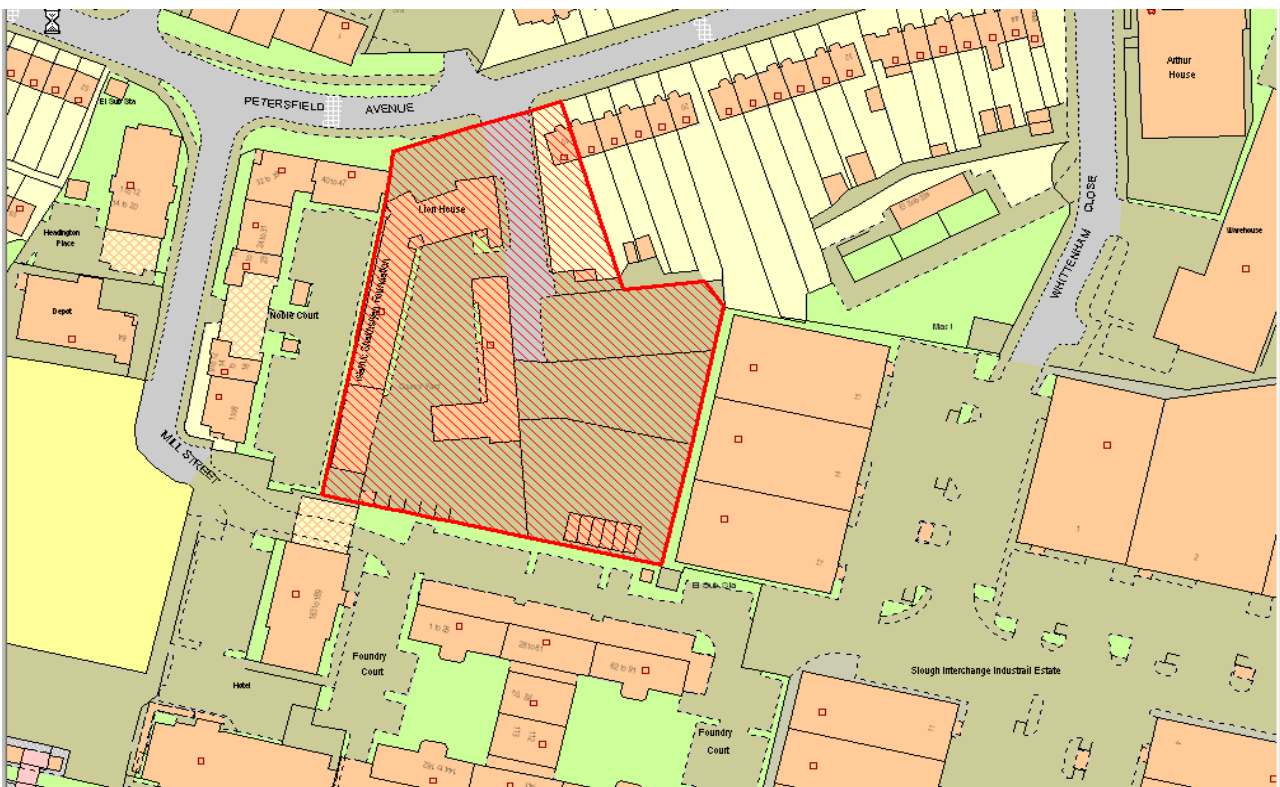


Registration Date:	01-Sep-2011	Applic. No:	P/06348/008
Officer:	Mr. Albertini	Ward:	Central
Applicant:	O F Chaudhry & OC Ventures Ltd, acting J Pitt & B Moon Fixed Charge Rece		
Agent:	Nicola Forster, BNP Paribas Real Estate 5, Aldermanbury Square, London, EC2V 7PB		
Location:	Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN		
Proposal:	APPLICATION FOR AN EXTENSION OF TIME FOR THE IMPLEMENTATION OF AN EXISTING PLANNING PERMISSION (REF. P/06348/007 DATED 23/10/2008) DEMOLITION OF BUILDINGS; ERECTION OF BUILDING (3 / 5 STOREY) CONTAINING 90 APARTMENTS AND A HEALTH CENTRE; CONVERSION OF 10 PETERSFIELD AVENUE FROM FLATS TO A HOUSE (3 BEDROOM) WITH PARKING AND LANDSCAPING		

