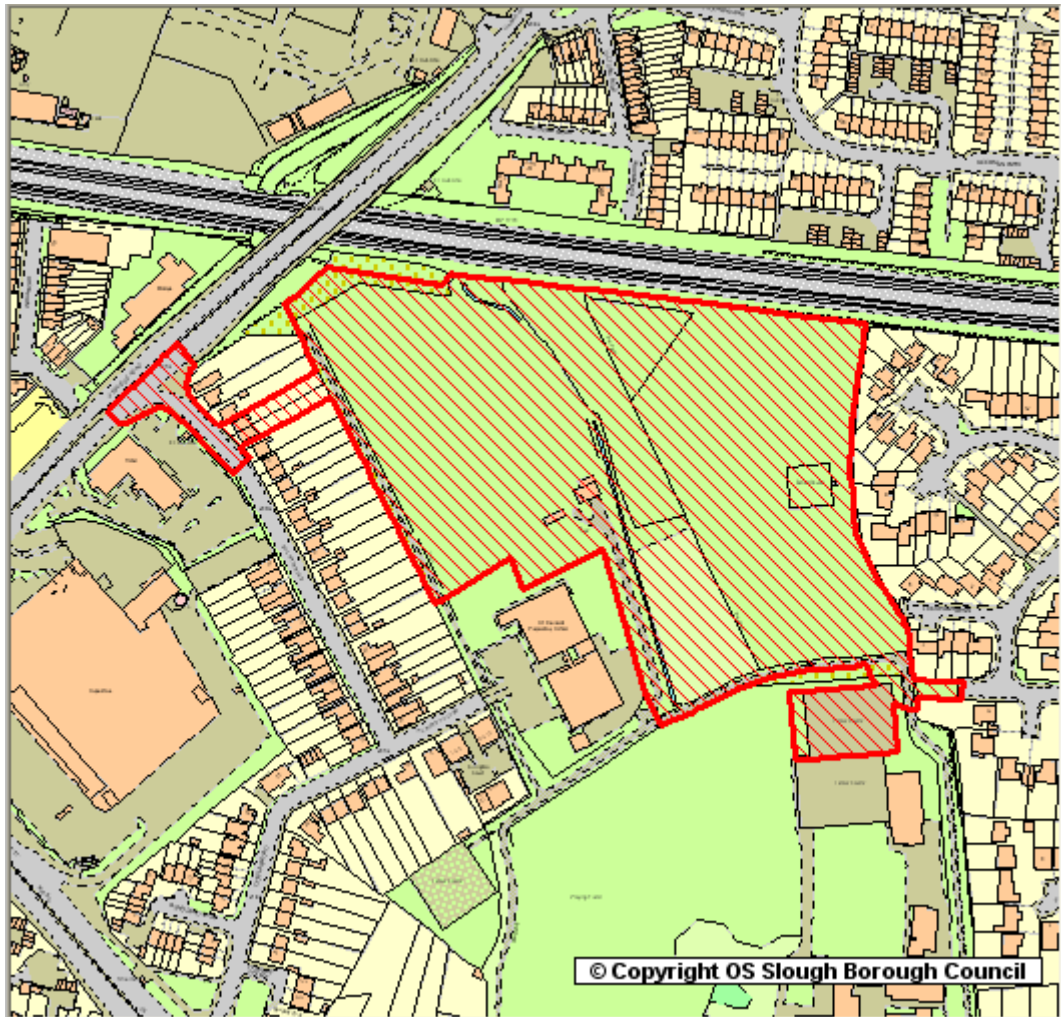


Registration Date:	30-Apr-2012	Applic. No:	P/01036/038
Officer:	Mr. Albertini	Ward:	Langley St. Marys
		Applic type:	Major
		13 week	30th
		date:	
Applicant:	Mrs. L Probyn, Linden Homes Chiltern Ltd		
Agent:	Ms. N Broderick, NMB Planning Ltd 124, Horton Road, Datchet, Slough, SL3 9HE		
Location:	Land at R/O, St Bernards Preparatory School, Hawtrey Close, SL1 1TB		
Proposal:	<p>THE ERECTION OF 117 NOS. RESIDENTIAL DWELLINGS (COMPRISING 10 NOS. ONE BED APARTMENTS, 14 NO. TWO BED APARTMENTS, 1 NO. TWO BED FLAT ABOVE GARAGE, 42 NOS. THREE BED HOUSES, 37 NOS. FOUR BED HOUSES AND 13 NOS. FIVE BED HOUSES) WITH VEHICULAR ACCESS FROM DOLPHIN ROAD FOLLOWING DEMOLITION OF THE EXISTING PROPERTIES AT NOS. 82 AND 84 DOLPHIN ROAD. TOGETHER WITH VEHICULAR ACCESS FROM FOXHERNE; THE CREATION OF FORMAL PLAYING FIELDS ALONGSIDE ST. BERNARDS PREPARATORY SCHOOL; PROVISION OF PUBLIC OPEN SPACE; REMODELLING OF DATCHET STREAM; LANDSCAPING; ASSOCIATED CAR PARKING; AND RELOCATION OF TENNIS COURTS AT ST BERNARD'S SCHOOL</p>		

