

Date of issue: Tuesday, 17 May 2022

MEETING	PLANNING COMMITTEE To the Members of the Planning Committee to be appointed at the Annual Meeting of the Council on 19 th May 2022.
DATE AND TIME:	WEDNESDAY, 25TH MAY, 2022 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	MADELEINE MORGAN 07736 629 349

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.



GAVIN JONES
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

APOLOGIES FOR ABSENCE

CONSTITUTIONAL MATTERS

1. Declarations of Interest

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All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 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>
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3.	Minutes of the Last Meeting held on 13th April 2022	3 - 6	-
4.	Human Rights Act Statement - To Note	7 - 8	-

PLANNING APPLICATIONS

5.	P/01223/045 Langley Grammar School House, Reddington Drive, Slough, SL3 7QR	9 - 42	Langley Kedermister
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Officer's Recommendation: Delegate to the Planning Manager for Refusal.

MATTERS FOR INFORMATION

6.	Planning Appeal Decisions	43 - 68	All
7.	Date of Next Meeting - 29th June 2022	-	-

Press and Public

Attendance and accessibility: You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

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

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

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

PREDETERMINATION/PREDISPOSITION - GUIDANCE

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

Predisposition

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

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

Pre-determination / Bias

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

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

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Planning Committee – Meeting held on Wednesday, 13th April, 2022.

Present:- Councillors Ajaib (Chair), J Davis (from 6.35pm), Gahir, Mann, Muvvala and S Parmar

Apologies for Absence:- Councillors A Cheema, Dar and R Davis

PART I

106. Declarations of Interest

None.

107. Guidance on Predetermination/Predisposition - To Note

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

108. Minutes of the Last Meeting held on 23rd March 2022

Resolved – That the minutes of the meeting held on 23rd March 2022 be approved as a correct record.

109. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

110. 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 they had received and read it prior to the consideration of planning applications.

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.

Planning Committee - 13.04.22

111. P/12934/018 - Theale, Old Bath Road, Colnbrook, Slough, SL3 0NS

Application	Decision
<p>Outline planning permission with some matters reserved for the redevelopment of the site to provide 24 No. flats contained within 2 separate apartment blocks. Block C will contain 4 storeys and Block D will contain 5 storeys together with access parking and hard landscaping.</p>	<p>Having noted the Amendment Sheet, and the removal of the Holding Objection from the Environment Agency, delegated to the Planning Manager for approval subject to:</p> <ul style="list-style-type: none"> i) the satisfactory completion of a s106 agreement; ii) finalising conditions and pre-commencement conditions; iii) and any other minor changes. <p>Or, refuse the application if a satisfactory s106 Agreement was not completed by 31st October 2022, unless otherwise agreed by the Planning Manager in consultation with the Chair.</p> <p><i>(Councillor J Davis arrived after the Planning Officer had commenced the introduction to the report and therefore she did not vote on the application).</i></p>

112. P/01276/004 - 277-279 High Street, Slough, SL1 1BN

Application	Decision
<p>Outline planning permission (with matters of access, layout and scale) for the demolition of existing buildings on 277-279 High Street and redevelopment consisting three buildings, one of a single storey link building for cycle store and reception area, one ground plus six storey building to the front, one ground plus 12 storey building to the rear,</p>	<p>Withdrawn by the applicant.</p>

Planning Committee - 13.04.22

providing 99 No. residential flats and 2 No. retail/commercial units with 39 parking spaces and bin storage.	
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113. Members' Attendance Record

Resolved – That the record of Members' attendance for 21/22 be noted.

114. Date of Next Meeting - 25th May 2022

The date of the next meeting was confirmed as 25th May 2022.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.05 pm)

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

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

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

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

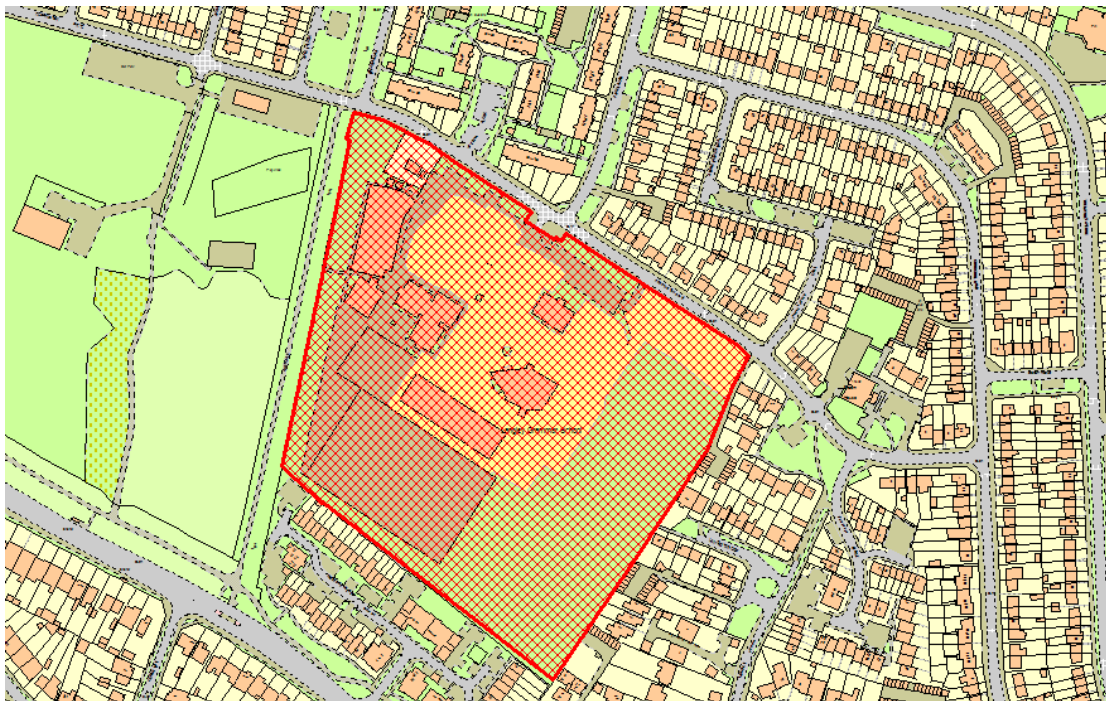
	OLD USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest 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

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Registration Date:	20-Jan-2022	Application No:	P/01223/045
Officer:	Christian Morrone	Ward:	Langley Kedermister
Applicant:	Mr. Robin Lomas, Excellare Ltd	Application Type:	Major
		13 Week Date:	21 April 2022
Agent:	Mr. Michael Gilbert, Mike Gilbert Planning Ltd. 62 Broadmarsh Lane, Freeland, Witney, OX29 8QR		
Location:	Langley Grammar School House, Reddington Drive, Slough, SL3 7QR		
Proposal:	Construction of 13no flats with associated landscaping and parking following the demolition of former caretakers dwelling and garage		

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, neighbour representations, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for REFUSAL for the following reasons:

1. The proposed development does not consist of family housing as defined by the Core Strategy within a suburban area and would result in the net loss of family accommodation. The proposal would therefore fail to comply with Core Policy 4 of the Core Strategy and the requirements of the National Planning Policy Framework 2021.
2. Insufficient information has been provided to demonstrate how surface water would be effectively drained from the site in accordance with the published standards by the government and the local planning authority. Therefore the site and adjoining land would be at risk of surface water flooding. The proposal would fail to comply with Core Policy 8 of the Core Strategy, the standards set out within the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016, the Government's Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015, and the requirements of the National Planning Policy Framework 2021.
3. By virtue of its siting, layout, design, scale, height and positioning, the proposal would appear overly dominant in the Reddington Drive streetscene which would cause harm to the character of the area and would not be in-keeping with the existing landscaped appearance of the site or the pattern of development in the area. The adverse impacts identified are symptomatic of the proposals being an inappropriate over-development of the site which the Local Plan policy indicates should be refused planning permission.. The proposal would therefore fail to comply with Policy EN1 and EN3 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021.
4. The application has not demonstrated the proposal would create a safe and suitable access and layout which minimises conflicts between traffic and pedestrians. It is considered the proposed vehicular crossover access is not sited in an appropriate position to facilitate the level of resulting traffic generation forecast to be created by the development. In addition, there is an absence of space for a

safe pedestrian route from the public footway through the vehicle access, car park and into the buildings and insufficient detail in relation to corner radii, visibility splays, and swept paths to demonstrate vehicles can enter and leave in a forward gear.. By virtue of the insufficient onsite parking provision, the proposal would increase on street parking demand in the area where on-street parking already appears to be operating at an over-capacity level, leading to vehicles parking in dangerous locations. The proposal would therefore result in an unacceptable impact on highway safety and would fail to comply with Core Policy 7 of the Core Strategy, Local Plan PolicyT2, and the requirements National Planning Policy Framework 2021.

5. Insufficient information has been provided to make a detailed assessment of the impacts on biodiversity as a result of the development. The proposal would therefore fail comply with Core Policy 7 of the Core Strategy, and the requirements of the National Planning Policy Framework.
6. By virtue of four of the proposed two bedroom flats being served by small balconies which are accessed through a bedroom, and no proposed external amenity space for a one bedroom flat, the proposal would not provide an appropriate level of external amenity space, and therefore would not result in a high standard of amenity for all future users. The application would therefore fail to comply with Local Plan Policy H14, Core Policy 4 of the Core Strategy, and the requirements of the National Planning Policy Framework.
7. Insufficient information has been submitted to determine the level of overshadowing caused as a result of the development. Therefore, in absence of this detail, by virtue of its siting, height, width, and positioning, the proposal would likely overshadow the neighbouring flats on the opposite side of Reddington Drive and result in the loss of sunlight to these properties. No sunlight study has been carried out to measure the loss of sunlight and therefore the extent of the loss of sunlight cannot be assessed. The proposed development has therefore failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.

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:

- Demolition of the existing caretakers dwelling and clearance of some trees
- Construction of a three storey detached building comprising 13 residential flats at a mix of 2 x 1 bed and 11 x 2 bed flats.
- Vehicular and pedestrian access via Redington Drive
- 14 Car parking spaces
- Landscaping and tree planting

3.0 **Application Site**

3.1 The application site is located on the southern side of Reddington Drive and neighbours Langley Grammar School to the east and south. The majority of the site comprises a two storey detached dwelling with a front and rear garden formally used as the school caretaker's dwelling. The site is accessed via a small vehicular access from Reddington Drive leading to a small detached garage to the eastern side of the dwelling. The dwelling is now vacant and the residential curtilage largely comprises overgrown shrubbery and a number of trees. There are a number of trees along the northern highway boundary which provide good screening into the residential curtilage. There are also a number of trees along the eastern boundary with the school and toward the rear of the residential curtilage. A stump of recently felled mature Lime tree by the western boundary of the residential curtilage is noted.

3.2 The site also comprises some undeveloped land to the western side of the residential curtilage which comprises overgrown shrubbery and a large tree stump of recently felled large mature Lime tree.