Recommendation: Delegate to HPPP for S106



1.0 SUMMARY OF RECOMMENDATION

Delegate to Development Management Lead Officer for a Section 106 planning obligation.

PART A: BACKGROUND

2.0 Revisions since the last Committee meeting

- 2.1 A decision on this application was deferred at the 7th May 2014 meeting for 'submission of a reviewed Heads of Terms that address Members concerns regarding the viability of Sec 106 reductions and car parking management.'
- 2.2 The original officer report is attached (appendix B) and below is an update regarding Section 106 and car parking management matter.
- 2.3 The Principal Asset Manager has confirmed that the amended viability study and the negotiated reduced Section 106 contributions are reasonable.
- 2.4 Regarding capturing additional Section 106 contributions if development values change in the future the applicant has agreed to a second provision. In addition to the existing provision to gain the original Section 106 package if development does not progress in a reasonable timescale the second provision provides for any development profit, at the time of construction/occupation, to be shared between the Council and the developer up to the limit of the original 2008 Section 106 agreement.
- 2.5 Regarding car parking management the applicant is willing to have these controls in the Section 106 rather than the previously proposed condition. This will limit opportunities for a future developer to try to change the requirement. The management scheme will include allocation of spaces to particular flats, but not all flats, to avoid problems associated with communal parking where all residents have an expectation to be able to park.
- 2.6 The applicant has agreed to a residential travel plan. This can encourage new residents to use non car modes of travel.
- 2.7 The applicant has highlighted that the proposed reduced Section 106 financial contribution includes provision for money to be spent on transport which can include improved public transport.
- 2.8 The applicant points out that street controlled car parking, such as a residents parking permit scheme, would be helpful. This would have to be introduced by the Council and be funded by the Council or from the Section 106 contribution.
- 2.9 The applicants have agreed to greater flexibility on how the Section 106 financial contributions are spent by the Council. In particular this allows the Council to address a wider range of transport and parking measures than before.
- 2.10 New residents will be restricted from obtaining residents parking permits.
- 2.11 The applicants have been asked to increase the basement parking area but have not agreed. This would have substantially addressed car parking issues however because this is an extension of time application (see Section 14 of May report) there are limited opportunities to insist upon a change to the development in terms of building works.

2.12 The applicants have asked for the attached note 'Approach to assessment of economic viability' to be made available to Committee members. It is a brief summary of how viability of development schemes are prepared and is at Appendix A.

2.13 More detail of the complete Section 106 package as revised is below.

3.0 Baseline Section 106

3.1 Affordable Housing - The package provides for 30 % affordable housing as described in paragraph 3.2 of the May report. 40% had been agreed in 2008.

3.2 Education; transport and recreation financial contributions - a reduced financial contribution equivalent to approximately 50% of the 2008 Section 106 agreement.

3.3 The package provides for flexibility on how the transport financial contribution is spent compared to the 2008 agreement. The money can be spent on pedestrian/cycle links or station (north) forecourt enhancement.

3.4 As a result of negotiations since May the money can also be spent on street parking controls, car club, public transport infrastructure, traffic signal enhancements junction of Mill Street, travel plan monitoring, traffic regulation order changes.

3.5 At present the spending of the total financial contribution is split as follows : Education 67 %, Transport 27 % and Recreation 6 %. Because of the need to address parking related issues it would be beneficial if the Council had the flexibility to spend a greater proportion on parking/non-car modes of travel if needed at the time of implementation of the transport/parking measures. The Section 106 will be drafted on this basis.

