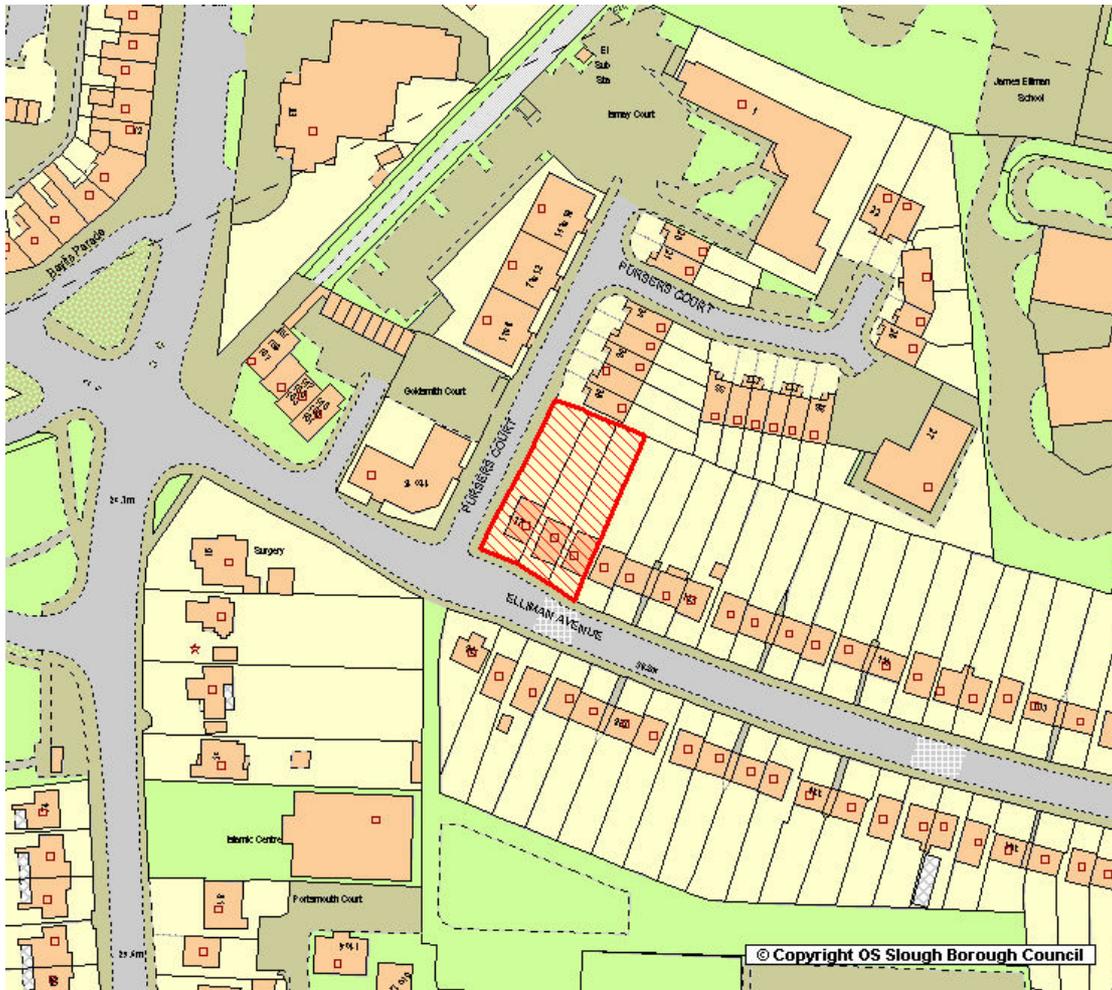


Registration Date:	29-Oct-2010	Applic. No:	P/13787/002
Officer:	Mr. W. McCarthy	Ward:	Central
		Applic type:	Major
		13 week date:	28th January 2011
Applicant:	Mr. Martin Tinsley, Mr M. Tinsley & Mr R. Gurm		
Agent:			
Location:	133-137, Elliman Avenue, Slough, Berkshire, SL2 5BD		
Proposal:	APPLICATION FOR AN EXTENSION OF TIME TO REPLACE PLANNING PERMISSION P/13787/000, DATED 16/11/2007 FOR THE ERECTION OF 10 NO. TWO BEDROOM FLATS, CAR PARKING, CYCLE PARKING AND AMENITY SPACE.		

