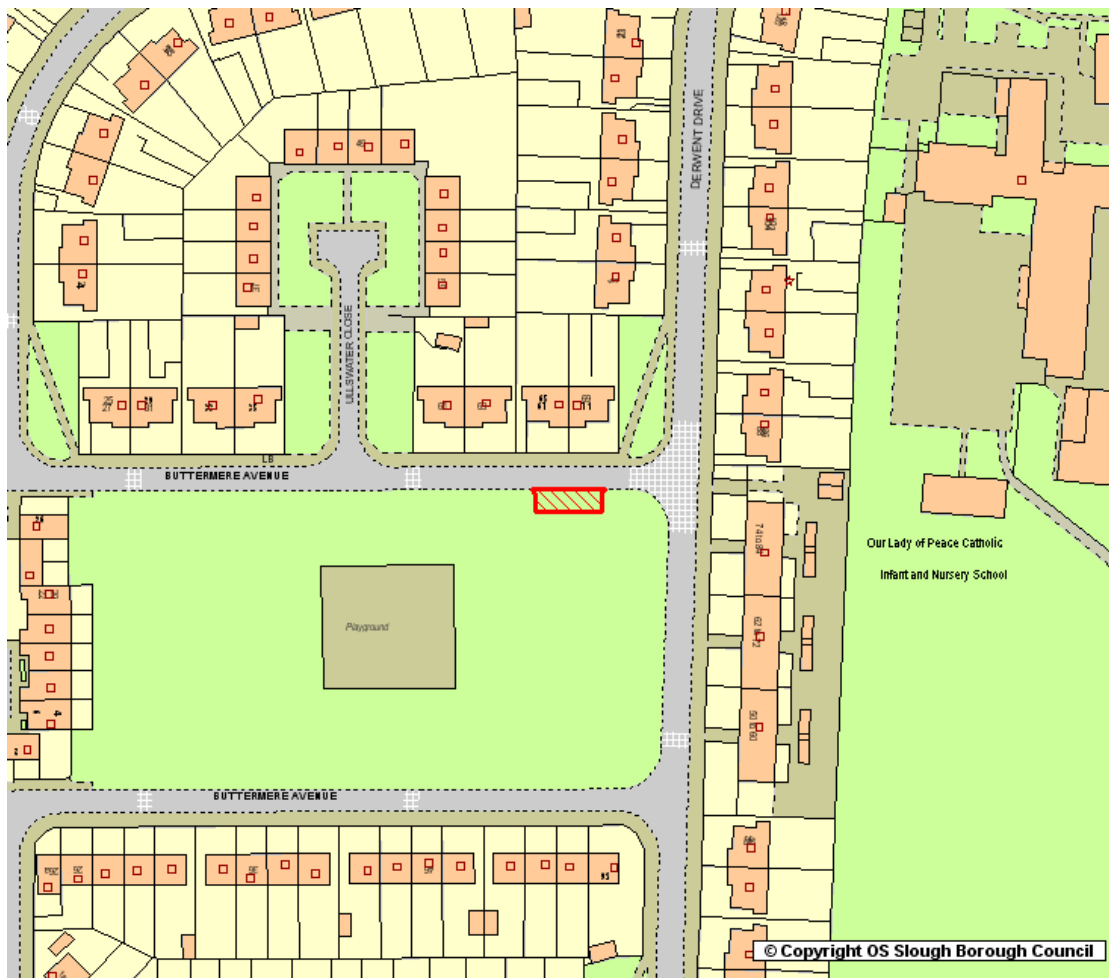


Registration Date:	29-Jan-2013	Applic. No:	S/00700/000
Officer:	Mr. J. Dymond	Ward:	Haymill
		Applic type:	
		13 week date:	
Applicant:	Mr. David Askwith, Slough Borough Council		
Agent:	Mrs. Jackie Reynolds, Slough Borough Council St Martins Place, 51, Bath Road, Slough, SL1 3UF		
Location:	Land opposite, 65-71, Buttermere Avenue, Slough		
Proposal:	CHANGE OF USE OF EXISTING GRASSED PUBLIC OPEN SPACE INCORPORATING REMOVAL OF EXISTING BOLLARDS AND EXCAVATION OF LAND TO PROVIDE 6 NO. CAR PARKING BAYS (LOCATED OPPOSITE NO'S. 65, 67, 69 AND 71 BUTTERMERE AVENUE) AND ASSOCIATED HARD SURGACING AND KERBING.		

Recommendation: Approve with conditions.



1.0 **SUMMARY OF RECOMMENDATION**

1.1 This application has been referred to the Planning Committee for consideration as the application has been made by Slough Borough Council's Housing Services section and an objection to the application has been received.