Recommendation: Delegate decision to the Head of Planning Policy and Projects



1.0 **SUMMARY OF RECOMMENDATION**

Delegate to HPPP for a Section 106 agreement.

PART A: BACKGROUND

2.0 **Proposal**

2.1 The 117 home proposal has been revised to include 47 affordable homes. The overall mix of homes now comprises :

10 one bedroom flats (all affordable)
15 two bedroom flats (14 affordable)
42 three bedroom houses (16 affordable)
37 four bedroom houses (7 affordable)
13 five bedroom houses.

2.2 A mixture of two and three storey terraced, semi detached and detached houses are proposed plus a 4 storey flat block near the northern boundary in the middle of the site. The car parking ratio is 2.1 parking spaces per home. The development density (excluding school land) is 39 dwellings per hectare excluding open space/flood land or 33 dwellings per hectare inclusive of it.

2.3 The proposal includes a replacement playing field for the preparatory school; 0.6 hectares of public open space and realignment of the stream. The latter involves making the rather straight stream take a more natural alignment. In addition there will be some ground works in the middle of the site associated with controlling flood water. As part of the landscaping scheme wildlife habitat will be created in particular around the stream and includes removal of an invasive plant species. Trees along the north boundary will be retained together with most of the mature trees on other boundaries. The burial ground will be retained.

2.4 The main access will be from Dolphin Road in place of a pair of semi detached houses. A secondary access for 25 houses will be formed by extending Foxherne over part of the vacant building plot previously part of the garden of 9 Foxherne. Construction of this access will involve moving a tennis court within the Grammar School grounds and forming an embankment for the extended road. Car access between the two access points will be prevented by bollards at the end of the extended Foxherne road. Cycle and pedestrian access through the site will be allowed and an associated right of way is proposed where roads are not adopted.

2.5 Associated with the Dolphin Road access is the re-opening of access from Uxbridge Road southbound into Dolphin Road and allowing two way traffic up to the site entrance. Dolphin Road is

currently one way north/westbound with an exit southbound to the roundabout. It also has parking places on one side of the road. The new site access junction would give priority to traffic to and from the site rather than north/west bound Dolphin Road traffic. 8 kerb side parking places affected by the access arrangements would be replaced on the access road as it runs through the site of 82 and 84 Dolphin Road to the School site.

- 2.6 Traditional brick and tiled roof homes are proposed. Render will be used on some houses at ground floor level and on upper floors of flats. Some tile hanging or weather boarding will also be used. The flat block will have low pitched roof. Design details include steep pitch gabled roofs, flat roof porches, two styles of window head, full balconies for houses overlooking the open space and for some flats.
- 2.7 Most parking will be in the form of kerb side or frontage parking. Some garages and car ports are also proposed. Most parking will be visible from or near the associated homes with one gated parking courtyard between dwellings proposed.
- 2.8 For the 3 houses next to the east boundary, near existing homes, 2 storey homes are proposed. Most of the other homes will be 3 or 2 and half storey.
- 2.9 Code for sustainable homes level 3 is to be achieved and energy saving measures to be incorporated. All houses will have water butts.
- 2.10 The applicants are offering 30% social rent houses and flats and 10% shared ownership flats for the affordable housing. They have also agreed a financial contribution towards education facilities and transport works related to the development. The original submitted scheme proposed about 30 % affordable housing and a larger financial contribution.
- 2.11 Supporting information submitted with the application includes a design and access statement, planning statement, a transport assessment, draft residential travel plan, ecology studies and associated mitigation scheme for slow worms, tree survey and tree protection, flood risk assessment, soil investigation, noise report, landscape details, statement of community involvement, sustainability statement, and utility constraints report.
- 2.12 The revised layout has not affected the number of homes nor positioning of homes near the boundaries. The revisions reduce the size of a house near the east boundary and clarify tree positions and tree loss near the east boundary. Adjacent houses have been notified of the changes but the consultation period runs out after the date of the Committee meeting.