Recommendation: Delegate to HPPP for S106



P/13787/002

1.0 SUMMARY OF RECOMMENDATION

- 1.1 Having considered the policy background and the comments from neighbours and consultees it is recommended that the application be Delegated to the Head of Planning, Policy and Projects for completion of a Section 106 Planning Obligation Agreement and final determination.

PART A: BACKGROUND

2.0 Proposal

- 2.1 This is an application for an extension of time for implementation of the existing planning permission P/13787/000. A change in planning legislation has been introduced in order to assist economical recovery, which introduced this new type of application. The existing permission was granted on 16th November 2007, after consultation with this Committee.
- 2.2 The existing permission, in summary, is for the demolition of three detached residential dwellings to facilitate the erection of 10 x two-bedroom flats and associated car parking.
- 2.3 The footprint of the building has been sited to address the primary street frontage of Elliman Avenue, and continues around the corner with Pursers Court. The building line is set back from the back edge of footway fronting Elliman Avenue, but slightly forward by 1.5 m of the neighbouring dwelling on this frontage. Car parking is located to the rear of the site, and 16-spaces are provided. An area of communal amenity space is provided adjacent to the northern and eastern parts of the flat building, with access from the car park.

3.0 Application Site

- 3.1 The application site is made up of nos. 133–137 Elliman Avenue, which contain three detached dwellings, dating from the 1930's. The site is located at the western end of Elliman Avenue, near the junction with Stoke Poges Lane. Elliman Avenue is predominantly made up of semi-detached and terraced properties, which share common architectural features to those of the residential properties to be demolished. The site is located on the junction of Elliman Avenue with Pursers Lane.
- 3.2 On the opposite side of the junction planning permission was granted in May 2006 for the redevelopment to provide 12no. two-bedroom flats. The permission was later amended and approved on 16 November 2007 for 12no. two-bedroom and 2no. one-bedroom flats. This permission has been implemented on site and is known as Goldsmith Court. A further application by the same developer has recently (16 September 2010) been approved in principle by the Planning Committee for the redevelopment of Eschle Court (157 Elliman Avenue), to be incorporated into the Goldsmith Court development.

4.0 **Site History**

4.1 P/13787/000: ERECTION OF 10 X TWO BEDROOM FLATS, CAR PARKING, CYCLE PARKING AND AMENITY SPACE – Approved with Conditions; Informatives on 16 November 2007

4.2 P/13787/001: CONSTRUCTION OF 12. NO TWO BEDROOM AND 2. NO ONE BEDROOM RESIDENTIAL FLATS IN A THREE AND A HALF STOREY BUILDING WITH 17 NO. PARKING SPACES - Withdrawn by Applicant - 11-May-2007

5.0 **Neighbour Notification**

5.1 131, 129, 127, 125, 138, 136, 134, 132, 130, 128, 126, 139, 141, 143, 137, 137a, 137b, 135, 133, Elliman Avenue

1, 2, 3, 38, 4, 5, 6, Pursers Court

Notice published in local press

Press notice: expires 11 February 2011

5.2 Two letters of objection have been received, raising the following concerns:

- Loss of privacy
- Overshadowing
- A line of trees should be provided between the proposed flats and the neighbouring dwelling at 129 Elliman Avenue, in order to “absorb fumes”.
- Traffic congestion, in light of the existing problems with the mosque in the area.
- Loss of the character of the street, due to the modern building next to the “unique Dutch style Elliman Avenue houses”.
- A precedent for further similar developments would be set.
- Neighbours have not been consulted about the original proposal.
- The Planning Section has a “vested interest”, because the same developer has stated that the application site is linked to the redevelopment of Eschle Court.

5.3 In response to the above objections, it needs to be noted that the current proposal is a renewal of a scheme that was approved by the Planning Committee on 16th January 2007. All the concerns about the impact on the neighbouring properties have been assessed during the previous application. In terms of the claim that the Planning Section has a “vested interest” in approving this application, the previous application P/13787/000 has been approved prior to any possibility that the same developer would redevelop Eschle Court in 2007.