3.3 To the south the site neighbours a two storey pitched roof school building, and to the east the surface level parking serving Langley Grammar School. To the west is a strip of undeveloped land comprising shrubbery and trees. Further east is the north to south running public right of way footpath and further east is the public open space at Kedermister Park. To the north is the Reddington Drive and on the opposite side are three storey pitched roof residential flats. Further east and west on the northern side of Reddington Drive are two storey houses.

4.0 **Relevant Site History**

4.1 No planning history available for the application site.

The following at the neighbouring Langley Grammar School is relevant:

P/01223/036 Demolition of existing school block, phased construction of a replacement two-storey block and three storey block, with

amended parking and landscaping. Temporary construction of 1x2 storey admin block, 1x single storey dining/teaching block and site offices during construction.

Approved with Conditions; Informatives; 21-Dec-2018

[Implemented]

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 25/01/2022. The application was advertised in the 18/02/2022 edition of The Slough Express.

Three letters of objection has been received by a neighbouring residents, and one letter from the Ward Councillor objecting to the proposal with comments on material planning considerations relating to:

- The scheme is high density and is too many flats for the site
- Poor impact on the character and appearance of the area
- Very imposing building
- Use & colour of render not consistent with materials on other buildings in the area
- Out of keeping with the school
- Would cause a wind tunnel along Reddington Drive.
- Poor outlook from the flats opposite the site
- Loss of privacy to neighbouring residents
- Poor levels of privacy for future occupiers of the proposed development.
- Existing traffic congestion and parking in the area is bad and the proposal would make it worse due to increase traffic and not enough parking space on the site leading to cars parking on the highway and footways .
- The site is needed for its trees and wildlife which should be enhanced.
- No social housing is proposed

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:

Vehicle Access

SBC Highways and Transport request the submission of the following

additional information regarding vehicular access for the site:

1. SBC Highways and Transport require the applicant to submit a General Arrangement drawing of the proposed or existing site access which clearly displays access width, footway width, corner radii and visibility splays of 2.4m x 25m in accordance with the Manual for Streets requirements for a road subject to a 20mph speed limit. There should be no obstructions exceeding 600mm in height within the area required to provide visibility. The TS states that the required visibility will be provided, but does not demonstrate this on a drawing and therefore it is not possible to assess if suitable visibility has been provided. The proposed gate posts and fence/hedge would appear to restrict visibility.
2. SBC Highways and Transport request the submission of swept path analysis which demonstrates that a large car measuring 5.079m long can both ingress/egress the proposed development using the proposed access, when cars are parked opposite the site on Reddington Drive.
3. The on-street parking available on Reddington Drive may restrict vehicular access to the site and SBC Highways and Transport may require the developer to fund a Traffic Regulation order for the provision of a double yellow parking restriction opposite the site.
4. SBC Highways and Transport request confirmation that a new bellmouth junction will be provided rather than a dropped kerb crossover as shown on the proposed site plan.
5. SBC Highways and Transport request the provision of dropped kerbs and tactile paving where the footway crosses the proposed bellmouth.
6. SBC Highways and Transport request the provision of a dedicated pedestrian path between the public highway and reception lobby or the entrances to the rear of the proposed building to ensure pedestrian safety.

Without the submission of the above information, SBC Highways and Transport recommend refusal of the proposed development as it has not been demonstrated that safe and suitable access can be provided for all users in accordance with Paragraph 108 of the National Planning Policy Framework and Core Policy 7 of Slough's Core Strategy.

Trip Generation:

The Transport Statement produced by HJV Transport Consultants includes a forecast of the number of vehicle trips the proposed development would generate. The TS forecasts the proposed development will generate circa. 3 two-way vehicle trips during the AM Peak Hour and 3 two-way vehicle trips during the PM Peak Hour.

SBC Highways and Transport have no objection to the proposed development on the basis of trip generation which is likely to have a negligible impact on the capacity of the surrounding highway network.

Car Parking

SBC Highways and Transport request that the number of parking spaces on site is increased to comply with the 22 required by the adopted SBC Parking Standards.

14 car parking spaces are proposed for the 13 proposed flats, which would be a shortfall of 8 parking spaces given 22 parking spaces are required by the Slough Borough Council parking standards as shown in the table below:

Adopted Slough Parking Standards (Predominantly Residential Area)		
	Car Spaces per Dwelling	Spaces Required
1-Bedroom Dwelling (x2)	1.25	3
2-Bedroom Dwelling (x11)	1.75	19
Total		22

Source: Slough Developers Guide – Part 3: Highways and Transport (2008).

The Transport Statement submitted in support of the planning application included no supporting evidence for the proposed number of parking spaces in order to justify provision below the adopted SBC Parking Standards.

On-Street Parking:

Car parking at the proposed development should accord with the adopted Slough Borough Council Parking Standards given the surrounding roads are not subject to parking controls and experience high levels of on-street parking associated with the existing residential dwellings and Langley Grammar School.

The number of parking spaces provided should be able to accommodate all parked vehicles associated with the proposed development and should not lead to an increase in parked vehicles on the surrounding road network.

Disabled / Accessible Parking:

SBC Highways and Transport request that 5% of the parking spaces on site are designed to an accessible standard with a 1200mm access trip and markings for blue badge holder use only, in accordance with industry best practice.

Electric Vehicle Parking:

2 Electric Vehicle Charging Points (EVCP) are displayed on the proposed site plan which equates to EVCP provision for 10% of the proposed parking spaces

The Slough Low Emissions Strategy (2018 – 2025) allows 10% of spaces to be fitted with EVCP where a communal parking layout is proposed.

SBC Highways and Transport request confirmation that a communal parking layout will be implemented to allow flexible parking and use of the EV Chargers.

SBC Highways and Transport also seek confirmation that passive infrastructure for EV Charging will be provided on site for future activation and provision of additional EV Charging Points to serve the future uptake of electric vehicles.

Cycle Parking:

SBC Highways and Transport request that to improve security, the secure cycle store is accessed from within the entrance lobby to the building, rather than from an external door as is shown on the proposed site plan.

17 secure and covered cycle parking spaces are provided which exceeds the 13 required by the Slough Developers Guide – Part 3: Highways and Transport which requires the provision of 1 secure and covered cycle parking space per dwelling. The proposed site plan also displays short-stay visitor cycle parking for 4 bicycles, which is considered in accordance with the requirements of the Slough Developer's Guide.

SBC have no objection based on the number of cycle parking spaces proposed.

Deliveries, Servicing and Refuse Collection:

SBC Highways and Transport request confirmation of the delivery and servicing strategy for the proposed development and confirmation of the refuse collection arrangements for the site.

SBC require the provision of swept path analysis which demonstrates that there is suitable turning space within the site for a 7.5 tonne Luton Box van to ingress and egress the site in a forward gear. The site should be designed so that deliveries for the site associated with online shopping etc. can be accommodated on site to ensure that delivery vehicles are not stationed obstructing the public highway which would create a highway safety problem and a highway capacity problem by restricting the freeflow of vehicles along Reddington Drive.

SBC Highways and Transport request confirmation of the number of bins to

be provided on site. The number of bins provided should be in accordance with the SBC Guidance Document: Refuse and Recycling Storage for New Dwellings (December 2013).

Summary and Conclusions:

As outlined 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.

Recommendation:

Refusal

6.2 Thames Water:

No objections subject to informatives.

6.3 Neighbourhood Protection:

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

6.4 Lead Local Flood Authority:

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

[Note: No drainage strategy was submitted with the application].

6.5 Education Authority

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

6.6 Landscape Advisor:

The existing road side trees currently provide a useful screen to the caretakers house. They should be retained as a visible screen, managed at a height of 3 to 4 metres in height.

Tree T7 an A grade lime is situated within the school grounds the arboriculture report lacks information on how to protect the tree's root zone

during the construction phase of the development. A condition is required to provide protection during contraction in line with the Arboriculture drawing showing the tree's rooting zone.

There is a mention of porous paving concerning tree T7 after the development found in the submitted drawings. Condition; details required

The plans show a natural hedge and replacement trees planting for this site there is a lack of detail and specification to pass comments on. A landscaping detailed plan is required.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 National Planning Policy Framework 2021:

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

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 Policies)

EN1 – Standard of Design

EN3 – Landscaping Requirements

EN5 – Design and Crime Prevention

H14 – Amenity Space

T2 – Parking Restraint

T8 – Cycle Network and Facilities

Other Relevant Documents/Guidance

- 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 20 July 2021.

The National Planning Policy Framework 2021 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 2021, 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 2021 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 2021 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.

This site is not allocated for development within the emerging Spatial Strategy. 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 amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Crime Prevention
- Highways and Parking
- Surface water drainage
- Affordable Housing
- Infrastructure
- Impact on biodiversity and ecology
- Equalities Considerations
- Neighbour representations
- Presumption in favour of sustainable development

8.0 **Land Use**

8.1 The site is located within a suburban area of Slough and accommodates a two storey dwelling with front and rear gardens and off street parking. Part of the application site to the west of the dwelling is undeveloped land. The site is not allocated for development within the current local development plan or the emerging spatial strategy. The site is therefore regarded as a windfall site.

8.2 *Undeveloped land:*

The National Planning Policy Framework and Core Policy 1 of the Core Strategy encourage the use of previously developed land. However, as the undeveloped piece land site does not fall within any specific designations, there are no land use policies to resist developing on this piece previously developed land. Policies are in place to ensure the undeveloped part of the site is appropriately developed and this is assessed further in the report within the relevant sections.

8.3 *Provision of residential flats:*

Paragraph 69 of the National Planning Policy Framework states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities

should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

- 8.4 Core Policy 1 and 4 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document requires high-density housing to be located in Slough town centre. Core Policy 1 states elsewhere the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Core Policy 4 details that within 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. Within suburban residential areas there will only be limited infilling which will consist of family houses that are designed to enhance the distinctive suburban character and identity of the area.
- 8.5 Core policy 4 also states that there will be no net loss of family accommodation as a result of redevelopment.
- 8.6 The application site is not located within the town centre or an urban area and is within a suburban area. Therefore, as the proposal does not provide family housing there is a conflict with Core Policy 4. In addition, the proposal would result in the loss of the existing two storey dwelling with garden which is family accommodation which would also conflict with Core Policy 4. For clarity, the provision of one and two bedroom flats would not provide family housing and therefore the proposal would result in the net loss of family accommodation as a result of redevelopment.
- 8.7 While the site may be suited for redevelopment to provide new homes, the type of housing that would be lost and the type of housing proposed is not in accordance with Core Policy 4 of the Core Strategy. Appropriate weighting in the planning balance will be allocated in the 'supply of housing section' of this report.

9.0 **Supply of housing**

- 9.1 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.
- 9.2 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

9.3 Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework, the Local Planning Authority cannot demonstrate a Five Year Land Supply. The proposal for 13 residential units would make a contribution to the supply of housing, which could be built-out relatively quickly. Given that that the tilted balance is engaged, this contribution would in principle attracts positive weight in the planning balance.

9.4 *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

9.5 The proposal would include 2 x 1 bed flats and 11 x 2 bed flats. The proposal does not provide units where the need is most, and would also result in the loss of a three bedroom family house which where the need is most. As such, a moderate amount of positive weight would be tilted in favour of the supply of housing.

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

10.1 Policy EN1 and EN3 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy require development to be of a high standard of design which respects, is compatible with and/or improves and the character and appearance of the surrounding area. Chapter 12 of the National Planning Policy Framework states “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”.