3.6 The education, transport and recreation money will be paid at the start of development. This is better than the 2008 agreement which had some phased payments.

3.7 Transport and parking - Travel Plan to be implemented and new residents to be restricted from any residents parking scheme.

3.8 Sustainable Development - Build to the Code for Sustainable Homes level 3 standard (unchanged since 2008 agreement).

3.9 Health Centre - Offer the health centre to a health care provider. If no agreement reached within a period of one year after starting development developer can offer space to an education/training provider.(unchanged since 2008 agreement)

4.0 Provision to capture greater Section 106 contributions

4.1 Provision for the reduced Section 106 package to not apply long term if development does not progress beyond floor level during the life of the planning permission. Planning permissions normally last 3 years but the Council needs to guard against a token start being made on site and then development delayed to a later date when values are rising. The original Section 106 package applies in terms of contributions and 40% affordable housing apply if this threshold is reached. It will incentivise a developer to build out.

4.2 Negotiated since May is provision for the Council to capture additional Section 106 financial contributions if development values change in the future at the time of development. This review mechanism provides for any extra development profit to be shared equally between the developer and the Council. The review would take place at 2 points – prior to occupation

of 50% and 90 % of residential units. The additional sums would be capped at the value of the original 2008 agreement (plus indexation). 67% of any additional financial contribution would go towards affordable housing (instead of extra units on site) and the rest would go towards education, transport and recreation (as described in para 3.5 above).

5.0 Summary

5.1 This summary is an update of that in the May Committee report.

This proposal has not changed since 2008 other than the Section 106 package. Taking account of material considerations that have changed since 2008 the building is still acceptable in terms of use and design. Regarding the Section 106 package Government guidance regarding extension of time applications indicates Council's should be positive about them during the economic downturn. The applicants say the original Sec. 106 makes the development unviable in the current market.

5.2 The renegotiated Section 106 package is backed up by a viability study. Compared to the original Section 106 it provides for a minimum 75% of the affordable housing and approximately 50 % of financial contributions but on slightly better terms of timing of payment and flexibility of how spent.

5.3 In addition the new package provides an incentive for the developer to progress with development otherwise the original 2008 Section 106 will apply – i.e no reduction in Section 106.

5.4 Negotiated since the May Planning Committee are various transport and parking measures plus a review mechanism that provides for the Council to receive additional section 106 payments, including for affordable housing, up to the value of the original 2008 agreement. This mechanism would take effect while the development is underway and partway through occupation of flats.

PART C: RECOMMENDATION

6.0 Recommendation

6.1 Delegate a decision to the Development Management Lead Officer for the signing of a satisfactory Section 106 planning obligation.

6.2 Having considered the relevant policies and comments from consultees and those notified the development is considered to be acceptable subject to conditions and the completion of a planning obligation.

7.0 PART D: CONDITIONS

7.1 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. Approved plans

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. 1680-09 C SITE LAYOUT AND ROOF PLAN
- (b) Drawing No. 1680-18H GROUND FLOOR
- (c) Drawing No. 1680-19C FIRST FLOOR
- (d) Drawing No. 1680-20D SECOND FLOOR
- (e) Drawing No. 1680-21E THIRD FLOOR
- (f) Drawing No. 1680-22D FOURTH FLOOR
- (g) Drawing No. 1680-17D BASEMENT1
- (h) Drawing No. 1680-35 A Ramp Detail
- (i) Drawing Nos. 1680-23B 24 25C 26C 27 28C 16C Elevations
- (j) Drawing Nos. 1680-31A Sections
- (k) Drawing Nos. 1680-10 11 12 13a 14 floor plans.
- (l) Drawing Nos. 1680- 34 Store
- (m) Drawing Nos. 1680-29 and 30 (floor plans for house)
- (n) Drawing No. 1680-32A (Elevations of House)

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 Local Plan for Slough 2004.

