to travel and, given its location away from the airport, it would not be in the most accessible location.
21. I accept that it would provide additional choice of parking for users of the airport and may contribute to the need for airport parking, taking account of the potential expansion of Heathrow in the future.
22. Taking account of the above, on balance I conclude that the hardstanding and uses for storage of waste containers and parking of vehicles would have an adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, it conflicts with Core Policy 7 of the CS that seeks development to be sustainable and located in the most accessible locations thereby reducing the need to travel.

Ecology and biodiversity

23. The Framework states that development should minimise impacts on and provide net gains for biodiversity. Whilst no specific harms have been identified to ecology and biodiversity, neither have I had my attention drawn to any net gains. Consequently, on balance, I conclude that the development does not comply with the requirements of the Framework in relation to ecology and biodiversity.

Air quality

24. The Council allege in the reasons for issuing the notice that the storage area for waste containers and car parking has contributed to worsening air quality in the area. It is unclear how the uses have contributed or what Local Plan

policies may be relevant. This may relate to the increase in vehicle traffic, although I do not have sufficient evidence to conclude whether the effects are material. On that basis, on balance I conclude that the development has not had a material effect on air quality.

Other considerations

25. I understand that the appeal site falls within the area that would be used for diversion of the M25 as part of the Heathrow Airport third runway proposals and siting of an emergency shaft within the consultation by Network Rail of the Western Rail Access to the airport. However, it is uncertain whether either or both of these proposals will proceed such that I can only give these modest weight in coming to my decision.
26. The site has previously been used as a temporary compound by Network Rail that altered the character of the use for that period. However, that use has ceased. Whilst the land may constitute previously developed land, its appearance reflected the previous golf driving range use. Consequently, this carries limited weight in the balance.
27. I note that the car park at the former golf range is currently used, with planning permission, for parking in relation to the surrounding industrial estate. However, this was an existing parking area such that it does not add more than very limited weight to the factors in favour of the development.
28. The skip storage at this site would form overflow storage when other storage is not available or full. This use supports the increase in recycling rates from the contents of the skips. The appellant owns a large number of skips and I have given this limited weight in coming to my decision.
29. A need for additional parking to serve Heathrow Airport has been suggested to support the provision of this car park. However, no detailed statistics and analysis of the parking needs of the airport have been provided such that the need has not been proven. Consequently, I can only give limited weight to this factor.
30. Reference is made to the use only continuing for a period of three years. However, any harm to the Green Belt or any other harm would continue for that period. Consequently, whilst I have taken the potential for a temporary grant of planning permission into account, this can only carry modest weight in the overall balance.

Conclusion

31. I have concluded that the proposal is inappropriate development that harms the openness of the Green Belt. In addition, I have concluded that the development harms the intrinsic character and beauty of the landscape, the safe and efficient operation of the highway network, ecology and biodiversity, and has resulted in an increased risk of flooding.
32. I note that the appeal site may be developed as part of the Heathrow Airport third runway proposals and/or the Western Rail Access to the airport, that the adjacent car park is in use for parking relating to the surrounding industrial estate, the need for skip storage and contribution to recycling rates, and need for additional parking for Heathrow. I have also considered whether a

temporary grant of planning permission may be appropriate. However, none of these matters attract more than modest weight.

33. Taking all the above into account, I consider that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations, either individually or cumulatively, sufficient to demonstrate very special circumstances. Therefore, the proposed development is contrary to Core Policy 2 of the CS, Policy CG9 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.
34. On the basis of the above considerations, I conclude that the development does not accord with the development plan. The appeal on ground (a) therefore fails.

The Appeal on Ground (g)

35. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
36. I understand that bookings for the airport parking can be made at least 12 months in advance. These would need to be cancelled were the appeal under ground (g) to fail. The appellant has, therefore, requested the 2 month period specified in the notice for compliance be extended to 12 to 18 months. It is unclear whether the company using the parking area have other facilities elsewhere or could obtain alternative accommodation for the parking. The impact of the coronavirus restrictions on travel and how they have affected the demand for parking are also unclear.
37. In addition, the appellant suggests that it would take some time to remove the hardstanding and fences as required by the enforcement notice. The appellant suggests that earth moving equipment would be required and that it would take at least 6 months to reinstate the land. I accept that, given the substantial size of the site, it would take some time to carry out the works once all the vehicles have been removed. Nevertheless, I consider the period requested is excessive but will amend the enforcement notice to require a period of 4 months.
38. For these reasons, I conclude that the appeal under ground (g) should succeed.

Formal Decision

39. It is directed that the enforcement notice is varied by the deletion of 2 months and the substitution of 4 months as the period of compliance.
40. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen

INSPECTOR



Appeal Decision

Site Visit made on 18 May 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2021

Appeal Ref: APP/J0350/W/21/3268164

26A Chalvey Road East, Slough SL1 2LU

- 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 Mr Nazaqat Riasat against the decision of Slough Borough Council.
 - The application Ref P/17989/001, dated 13 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is the insertion of rear dormers and 2 x no. front roof lights to form habitable space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupants of number 24 Chalvey Road East.