10.2 The application site comprises a single detached dwelling with a garage to the side. The site contains a large amount of garden space and overgrown shrubbery and trees. A group of trees line the highway boundary with Reddington Drive and provide a pleasant feature in the streetscene. Two large mature trees appear to have been recently felled and would have interfered with the proposed development.

10.3 The application proposes to demolish the existing detached two storey house and detached garage and construct a three storey detached building to accommodate 13no. flats, along with hardstanding areas comprising access

and 14 car parking spaces. The existing group of trees lining the highway boundary along with four of the five existing mature trees and the majority of grass / scrub within the site would be removed to make way for the proposed development.

- 10.4 The proposed building would be positioned toward the front of the site. The western end of the building would extend further back towards the rear of the site. The vehicular access from Reddington Drive would be sited towards the eastern end of the frontage and pass the eastern side of the building to access the car parking area at the rear. Grassed areas are proposed to the western side and northern frontage along with small pockets of grass within the site. Six trees and a hedge are proposed along the highway boundary at Reddington Drive, and three trees towards the western side / southern rear of the site. It is noted there would be a considerable loss to the landscape value of the site.
- 10.5 The proposed building at its closest point (towards the northwest corner) would be positioned approximately 2.3 metres from the highway boundary with Reddington Drive. The proposed building to the east, then steps into the site twice along its front elevation to address Reddington Drive which curves towards the site. This increases the distance of the building from the highway to between 3 metres (min) and 4.5 metres (max).
- 10.6 While there are buildings within the vicinity of the site which are similar in scale to the proposal, there are none within the context of the application site which are in such close proximity to the highway. In front of the application site, Reddington Drive is a relatively narrow highway. The three storey block of flats on the opposite side of the road are set much further back from the highway with a good degree of soft landscaping and some tree planting between the building and Reddington Drive.
- 10.7 It is acknowledged that the top floor would be set back from the front elevation of the ground and first floor. However by positioning the building within such close proximity to Reddington Drive, the proposal would appear overbearing within the street. The proposals would therefore constitute an overly dominant and visually obtrusive feature in the streetscene. The six trees and hedging proposed along the highway boundary would do little to mitigate this impact.
- 10.8 The appearance of the building adopts a contemporary design using a mix of brick, render, small areas of metal cladding, and glazed balconies. No objection is raised to the principal of such an approach on this site. However, the layout of the proposal would be such that the building would be accessed at the rear. The northern street fronting elevation would include bedroom and bathroom windows, and a bin store. This has resulted in the elevations fronting Reddington Drive being relatively sterile and of limited architectural interest. In combination with the overly dominant and visually obtrusive impact in the streetscene, and the loss of soft landscaping and trees along

the street frontage, the proposal is not considered to be of a high standard of design which respects, is compatible with or improves and the character and appearance of the surrounding area. This would cause a substantial adverse impact to the character and appearance of the area.

- 10.9 Based on the above, the proposal would fail to comply with Policy EN1 and EN3 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021. Substantial negative weight should be applied in the planning balance.

11.0 Impact on Trees:

- 11.1 The application site contains five trees along the eastern side and northern rear boundaries and a group of mature trees along the northern highway boundary. Two trees appear to have been recently felled and would have interfered with the proposed development.
- 11.2 The existing group of trees along the highway boundary along with four trees along the eastern side and northern rear boundaries would be felled to make way for the proposed development. One tree (Sycamore) would be retained along the eastern boundary.
- 11.3 The submitted arboricultural report states that the trees to be lost are 'Category C' trees which are considered to be either / or - trees which are; low quality, limited merit, low landscape benefits, of limited life span, and / or young trees with a trunk less than 150mm. The submitted arboricultural report asserts that as a result of the trees falling within 'Category C', the trees to be lost should not be considered a significant constraint on the proposed development.
- 11.4 The category of the trees are acknowledged, however, it should be noted that cumulatively they do provide the site with well landscaped character which forms an important part of the street scene along Reddington Drive. The Council's landscape advisor has not recommended the trees are worthy of Tree Preservation Orders. No specific details regarding replacement tree planting and landscaping is provided, however, this could be secured by condition should the proposal be acceptable.
- 11.5 The Council's landscape advisor has commented that the proposal could affect two mature lime trees, one neighbouring the site to the east and one neighbouring the site to the west. Details of root protection and porous paving are recommend to be secured by condition.
- 11.6 Two mature lime trees to the west of the site appear to have recently been felled. These trees did appear to provide a positive visual amenity value to the site and surrounding area, however they were not protected and therefore there was no mechanism to prevent their loss.

- 12.0 **Impact on amenity of neighbouring occupiers**
- 12.1 The National Planning Policy Framework 2021 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.
- 12.2 The closest residential properties are the existing flats on the opposite side of Reddington Drive. At its closest point to these neighbouring flats, the proposal would be sited approximately 13 metres from the front gardens, and approximately 19 metres from the balconies and 20.6 metres from the front windows serving habitable rooms in these neighbouring flats. It is acknowledged there would be a degree of overlooking from the proposed windows which serve habitable rooms and balconies. However, these separation distances would mean that the much of the existing privacy these neighbouring occupiers experience would be retained and there would be no unacceptable loss of privacy. In addition, due the separation distances, the proposal would not result in an unacceptable overbearing impact or loss of outlook, or loss of daylight for these neighbouring occupiers.
- 12.3 However, as the proposal would be sited to the south - southwest of the neighbouring flats on the opposite side of Reddington Drive, in the officer's view based on the submitted materials, the proposal at the separation distances proposed would be likely result in some overshadowing and cause some loss of sunlight to these neighbouring flats. No sunlight assessment has been carried out to measure the losses of sunlight and therefore the extent of the loss of sunlight cannot be fully or comprehensively assessed in order to conclude on the amount of harm which might be caused.
- 12.4 The proposal would result in an increase in comings and goings, however, for a scheme of 13 dwellings with 14 parking spaces it would not be to a degree that would raise concerns in terms of unacceptable noise and disturbance.
- 12.5 Based on the above, the proposal would comply with some elements of Core Policy 8 of the Core Strategy and some of the criteria set out in Local Plan Policy EN1.. However, officers consider there would be a conflict with these policies in relation to the loss of sunlight to the southern front facing windows neighbouring flats on the opposite side of Reddington Drive. No sunlight study has been submitted. Therefore insufficient information has been provided to fully assess the impacts on neighbouring residential amenity. The proposed development has failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021. Some negative weight should be applied to the planning balance.
- 13.0 **Living conditions for future occupiers of the development**

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

13.4 *Access:*

Access into the building would be gained at the rear via two separate doorways leading to stairwell. Considering the number of residential units proposed, the access points would appropriately distribute residents and visitors past an acceptable number of residential units and therefore minimise likely disturbance for future occupiers.

13.5 *Internal living conditions:*

The gross internal areas and bedrooms would broadly comply with the Nationally Described Space Standards. There are some areas which fall below the space standards, such as:

- Part of the width bedroom 2 in unit 2 measuring 1.9 metres (2.15m required);
- The width bedroom 1 in unit 3 measuring 2.7 metres (2.75m required);
- Part of the width bedroom 2 in unit 3 measuring 1.9 metres (2.15m required);
- The width bedroom 1 in unit 6 measuring 2.3 metres (2.75m required);
- Part of the width bedroom 2 in unit 6 measuring 1.9 metres (2.15m required);
- The width bedroom 1 in unit 7 measuring 2.3 metres (2.75m required);
- Part of the width bedroom 2 in unit 7 measuring 1.9 metres (2.15m required);

The above is considered a relatively minor shortfall in bedroom widths. When considering increased space is provided for the door swing, and the fact that the bedrooms and the gross area of the flats exceed the required minimum standard, on balance the size of the internal floor areas would contribute

towards satisfactory living conditions.

- 13.6 The layouts of the flats are such that all principle habitable rooms would be served by windows that provide good outlook, and appropriate levels of daylight and sunlight.
- 13.7 *Noise:*
- The proposed development is located close to school grounds and the highway, and therefore there could be some significant noise impact for the future occupiers. If the proposal were to be acceptable a noise report could be secured by condition.
- 13.8 *External amenity space:*
- No onsite communal amenity space is proposed. Given the close proximity of the public open space at Kedermister Park, this is considered to be acceptable due to the size of the development, mix of housing, and subject to provision appropriate private balconies / terraces.
- 13.9 Three flats on the top floor would be served by relatively large terrace areas accessed from the living area. These would provide a good level of private external amenity space.
- 13.10 Five of the proposed flats would each be served by two balconies, one accessed by a bedroom and one accessed by the living area. The balconies accessed by the living area would measure approximately 1.3 metres wide by 0.55 metres deep. These would be small and cramped spaces. However given two balconies are proposed to these two bed flats, this is considered acceptable.
- 13.11 Four of the proposed two bed flats would be served by one small balcony (approximately 1.3 metres wide by 0.55 metres deep), accessed by the bedroom area. The living areas in these flats are not provided access to a balcony. Given these are two bed flats which could accommodate a small family (couple and one child), such a provision is not considered to provide an appropriate level of external amenity space area.
- 13.12 One additional 1 bed flat comprises no external outdoor amenity space. Although a small family is less likely accommodate a one bed flat, some external amenity space would still be required for the future occupiers to contribute toward a high standard of amenity.
- 13.13 Based on the above, the proposals would not result in a high standard of amenity for all future users due to the shortfall of external amenity space. . As such the proposal would fail to comply with Local Plan Policy H14, Core Policy 4 of the Core Strategy, and the requirements of the National Planning Policy Framework. The benefits of the proposal are appropriately tempered in

the planning balance

14.0 **Crime Prevention**

14.1 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.

14.2 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.

14.3 The access into the flats would be at the rear of the building via the parking area and vehicular access from Reddington Drive. This would provide an appropriate level of natural surveillance. Given the size of the development, an internal security strategy would not be required.

14.4 Cycle storage would comprise an integral store at ground floor as would the store. Appropriately secure doors would be required.

14.5 Lighting within the site can be secured by condition.

14.6 Based on the above, and subject to conditions, the proposal would be in accordance with Local Plan Policy EN5; Core Policy 12 of the Core Strategy; and the requirements of the National Planning Policy Framework. Neutral weight should be applied in the planning balance.

15.0 **Highways and Parking**

15.1 The National Planning Policy Framework 2021 requires development to give priority first to pedestrian and cycle movements. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Paragraph 111 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'.

15.2 Core Policy 7 requires development proposals to improve road safety and reinforce the principles of the transport strategy as set out in the council's Local Transport Plan.

15.3 Local Plan Policy T2 requires the level of on-site parking provision for the private car will be restricted to a maximum level in accordance with the principles of the Integrated Transport Strategy. The Integrated Transport Strategy (Local Transport Plan) requires the application of the Local

Development Framework parking standards to limit parking at new developments. Part 3 of the Developer's Guide SPD sets out the parking standards to be applied throughout the Borough.