3.0 **Application Site**

- 3.1 Of this 4.94 hectare site most is private rough grassland or playing field for the Preparatory School all in the control of the Bernadine Sisters. The rest of the site comprises a pair of semi detached houses with associated gardens on Dolphin Road; a vacant plot formerly part of 9 Foxherne's garden and the north east corner of St. Bernard's Grammar School. The latter has a tennis court within it. There is no public access to the site. The Sisters had used the grassland area for growing vegetables, an orchard and pasture a few years ago.
- 3.2 Large mature trees line the northern boundary beyond which is the railway. Uxbridge Rd bridge embankment lies directly to the west which is tree lined. Other trees, many mature, and bushes line much of the west, south and east boundary. The east boundary has fewer mature trees but a substantial number of small trees and bushes form an intermittent strip of vegetation. There are also trees and hedges within the rough grassland area.
- 3.3 The site slopes gently from east to west dipping near the stream and slopes from north to south at the east end. There is a perimeter track on the south and east side of the site which, near the south east corner, is below the level of the adjacent houses.
- 3.4 Beyond the west boundary lie long rear gardens (35m approximately) of Dolphin Rd houses. Beyond the east boundary are houses in Gilmore Close and Locke Gardens. Gardens lengths vary between about 11 and 14 metres but several about the site at an angle. This results in the corner of some homes being 5 or 7 metres from the site boundary. One home has a house extension flank wall close to the site boundary. There is a gap between the site boundary and rear garden fences of about 2 metres along most of the east boundary. Beyond the south boundary are tennis court and playing fields of St. Bernard's convent with new and old school buildings beyond.
- 3.5 The single storey preparatory school building sites just beyond the south west boundaries of the site. A stream dissects the site from the north to the south part of which is culverted. There is a small burial ground associated with the former convent near the east boundary.
- 3.6 The older buildings of the Grammar school to the south are Listed Buildings. The Grammar School grounds form the core of the St. Bernard's Conservation Area. A small slither of the application site falls within the Conservation Area.
- 3.7 The centre of the site is about 1.25 km walking distance from the centre of the High Street. The railway station is a slightly longer walk.

4.0 **Site History**

- 4.1 Relocation of Preparatory School; Approved 1981 (subsequently merged with the infant school which was already on the site)
- 4.2 9 Foxherne - Erection of house in part of garden Approved March 2009 and permission renewed January 2012. (P/04761/002 & /004)
- 4.3 Adjacent site : 86-90 Dolphin Rd. - Demolition of houses & erection of block of flats with access road to parking at rear. Approved (outline) Feb 2008 (P/10382/003). Reserved matters details subsequently approved April 2011 (P/10382/004).
- 4.4 Adjacent Site : 86 & 88 Dolphin Rd.- Demolition of houses and erection of pair of semi detached homes with access to rear parking. Refused Feb 2011 (P10382/006)
- 4.5 82, 84 & 90 Dolphin Rd - Demolition of houses and erection of house on No. 90 and major access road on 82/84. Agreed in principle but subject to a Section 106 agreement. That agreement to include a requirement that number 90 is redeveloped for only one house rather than being used for part of the permitted development of 9 flats with access road. (P/10382/005).

5.0 **Neighbour Notification**

- 5.1 Dolphin Road 40 – 90 ev 25 – 55 odd 1-21, 23 (Flats 1-4), 12-38 ev
Hawtrey Close 2, 4, 6, 8.
Uxbridge Rd. 76
Langley Rd. St. Bernard's Grammar School
Gilmore Close 13 – 26 incl. 52, 53, 54
Locke Gardens 1 – 7 odd, 2 – 6 ev
Foxherne 1 – 9 odd
- 5.2 **Public Notice** – Slough Express and at access points on site.
- 5.3 **Petition** received with 105 signatures objecting to the proposal on grounds that the secondary access to the site will result in the “quiet cul de sac will become a very busy thoroughfare”.
- 5.4 25 letters of objection received (4 from the south west side of the site and 21 from east side). Concerns raised are summarised below. The most common concerns relate to :
- Traffic
 - Strain on resources/local infrastructure (e.g.: education and health)
 - Noise

- Pollution
- Scale of development (3 storey; too dense; not like neighbouring area etc.)