PART B: PLANNING APPRAISAL

6.0 Policy Background

6.1 A key consideration is Government guidance regarding extension of time applications. In brief the intention is that planning authorities “should take a positive and constructive approach” towards such applications the development having been judged acceptable at an earlier date. Planning Authorities should “focus attention on development plan policies and other material considerations which may have changed” since the grant of permission.

6.2 Since the permission has been granted the Core Strategy has been Adopted as well as the South East Plan has been adopted and then later revoked although the housing allocation and environmental targets in the South East Regional Plan be adopted for development control purposes.

6.3 National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Statement 3 (Housing)

Local Development Framework, Core Strategy, Development Plan Document

- 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)

Adopted Local Plan for Slough

- H13 (Backland / Infill Development)
- H14 (Amenity Space)
- EN1 (Standards of Design)
- T2 (Parking Restraint)

6.4 The planning considerations for this proposal are:

- Principle of Housing
- Design & Impact on Street scene and neighbouring properties
- Living Conditions for Future Occupiers
- Highways and Traffic

7.0 Principle of Flats

7.1 The most significant difference between the current application and the previous application is the fact that Core Policy 4 aims to concentrate high

density flatted developments within the Town Centre Commercial Core Area. The policy also states that there should no net loss of family housing as a result of redevelopment proposal. The application site is outside this designated area and proposal should therefore not result in a loss of family dwellings as a result of the redevelopment. According to Core Policy 4, the development of the site should result in the provision of family dwellings in accordance with the definition of the Core Strategy.

7.2 In order to overcome the above mentioned policy objection, there should be a special circumstance to override this concern. As stated above, the previous approved scheme has been for flats and the principle for the provision of flats on the site has already been set before. The previously approved scheme did not include the provision of any social housing, due to the fact that the number of units was below the Council's threshold for the provision of Affordable Housing. The applicants have however indicated that they are willing to provide social housing, which is under negotiation with the Council's Housing Section. An acceptable outcome of the negotiations to provide Affordable Housing in combination with the previous approval for flats on the site, create the special circumstance to override the policy objection. It is therefore considered that on balance, the proposal complies with PPS3, Core Policies 3 and 4 of the Local Development Framework, Core Strategy Submission Document and Policy H7 of The Adopted Local Plan.

8.0 **Design & Impact on Streetscene**

8.1 Design, external appearance and impact on neighbouring properties are assessed against PPS1, Core Policy 8 and Local Plan Policy EN1.

8.2 Planning Policy Statement 1 (Delivering Sustainable Development) advises that *'Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'*.

8.3 Core Policy 8 of the Local Development Framework, Core Strategy, states that: *"All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change."* Part 2 to that policy covers design and in sub section b) it states: *"all development will respect its location and surroundings"*.

8.4 The site is currently made up of three detached properties. Within the vicinity of the site Elliman Avenue is predominantly made up of semi-detached and terraced dwellings that date from the 1930's. The proposal would result in the loss of the original properties and the erection of 10 flats within one continuous building which wraps around the corner of Elliman Avenue and Pursers Court. In terms of layout and design, the flats would be different in their nature and character to the houses lost. Inevitably, there would be some change in the character of the street as a result. However, the site is at the western end of Elliman Avenue, near the junction with Stoke Poges Lane and this part of Elliman Avenue has a more mixed form of development than the eastern parts

of the street. Most notably, the planning permission that has been granted for the redevelopment of the site that used to be 139-143 Elliman Avenue, to provide 12 flats, (submitted by the same applicant) has been constructed and is occupied as Goldsmith Court. The Planning Committee has also agreed the principle of the redevelopment of Eschle Court (157 Elliman Avenue) on 16th September 2010, which will form part of the Goldsmith Court development.

- 8.5 No objections are therefore raised in terms of the design and impact on the street scene in relation to PPS3, Core Policy H8 or Local Plan Policies EN1 and EN2.

9.0 **Impact on neighbours and future living conditions**

- 9.1 These issues have been considered and found to be acceptable in determining the previous application and because there is no change to the design and layout of the proposed block of flats, it would be unreasonable too raise an objection now.