15.4 *Trip Generation*

15.5 The submitted Transport Statement has estimated the trip generation using sites with similar characteristics from the TRICS database. This concludes the site would generate a total of 29 trips per day (07.00-19.00). During the AM peak hour (08.00-09.00) 3 trips are estimated, and during the PM peak hour (17.00-18.00) 3 trips are estimated. It is acknowledged that during the school run, the traffic in the area considerably increases and can cause some congestion. However, the local highway authority has advised the increase in traffic resulting from the proposed development is negligible and would not lead to severe impacts on the surrounding road network. There are however concerns over highway safety in relation to the proposed access which is assessed below.

15.6 *Access*

The proposed vehicular access to the site would comprise a vehicular crossover from Reddington Drive in a similar location to the existing small crossover accessing the site. The Local Highway Authority considers that due to the intensification and number of vehicles that would access the site, a crossover access over the existing public footway would not provide sufficient or safe access. A bell mouth junction would provide a safer provision for pedestrians using the public footway.

15.7 The access into the flats are proposed at the rear of the building and accessed via the parking area. The plans do not propose any space for pedestrian routing from the public footway in Reddington Drive and up to the access into the building. This could result in conflicts between traffic and pedestrians, particularly pedestrians who are more vulnerable such as wheelchair users, pushchair users, children, and some people with disabilities.

15.8 In addition to the inappropriate nature of crossover access and absence of pedestrian access, The Local Highway Authority have commented that the submitted plans do not sufficiently detail the access in terms of corner radii, visibility splays of 2.4m x 25m, and swept paths particularly for delivery vehicles. All vehicles would need to enter and leave in a forward gear to contribute towards safe access / egress to avoid reversing out onto Reddington Drive.

15.9 Based on the above, the proposal would not create a safe and suitable access and layout which minimise conflicts between traffic and pedestrians and would likely result in an unacceptable impact on highway safety and would therefore conflict with National Planning Policy Framework and Core Policy

7 of Slough's Core Strategy.

- 15.10 *Car parking:*
- 15.11 The site is located within a predominantly residential area. In accordance with part 3 of the Developers Guide, 22 parking spaces (communal) would be required. The application proposes 14no.parking spaces meaning there would be a shortfall of 8 parking spaces. Space number 14 splays in to 2.1 meters wide and is therefore is undersized and therefore would likely increase this shortfall in onsite parking. No wheelchair assessable parking spaces are proposed. Manual for Streets (2007), recommends a five percent onsite provision.
- 15.12 The local highway authority the commented that the surrounding roads are not subject to parking controls and experience high levels of on-street parking associated with the existing residential dwellings and Langley Grammar School. On the day of the site visit, the planning officer witnessed a degree of parking stress; of particular note was pavement parking on the opposite Reddington Drive by the application site.
- 15.13 The site is not considered to be in a particularly accessible location or served by a wide range of facilities whereby a reduction in the Council's parking standards could be justified to the extent proposed. The proposed shortfall in parking spaces would increase on street parking demand in the area where parking is already appears to be operating at over-capacity levels. This is considered to result in a severe parking stress and would likely lead to vehicles parking in dangerous locations resulting in unacceptable impact on highway safety. This would conflict National Planning Policy Framework and Core Policy 7 of Slough's Core Strategy
- 15.14 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. These could be secured by condition.
- 15.15 *Cycle parking:*
- 15.16 Cycle storage would comprise an integral secure store within the ground floor of the building containing 17 cycles parking spaces. Uncovered short-stay visitor cycle parking for 4 bicycles are proposed by the rear entrance to the building. The cycle parking is considered an acceptable provision. The Local Highway Authority has requested the secure cycle store is accessed from within the entrance lobby to the building, rather than from an external door, to improve security. Planning officers consider that an appropriately secure door by condition would acceptable and could be secured by condition.
- 15.17 *Refuse and recycling Collection:*

Refuse and recycling storage would comprise an integral secure store within the ground floor of the building. No quantum of bin storage is proposed however planning officers are satisfied the quantum and internal access required by the Developers Guide can be achieved. The bin drag distances comply with the required distances set out in the Developers Guide.

15.18 Summary:

Based on the above, the proposed footway crossover access is not considered to comprise an appropriate junction for the resulting traffic generation, there is no proposed space for a safe pedestrian route from the public footway through the vehicle access and into the buildings, and in the absence of sufficient detail in relation to corner radii, visibility splays, and swept paths to demonstrate to enter and leave in a forward gear, the proposal would not create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. In addition, the insufficient onsite parking provision would increase on street parking demand in the area where parking is already appears to be operating at over-capacity level the proposal would likely lead vehicles parking in dangerous locations. The proposal would result in an unacceptable impact on highway safety. The proposal would fail to comply with Core Policy 7 of the Core Strategy, Local Plan Policy T2, and the requirements National Planning Policy Framework 2021. Substantial negative weight should be applied in the planning balance.

16.0 **Surface water drainage**

16.1 Paragraph 167 of the National Planning Policy Framework requires local planning authorities when determining any planning applications to ensure that flood risk is not increased elsewhere. Paragraph 169 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. Advice from the lead local flood authority should be taken into account. Core Policy 8 of the Core Strategy and the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016 requires development to manage surface water arising from the site in a sustainable manner.

16.2 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, (Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015).

16.3 The application does not include a drainage strategy and therefore there is not sufficient detail and evidence to provide an acceptable surface water drainage design for the proposal. Therefore the site and adjoining land would be at risk of surface water flooding

16.4 Planning Officers have not requested the strategy is revised to address the

issues. This is because there are number of reasons why the application cannot be supported and requested changes to the drainage strategy would not overcome the more fundamental issues.

16.5 Based on the above, the application does not meet the local or national requirements for surface water drainage, and therefore the site and adjoining land would be at risk of surface water flooding. The proposal would therefore fail to comply with Core Policy 8 of the Core Strategy, the standards set out within the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016, the Government's Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015, and the requirements of the National Planning Policy Framework. Substantial negative weight should be applied to the planning balance.

17.0 **Affordable Housing**

17.1 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. As the proposal is for less than 15 dwellings, no affordable housing is required.

18.0 **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.

18.1 *Education:*

Part 2 of the Developer's Guide states that residential development of between 5 and 14 dwellings will attract a reduced contribution in the near future probably from 1st March 2009. No update has been provided in this regard and therefore no contributions would be sought towards education.

18.2 *Open Space / Recreation*

Part 2 of the Developer's Guide states that residential development under 2 hectares or under 70 dwellings the requirement will be dependent upon the location of the site, type of residential accommodation, proximity to and type of existing public open space/play areas and the Council's open space and recreation facility studies.

18.3 Given the onsite external amenity space is not policy compliant; the proposal is not in a position to assess whether financial contributions would be required towards Open Space / Recreation. Financial contributions would not mitigate the current deficiency in onsite amenity space. Consideration would also need to be given to whether it would be efficient to enter in to a section

106 to secure nominal contributions.

18.4 Based on the above, the proposal would not require affordable housing, education or open space / recreation contributions.

19.0 **Impact on biodiversity and ecology**

19.1 In accordance with the Natural Environment and Rural Communities Act 2006 Local Planning Authorities have a statutory duty to show regard for conserving biodiversity in the exercise of all public functions.

19.2 Paragraph 174 of the National Planning Policy Framework 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.

19.3 The application has been submitted with an extended phase 1 habitat & protected species scoping survey and preliminary bat roost assessment. This has found that much of the habitats on the site were considered to be of limited ecological value by being common, widespread, and easily replaceable. However, within the overgrown area there is some limited potential that these areas are used by reptiles and common species of amphibians (such as common toad). In addition, the trees and denser shrubs may be used by nesting birds during the breeding season. As such appropriate conditions could be included to control the site clearance and demolition phase.

19.4 The dwelling on the site is vacant and has a number of features suitable for use by low numbers of crevice dwelling bat species. The ecology report recommends that further survey(s) are required to confirm if the building hosts a bat roost. The remaining features within the site have a negligible potential to host roosting bats and these buildings can be removed with minimal risk of harm to bats.

19.5 In accordance with current Government guidance (Protected species and development: advice for local planning authorities), planning conditions that ask for surveys should not normally be attached to decisions. This is because consideration of the full impact of the proposal on protected species is required before granting planning permission. In exceptional cases, planning condition for additional surveys may be required to support detailed mitigation proposals, or if there will be a delay between granting planning permission and the start of development.

19.6 There are no exceptional circumstances to justify the uses of planning conditions to secure the additional surveys. In addition, the net gains in biodiversity can not be calculated or assessed until the further surveys have been undertaken.

19.7 Based on the above, in the absence of the recommended follow-up detector survey and any associated mitigation that may be required; the Local Planning Authority cannot fully assess the impact on protected species. Furthermore, without understanding the ecological value of the existing site in its current condition, it is not possible to be sure the proposed biodiversity enhancement strategy set out in the ecological assessment would result in net gains in biodiversity. The proposal would therefore fail comply with Core Policy 7 of the Core Strategy, and the requirements of the National Planning Policy Framework. Some negative weight should be applied to the planning balance.

20.0 **Other Matters**

20.1 The design and access statement explains that Langley Grammar School intend to dispose of the site to raise additional funding needed to improve the School's facilities to provide purpose-built dance studio in the new main block. In addition, the funding would be used to upgrade its sports facilities which are also used by the wider community. These include upgrading the surface of the all weather pitch to enable a greater range of sports to be offered, installing additional facilities into the existing indoor sports hall, and developing areas of unused land on the perimeter of the School's site as a fitness trail and outdoor gym facility.

20.2 The proposal, as a result of the asset disposal would have a social benefit in regard education within the school and for the improved provision of sport for the community. No plans have been provided to show the extent of the improvements and it is not clear how the finances from the asset disposal could be secured to ensure the improvements are delivered. As such it is not possible to measure these benefits, and therefore only some limited positive weight is applied to the planning balance.

20.3 The proposal would result economic benefits from the construction and occupation phases. Given the size of the proposal, this would attract limited positive weight in the planning balance

21.0 **Neighbour Representations**

21.1 Officers have carefully read and 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.

21.2 An representation has objected on the basis the proposal would cause a wind tunnel along Reddington Drive. Given the height of the proposal and the separation distance from the neighbouring building on the opposite of Reddington Drive, it is considered the proposal would not result in a unacceptable wind speeds in Reddington Drive.

22.0 **Equalities Considerations**

- 22.1 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).
- 22.2 The proposal would provide new residential accommodation. Given the size of the scheme, the local development plan does not require any wheelchair user dwellings. Access from the public footway up to the building is not considered safe or suitable for all users and this forms part of a reason for refusal. No lifts are proposed to the upper floors which compromises access for all users. There are no development plan policies to secure lift access.
- 22.3 In relation to the car parking provisions, there are potential adverse impacts on individuals within the pregnancy/maternity, disability and age protected characteristics if the occupier/individual does not have access to a car parking space in the development. The car parking provisions do not comply with the relevant development policies and forms part of a reason for refusal.
- 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 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 could be secured by condition should the scheme be acceptable.
- 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 **Presumption in favour of sustainable development:**

23.1 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 2021 and refined in case law should be applied.