3. Samples of materials

Details and 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 development is commenced on site and the development shall be carried out in accordance with the details approved. (Please liaise with the planning department regarding which samples are required).

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.

4. Lighting Scheme

The development shall not commence until details of a lighting scheme (to include the location, nature and levels of illumination) has been submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented prior to first occupation of the development and maintained in accordance with the details approved.

REASON To ensure that a satisfactory lighting scheme is implemented as part of the development in the interests of residential and visual amenity and to comply with the provisions of Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Bin storage

The bin stores on the approved drawings 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 EN1 of The Adopted Local Plan for Slough 2004.

6. Noise attenuation and ventilation.

No dwelling on the east elevation of the building (that which faces the industrial unit in

Whittenham Close) shall be occupied until its respective approved noise attenuation and associated ventilation measures have been installed. The noise attenuation measures and associated ventilation measures shall have first been submitted to and have been approved in writing by the Local Planning Authority. Details of ventilation measures shall include air change information for habitable rooms (on the east elevation) at times when windows are closed.

REASON To protect the occupiers of the flats from the external noise environment in the interests of residential amenity and in accordance with Core Policy 2 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and National Planning Policy Guidance.

7. Soil - Phase 1 Desk Study

Development works shall not commence until a Phase 1 Desk Study has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for the Management of Land Contamination CLR11 and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM).

REASON: To ensure that the site is adequately risk assessed for the proposed development and in accordance with Policy 8 of the Core Strategy 2008.

8. Soil - Phase 2 Intrusive Investigation Method Statement

Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON : To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Policy 8 of the Core Strategy 2008.

9. Soil - Phase 3 Site Specific Remediation Strategy

Development works shall not commence until a Site Specific Remediation Strategy (SSRS) has been carried out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The SSRS shall, as a minimum, contain details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM), the precise location of the remediation strategy works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any

validation requirements.

REASON : To ensure that remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Policy 8 of the Core Strategy 2008.

10. Soil - Remediation Validation

No development within or adjacent to any area(s) subject to remediation work carried out pursuant to the Phase 3 Site Specific Remediation Strategy condition shall be occupied until a full validation report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Policy 8 of the Core Strategy 2008.

11. Landscaping Scheme

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 year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

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. Boundary treatment

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.

13. Alterations to existing access and sightline

No development shall commence until details of the alterations to the existing point of access between the application site and the highway have been submitted to and

approved in writing by the Local Planning Authority and the access alterations shall be implemented in accordance with the details approved prior to occupation of the development. The details shall include sightlines of 2.4m by 43m. The sightlines shall be kept free of all obstructions higher than 600 mm above the adjoining carriageway level.

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 7 of the Local Development Framework Core Strategy 2006-2026 adopted 2008.

14. Off Site Highway Works

No development shall be occupied until off site highway works have been carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of any development. The off site works shall comprise Installation of access on Petersfield Avenue, reinstating redundant access to 10 Petersfield Avenue as standard footway construction, drainage connections, dedication of sight line areas, if required .

REASON In the interest of conditions of general safety on the adjacent highway network.

15. Internal access roads

Prior to first occupation of the development, the internal access roads footpath and vehicular parking and turning provision shall be provided in accordance with approved plans. The access road shall include a connection with the existing rear vehicular access for existing houses in Petersfield Avenue.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on the local highway network in accordance with Policy 7 of Local Development Framework Core Strategy 2006-2026 adopted 2008.

16. Cycle parking

No development shall be begun until details of the cycle parking stand and security 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 and the storage areas on the approved drawings 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 and secure 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.

17. Car Park Allocation

The car parking for dwellings and the D1 use shall be allocated and managed in accordance with a scheme that shall have first been approved in writing by the Local Planning Authority prior to the commencement of development.

REASON In the interest of the free flow of traffic and conditions of general safety on the adjoining highway and in the interest of comprehensive planning of the area.