- 9.2 The proposal is considered to be in accordance with guidance given in PPS1, and Policy H14 of the Adopted Local Plan in terms of amenities for future occupiers and amenity space requirements.

10.0 **Traffic and Highways**

- 10.1 The relevant policies in terms of assessing traffic and highway impacts are Core Policy 7, Local Plan Policy T2 and the adopted parking standards.

- 10.2 Core Policy 7 requires that development proposals will have to make appropriate provisions for reducing the need to travel, widening travel choices and making travel by sustainable means of transport more attractive than the private car, improving road safety, improving air quality and reducing the impact of travel upon the environment.

- 10.3 Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location and overcome road safety problems while protecting the amenities of adjoining residents and the visual amenities of the area.

- 10.4 The proposal includes 16 parking spaces, with a ratio of 1.6 spaces per flat. The Local Plan requirement in terms of parking provision for this development is 17.5 spaces. The development is therefore 1.5 spaces below the Council's parking requirement and due to this and based on the fact that the application has previously been approved at this ratio, no objection is raised to the proposed parking provision.

- 10.5 The proposal is considered to be consistent with Core Policy 7 of the Local Development Framework Core Strategy and Policy T2 of the Adopted Local Plan.

11.0 **Legal Agreement**

11.1 The applicant will have to enter into a Section 106 to secure the provision of the Affordable Housing. The applicant did pay the required contributions before the previous permission was issued for open space contribution and parking review. In order to ensure that the work is delivered in accordance with the previous Section 106 and to prevent future occupiers from applying for car parking permits, the Section 106 will be signed again.

12.0 **Summary**

12.1 The proposal makes effective and efficient use of a brownfield site in accordance with government guidance given in PPS3 and it would also contribute to a sustained regeneration of the area, in accordance with PPS 1, PPS3, Core Policies 3, 4, 7, 8 and 9 of the Local Development Framework, Core Strategy, 2006-2026, Development Plan Document and Policies H13, H14 EN1 and T2 of Adopted Local Plan for Slough, 2004.

PART C: RECOMMENDATION

13.0 **Recommendation**

13.1 Delegate to the Head of Planning, Policy and Special Projects for completion of a Section 106 Planning Obligation Agreement and final determination.

14.0 **PART D: LIST OF CONDITION(S)**

Condition(s)

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

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

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

- (a) Drawing No 1127/SK3 Dated August 06 Recd On 19/10/06
- (b) Drawing No 1127/SK4 Dated August 06 Recd On 19/10/06
- (c) Drawing No 1127/SK5 Dated August 06 Recd On 19/10/06
- (d) Drawing No 1127/SK6 Dated August 06 Recd On 19/10/06
- (e) Drawing No 1127/SK7 Dated August 06 Recd On 19/10/06
- (f) Drawing No 1127/SK8 Dated August 06 Recd On 19/10/06
- (g) Drawing No 1127/SK9 Dated August 06 Recd On 19/10/06

REASON To ensure that the site is developed in accordance with the submitted

application and to ensure that the proposed development does not prejudice the amenity of the area.

3. No development shall commence until a plan to show 16 No. parking spaces has been submitted to and approved in writing by the Local Planning Authority. These shall be provided on site in accordance with the approved details prior to occupation of the development and retained at all times in the future for the parking of motor vehicles.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

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

REASON To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

5. During the demolition stage of the development, a suitable continuous water supply shall be provided in order to minimise the formation and spread of dust and the perimeter of the site shall be screened to a sufficient height to prevent the spread of dust.

REASON To prevent the formation and spread of dust in the interests of air quality and to accord with Policy EN29 of The Adopted Local Plan for Slough 2004.

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

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

7. Samples of external materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

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

8. No development shall commence until 2.4m by 2.4m pedestrian visibility splays

have been provided behind the back of the footpath on each side of the access and these shall be retained permanently kept free of all obstructions exceeding 900mm in height.

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

9. The development shall not be occupied until the existing access(s) to the site have been stopped up and abandoned and the footway and verge crossing reinstated in accordance with the details to be agreed in writing by the Local Planning Authority.

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

10. No development shall commence on site until a detailed landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights of new trees and shrubs.