The proposal for 13 residential units would make a contribution to the supply of housing, and given that that the tilted balance is engaged, this contribution could in principle attract positive weight in the planning balance. As the proposal is located within a suburban area and would result in the loss of family housing, and that the proposed mix of housing does not include any three bedroom units which is where the need is most, the weight allocated to the benefit of providing housing is significantly tempered. As such, when considering the proposed benefits, limited positive weight would be tilted in favour of the supply of housing.

The economic benefits from the construction and occupation phases would attract limited positive weight in the planning balance.

The social benefits as a result of the asset disposal to provide a dance studio and improved sports facilities would attract some limited positive weight in the planning balance.

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

However, the report identifies there are numerous conflicts with the saved policies in the Local Plan, Core Strategy, and the National Planning Policy Framework, namely:

- The planning application fails to sufficiently demonstrate how surface water would be effectively drained from the site in accordance with the published standards by the government and the local planning authority. Therefore the site and adjoining land would suffer a substantial adverse impact by being at risk of surface water flooding. The proposal fails to comply with Core Policy 8 of the Core Strategy and the requirements of the National Planning Policy Framework 2021. **Substantial negative weight is applied to the planning balance.**
- The proposal would result in an overly dominant feature in the

Reddington Drive streetscene with limited architectural or visual interest, giving rise to substantial adverse impact on the character and appearance of the area. The proposal would fail to comply with Policy EN1 and EN3 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021. **Substantial negative weight should be applied in the planning balance.**

- The proposal would result in substantial adverse impact on highway safety and would fail to comply with Core Policy 7 of the Core Strategy, Local Plan Policy T2, and the requirements National Planning Policy Framework 2021. **Substantial negative weight is applied to the planning balance.**
- Insufficient information has been provided to make a detailed assessment of the impacts on biodiversity, as a result of the development. The proposal would therefore fail comply with Core Policy 7 of the Core Strategy, and the requirements of the National Planning Policy Framework. **Some negative weight is applied to the planning balance.**
- No sunlight study has been carried out to measure the loss of sunlight to the neighbouring flats on the opposite side of Reddington Drive and therefore the extent of the loss of sunlight cannot be assessed. The proposed development has therefore failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021. **Some negative weight is applied to the planning balance.**
- By virtue of the proposals not consisting of predominantly family housing within a suburban area and due to the loss of existing family housing on the site, the proposal would fail to comply with Core Policies 1 and 4 of the Core Strategy and the requirements of the National Planning Policy Framework 2021. **The benefits of the proposal have been tempered.**
- The proposal would not provide an appropriate level of external amenity space, and therefore would not result in a high standard of amenity for all future users. The application would therefore fail to comply with Local Plan Policy H14, Core Policy 4 of the Core Strategy, and the requirements of the National Planning Policy Framework. **The benefits of the proposal have been tempered.**

The benefits allocated to contribution of 13 flats (2 x 1 bed flats and 11 x 2 bed flats) are accordingly tempered for the reasons set out above, which in combination with the economic benefits for the construction and occupation phase would result in limited positive weight being applied in the planning balance. However the level of harm resulting from adverse impacts of the

development as highlighted above would significantly and demonstrably outweigh this benefit when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2021 taken as a whole and tilted in favour of the supply of housing. As such, the proposal is not considered to be sustainable development and is therefore recommended for refusal.

24.0 **PART C: RECOMMENDATION**

24.1 Having considered the relevant policies set out above, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for refusal for the following reasons:

1. The proposed development does not consist of family housing as defined by the Core Strategy within a suburban area and would result in the net loss of family accommodation. The proposal would therefore fail to comply with Core Policy 4 of the Core Strategy and the requirements of the National Planning Policy Framework 2021.
2. Insufficient information has been provided to demonstrate how surface water would be effectively drained from the site in accordance with the published standards by the government and the local planning authority. Therefore the site and adjoining land would be at risk of surface water flooding. The proposal would fail to comply with Core Policy 8 of the Core Strategy, the standards set out within the Council's Flood Risk and Surface Water Drainage Planning guidance January 2016, the Government's Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems March 2015, and the requirements of the National Planning Policy Framework 2021.
3. By virtue of its siting, layout, design, scale, height and positioning, the proposal would appear overly dominant in the Reddington Drive streetscene which would cause harm to the character of the area and would not be in-keeping with the existing landscaped appearance of the site or the pattern of development in the area. The adverse impacts identified are symptomatic of the proposals being an inappropriate over-development of the site which the Local Plan policy indicates should be refused planning permission.. The proposal would therefore fail to comply with Policy EN1 and EN3 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy, and the requirements of the National Planning Policy Framework 2021.
4. The application has not demonstrated the proposal would create a safe and suitable access and layout which minimises conflicts between traffic and pedestrians. It is considered the proposed vehicular crossover access is not sited in an appropriate position to

facilitate the level of resulting traffic generation forecast to be created by the development. In addition, there is an absence of space for a safe pedestrian route from the public footway through the vehicle access, car park and into the buildings and insufficient detail in relation to corner radii, visibility splays, and swept paths to demonstrate vehicles can enter and leave in a forward gear.. By virtue of the insufficient onsite parking provision, the proposal would increase on street parking demand in the area where on-street parking already appears to be operating at an over-capacity level, leading to vehicles parking in dangerous locations. The proposal would therefore result in an unacceptable impact on highway safety and would fail to comply with Core Policy 7 of the Core Strategy, Local Plan Policy T2, and the requirements National Planning Policy Framework 2021.

5. Insufficient information has been provided to make a detailed assessment of the impacts on biodiversity as a result of the development. The proposal would therefore fail to comply with Core Policy 7 of the Core Strategy, and the requirements of the National Planning Policy Framework.
6. By virtue of four of the proposed two bedroom flats being served by small balconies which are accessed through a bedroom, and no proposed external amenity space for a one bedroom flat, the proposal would not provide an appropriate level of external amenity space, and therefore would not result in a high standard of amenity for all future users. The application would therefore fail to comply with Local Plan Policy H14, Core Policy 4 of the Core Strategy, and the requirements of the National Planning Policy Framework.
7. Insufficient information has been submitted to determine the level of overshadowing caused as a result of the development. Therefore, in absence of this detail, by virtue of its siting, height, width, and positioning, the proposal would likely overshadow the neighbouring flats on the opposite side of Reddington Drive and result in the loss of sunlight to these properties. No sunlight study has been carried out to measure the loss of sunlight and therefore the extent of the loss of sunlight cannot be assessed. The proposed development has therefore failed to demonstrate compliance with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2021.

Process:

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 in

accordance with the National Planning Policy Framework.

In the exercise of its judgement in determining the appropriate balance of considerations, the Local Planning Authority has acted positively and proactively in determining this application proposal, taking into account all material considerations. Material considerations include planning policies and any representations that may have been received preceding the determination to grant planning permission in accordance with the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2021 and refined in case law. The Local Planning Authority is satisfied that its processes and practices are compatible with the Human Rights Act and the decisions of the European Court of Human Rights.

In dealing with this application, the Local Planning Authority has decided that there are no small amendments that would make the proposed development acceptable and therefore none were requested.

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.

Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. 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>.

The proposed development is located within 15 metres of Thames Waters underground assets and 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 Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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.

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

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.

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SLOUGH BOROUGH COUNCIL**REPORT TO: PLANNING COMMITTEE****DATE: May 2022****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
2020/00478/ENF	6, Glentworth Place, Slough, SL1 3UT Self Contained Outbuilding	Notice Squashed 6 th April 2022
X/00103/002	Grass verge off of Halkingcroft & Middlegreen Road Junction Prior approval for the installation of a new 15m high slim line Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works	Appeal Dismissed 11 th April 2022
P/07663/031	1-2 The Drive, Slough Variation of condition 2 (drawings) of planning permission P/07663/030 dated 21/12/2020 - changes to the height of the glazing/screening in the roof terrace area	Appeal Dismissed 12 th April 2022
P/00226/045	253-257, Farnham Road, Slough, Berkshire, SL4 4LE 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.	Appeal Dismissed 12 th April 2022
P/06651/107	Slough Retail Park, Twinches Lane, Slough, Slough, SL1 5AL Advertisement consent to display 1no. internally illuminated flagpole sign	Appeal Granted 25 th April 2022
P/05541/004	15, Elliman Avenue, Slough, SL2 5AZ Conversion of existing 2 bedroom house into 1x 2 bedroom & 1x 1 bedroom flats and erection of part single storey side extension, first floor rear / side extension, and internal alterations	Appeal Granted 25 th April 2022

	<p>It was the view of Officers that though NPPF policy encourages the provision of additional housing, it is still considered reasonable and necessary to control the mix and type of development in an area to suit that identified as being needed. The development does not comply with policy and would remove a larger house to convert it into flats. Though an additional unit is provided, this provision does not override the harm caused by the loss of family accommodation. However, the Inspector's view is accepted with regards to the planning balance and individual merits stated within the Decision Report.</p>	
P/17057/002	<p>76, Farnham Road, Slough, SL1 3TA</p> <p>Installation of a dropped kerb</p>	<p>Appeal Dismissed</p> <p>5th May 2022</p>
2020/00482/ENF	<p>34, Glentworth Place, Slough, SL1 3UT</p> <p>self contained outbuilding</p>	<p>Dismissed / Upheld</p> <p>6th May 2022</p>



Appeal Decisions

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCI EH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 06th April 2022

Appeal A: Ref APP/J0350/C/21/3279700

Appeal B: Ref APP/J0350/C/21/3279702

Land at 6 Glentworth Place, Slough SL1 3UT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr Riaz Turab and Appeal B is made by Mrs Rehana Turab against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered 2020/00478/ENF, was issued on 21 June 2021.
 - The breach of planning control as alleged in the notice is the conversion of an outbuilding to form a self-contained dwelling ("**Unauthorised Development**") and shown on the plan attached to the notice edged in blue.
 - The requirements of the notice are to:
 - (i) Remove the kitchen and shower room from the outbuilding ("**Unauthorised Development**").
 - (ii) Remove the internal walls incorporating the kitchen and the shower room.
 - (iii) Remove all plumbing, boiler and associated pipework in connection to the kitchen and bathroom within the outbuilding.
 - (iv) Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (c) and (f) of the Town and Country Planning Act 1990 as amended (the Act).
-

Decisions (Appeal A and Appeal B)

1. The enforcement notice is quashed.

Reasons

2. An Inspector has a duty to 'get the notice in order if he can'¹. This includes the allegation.
3. It is abundantly clear from the appeal submissions of the Council and a professionally represented third party, that it is the positions of those parties that - as a matter of fact - the allegation is plain wrong.
4. Indeed, despite issuing the notice as the Local Planning Authority, the Council's appeal statement directly contradicts the notice allegation in arguing that a self-contained dwelling **house has been erected 'from scratch' rather than** resulting from the conversion of an outbuilding².

¹ Hammersmith LBC v SSE & Sandral [1975] 30 P&CR 19.