18. Surface Water Drainage

The construction of the surface water drainage system shall be carried out in accordance with details submitted and approved in writing by the Local Planning Authority before the development commences. The drainage works shall be completed in accordance with those details prior to the occupation of any dwelling. The system may require balancing of surface water on site. Soakaways shall not penetrate the water table and they shall not in any event exceed 2 metres in depth below existing ground level nor be within contaminated ground.

REASON To prevent the increased risk of flooding and pollution of the water environment.

19. Security

Each entry point to the building (including bin and cycle stores and basement car park), the entry to the main surface car park and the access to the two parking spaces for number 10 Petersfield Avenue shall have installed a secure entry system prior to occupation of any dwelling served by its associated entry point. The system shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of crime prevention.

20. External Appearance Details

No development shall commence until detail elevational and section drawings of windows, doors, eaves and balconies have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at 1:100 scale.

REASON In the interest of visual amenity.

21. Archaeology

No development shall take place until the applicant has secured and implemented an archaeological watching brief as part of phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has first been submitted to and been approved by the Local Planning Authority.

REASON The site is within an area of archaeological potential. An archaeological watching brief is required to mitigate the impact of development and ensure preservation 'by record' of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation.

INFORMATIVE(S):

1. The applicant is reminded that a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.
2. Highway Matters

It is intended to declare the access road as a 'Prospectively Maintainable Highway' under Section 87 of the New Roads and Street Works Act 1991.

The access road will be subject to Section 219/220 of the Highways Act 1980. It is

recommended that the road is designed and built under a Section 38 Agreement of the said Act for its ultimate adoption.

The applicant will need to enter into a section 279 agreement for any basement area under sailing an adopted highway.

The applicant will need to enter into a section 278 Agreement for works within the existing highway.

No water metres will be permitted within the public footway. The applicant will need to provide way leave to the Thames Water plc for installation of the water meters within the application site.

The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system. In order to comply with this condition, the developer is required to submit a longitudinal detailed drawing indicating the location of the highway boundary.

3. The developer is asked to ensure that purchasers of flats are fully aware of the limited parking space on the development and that they purchasers should not expect to park on the public highway nearby. This is to help ensure flat owners do not have more cars than parking spaces available to them on site.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

7.2 **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. Approved plans

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. 1680-09 C SITE LAYOUT AND ROOF PLAN
- (b) Drawing No. 1680-18H GROUND FLOOR
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- (f) Drawing No. 1680-22D FOURTH FLOOR
- (g) Drawing No. 1680-17D BASEMENT1

- (h) Drawing No. 1680-35 A Ramp Detail
- (i) Drawing Nos. 1680-23B 24 25C 26C 27 28C 16C Elevations
- (j) Drawing Nos. 1680-31A Sections
- (k) Drawing Nos. 1680-10 11 12 13a 14 floor plans.
- (l) Drawing Nos. 1680- 34 Store
- (m) Drawing Nos. 1680-29 and 30 (floor plans for house)
- (n) Drawing No. 1680-32A (Elevations of House)

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 Local Plan for Slough 2004.

3. Samples of materials

Details and 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 development is commenced on site and the development shall be carried out in accordance with the details approved. (Please liaise with the planning department regarding which samples are required).

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.

4. Lighting Scheme

The development shall not commence until details of a lighting scheme (to include the location, nature and levels of illumination) has been submitted to and approved in writing by the Local Planning Authority and the scheme shall be implemented prior to first occupation of the development and maintained in accordance with the details approved.

REASON To ensure that a satisfactory lighting scheme is implemented as part of the development in the interests of residential and visual amenity and to comply with the provisions of Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Bin storage

The bin stores on the approved drawings 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 EN1 of The Adopted Local Plan for Slough 2004.