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

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

11. No development shall commence on site until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

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

12. Any soakaways shall be constructed in natural ground level, such that its base is at least 1m above the highest seasonal water table and in any case, no deeper than 3m.

REASON To prevent pollution of groundwater.

13. No vehicle access gates, roller shutter doors or other vehicle barriers shall be

erected without first obtaining in writing the approval of the Local Planning Authority.

REASON In the interests of general highway safety.

14. No development shall commence until details of the proposed bin store (to include siting, design and external materials have been submitted to and approved in writing by the Local Planning Authority. The approved stores shall be completed prior to first occupation of the development and retained at all times in the future for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN 1 of The Adopted Local Plan for Slough 2004.

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

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

16. The development shall not begin until details of on and off site drainage works have been submitted to and approved in writing by The Local Planning Authority. No works which result in the discharge of ground or surface water from the site shall be commenced until the off-site drainage works detailed in the approved scheme have been completed.

REASON To ensure that foul and water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy EN31 of The Adopted Local Plan for Slough 2004.

Informative(s)

1. Applicants are advised to discuss the new requirements for access for the disabled under the Building Regulations with the Council's Building Control Service.
2. The applicant is reminded of the following:

CONTROL OF NOISE ON CONSTRUCTION AND DEMOLITION SITES

(a) Section 60 of the Control of Pollution Act 1974 enables this Authority to serve a Notice, detailing its requirements relating to the control of noise at a construction or demolition site, on the person carrying out the works and on such other persons responsible for, or having control over, the carrying out of the works.

(b) Section 61 of the Control of Pollution Act 1974 enables a contractor (or developer) to apply, if he so chooses, to this Authority for a prior consent which

would define noise requirements relating to his proposals before construction commences.

As there is a need to protect persons living and working in the vicinity of the construction/demolition site from the effects of noise, the following conditions should be strictly adhered to:

1. All works and ancillary operations which are audible at the site boundary, which affect persons working and living in the locality shall only be carried out between the hours of 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Bank Holidays.

Works outside these hours only by written agreement with the Borough Environmental Health Officer. Should complaints arise, this Authority will exercise its powers under Section 60 of the Control of Pollution Act 1974 to impose these times, or other times as considered appropriate.

2. Have regard to the basic information and procedures for noise control as it relates to the proposed construction and/or demolition as laid out in BS:5228: Part 1: 1984 Noise Control on Construction Sites - Code of Practice for Basic Information and Procedures for Noise Control. Vibration is not covered by this Standard, but it should be borne in mind vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it.

3. If the proposal involves piling operations, have regard to BS 5228: Part 4 1986 - 'Noise Control on Construction and Demolition Sites - Code of Practice for Noise Control applicable to piling operations' and ensure details of the piling operations are forwarded to the Borough Environmental Health Officer no later than 28 days before piling is scheduled to commence. Information supplied of piling and the predicted soil conditions and the activity equivalent continuous sound pressure level at 10 metres for one piling cycle.

4. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

5. All plant and machinery in use shall be properly silenced and maintained in accordance with manufacturer's instructions.

6. No waste or other material shall be burnt on the application site.

7. A suitable and sufficient means of suppressing dust must be provided and maintained.

8. The demolition/building works hereby approved shall not commence until vehicle wheelwashing facilities have been provided on-site to the satisfaction of the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of the development.

3. The applicant will need to apply to Highways Engineering, The Green and Built Environment Department, for street naming and/or numbering of the unit(s).
4. No water meters will be permitted within the public footway. The applicant will have to provide way leave to Thames Water Plc for installation of water meters within the site.
5. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough 2004, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Planning Policy Statement 1 (Creating Sustainable Communities)
Planning Policy Statement 3 (Housing)

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

- 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)

Local Plan for Slough: Policies EN1, H13, H14 and T2

The proposal makes effective and efficient use of a brownfield site in accordance with government guidance given in PPS3 and it would also contribute to a sustained regeneration of the area, in accordance with PPS 1, PPS3, Core Policies 3, 4, 7, 8 and 9 of the Local Development Framework, Core Strategy, 2006-2026, Development Plan Document and Policies H13, H14 EN1 and T2 of Adopted Local Plan for Slough, 2004.