² "**The enforcement notice...** perhaps should have referred to the erection of an outbuilding to form a self-contained residential dwelling, as the breach of planning control."**(p3)**; "However, this is not a case of internal alterations being undertaken, rather it is the purpose built, erection of a self-contained dwelling house from scratch."**(p4)**; "The breach of planning control which the Local Planning Authority are enforcing against is effectively the construction of a detached self-contained outbuilding."**(p5)**; "...the breach of planning control relates to the outbuilding being built from the outset as an independent self-contained living accommodation rather than as ancillary accommodation to the main dwelling as per the planning approval."**(p11)**

5. This distinction has much significance in the determination of the appeals, since arguments put under both grounds (c) and (f) rely on a sufficiently precise allegation. For instance, it is not appropriate in the interests of fairness for the notice allegation to refer to conversion of an outbuilding when **the Council's** appeal arguments under ground (f) specifically turn on a position that the building was erected as a self-contained dwelling from the outset³.
6. Under s176(1)(a) of the Act, I may correct any defect, error or misdescription in the notice where I am satisfied that doing so will cause no injustice to the appellants or the Council.
7. In this case, to correct the notice in line with the Council (and third party) appeal position would cause injustice to the appellants since they would be worse off than had they not appealed; the new allegation would in essence state that the erection of the building was unlawful and would represent a widening of the existing allegation which concerns lesser aspects of lawfulness relating only **to the building's conversion. Further, had the allegation** been correctly stated in the notice from the outset the appellants would have been afforded a fuller and fairer opportunity to make a case against it upon appeal.

Conclusion

8. For the reasons given above I conclude that the enforcement notice does not correctly specify the breach of planning control alleged to have occurred as a matter of fact. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeals under the various grounds as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.
9. The Council may wish in these circumstances to consider the applicability of s171B(4)(b) of the Act.

Andrew Walker

INSPECTOR

³ **"The Council maintains its contention** that the kitchen and bathroom fittings need to be removed in order to remedy the breach of planning control. This is because the breach of planning control relates to the outbuilding being built from the outset as an independent self-contained living accommodation rather than as ancillary accommodation to the main dwelling as per the planning approval."**(p11, Council's Written Statement)**

Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/J0350/W/21/3281075

Junction of Halkingcroft with Middlegreen Road, Weham Court, Slough, Berkshire SL3 7BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Slough Borough Council.
 - The application Ref X/00103/002, dated 19 May 2021, was refused by notice dated 13 July 2021.
 - The development is proposed 5G telecoms installation: 15m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured green.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposed development on the surrounding area, and whether any harm caused would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites, and the requirements of national policy.

Reasons

3. The appeal site **forms part of an open and spacious 'T'-junction**. Either side of the junction are generous grass verges that provide a pleasing verdant quality to the established suburban surroundings. The grass verge in which the proposal would be sited hosts a diagonal footpath as well as a number of mature and substantial trees, all of which contribute to the pleasant and open environment. Street furniture close to the appeal site is currently limited to inconspicuous and low-level cabinets, as well as bins, road name signs and relatively small lampposts. Accordingly, the street furniture plays an entirely subservient role to the open and verdant nature of the broader surroundings.
4. The proposal would introduce a number of cabinets that would be of a more substantial appearance to the existing furniture. They would address the footpath, albeit with a marginal setback, and would create a substantial bank of structures that would span much of the footpath with very little space between. In addition, based on the evidence before me, the height of the proposed street pole would be taller than the substantial trees on the grass verge.

5. Due to the height of the street pole and the extent of the cabinets, the totality of the installation would result in a significantly dominant and imposing addition to the site. The size, height and layout of the installation would entirely overwhelm the pleasing surroundings in a manner that would be distinctly at odds with the verdant environment. The proposal would fail to integrate with the existing street furniture and instead, would be of a scale that would be fundamentally incongruous to the surroundings.
6. **I note the appellant's view that the proposal seeks to strike a balance between** operational requirements, network improvements, and environmental harm. However, although it is a revised proposal from that previously refused, for the reasons identified above, significant reservations remain regarding the proposed siting and appearance. I also note that other sites have been discounted. Nevertheless, based on the evidence before me, the site selection process does not appear to be particularly exhaustive, and the reasons given for discounted alternative sites are supplemented with very little detailed justification. Accordingly, in my view, the evidence before me fails to present a particularly compelling argument for the appeal site being the preferred location.
7. Paragraph 114 of the National Planning Policy Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology. The proposal would provide new 5G network coverage and therefore the Framework lends support to the appeal.
8. However, for the reasons identified above, the harm that would be caused to the character and appearance of the area would be of fundamental concern, and although not located within a conservation area, in my judgement, the level of harm would substantially outweigh these other considerations. Consequently, I conclude that the harm caused by reason of siting and appearance would substantially outweigh the need to site the installation in the proposed location, having regard to the potential availability of alternative sites, and the requirements of national policy.

Conclusion

9. The appeal should be dismissed.

Martin Chandler

INSPECTOR

Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/J0350/W/21/3277161

1-2 The Drive, Slough SL3 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Khan against the decision of Slough Borough Council.
 - The application Ref P/07663/031, dated 15 March 2021, was refused by notice dated 13 May 2021.
 - The application sought planning permission for conversion of existing two (2x) two-bedroom first-floor flats into four (4x) one-bedroom flats and first floor extension to the rear of the existing building to create roof terraces without complying with a condition attached to planning permission Ref P/07663/030, dated 21 December 2020.
 - The condition in dispute is No 2 which states that: *The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority. (a) Site location plan, scale 1:1250, Recd On 15/10/202 (b) Drawing No. GRK/PLAN/002A, Dated 10th September 2020, Recd On 11/12/2020 (c) Drawing No. GRK/PLAN/004B, Dated 10th September 2020, Recd On 15/10/2020 (d) Drawing No. GRK/PLAN/008, Dated 3rd December 2019, Recd On 15/10/2020*
 - The reason given for the condition is: *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.*
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) the effect of the proposal on the living conditions for the occupants of No 1A the Drive.

Reasons

Character and Appearance

3. The proposal relates to a single storey, flat roof extension to the rear of the building that has permission to be utilised as a roof terrace. Planning permission also exists for the provision of a 1.7m high enclosure above the extension, the top section of which consists of glazing.

4. The proposal seeks to alter the existing planning permission to enable the provision of a taller glazed screen. This would have the effect of increasing the height of the overall enclosure by 500mm. Accordingly, overall, an enclosure of some 2.2 metres would be provided above the single storey extension. This would have the effect of substantially increasing the bulk of the rear addition. Although much of this would already have permission, the increased height would substantially obscure much of the rear elevation. It would be of a height comparable with the existing eaves line and consequently, the resultant bulk and mass would represent a significant addition to the rear of the property.
5. Due to the orientation of the existing building, the rear elevation is highly prominent. Consequently, the proposed enclosure would be visible within the street scene. Although the enclosure would not have a roof, and the glazed material would be slightly more lightweight from a visual perspective, the height and bulk that would be created would become a dominant and imposing structure within the street. It would jar with the form of the existing building and take on an appearance comparable to a first-floor flat roof extension. Given the prominence of the rear elevation, this would cause demonstrable harm to the existing street scene.
6. Accordingly, for the reasons identified above, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Core Policy 8 of the Slough Local Development Framework, Core Strategy Development Plan Document (2008) (CS), and Policies H15, EN1 and EN2 of the Local Plan for Slough (2004) (LP). Taken together, these seek amongst other things, development of a high standard of design.

Living Conditions

7. The proposal would increase the height of the approved enclosure. However, it would be set in from the shared side boundary by a considerable distance. Due to this separation distance, the proposed increase in height would not be overbearing or substantially more dominant than the approved screen. Accordingly, in my judgement, the increased height would not have a material effect on the neighbouring dwelling.
8. Consequently, I conclude that the proposal would not harm the living conditions for the occupants of No 1A The Drive. On this basis, it would comply with Core Policy 8 of the CS, and Policies H15, EN1 and EN2 of the LP. Taken together, these seek amongst other things, development of a high standard of design which does not have a significant adverse impact on the amenity of adjoining occupiers.

Conclusion

9. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR

Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/J0350/W/21/3280796

253-257 Farnham Road, Slough SL2 1HA

- 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 Robert Dhaliwal on behalf of Hillstone Properties Ltd against the decision of Slough Borough Council.
 - The application Ref P/00226/045, dated 25 March 2021, was refused by notice dated 28 June 2021.
 - The development proposed **was originally described as:** '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 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) the effect of the proposal on the living conditions for the occupants of No 2 Furnival Avenue, as well as future development opportunities.

Reasons

Character and Appearance

3. The appeal site is currently occupied by a two-storey building with a substantial footprint. It is located close to the junction of Farnham Road and Furnival Avenue. The building is also situated adjacent to an established petrol station forecourt with the consequence that it is set well back beyond the more substantial buildings which front onto Farnham Road. Due to this set back, the existing building does not address the principal road with the same prominence as its larger neighbours, and instead, has a greater presence when experienced within Furnival Avenue. When viewed from this road, the structure is located close to No 2, and set away from Farnham Road.

4. In its current form, the flat roof of the existing building aligns closely with the eaves height of the adjacent No 2. Although the building has a substantial footprint and consequently, is a large structure, due to the comparable eaves height, the appeal building and No 2 relate well with each other in the street scene. Accordingly, in its current form, the existing structure has a neutral effect on what is a transitional space between a suburban and more urban environment.
5. The proposal would introduce a two-storey extension onto the existing building. This would be designed as an additional storey to the flat roof building, with a mansard roof above. Accordingly, the proposal would substantially increase the eaves height of the building, as well as its overall height, bulk and scale. The resultant structure would represent a significantly larger building and due to such a dramatic increase in bulk and scale, it would result in a sharp transition to the adjacent dwelling. The consequence of this would be to create a building that would entirely dominate and overwhelm the adjacent two storey dwelling in a manner that would be detrimental to the pleasing composition of the street scene.
6. The increased bulk and height of the building would align more closely with those which front onto Farnham Road. Accordingly, when viewed in this context, the enlarged structure would not be so at odds with the prevailing street scene. However, due to the presence of the petrol station forecourt, the building is substantially set back from this main road which establishes a closer relationship with the dwellings on Furnival Avenue. For the reasons identified above, this relationship would cause significant and demonstrable harm to the composition of the street scene. It would create a building that would dwarf the adjacent dwelling, thereby being unacceptably dominant and imposing within the immediate street scape.
7. Consequently, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policy EN1 of The Local Plan for Slough (2004) (LP), and Policies 8 and 12 of the Slough Local Development Framework, Core Strategy Development Plan Document (2008) (CS). Taken together, these seek amongst other things, development of a high standard of design which is compatible with its surroundings.

Living Conditions

8. In its current form, the existing building has a series of elevated windows that face towards the side boundary of No 2. As a consequence, direct views are afforded into this private amenity space, thereby reducing overall privacy levels.
9. The proposal would increase the height of the building by introducing a two-storey extension above the existing first floor. Both of the new storeys would provide residential accommodation, and many of the proposed apartments would rely on views towards No 2 for their principal outlook. In addition, two balconies would be provided at second floor level and two at third floor level, each facing directly towards the side boundary of No 2.
10. I note the existence of planning permission for an additional storey, however, due to the number of additional windows and balconies at such an elevated level, the proposal would substantially exacerbate an existing awkward

relationship with the neighbouring dwelling. The increased level of overlooking would, in my judgement, dramatically reduce the already compromised levels of privacy currently experienced by the occupants of this property.