6. Noise attenuation and ventilation.

No dwelling on the east elevation of the building (that which faces the industrial unit in Whittenham Close) shall be occupied until its respective approved noise attenuation and associated ventilation measures have been installed. The noise attenuation measures and associated ventilation measures shall have first been submitted to and have been approved in writing by the Local Planning Authority. Details of ventilation measures shall include air change information for habitable rooms (on the east elevation) at times when windows are closed.

REASON To protect the occupiers of the flats from the external noise environment in the interests of residential amenity and in accordance with Core Policy 2 of The Slough

7. Soil - Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater's and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

8. Soil - Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. Soil - Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

10. Soil - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. Landscaping Scheme

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 year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

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. Boundary treatment

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.

13. Alterations to existing access and sightline

No development shall commence until details of the alterations to the existing point of access between the application site and the highway have been submitted to and approved in writing by the Local Planning Authority and the access alterations shall be implemented in accordance with the details approved prior to occupation of the development. The details shall include sightlines of 2.4m by 43m. The sightlines shall be kept free of all obstructions higher than 600 mm above the adjoining carriageway level.

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 7 of the Local Development Framework Core Strategy 2006-2026 adopted 2008.

14. Off Site Highway Works

No development shall be occupied until off site highway works have been carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of any development. The off site works shall comprise Installation of access on Petersfield Avenue, reinstating redundant access to 10 Petersfield Avenue as standard footway construction, drainage connections, dedication of sight line areas, if required .

REASON In the interest of conditions of general safety on the adjacent highway network.

15. Internal access roads

Prior to first occupation of the development, the internal access roads footpath and vehicular parking and turning provision shall be provided in accordance with approved plans. The access road shall include a connection with the existing rear vehicular access for existing houses in Petersfield Avenue.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety on the local highway network in accordance with Policy 7 of Local Development Framework Core Strategy 2006-2026 adopted 2008.

16. Cycle parking

No development shall be begun until details of the cycle parking 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 and the storage areas on the approved drawings 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.

17. Car Park Allocation

The car parking for dwellings and the D1 use shall be allocated and managed in accordance with a scheme that shall have first been approved in writing by the Local Planning Authority prior to the commencement of development.

REASON In the interest of the free flow of traffic and conditions of general safety on the adjoining highway and in the interest of comprehensive planning of the area.

18. Surface Water Drainage

The construction of the surface water drainage system shall be carried out in accordance with details submitted and approved in writing by the Local Planning Authority before the development commences. The drainage works shall be completed in accordance with those details prior to the occupation of any dwelling. The system may require balancing of surface water on site. Soakaways shall not penetrate the water table and they shall not in any event exceed 2 metres in depth below existing ground level nor be within contaminated ground.

REASON To prevent the increased risk of flooding and pollution of the water environment.

19. Security

Each entry point to the building (including bin and cycle stores and basement car park), the entry to the main surface car park and the access to the two parking spaces for number 10 Petersfield Avenue shall have installed a secure entry system prior to occupation of any dwelling served by its associated entry point. The system shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

REASON In the interest of crime prevention.

20. External Appearance Details

No development shall commence until detail elevational and section drawings of windows, doors, eaves and balconies have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at 1:100 scale.

REASON In the interest of visual amenity.

21. Archaeology

No development shall take place until the applicant has secured and implemented an archaeological watching brief as part of phased programme of archaeological work in accordance with a written scheme of investigation (method statement), which has first been submitted to and been approved by the Local Planning Authority.

REASON The site is within an area of archaeological potential. An archaeological watching brief is required to mitigate the impact of development and ensure preservation

'by record' of any surviving remains. This is to be undertaken as the provisional stage of a phased programme of works should initial investigations warrant further mitigation.

INFORMATIVE(S):

1. The applicant is reminded that a planning obligation under Section 106 of the Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

2. Highway Matters

It is intended to declare the access road as a 'Prospectively Maintainable Highway' under Section 87 of the New Roads and Street Works Act 1991.

The access road will be subject to Section 219/220 of the Highways Act 1980. It is recommended that the road is designed and built under a Section 38 Agreement of the said Act for its ultimate adoption.