1.2 Having considered the relevant policies set out below, the representations received from local residents and the comments received from consultees and all other relevant material considerations, it is recommended that the application be approved with conditions.

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is full planning application for the proposed change of use of part of the existing grassed public open space incorporating the removal of the existing bollards and the excavation of the land to provide 6 no. car parking bays (located opposite nos. 65, 67, 69 and 71 Buttermere Avenue) and associated hard surfacing and kerbing. It is understood that the proposed car parking spaces would not be allocated to specific properties or users, and as such the spaces would be available for general use.

2.2 It is understood that the proposal has been prepared by Housing in response to the complaints received from residents regarding the lack of parking on the estate. The parking issues are understood to have arisen from parents dropping off and collecting children from school, and resident parking at evenings and weekends.

2.3 In addition, the garage site in Derwent Drive has been disposed of to build social housing and there will be proposals to develop another site at Coniston Crescent in the near future. It is understood that these developments would have no effect on parking as many garages are empty and those that are rented are used for storage rather than a motor vehicle as they are often too small for modern cars. In addition, the new properties have two parking spaces each, and the Derwent Drive garage site was used as an unofficial drop off and turning area at school pick up times.

3.0 **Application Site**

3.1 Buttermere Avenue is situated to the north and south of an area of public open space which is bounded to the east by Derwent Drive and to the west by Burford Gardens. The site adjoins the southern side of Buttermere Avenue (north).

3.2 The application site area is 39.65 square metres. The application site is currently an area laid to grass with low height bollards in situ.

3.3 The public open space is 0.745 of a hectare in area. The land is laid to grass and there is a play area to the centre of the public open space enclosed by a low height metal fence. The play area contains swings, climbing frames and slides. Immediately adjacent to the enclosed play area to the west there is a zip wire. To the east of the play area, there are two metal football goals.

4.0 **Site History**

4.1 There appear to be no previous applications relating to the site.

4.2 Previous applications in the surrounding area of relevance are considered to be as follows:

4.3 Burford Gardens

SB/00249/000 – ERECTION OF 49 NO. TWO PERSON/1 BED FLATS AND BUNGALOWS FOR ELDERLY PERSONS, PROVISION OF PARKING FACILITIES AND ACCESS ROAD – Approved with Conditions – 25/02/1982

5.0 Neighbour Notification

5.1 80, Derwent Drive, Slough, SL1 6HW, 82, Derwent Drive, Slough, SL1 6HW, 84, Derwent Drive, Slough, SL1 6HW, 74, Derwent Drive, Slough, SL1 6HW, 76, Derwent Drive, Slough, SL1 6HW, 78, Derwent Drive, Slough, SL1 6HW, 86, Derwent Drive, Slough, SL1 6HW, 88, Derwent Drive, Slough, SL1 6HW, 90, Derwent Drive, Slough, SL1 6HW, 92, Derwent Drive, Slough, SL1 6HW, 63, Buttermere Avenue, Slough, SL1 6EF, 65, Buttermere Avenue, Slough, SL1 6EF, 67, Buttermere Avenue, Slough, SL1 6EF, 69, Buttermere Avenue, Slough, SL1 6EF, 71, Buttermere Avenue, Slough, SL1 6EF, 61, Buttermere Avenue, Slough, SL1 6EF

5.2 One letter of objection received on the following grounds:

5.3 Occupier of 54 Buttermere Avenue – Object for the following reasons in summary:

- The green is for the enjoyment of all, residents & visitors alike, and for our children to play in reasonable safety.
Response: The land the subject of this application is identified as public open space on the Proposals Map.
- The proposed parking spaces are close to the regularly used football goals. This means that: (a) Cars parked here are likely to be hit/damaged by footballs (at their own risk). If this occurs regularly people will be deterred from parking there, thus rendering the spaces pointless; (b) As the area is close to the football goals, balls will inevitably be kicked between the cars which will result in children running in & out between the cars and possibly into the road to retrieve their balls.
Response: The position of the existing football goals is noted.

Whilst footballs may be kicked in the direction of the road and could hit cars, the proposed spaces are not considered to significantly change this situation as vehicles appear to be parking in this area at present.