5.5 Particular concerns raised about traffic are (most common at top of list) :

- Affect on existing/create congestion.
- Affect on existing junctions e.g. : Langley Rd/Turner Rd and. Langley Rd/Middlegreen Rd.
- Road/pedestrian safety risk increased.
- Extra traffic from Waterside Grange (new housing on Middlegreen Trading Estate site) using same roads.
- St. Bernard's Grammar School traffic already affects congestion and results in parking on Turner Road etc.
- Existing kerbside parking not enforced.
- Extra traffic on quiet/residential roads.
- Dolphin Road – will be used by much traffic returning to site rather than Uxbridge Rd (southbound) approach.
- Prefer Dolphin Rd traffic has priority at new site junction.
- Risk of traffic trying to use Dolphin Rd wrong way eastbound (if new southbound access created from Uxbridge Rd).
- Rat run will be created through the site.
- Bollards protecting through (car) access might get removed.
- Should create through road to reduce impact on Dolphin Rd.
- Question how traffic assessment carried out.

5.5 Other concerns raised by more than one person :

- Not enough parking; risk of parking on adjacent streets.
- Proximity of new homes (or access road) to existing - affect on privacy/shading/garden; building separation distances vary between west and east sides of site.
- Link to Foxherne will create short cut for pedestrians and attract non residents; risk of nuisance and easy criminal access.
- Loss of wildlife
- Use empty offices for housing.
- Will change character of area.
- Loss of green/open space/playing field - long term affects & contrary to policy.
- Tree loss & who will maintain boundary trees.
- Limited notification of application to homes near site.

5.6 Other particular concerns raised :

- Garden of 9 Foxherne sold on basis it would be used for garden of a single new home not access road.
- Existing street parking will affect emergency access to site.

- Can't consider development in isolation
- Development contrary to policy re flood risk;
- Worsen air quality in nearby air quality management area (A4).
- Conservation Area violated against policy.
- It is not an allocated development site.
- Memorial garden – risk of misuse if more accessible.
- Affect value of properties

6.0 **Consultation – within the Council**

6.1 Transport/ and Highways -

Proposal acceptable subject to planning conditions and securing through a Section 106 Agreement off site access related works, change to Dolphin Road parking arrangements, a right of way through the site, a restriction on an adjacent development being implemented and a package of measures to mitigate the impact of the development comprising off site highway and transport works and a travel plan. to in addition. Highway layout comments are addressed in revised scheme See Section 9 below for details.

6.2 Drainage- Share Environment Agency's initial concerns re flood risk. Drainage strategy needs clarifying. Details of surface water drainage scheme to be covered by condition.

6.3 Environmental Protection – soil investigation report noted; request condition to cover further study and remediation scheme if necessary for pollution identified. Some isolated pollution has been identified on part of the site believed to be connected with gas works waste washed down by the stream in the past.

6.4 Neighbourhood Enforcement – proposal to deal with rail noise acceptable in principle. Condition to be applied to cover detail including ventilation of homes near railway.

6.5 Housing – seek normal requirement of 30% social rent and 10% shared ownership. Would prefer some 3 bedroom shared ownership but prepared to accept the revised mix now that it covers the requested 40 %. Affordable Housing to be provided in accordance with Council's normal provisions.

6.6 Education – seek normal contributions.

6.7 Parks – open space and play proposal acceptable in principle. If the land is to be transferred to the Council agreement will be needed about details, quality of work, liabilities and maintenance arrangements etc.

6.8 Tree Officer – The proposal will result in retention of most of the

important trees. Loss of a good mature Lime tree to create access towards Dolphin Road regrettable. Loss of two good Lime trees for the Foxherne access acceptable on the basis that the rest of the row of Limes will remain. It should be noted that some homes are close to large south boundary trees that will shade gardens. There is scope to relocate some smaller trees that will be lost to the proposed open areas and for the open space to have new specimen trees to replace the 3 large trees lost. On the east boundary replacing young elm with new more permanent trees is a reasonable proposal. Tree protection scheme to be covered by condition.

7.0 Consultation – external

7.1 Environment Agency – object. Progress made regarding withdrawal of objection. Further information has been provided to the Agency. Issues are detail re capacity of site to store flood water, protection of groundwater, enhance ecology, waster quality and options to open up culvert.

7.2 Thames Water – No objection. Highlight that two sewers cross the site for which piling nearby needs to be controlled.