11. I note in the evidence that plans exist to demolish this property to facilitate a road-widening scheme. However, I am not aware of the time scales for this project and whilst No 2 remains in existence, the living conditions of the occupants should be safeguarded. The proposal would fail to do this on a significant scale, and this therefore represents a fundamental shortcoming of the development.
12. The proposal would also introduce a significant number of new openings and balconies to the other side elevation, overlooking the adjacent petrol station forecourt. In this regard, Policy H9 of the LP requires 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. I note the **Council's concerns regarding how the** proposal may affect future development opportunities, however, I have not been made aware of any such proposals. The forecourt is already substantially overlooked and therefore I am satisfied that should development proposals come forward on this adjacent site, additional windows would not significantly alter this existing constraint. Accordingly, I am satisfied that the potential of the adjacent site would not be materially altered.
13. In arriving at the above conclusion, I am aware of the apparent similarities of the impact to both adjacent neighbours. However, in my judgement, there is a clear difference because one impact relates to existing occupiers, and one relates to hypothetical future occupiers, for whom a suitable design approach on any subsequent development could safeguard future living conditions. Consequently, I am satisfied that my findings in relation to each adjacent site can be different.
14. Accordingly, for the reasons identified above, I conclude that the proposal would significantly and demonstrably harm the living conditions for the occupants of No 2 Furnival Avenue. It would therefore fail to comply with Policy EN1 of the LP and Policies 8 and 12 of the CS. Taken together, these seek amongst other things, development which is compatible with its surroundings, including relationships with nearby properties.

Other Matters

15. The evidence confirms that the Council cannot provide a five-year supply of deliverable housing sites. Accordingly, the presumption in favour of sustainable development, as described in Paragraph 11 of the National Planning Policy Framework is engaged. This states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
16. The proposal would make a modest contribution to local housing supply on previously developed land in a highly sustainable location. I also note that as a small site, it could make an important contribution to meeting housing need and could be built-out relatively quickly. The construction phase would also generate employment, and future occupants would also introduce expenditure

into the local economy. These matters weigh in favour of the proposal. However, the scheme is only of a modest scale, and consequently, I only attach a moderate degree of weight to these considerations.

17. As identified above, I have found that the proposal would harm the character and appearance of the area and would harm the living conditions for the occupants of No 2 Furnival Avenue. In my judgement, due to the scale of harm that would be caused by these matters, they represent fundamental shortcomings of the proposal. Accordingly, I give these matters very significant weight, such that I am entirely satisfied that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
18. The appeal has also been accompanied by a draft Unilateral Undertaking to provide a contribution towards open space and recreation that would appear to comply with the requirements of the Council. However, in light of my findings set out above, the appeal has not proved successful and therefore I have no reason to consider this matter further. Even if I were to consider this matter fully, as an undertaking to provide mitigation, this would not represent a specific benefit of the proposal and it would therefore weigh neutrally in my assessment of the appeal, thereby not altering the planning balance set out above.

Conclusion

19. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR

Appeal Decision

Site visit made on 1 March 2022 by Ms S Maur

Decision by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/J0350/Z/21/3287220

Site Address: Slough Retail Park, Twinches Lane, Slough SL1 5AL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Lidl Great Britain Limited against the decision of Slough Borough Council.
 - The application Ref P/06651/107, dated 31 August 2021, was refused by notice dated 4 November 2021.
 - The advertisement proposed is an internally illuminated flagpole sign.
-

Decision

1. The appeal is allowed and express consent is granted for the internally illuminated flagpole sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹, and the following conditions in addition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19077 AD_500 Rev A; AT_503 Rev A.
 - 2) The intensity of the illumination of the sign permitted by this consent shall be no greater than 800 candela per square metre.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council has drawn my attention to Development Plan policies it considers pertinent to this appeal and I have taken them into account where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and Planning Practice Guidance reiterate this approach.

Main Issue

4. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

disagree with the Council on this matter. Accordingly, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The appeal site is located on an area of landscaping between parking spaces on the corner of Slough Retail Park, in front of a cafe building. The site is situated to the northwest of the retail park, on the corner of Twinches Lane and Bath Road. It is in a prominent location with high levels of traffic along both roads and through the traffic light-controlled junction. The surrounding area is primarily commercial in character. There are a number of advertisements for the units within the retail park including a large totem sign nearby to the proposed sign and five free-standing flagpole signs also nearby, further east on Bath Road, within the application site. To the southwest of the retail park is another Lidl advertisement.
6. The proposal is for an internally illuminated advertisement attached to a steel flagpole. The flag itself would be made of aluminium and predominantly blue and yellow in colour.
7. The proposed advertisement would be seen in the context of the commercial surroundings and significant existing street furniture, such as tall streetlights. Although fairly large, it would still be smaller in both height and bulk than the existing totem sign. The proposed flag element of the advertisement would be made of bright colours. However, the existing totem sign is also multi-coloured, as are the signs to the shops in the retail park. The advert would need to be illuminated at night to notify customers when it is dark. Furthermore, collectively the level of illuminance, size and colours proposed has been permitted on a very similar flagpole sign that is located on the southern end of the retail park². The level of illuminance could be controlled by condition. Advertisements of similar scale, illumination and appearance are therefore an established character of the area.
8. There are a number of existing advertisements in the retail park, as noted above, but the proposed advertisement would be set around the corner from the existing totem pole, fairly distant from the flagpoles, and at the opposite end of the retail park from the similar flagpole sign. It would not, therefore, result in an unacceptably cluttered street scene.
9. Overall, the proposed advertisement would be of sufficiently similar character to the existing signage, and of appropriate appearance in the commercial setting of the retail park, so as not to harm the visual amenity of the area. It therefore accords with Policy EN10 of the Local Plan for Slough 2004 (the LP), which requires that advertisements respect the amenity of the local environment. The Council have referred to Policy EN11 of the of the LP. However, this deals with advertisements on commercial buildings and is not therefore relevant to the appeal scheme.

Conditions

10. The consent is subject to five standard conditions as set out in Schedule 2 of the Regulations. The condition confirming the drawings adds certainty. The condition restricting the illuminance levels is necessary to ensure the

² Advertisement consent Ref P/06651/106, dated 27 October 2021

advertisement would be in-keeping with the character and appearance of the area, and would not harm highway safety.

11. As set out at Part 3, 14(7) of the Regulations, the consent automatically expires after five years. I have not therefore added a specific condition in this regard.

Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Ms S Maur

Appeal Planning Officer

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

O S Woodward

INSPECTOR



Appeal Decision

Site visit made on 19 April 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/J0350/W/21/3285328

15 Elliman Avenue, Slough SL2 5AZ

- 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 A Singh against the decision of Slough Borough Council.
 - The application Ref P/05541/004, dated 17 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is conversion of existing 2-bedroom house into 1x 2 bedroom and 1x 1-bedroom flats with approved part single storey side extension, first floor rear/side extension, internal alterations.
-

Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing 2-bedroom house into 1x 2 bedroom and 1x 1-bedroom flats with approved part single storey side extension, first floor rear/side extension, internal alterations at 15 Elliman Avenue, Slough SL2 5AZ in accordance with the terms of the application, Ref P/05541/004, dated 17 May 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the provision of family housing in the area; and
 - the character and appearance of the area.

Reasons

Family Housing

4. Core Policy 4 of the Core Strategy¹ states that there will be no net loss of family accommodation as a result of flat conversions, changes of use or redevelopment. Family housing is defined in the Core Strategy as a fully self-contained dwelling (with a minimum floor area of 76 square metres) that has direct access to a private garden, comprises a minimum of two bedrooms and

¹ Slough Local Development Framework Core Strategy

may include detached and semi-detached dwellings and townhouses, but not flats and maisonettes.

5. It is not disputed that the existing property falls within the definition of family housing. The proposed ground floor flat would meet the policy requirements for floor space and bedrooms. Moreover, sufficient private garden could be provided, and the building is a semi-detached property. Nonetheless, the policy excludes flats from being family housing.
6. Therefore, the proposed development would result in the reduction of family housing as defined by Core Policy 4 of the Core Strategy and be contrary to it.
7. Policy EN1 of the Local Plan for Slough (Local Plan) is included in the refusal reasons. However, as this relates to character and appearance it weighs neither for nor against the proposal in relation to this main issue.

Character and appearance

8. There is no clear evidence before me regarding the number of flats in the area in comparison to the number of single dwellings. There would be a single access point and nothing externally that would make it obvious the property was divided into flats. Comings and goings would not be greatly increased given the size of the scheme.
9. The external alterations are said to be the same as those approved for the building as a single dwelling. The proposed extensions would be no higher than the existing property. Those to the front and rear would be single storey and matching materials would be used. I also saw that there is some variety to the streetscene with some properties having been altered and extended nearby including where entrances have been added to the front elevation.
10. Consequently, the proposed development would not harm the character and appearance of the area. It would accord with the design and character protection aims of Core Policy 8 of the Core Strategy and Policy EN1 of the Local Plan.

Other Matters

11. The proposed extensions and alterations have previously been approved as an extension to the existing dwelling. There are no side elevation windows on 17 Elliman Avenue facing the appeal property and having limited separation between side elevations is not untypical of the street. Moreover, the extensions would not be forward of the existing building line. These factors would prevent any unacceptable effects on the living conditions of the occupiers of the neighbouring property.
12. Ownership Certificate A was submitted with the application and appeal forms declaring that nobody, except the applicant/appellant was the owner of any part of the land with which the application/appeal relates. No substantive evidence has been provided to the contrary.

Planning Balance

13. I have not been provided with any recent figures for family housing in the area. The scheme would provide sufficient outdoor space for a family unit and a condition can be imposed to ensure that this is retained for the 2-bedroom flat. Internal space would also be appropriate with direct access to the garden. Even

if I were to give full weight to Core Policy 4 of the Core Strategy, given the scheme would meet the other requirements of the policy, and in the absence of detailed justification for excluding flats from the definition of family housing, I give limited weight to the conflict with the policy.

14. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and the efficient use of land. Given the scale of the proposal these attract limited weight.
15. The same weight is given to the economic and social benefits from the build and occupation of the dwellings as well as support for local services and facilities.
16. On the basis of the individual merits of the scheme, the material considerations indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Conditions

17. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
18. To protect the character and appearance of the area a condition regarding the external materials is imposed. A condition is imposed securing the rear outdoor space for the 2-bedroom flat to ensure sufficient space is provided for the larger unit.
19. I have also imposed conditions requiring the provision of a bin store to ensure adequate refuse facilities are provided, as well as a cycle store to facilitate sustainable transport options. Finally, I have imposed a condition regarding the provision of parking spaces in the interest of highway safety.

Conclusion

20. For the reasons given, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions below.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 15EA-F/24112020/PD-1/2 and 15EA-F/24112020/PD-2/2
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise shown on the approved plans.
- 4) The rear external garden space shall be used for the ground floor flat only.
- 5) Prior to the occupation of any of the units hereby approved, bin and cycle storage facilities shall be erected in accordance with details that have first been submitted to and agreed in writing by the local planning authority. They shall be retained thereafter and not used for any other purpose.
- 6) Prior to the occupation of any of the units hereby approved, parking spaces shall be provided in accordance with the Proposed Site Plan on Drawing No 15EA-F/24112020/PD-2/2 and shall be retained thereafter and not used for any other purpose.