The applicant will need to enter into a section 279 agreement for any basement area under sailing an adopted highway.

The applicant will need to enter into a section 278 Agreement for works within the existing highway.

No water metres will be permitted within the public footway. The applicant will need to provide way leave to the Thames Water plc for installation of the water meters within the application site.

The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system. In order to comply with this condition, the developer is required to submit a longitudinal detailed drawing indicating the location of the highway boundary.

3. The developer is asked to ensure that purchasers of flats are fully aware of the limited parking space on the development and that they purchasers should not expect to park on the public highway nearby. This is to help ensure flat owners do not have more cars than parking spaces available to them on site.
4. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

Informative

This notice DOES NOT convey any consent that you may require for Building Regulations. If you are unsure whether you need Building Regulations approval and before you start any work please contact Building Control Services independently on (01753) 875810 to check whether they require an application.

Development at Lion House, Slough

Approach to assessment of economic viability

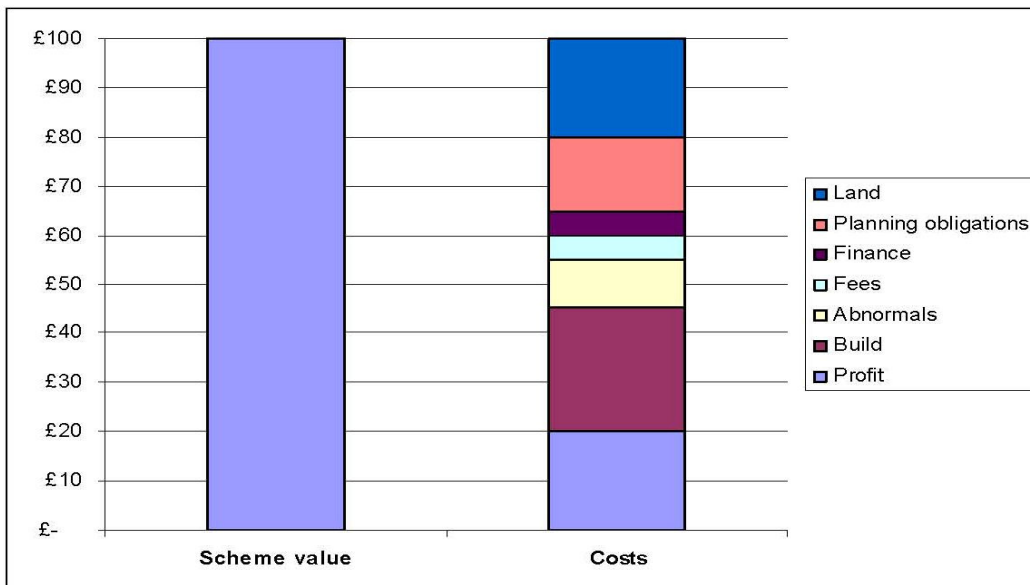
Introduction

LPA Receivers ('LPA') have submitted a planning application to renew a previously granted mixed use development scheme at Lion House Depot, Petersfield Avenue, Slough. LPA have commissioned BNP Paribas Real Estate ('BNPPRE') to undertake an assessment of the economic viability of the proposed development. This briefing note has been prepared by BNPPRE in order to outline the approach that has been undertaken to the test of the economic viability of the development proposals. Our terms of reference are summarised as follows:

- Assess the residual land value generated by the Development;
- Using the outputs of the appraisal, consider the proposed level of affordable housing requirements and determine the maximum level of Section 106 contributions that can viably be provided.

Principles of economic viability assessments

Appraisal models can be summarised via the following diagram. The total scheme value is calculated, as represented by the left hand bar. This includes the sales receipts from the private housing and private commercial accommodation and the payment from a Registered Social Landlord ('RSL') for the affordable housing units. The model then deducts the build costs, abnormal costs, fees, interest, planning obligations and developer's profit. A 'residual' amount that is left after all these costs are deducted is the land value that the developer would pay to the landowner. This Residual Land Value ('RLV') is represented by the blue portion of the right hand bar in the diagram.