7.3 Network Rail – no objection. Recommend various restrictions and good practice re works near the railway.

7.4 Crossrail – no response. The site does not overlap with Crossrail work sites.

7.5 Thames Valley Police – recommends varies alterations that have been substantially incorporated in revised proposals.

7.6 Archaeology – request investigation on the site. To be covered by condition.

PART B: PLANNING APPRAISAL

8.0 Policy Background

8.1 The adopted Core Strategy seeks development predominantly on previously developed land by way of Core Policy 1, Spatial Strategy. However the site is substantially greenfield land. Furthermore the site is not one of those allocated for development in the adopted Site Allocations development plan.

8.2 The site was considered as an allocated site but the main reason it did not get selected was the doubt, at that time (early 2010), about the extent of flood risk on the site. As indicated below new information shows that a substantial part of the site can be

developed without risk.

- 8.3 The Council has a five year supply of housing sites without use of the St. Bernard's site. That five year supply assumes many of the proposed town centre flat schemes will come forward soon. However as the St. Bernard's proposal provides mostly family homes allowing the development could benefit Slough in terms of quality of accommodation in the short term. The Core Strategy favours family homes.
- 8.4 Last year 77% of net completions of new housing were on previously developed land. The 5 year average is 80%.
- 8.5 It is appropriate to consider the benefits of the scheme alongside the above mentioned policy background. The key benefit is the opportunity to gain affordable housing particularly family homes. As the applicant has now increased their affordable housing offer to an acceptable level this benefit is sufficient to allow, in principle, development on land that has not been built on previously.
- 8.6 The Core Strategy (para. 7.50) does state that greenfield sites can be developed in exceptional circumstances if they do not serve a public/private open space function; there are no insurmountable constraints and they are needed for affordable housing.
- 8.7 The site is also relatively sustainable in terms of travel demand compared to typical greenfield sites on the edge of the town. The site is close to the town centre, schools and key bus services such as the bus to Heathrow and the hospital. This also helps justify the exceptional circumstance of development on greenfield land.
- 8.8 Local Plan policy OSC 2 restricts development on school playing fields unless there is a replacement. The existing long field stretching to the north west corner of the site provides for a sports pitch. The proposal provides a suitable replacement in approximately the same location but in the form of a squarer shaped field next to the school building. Consequently the proposal complies with this policy and Core Policy 2 regarding loss of private recreation space.

9.0 Transport and Highways

- 9.1 Regarding access for the proposal to be acceptable it must be demonstrated that the permitted scheme of flats at 86- 90 Dolphin Road cannot be implemented. The access proposed for the St. Bernard's development site (at 82/84 Dolphin Rd) would be too close to the access road permitted as part of the flats development to be safe (86 Dolphin Road approximately). The applicants have indicated a way forward and further information is expected soon.

- 9.2 The separate planning application (Ref. P/10382/005) for a major access road at the same location has been agreed in principle. It includes part of the adjacent flat development site (No. 90 Dolphin Rd) enabling completion of the flat development, with its associated access road, to be controlled via a Sn. 106 agreement.
- 9.3 The proposed lay by on the access road for 8 parking spaces can replace resident parking permit spaces lost by the formation of the new access road, its sightline and associated two way working to Uxbridge Road.
- 9.4 Creating the 'left in' junction at Uxbridge Road will involve moving a bus shelter nearer to Sainsbury's at the developers expense. The left in will only serve the new development. The remainder of Dolphin Road would remain one way westbound and will be used by traffic returning to the new development. The new access will serve 93 of the new homes.
- 9.5 The Foxherne access, serving 25 homes, is acceptable subject to there being no vehicular access through the site except emergency vehicles. This can be controlled by condition.
- 9.6 The cycle and pedestrian access through the site is supported as this will encourage more walking trips to local schools. This access needs to be secured by making it a right of way (Sn 25 agreement) as not all the roads and paths will be adopted as public highway. The extension of Foxherne, as designed, is not suitable for adoption.
- 9.7 Regarding traffic generation and impact the additional peak car trip rates (08.00- 09.00 & 17.00-18.00) for arrivals and departures, are estimated below and give an idea of the maximum flows :
- Dolphin Rd access – 70 am peak; 80 pm peak.
Foxherne – 18 am peak; 21 pm peak
- 9.8 As this will lead to more congestion at the Sainsbury's roundabout and the wider highway network a package of mitigation measures has been agreed. The package also includes measures for road safety and encouraging more people to use non car modes of travel. The submitted travel plan is acceptable. The package comprises :
- Widen A4 approach to roundabout.
 - Linking of traffic signals (Intelligent Transport System)
 - Uxbridge Road cycleway
 - Residential Travel Plan
 - Travel Plan monitoring fee.
 - Real time information at relocated bus stop at Sainsbury's

9.9 Regarding the affect on Turner Road/Langley Road junction and the affect of school traffic parking in the road residents concerns are noted. However the additional traffic generated by the development that will use Turner Road etc. will not be so significant that a highway objection could be sustained.