Appeal Decision

Site visit made on 25 April 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal Ref: APP/J0350/D/22/3291447

76 Farnham Road, Slough SL1 3TA

- 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 Daniel Pajic against the decision of Slough Borough Council.
 - The application Ref P/17057/002, dated 10 June 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the installation of a dropped kerb.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. **The description of development in the banner above is taken from the Council's decision notice.** It is more precise and accurate than that given in the application form and omits wording related to the merits of the proposal.

Main Issue

3. The main issue is the effect of the proposal on the free flow of traffic and highway safety.

Reasons

4. The appeal property is an end of terrace house facing the A355 Farnham Road in a mixed use area of Slough. Most of the front garden is a hardstanding and some of the front boundary has been removed. The proposed dropped kerb includes a crossover of the pavement and a grass verge. This new access would be used to park cars in the front garden.
5. The A355 is a busy road with a single main lane in each direction and double yellow lines either side. Albeit a snap-shot, I saw that traffic along it ebbs and flows, including buses and HGVs. However, there were few sustained gaps, especially at the same time in both directions past the appeal site. It is likely that entry into, and egress from, the front garden hardstanding by a car, even in a forward gear, would sometimes require a significant amount of time and/or might result in an unduly hurried manoeuvre.
6. In the nearside direction, next to the proposed crossover, there are some low railings where part of the pavement turns away from the A355. At about this point the carriageway divides to provide a separate bus lane which would run across and in front of the dropped kerb. It can also be used by taxis,

motorbikes and cycles and outside of the peak travel restricted hours¹ it is available for a large part of the day to all traffic. Before the bus lane is a T-junction with an access road into a business park and then the A355 curves forward, in front of the appeal site, sloping up to a bridge.

7. Notwithstanding the depth of the pavement and grass verge, approaching traffic, including from a higher level, would appear behind a driver at a relatively short distance. This would be the case whether reversing into the front garden from the A355 or reversing out of the front garden onto the A355, including against the flow of on-coming traffic. Vehicles would be out of normal line of sight and require an acute sideways or rearward glance over the shoulder, including past or around any passenger(s).
8. In the other direction, near the proposed dropped kerb and crossover, there is a street lighting column towards the back edge of the pavement but protruding beyond the grass verge. While this would not unduly obstruct visibility and this part of the A355 is straight, there is nevertheless a staggered cross road junction nearby with a controlled pedestrian crossing. I also saw that across from the appeal site the A355 was used to park and unload a car transporter lorry outside a car dealership. This caused traffic to manoeuvre partly into the opposing lane against on-coming traffic not far from the proposed dropped kerb and crossover.
9. Accordingly, although subject to a 30 mph speed limit and with good street lighting, this section of the A355 has a high degree of complexity and an appreciable number of potential hazards. These would not only apply to drivers of cars parking in the front garden but generally to all road users. It is also, therefore, unlikely that the dropped kerb would be noticed as a marker for the access and so not provide any forewarning of associated vehicle movements.
10. Even if the access was relatively infrequently used, and despite that the appellant has parked in the front garden with apparently no incident so far, on the occasions that it was used the slowing, stopping, turning or accelerating of cars entering or leaving the appeal site in a forward or reverse gear, including cutting across the pavement and one or two lanes of traffic, would nonetheless be inherently unsafe. This would cause a significant increase in the potential for conflict between road users that could result in accident or injury. Moreover, these circumstances could otherwise clearly be repeated at the other houses in this terrace with similar undesirable outcomes.
11. I have been referred to dropped kerbs at some other properties fronting the A355 further away. I do not know if these have planning permission and there is no objective accident data in evidence. However, these accesses are in a relatively straight part of the A355 which is on a level gradient in both directions behind a very wide pavement. For these reasons they can be distinguished from the appeal proposal which I have, anyway, considered on its individual planning merits.
12. Taking all of the above into account, I find that the proposal would have an unacceptable adverse effect on the free flow of traffic and cause significant detriment to highway safety. Consequently, it would not comply with Core Policy 7 of the **Council's Core Strategy 2006-2026** which includes that development should improve road safety.

¹ Monday to Friday 07:00 to 10:00 and 15:00 to 19:00

Other Matters

13. I have had due regard to the health and quality of life of the **appellant's** mother, as has been referred to as part of the appeal. I sympathise with the **appellant's** sincere and genuine intentions in this regard, including a preference to drop-off or pick-up and park near the front door of the appeal property which is the family home.
14. While the driveway off Salt Hill Way is unsurfaced it nevertheless provides a means of vehicular access to the rear of the appeal property. Although it is further from the back door (than would be parking in the front garden in relation to the front door) it would not be an overly excessive distance or inordinate difference. It is within the control of the appellant to provide a secure and useable pedestrian entrance from this driveway to the back door through the garage and short rear garden, including provision for wheelchair access if necessary or appropriate.
15. Parking in the driveway would cause an obstruction but would not prevent temporary drop-off or pick-up. Permanent on-street parking in Salt Hill Way is restricted to permit holders. There is, though, no evidence that a permit would not be available to the appellant or other family members and relatives, whether resident at the appeal property or a visitor. I also saw that there is unrestricted permanent on-street parking nearby in Pitts Road.

Planning Balance

16. The proposal would result in private benefits to the occupiers of the appeal property and the dropped kerb, crossover and new access would remain long after the **appellant's** personal circumstances have ceased to be material. Accordingly, I give limited weight to these considerations.
17. The proposal would not provide a safe or suitable access to the appeal property and would have a significant negative impact on highway safety. This would be at odds with important objectives of the National Planning Policy Framework which also include to minimise the scope for conflicts between pedestrians, cyclists and vehicles.
18. Consequently, the adverse impacts of the proposed development would outweigh the benefits.

Conclusion

19. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
20. Therefore, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR



Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCI EH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 6 May 2022

Appeal Ref: APP/J0350/C/21/3281780

34 Glentworth Place, Slough SL1 3UT

- 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 Nadeem Butt against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered 2020/00482/ENF, was issued on 30 June 2021.
 - The breach of planning control as alleged in the notice is the conversation of an outbuilding, and its use as a self-contained residential dwelling and shown on the plan attached to the notice edged in blue ("**Unauthorised Use**").
 - The requirements of the notice are to:
 1. Cease the use of the outbuilding as self-contained unit of residential accommodation ("**Unauthorised Use**").
 2. Remove the kitchen and shower room from the outbuilding.
 3. Remove the internal walls incorporating the kitchen and the shower room.
 4. Remove all plumbing, boiler, connections and associated pipework that serve the kitchen and shower room within the outbuilding.
 5. Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d) (f) of the Town and Country Planning Act 1990 as amended (the Act).
-

Decision

1. It is directed that the enforcement notice be:
 - corrected by the replacement of **the word "conversation" by "conversion"** in section 3;
 - varied by removing the words **"and shower room" from step 2**, section 5;
 - varied by removing step 3, section 5 in its entirety;
 - varied by **removing the words "and shower room" from step 4, section 5 while adding the words "save for those serving the shower room" to the end of the sentence.**
2. Subject to this correction and variations made due to success under ground (f), the appeal is otherwise dismissed and the enforcement notice is upheld.

Costs Applications

3. Costs applications have been made by Slough Borough Council against Nadeem Butt, and by Nadeem Butt against Slough Borough Council. These applications are the subjects of separate Decisions.

Procedural Matters

4. It was not necessary to conduct a site visit to determine this appeal, and I note from the appeal form that the appellant agrees.
5. I am using my powers to correct a simple typographical error in the notice allegation (conversion, not conversation), without any injustice to the parties.

Ground (d)

6. For an appeal to succeed under this ground, the burden of proof is on the appellant to satisfy me on the balance of probabilities that no enforcement action could be taken in respect to the breach of planning control on the date the notice was issued.
7. Section 171B(2) of the Act provides that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no action may be taken after the end of the period of four years beginning with the date of the breach.
8. Accordingly, as the notice was issued on 30 June 2021, the appellant must demonstrate to the required standard of proof that the building had been in use continuously as a single dwellinghouse since at least 30 June 2017.
9. **There is no definition of the term 'dwellinghouse' in the Act** but it was accepted in *Gravesham*¹ that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.
10. So, when did the building provide viable facilities for living with regard to these *Gravesham* characteristics of a dwellinghouse?
11. Notwithstanding tenancy and other documents from the appellant asserting occupation of the building from 5 June 2016, the appellant accepts that a kitchen was not installed until sometime between Council visits on 12 February 2020 and 4 June 2021.
12. The appellant says that despite the lack of a kitchen before it was eventually installed, the occupants had mobile cooking facilities (a portable oven and microwave). However, I give this limited weight as I find it unlikely that the visiting Council officer would have failed to have made a note of those facilities in his records (submitted with **the Council's evidence**) - had they been in day-to-day use on 12 February 2020 - and I cannot see evidence of those facilities in the photographs taken by the officer on that date.
13. Therefore, on the evidence and as a matter of fact and degree, I find that the building did not have the facilities required for day-to-day private domestic existence until after the February 2020 Council visit. Accordingly, I am not satisfied on the balance of probabilities that the building had been in use continuously as a single dwellinghouse since at least 30 June 2017 and the ground (d) appeal fails.

¹ *Gravesham BC v SSE & O'Brien [1983] JPL 306*

Ground (f)

14. For an appeal to succeed under this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose. It is clear from the way the notice has been drafted that its purpose is to remedy the breach of planning control by discontinuing the unauthorised use and restoring the land to its condition before the breach took place.
15. Given my finding on ground (d) that the breach set out in the notice – the conversion of the outbuilding to a self-contained residential dwelling – had not occurred at the time of the **12 February 2020 visit (which from the officer’s notes also appears to be the Council’s position at that time²)**, it is excessive to require the removal of the shower room which was in place before the breach took place. Clearly, **therefore, the shower room was not ‘part and parcel or integral’** to the breach as argued by the Council in its response to this ground of appeal.
16. The ground (f) appeal therefore succeeds, and I am varying the requirements of the notice so as not to require the removal of the shower room or the associated walls, plumbing, boiler, connections and associated pipework that serve it. Further, I am varying the notice to remove the requirement to remove **“internal walls incorporating the kitchen” as the Council’s** statement is clear that these do not exist due to the open plan nature of the arrangement³.
17. An interested third party has suggested that the requirements of the notice are not excessive enough, and that I should vary the notice in requiring demolition of the outbuilding as it is said to be unauthorised. However, I do not accede to that request (which would cause injustice to the appellant) as it would go beyond remedying the breach of planning control attacked by the notice which is conversion of the building rather than its erection.

Conclusion

18. For the reasons given above I conclude that the appeal should not succeed except on ground (f) since the notice requirements are excessive. I shall uphold the enforcement notice with a correction and variations.

Andrew Walker

INSPECTOR

² “Outbuilding has 2 rooms, a WC/shower room and a larger room... Advised to only use the outbuilding incidental to the main house, and that a planning application should not be forthcoming.”

³ “The outbuilding consists of an open plan kitchen, lounge area and bedroom and a separate bathroom.”

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