- The green is "open space". Slough Local Development Plan and the NPPF - Supporting document February 2013 - Core Policy 2 states: "Existing private and public open spaces will be preserved and enhanced. Where, exceptionally, it is agreed that an open space may be lost, a new one, or suitable compensatory provision, will be required to be provided elsewhere."
Response: The principle of the loss of part of the open space is assessed below.
- If part of the green is lost to vehicular parking, this surely goes against the above policy and will open the "floodgates" for more of it to be taken away in the future.
Response: Whilst the principle of the loss of part of the open space is assessed below, it should be noted that this area is on the edge of the open space and constitutes a relatively small area.
- The parking problem is only at school dropping off and school picking up times. The parking problem at these times is caused purely by parents of Our Lady of Peace schools and their inconsiderate parking. A simple period of observation would confirm the above.
Response: Housing has advised that parents dropping off and collecting children from school is one of the reasons for the parking issues in this area. The other issue is understood to relate to resident parking at evenings and weekends.
- When Our Lady of Peace is shut such as an Inset Day, but its neighbour Priory School is open, the parking problem does not exist. If the application is approved, the only people that benefit would be the Our Lady of Peace pupils' parents.
Response: As above. Housing have also advised that the school are understood to be considering their own measures to address parking issues including starting up a walking bus.
- The spaces proposed in Buttermere Avenue are on a bus route and vehicles may have to reverse out, as well as being close to a corner and junction, causing safety issues to pedestrians, other cars and the buses.
Response: The acceptability of the proposal in highway terms is assessed below. It appears that cars are currently parking on the road at present.
- The provision of 6 spaces on the green, would only provide an extra 3 parking spaces in reality once you factor in the fact that 3 vehicles could have parked along the road in the space taken up by the proposed parking spaces.
Response: It is understood that cars are parking on the road in this location at present and the net gain in the number of spaces is noted and acknowledged.

- There has been no update as to what the school itself, Our Lady of Peace, can do to alleviate the problem caused by parents of its pupils. They have space to create a small car park on their own field, which already has vehicular access from Tudor Gardens and would not seriously impact upon their sporting capability. They should be accepting some responsibility for the problem and seeking to assist the community by offering solutions to the problem.

Response: As noted above, it is understood that the local residents association are having ongoing discussions with the school and a walking bus has been talked about.

- If this application is approved, residents will lose out by removal of part of our well used and pleasant open space for the benefit of short term visitors that do not reside here.

Response: The principle of the proposal is assessed below.

5.4 One letter of support received on the following grounds:

5.5 Occupier of 70 Priory Road (Vice Chair of Priory Tenants & Residents Association) – Support for the following reasons in summary:

- Proposal can make a contribution to alleviating some of the pressure of parking and child safety due to two schools being located here.

Response: The parking pressures understood to be occurring in the locality are summarised below.

- Hope that proposal will form part of a package of proposals to improve safety for school children and those from Priory Estate.

Response: Noted. It is understood that Housing are proposing future parking improvements in the area.

6.0 **Consultation**

6.1 Transport and Highways

It is understood that the spaces are being provided to supplement the shortage of parking spaces on the wider estate.

There is a severe shortage of parking in this area and considerable levels of parking on the footway do occur.

No highway objection.

6.2 Environmental Protection

No comments received.

6.3 Tree Officer

The proposal will require the removal of one small tree. This tree is shown as retained on the plans but the parking spaces will be so near the tree it

will unviable. The loss of this tree can be mitigated buy replanting to the south of the proposed parking spaces.

I would recommend that a condition requiring replanting is applied. The car parking will be outside the RPA of the mature maples on the east side of the green. These trees are prominent and an important feature of the park. The Root Protection Area (RPA) is the minimum area surrounding a tree that can contain sufficient rooting volume to support the requirements of that tree, as stated in the recommendations of BS5837:2012 - *Trees in relation to design, demolition and construction*.

To insure the survival of the tree, this area should be left undisturbed to prevent damage to the roots which would be detrimental to the tree. However it would be possible to cause disturbance and damage to these trees roots if the RPA was used for storage parking or other activities which could cause soil compaction. I would therefore recommend that a condition requiring details of protective fencing to exclude construction activities from under these trees is applied.

6.4 Crime Prevention Design Advisor

No police objections or comments regarding crime prevention for this application.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The following policies are considered most relevant to the assessment of this application:

The National Planning Policy Framework and the Technical Guidance to The National Planning Policy Framework

Slough Local Development Framework Proposals Map February 2010

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

Core Policy 1 – Spatial Strategy

Core Policy 2 – Green Belt and Open Spaces

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 11 – Social Cohesiveness

Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

Policy EN1 – Standard of Design

Policy EN5 – Design and Crime Prevention

Policy T2 – Parking Restraint

Policy T8 – Cycling Network and Facilities

Policy OSC1 – Protection of Public Open Space

Other relevant documents

Slough Local Development Plan and the NPPF - PAS Self Assessment

Checklist, February 2013
Open Space Study

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 after a 12 month period from the day of publication of the National Planning Policy Framework (as of 27th March 2013), 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 Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist. Comments on the Self Assessment Checklist are being accepted up to 6pm on Friday 29th March

It was agreed at Planning Committee on 17th October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough.