9.10 Car parking is slightly below Council standards in middle of the site but this is not likely to lead to parking off the site. There is scope for some additional kerb side parking in the site and additional visitor spaces near Dolphin Road. Car ownership and use may well be reduced compared to edge of town sites because its close to the town centre. Overall the scheme is acceptable.

10.0 **Environmental Aspects**

10.1 Regarding flood risk the middle part of the site is in Environment Agency flood zone 3. Development in this zone is normally severely restricted under the National Planning Policy Framework and Core Strategy Policy 8. The flood risk assessment and associated statements submitted by the applicant show that by altering the stream, culvert and ground levels the area of flood can be modified and development take place either side of it without putting the development or other properties at risk. Part of the open areas of the site will be the areas that take flood water. Precise details of the finished floor levels of the buildings and open areas will need to be agreed.

10.2 This solution is likely to satisfy the Environment Agency in principle but discussions continue regarding detail. Other outstanding matters relate to practical drainage solutions, alteration or removal of the culvert in relation to polluted soil, groundwater and wildlife corridors. The latest revisions include taking out most of the culvert to open up the stream benefitting wildlife but the Agency are currently seeking a clear span bridge over the stream. Such a bridge will be quite large and affect the design of the development. Whilst it is hoped agreement can be reached soon it is recommended that the application not be approved before the Agency withdraw their objection. If the Council wish to approve the application without the objection having been withdrawn it must first notify the Agency.

10.4 Regarding wildlife the ecological survey states that the habitats on site are common and widespread and of no particular conservation interest. However a small colony of Slowworms has been found. These are a protected species. A mitigation scheme proposes moving them to a part near the north boundary that will not be built upon. A new habitat can be created for the Slowworms that can be controlled by condition.

- 10.5 If no specific significant wildlife habitat will be lost there are no clear grounds for development to be restricted. However the area of grassland and vegetation to be lost has some value for local wildlife. To help compensate for this loss the applicants propose new wildlife habitat through streamside enhancements and wildlife friendly planting in the open space and the margins of the site. Bat and bird boxes are also proposed. These can be controlled by condition.
- 10.6 The ecology survey found no evidence of bat roosts or badgers. Identified trees with the potential to become bat roosts are to be retained. Overall the proposal is in accordance with Core Strategy policy 9 regarding wildlife and the natural environment
- 10.7 The key points regarding tree loss and retention are covered in the Tree Officers comments in the consultation section above. Whilst many trees will be lost most of the significant mature trees will be retained. The extent of new tree planting proposed is shown on the drawings and can be controlled by condition including specimen trees to replace the 3 significant Limes to be lost by access road works. East boundary trees are referred to below in the design section. Tree Preservation Orders may be considered to protect key remaining trees long term.
- 10.8 Some existing large trees will shade gardens and may be windows of homes particularly on the southern boundary. Officers have expressed their concern to the applicant and whilst some modest alterations were made before the application was submitted this aspect of the proposal is less than satisfactory but not sufficient to justify refusal.
- 10.9 The Listed Buildings of St. Bernard's Grammar School are to far from and substantially hidden from the site for their setting to be adversely affected. The slither of land in the St. Bernard's Conservation Area will overlap the bottom end of 9 rear gardens. Bushes from this are will be removed and a small tree but this will not affect the character of the Conservation Area. The adjacent land in the Conservation Area within the Grammar School grounds which is not in the development site has a substantial number of trees.
- 11.0 **Design**
- 11.1 The overall design is acceptable such that Local Plan design policy EN1 and Core Policy 8 (design) and 4 (housing) are complied with. The density meets the minimum requirement of 37 dwellings per hectare net of the flood land. Using the gross figure inclusive of open space/flood land the density is 33 dwellings per hectare but an allowance can be made for constraints due to trees and sewers on the site. The minimum density policy is intended to optimise the

use of scarce building sites in the town. Whilst the dwelling density of surrounding areas is less than that proposed the overall character of the scheme is still suburban and houses predominant. The site is sufficiently separated from adjacent areas to have its own character and furthermore the density is lower than many other recent new suburban housing schemes.