Reasons

Character and appearance

3. The site is a semi-detached residential property containing two maisonettes located on a busy road, which includes a mixture of residential, retail and commercial premises. Whilst set back slightly, the appeal property is sited close to the pavement and benefits from large bay windows on the ground and first floors. There is an enclosed garden to the rear. The style and design of the appeal dwelling is typical of other residential properties in the surrounding area.
4. There is a pair of semi-detached houses very similar in appearance immediately adjacent to the appeal property. The two sets of properties are similar in design, frontage and roofscape, providing a symmetry between the dwellings which contributes positively to the general street scene.
5. The Slough Local Development Framework, Residential Extensions Guidelines Supplementary Planning Document (adopted January 2010) (SPD) sets out certain requirements for any proposed roof extensions and/or dormers which should be achieved before they can be considered acceptable. Guideline EX34 of the SPD says that dormers will normally only be permitted where there is a

minimum set in distance of 1 metre at either end of the main roof slope on which it sits and that the bottom of the dormer should be at least 1 metre above normal eaves level. Guideline EX34 also says that a dormer must not occupy more than 50% of the width of the existing roof slope on which it sits.

6. The proposed rear dormers fail to meet each of the guidelines highlighted above. This is true of both the dormer along the roof over the main part of the house as well as the roof which extends out from the rear of the property. Due to the conflict with the guidelines set out in the SPD, the additional bulk of the proposed dormers would be completely disproportionate to the size of the appeal property, causing substantial harm to its appearance, particularly from the rear.
7. Similarly, the significant scale and bulk of the rear dormer additions would cause a notable disparity with the roofs of neighbouring properties, including those immediately adjacent and other nearby dwellings of a similar style to the appeal property. This imbalance would be visually prominent and disruptive to the pattern of development in the area, which in turn would detract from the character and appearance of both the appeal property and the surrounding area.
8. Whilst I acknowledge there are examples of other residential properties with dormer features near to the appeal property, these are generally smaller and more proportionate in scale than the development proposed, and therefore more consistent with the surrounding roofscape.
9. For these reasons, the proposed development would be harmful to the character and appearance of the area, and would conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 – 2026), as well as Policies H13, H15, EN1 and EN2 of the Local Plan for Slough (adopted March 2004). Taken together, these policies require extensions to achieve improvement of the area through high quality design, be of a scale which is compatible with the existing property and be compatible with the surrounding area in terms of scale, bulk and visual impact.

Living conditions

10. As highlighted above, the proposed rear dormers would add significant bulk and mass to the roof of the appeal property, both along the roof of the main part of the house as well as the roof which extends out from the rear of the property. The rear dormers, which would affect almost the entirety of the rear roof of the appeal property, would have an overbearing impact on the occupiers of 24 Chalvey Road East, as the additional height and bulk would lead to an unacceptable sense of enclosure within both its rear garden, and the rooms to its rear.
11. The garden of number 24 and the rooms to its rear already experience a degree of overshadowing due to the height and siting of neighbouring properties. Any increase to the level of overshadowing experienced at number 24 would therefore be felt keenly by its occupiers. The additional height and bulk of the proposed dormers would invariably lead to an increased level of overshadowing at certain times of day. Whilst this increase would not be substantial, the impact would still be to the detriment of the living conditions of the occupiers of number 24 given the levels of overshadowing already experienced.

12. The additional height and bulk of the proposed development would create a feeling of enclosure to the rear of number 24 and would also lead to an increased level of overshadowing at its rear, both of which would be harmful to the living conditions of its occupiers. As a result, the development would conflict with Policy EN1 of the development plan and guidelines DP6 and DP7 of the Slough Local Development Framework Residential Extensions Guidelines (adopted January 2010). These policies state that any extensions should not be overbearing on neighbouring properties, nor result in significant overshadowing, loss of sunlight or daylight to neighbouring occupiers.

Conclusion

13. The proposed development would be harmful to the character and appearance of the area and to the living conditions of number 24, which is contrary to the development plan. For these reasons, I conclude that the appeal should be dismissed.

James Blackwell

INSPECTOR

This page is intentionally left blank

MEMBERS' ATTENDANCE RECORD 2021/22
PLANNING COMMITTEE

COUNCILLOR	26/5	23/6	28/7	15/9	13/10	10/11	15/12	19/1	16/2	16/3	13/4
Ajaib	P										
A Cheema	P										
Dar	P										
J Davis	P										
R Davis	P										
Gahir	P										
Mann	P										
Muvvala	P										
S Parmar	P										

P = Present for whole meeting
Ap = Apologies given

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

This page is intentionally left blank