The detailed Self Assessment undertaken identifies that Core Policy 2 of the Core Strategy, which relates to green belt and open spaces is compatible with the NPPF objectives to deliver healthy, inclusive communities.

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Design and Impact on the street scene;
- 3) Potential impact on neighbouring properties;
- 4) Transport, parking/highway safety.

8.0 **Principle of Development**

8.1 The land the subject of this application is identified as public open space on the Proposals Map. As such, Core Policy 2 of the Core Strategy and Policy OSC1 of the Adopted Local Plan would apply.

8.2 It is considered that the key issues in terms of the assessment of the acceptability of the principle of the proposal would relate to the principle of the loss of open space and the introduction of the proposed parking spaces in this location.

8.3 **Loss of part of Public Open Space**

8.4 Core Policy 2 of the Core Strategy states:

"Existing private and public open spaces will be preserved and enhanced.

Where, exceptionally, it is agreed that an open space may be lost a new one, or suitable compensatory provision, will be required to be provided elsewhere.”

8.5 Policy OSC1 of the Adopted Local Plan sets out the following:

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

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

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

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

8.6 The National Planning Policy Framework also states the following with regard to open space:

“73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

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

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

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

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

8.7 An Open Space Study was undertaken in October 2005 which formed part of the Local Development Framework evidence base. This study showed that existing open spaces were well used and valued by local residents, but there was a need to improve the quality of many of them.

8.8 The Study identified this area of public open space as ‘amenity green space’. Amenity green space is understood to fulfil a number of purposes

including “enhancing the appearance of local areas and providing opportunities for informal activities such as jogging, dog walking and informal play.” It is also acknowledged that amenity green space can help reduce noise and provide a break in the urban street scene.

- 8.9 With regard to provision in the Haymill Ward, the Study identified that there is limited provision of parks in Haymill but the quality is higher than average and therefore arguably more valuable. It was found that the ward is deficient in amenity green space.
- 8.10 The supporting text to Core Policy 2 of the Core Strategy acknowledges that there is shortage of parks, playing fields and green spaces in Slough, which will be very difficult to make up, particularly since sporting facilities outside of the Borough are also under threat. As a result, the thrust of the Policy is to retain all existing open spaces.
- 8.11 The proposal is not for the loss of an open space all together, but the loss of part of an open space. The area of public open space which would be lost to the proposed car parking spaces would be 39.65 square metres. The total area of the public open space including the playground area is 0.745 of a hectare in area (7453 square metres). In percentage terms, the part of the open space to be lost would constitute a modest 0.5%.
- 8.12 Whilst the concerns regarding the loss of play space are duly noted, the usability of this part of open space for amenity purposes is considered to be limited at present due to its location on the fringe of the open space adjacent to the junction with Derwent Drive, the proximity of the area to the road and the presence of the existing bollards.
- 8.13 **Proposed parking spaces**
- 8.14 Notwithstanding the fact that the application site is identified as public open space, there is considered to be no objection to the creation of additional parking spaces in this suburban residential location, given that these spaces are proposed to address the specific issues which have been raised regarding parking problems in the area and parking on the footway.
- 8.15 Weighing up the loss of part of the open space against the principle of parking, whilst relevant policies do seek to resist the loss of public open space, it is not considered that the proposal would pose a significant conflict with the aims of these policies to such an extent that new or replacement provision would be required given the substantial amount of existing open space to be retained and the limited usability of the site for amenity purposes at present.
- 8.16 Housing have advised that they are willing to provide trees/shrubs to screen the parking bays from the park and some addition trees on the park towards Burford Gardens to shield these properties as complaints are received regarding balls hitting properties.
- 8.17 It is considered that this additional planting would compliment the existing trees in situ on the open space which are considered to constitute pleasing landscape features.

8.18 In summary, the proposal is not for the loss of an open space all together, but the loss of a small part of the edge of an existing open space. The majority of the open space would be retained and the proposal would not significantly impact on the usability of the retained area. The parking bays proposed have been proposed by Housing to address the parking problems in the area in response to the specific issues identified. Given the small extent of the encroachment, it is not considered that the proposal would have a significant adverse impact on open space provision and as such is considered acceptable on balance.

8.19 The proposal is considered to be acceptable in principle and would comply with Core Policy 2 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; Policy OSC1 of The Adopted Local Plan for Slough 2004; and the National Planning Policy Framework.