- 11.2 The design of the houses is appropriate being based on traditional designs, picking up on some typical features in the area but also having some contemporary features. The more contemporary four storey flat block contrasts with the houses but as it is set against the large trees behind and overlooking the open space it is a suitably distinctive feature for the development. Consideration of crime reduction is evident in the design and garden space is reasonable.
- 11.3 Regarding the relationship of new to existing homes etc. Dolphin Road homes will be far enough away for the new three storey homes not to create overlooking problems. There will be boundary trees between the two also.
- 11.4 No. 80 & 86 Dolphin Road will be affected by the new road passing next to them. The flank walls, which have some windows in them will be respectively 7 and 5 metres from the new kerb edge. A landscape buffer will run the length of the gardens for planting. A condition requires a better garden fence that will reduce noise from road traffic.
- 11.5 Having a road close to flank walls and gardens is not ideal but this relationship is found elsewhere in the town. It will be a big change for the current occupiers but with the provisions mentioned above the proposal is acceptable.
- 11.6 On the east boundary the distance between habitable room windows is acceptable in terms of overlooking in a suburban area. The shortest distance found is 25 metres. The new homes nearest the boundary are all two storey. Existing or new trees/bushes along much of the boundary will help form a screen.
- 11.7 The reduction of the width and loss of some bushes/small trees in the east boundary strip will be a big change for the adjacent existing residents. Officers had asked the applicant to retain more of this strip as it is a distinct boundary that helps screen new from existing. Revised plans clarify that many trees will be retained. New planting is proposed in the reduced strip this includes replacing Elm saplings etc. with a more permanent plant species as Elm will not mature because of Dutch Elm disease.
- 11.8 Most of the strip of existing or new planting will be in communal areas managed by an estate management company. For the two areas that will fall into private rear gardens agreement needs to be

reached with the applicant to find a way of stopping new residents clearing boundary planting.

11.9 The flank of one house is between 3 and 5 metres from a flank of 7 Locke Gardens. Whilst the new home will be on a different street the relationship is not untypical of spacing between homes on a street such that it is acceptable.

11.10 The extra traffic that will pass behind homes in the extended Foxherne will be too small to have an affect the living conditions of residents.

12.0 **Other Matters**

12.1 The open space meets Local Plan policy requirement for 10% open space for local play and recreation. Long term management can be controlled by condition. The Council may take on management of the area if a satisfactory land transfer contract is reached.

12.2 The extension of Foxherne cuts the corner of the St. Bernards Conservation Area but the character of the latter will not be adversely affected.

12.3 Regarding objectors comments the report addresses most of the common concerns raised. Regarding the petition the extra traffic on Foxherne will result in a change to the street but the degree of change is not substantial enough to affect the living conditions of adjacent residents. Consequently there is no planning justification for restricting or refusing the Foxherne access.

12.4 Many of the other concerns raised relate to a change in circumstances on the site. Whilst it is appreciated residents may not wish to see the changes planning decisions can only be based on material considerations. The changes or affects of the development need to be significant for them to affect the planning decision or be relevant to accepted planning considerations. Noise or pollution from traffic or the development in general fall into the above category.

13.0 **Section 106 planning obligation matters**

13.1 The Council has outlined to the applicant what it expects in terms of current policy key items being 30% social rent and 10% shared ownership affordable housing; financial contributions for education and transport. The financial contribution for education is significantly higher than for transport. The Council's valuer has broadly agreed the applicants revised valuation study that identifies that there is a gap between the owner/developers development value and costs. Confirmation that the revised study is correct or otherwise is expected prior to the Committee meeting. The study proposes the Section 106 financial contribution be 28% of that

requested.

- 13.2 In accordance with both Government policy and Council's policy Section 106 costs can be reduced if there is a good reason to do so. In this case the provision of affordable housing is the main benefit of permitting the scheme. It is proposed to reduce the education contribution there being an on going review of the scale of these contributions. An alternative is to reduce both education and transport financial contributions by the same proportion.
- 13.3 The applicants had originally proposed paying most of the requested financial contribution but offer only 20% (instead of 30%) social rent housing. This option was not progressed as it is affordable housing that is the main benefit of the development to justify a greenfield development. Furthermore the Core Strategy specifically refers to affordable housing as key factor for accepting development that does not comply with the policy of prioritising previously developed land for new homes.
- 13.4 **Subject to the outstanding matters being resolved the following are proposed Section 106 planning obligation items :**
- Assurance that the Dolphin Road access can be built without conflicting with an adjacent permitted access.
 - Complete a Sec. 25 agreement to secure a right of way through the site for pedestrians and cyclists.
 - Agreement to sign a Sec. 278 highway agreement for off site access related works and change of Dolphin Rd parking places.
 - Sustainable development commitments Code 3 homes & 10% Low/Zero carbon energy.
 - Affordable Housing (30% social rent 10% shared ownership)
 - Financial contribution towards education and transport.
 - Possible control of retention of screen trees in gardens (if not covered by condition).
 - Possible arrangements for ownership of open space to be offered to the Council (if not covered by an independent agreement).

14.0 **Summary**

- 14.1 The site sits behind other development so securing satisfactory access has taken a few years to negotiate. The Dolphin Road

access is only practical if arrangements are in place to ensure an adjacent permitted development with an access road is not completed. To deal with the additional flows of traffic various transport measures and highway works are needed plus changes to Dolphin Road kerb side parking. The Foxherne access is a suitable secondary access provided it serves no more than 25 homes.

- 14.2 Whilst the Core Strategy seeks to prioritise use of previously developed land before greenfield sites are used it provides for exceptions to be made if justified. In terms of housing supply permitting a large scheme of mainly houses on a site near to the town centre is a benefit as is 40% affordable housing inclusive of family homes in a central location. There are few opportunities to gain new social rent family homes near the town centre.
- 14.3 Only a proportion of the financial contributions normally required to deal with the developments impact on transport and education infrastructure are being offered. A valuation study indicates the site is unlikely to be sold for development if the full affordable housing and financial contributions Section 106 package is sought. Bearing in mind stated Council guidance re Section 106 matters and recent Government policy (National Planning Policy Framework) about being positive about development it is reasonable to consider accepting a reduced package.
- 14.4 Development of the field will obviously be a big change for those living adjacent. However the design of the proposal is acceptable and there are no fundamental environmental constraints. The remaining minor design concerns e.g. trees and boundary planting etc. are not sufficient to justify refusing the proposal. Remaining environmental concerns can be dealt with by condition or are the subject of outstanding discussions with the expectation of being resolved. In particular withdrawal of the Environment Agency objection is crucial. Subject to outstanding matters being resolved and the Section 106 obligation being signed the proposal is acceptable.
- 14.5 Having considered the relevant Policies below and subject to satisfactory resolution of outstanding matters, the development is considered to not have an adverse effect on sustainability and the environment for the reasons set out.

PART C: RECOMMENDATION

15.0 **Recommendation**

Delegate a decision to the Head of Planning Policy and Projects
for the signing of a satisfactory Section 106 Agreement.

drafting of conditions.

to consider any further observations from neighbours re east boundary changes.

to agree the outstanding matters referred to in the report – Environment Agency concerns, confirmation regarding valuation study figures and further information on controlling the completion of the adjacent access.

to agree any minor amendments to the planning application, draft conditions list and Section 106 planning obligation matters.

16.0

PART D: LIST OF CONDITIONS

A full list of draft planning conditions will be on the meeting amendment sheet

- Time limits for implementation – 3 years
- Approved plans list
- Materials - details
- Bin stores for flats - details
- Cycle stores for flats - provide
- Lighting - details
- Water butts – provide for houses
- Boundary treatment - details
- Noise attenuation and ventilation (railway noise) - details
- Noise attenuation fence (80 & 86 Dolphin Rd) - details
- Archaeology - scheme
- Parking & turning areas - provide
- Foxherne access to serve 25 homes max. Bollards to prevent through access except emergency vehicles.
- Access details
- Off site highway works – details & timing of
- Replacement residents parking spaces - provide
- Travel plan – implement
- Construction management scheme (contractor parking and space for deliveries)– details
- Layout replacement school playing field
- Public Open Space 0.59 hectares - details
- Landscape scheme – details
- Landscape management - details
- Public space management - details
- Tree protection during construction -provide
- Wildlife mitigation scheme including bat/bird boxes - details
- Low or zero carbon energy 10% - details

- Soil remediation scheme - details
- Thames Water piling restrictions near sewers-details
- Surface water drainage scheme (including levels)-details
- Environment Agency conditions

Informatives

Section 106 Agreement

Highway information

Thames Water

Network Rail

Hours of work for noisy construction work.

Reason for decision