9.0 **Design and Impact on the Street Scene**

9.1 The main alterations to the appearance of the area and the street scene are considered to be as a result of the excavation of the existing green area and its replacement with hardsurfacing and kerbing.

9.2 These works are considered to be relatively unobtrusive and it is not considered that the proposed alterations would result in significant detriment to the appearance of the street scene. No fencing or other means of enclosure is proposed and noting that cars are currently parked in this area at present, the proposal would not result in a significant change to the appearance of the street scene.

9.3 The Tree officer considers that the proposal will require the removal of one small tree. This tree is shown as retained on the plans but the parking spaces will be so near the tree it will be unviable. The loss of this tree can be mitigated by replanting to the south of the proposed parking spaces.

9.4 As noted above, Housing has advised that they are willing to provide supplementary trees/shrubs. It is considered that this additional planting would assist in screening the proposed parking bays and enhancing the landscaping quality.

9.5 The Thames Valley Crime Prevention Design Officer has been consulted; however no police objections to the proposal have been raised.

9.6 The proposal is considered to be acceptable in design and street scene terms and would comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; Policy EN1 of The Adopted Local Plan for Slough 2004; and the National Planning Policy Framework.

10.0 **Potential Impact on Neighbouring Properties**

10.1 The proposal is not considered to result in an adverse impact on the amenity of neighbouring occupiers. Environmental Protection has been consulted however no comments have been received.

10.2 The proposal would thus comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; Policy 8 of The Adopted Local Plan for Slough 2004; and the National Planning Policy Framework.

11.0 **Transport, Parking/Highway Safety**

11.1 As noted under the Proposal section, it is understood that the parking bays have been proposed by Housing in response to the complaints received from residents regarding the lack of parking on the estate. The parking issues are understood to have arisen from parents dropping off and collecting children from school, and resident parking at evenings and weekends.

11.2 Housing have advised the local residents association, who are in support of the proposal, are having ongoing discussions with the school however there are no concrete proposals as of yet. It is understood that the school have talked about starting up a walking bus, by using the parking spaces in Priory Road for parents. However, the problem with this is there is no crossing on Priory Road and it is a very busy road. It is understood that there has been talk of providing some kind of crossing in the future, but nothing definite has been proposed as yet.

11.3 Other options for parking in the area have been considered. It should be noted that additional parking provision is also to be proposed on Ullswater Close and Derwent Drive and this would be the subject of a separate application. With regard to the proposals at this site, it is understood that consideration was given to the provision of parallel parking bays; however it was considered that providing parking bays in this orientation would make no real difference to the current parking provision as cars are already parallel parking. In order to provide a net gain of spaces, a perpendicular parking bay arrangement was proposed.

11.4 The Council's transport consultant has commented that there is a severe shortage of parking in this area and those considerable levels of parking on the footway occur. On the basis that the proposed spaces are being provided to supplement the shortage of parking spaces on the wider estate, no objection has been raised. It is considered that the spaces would be of a depth which would allow sufficient turning ability with the road width.

11.5 The proposal is considered to comply with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy T2 of The Adopted Local Plan for Slough 2004, and the National Planning Policy Framework.

12.0 **Summary**

The proposal has been considered against relevant development plan policies, and regard has been had to the representations received from neighbouring residents, comments received from consultees, and all other relevant material considerations.

12.1 It is recommended that the application be approved with conditions.

PART C: RECOMMENDATION

13.0 **Recommendation**

13.1 Approve with conditions.

PART D: LIST OF CONDITIONS

CONDITIONS:

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

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

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

(a) Drawing No. HO 12/13 PL-110 B, Dated 30/10/12, Recd On 14/01/2013

(b) Drawing No. HW-12/13-PR-110 B, Dated 13/08/12, Recd On 14/01/2013

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

3. The development hereby permitted shall not be begun until details of the surfacing and replacement bollards has been submitted to and approved in writing by The Local Planning Authority and shall be implemented on site 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 the Policy EN1 of The Adopted Local Plan for Slough 2004.

4. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.

If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

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

5. No development shall commence until tree protection measures during construction of the development for existing retained trees have been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented prior to works beginning on site and shall be provided and maintained during the period of construction works.

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

INFORMATIVE(S):

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
2. This decision has been taken having regard to the policies and proposals in the Local Plan for Slough 2004 and the Slough Local Development Framework, Core Strategy 2006 - 2026, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

Policies:- EN1, EN5, T2, T8 and OSC1 of The Adopted Local Plan for Slough 2004 and Core Policies 1, 2, 7, 8, 11 and 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

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