The RLV is normally a key variable in determining whether a scheme will proceed. If a proposal generates sufficient positive land value (when compared with an appropriate benchmark land value) it will be implemented. If not, the proposal will not go ahead, unless there are alternative funding sources to bridge the 'gap'.

When running a development appraisal, it is necessary to identify the key variables – sales values, build costs etc – with some degree of accuracy in advance of implementation of a scheme. Below we consider some key variables in more detail (please note that this is not an exhaustive list):

- **Scheme value** will be assessed with reference to the value of existing nearby comparable premises (usually demonstrated through the completion of sales and / or letting transactions). Care must be taken to consider the rate at which the local market will be capable of absorbing the additional supply generated by the development proposals and whether this will impact upon achievable values.
- **Development costs** are subject to national and local monitoring and can be reasonably accurately assessed in 'normal' circumstances. This might include site wide infrastructure costs where land has not previously been developed. Developers will also build in contingency allowances to mitigate the risk of unforeseen development costs being incurred.
- **Abnormal costs** will be linked to the specifics of the site and the development proposals and can therefore be more difficult to assess.
- **Finance costs** will be determined by the cost of securing finance (i.e. the interest rate and bank fees that are charged) and the phasing of costs and receipts across the development period. Where costs are incurred earlier in the development period, finance costs will be higher.
- **Developer's profit** is closely correlated with risk. The greater the risk, the higher the profit level required by lenders. While profit levels were typically up to around 15% of Gross Development Value ('GDV') at the peak of the market in 2007, banks now require schemes to show a higher profit to reflect the current risk. Typically developers and banks are targeting 20% - 25% profit on GDV on a typical development scheme. Internal Rate of Return ('IRR') is another measure used in determining viability for large schemes with long development periods, since it accounts for the length of time a development takes, with a higher IRR reflecting a shorter period to realise a return on an investment. For large, complex development schemes IRR's of at least 20% to 25% are targeted in the current market.
- **The benchmark land value** will be a key consideration as this will form the basis against which the viability of the development is assessed. Ultimately, the landowner will make a decision on implementing a project on the basis of return and the potential for market change, and whether alternative developments might yield a higher value. Therefore the landowner's 'bottom line' will be the Market Value of the site and this will constitute the benchmark land value accordingly.

Assessment of the Lion House development proposals

In our assessment we undertook appraisals for the Lion House development proposals. Our aim was to establish:

- 1 Whether the development can be delivered; and
- 2 The ability of developments with differing numbers of units to deliver the heritage and other benefits.

The test of viability is whether the RLV is equal to or higher than the benchmark land value. Once complete, our appraisals established the level of planning obligations that can reasonably be secured. It should be noted that any such planning obligations would be provided in addition to the inherent benefits of the development proposals.

Appraisal tool

Our appraisals have been undertaken using Argus Developer ('Argus'). Argus is a commercially available development appraisal package in widespread use throughout the industry. It has been accepted by a number of local planning authorities for the purpose of viability assessments and has also been accepted at planning appeals. Banks also consider Argus to be a reliable tool for secured lending valuations. Further details can be accessed at www.argussoftware.com.

Essentially, such models all work on a similar basis:

- Firstly the value of the completed development is assessed.
- Secondly the development costs are calculated, including the developer's profit margin.

The difference between the total development value and total costs equates to the RLV. The model is normally set up to run over a development period from the date of the commencement of the project until the project completion, when the development has been constructed and is occupied. The cash-flow approach allows the finance charges to be accurately calculated over the development period. This approach can accommodate more complex arrangements where a number of different uses are provided or development is phased.

APPENDIX B

**OFFICER REPORT 7th May 2014
Planning Committee**

Registration Date: 01-Sep-2011
Officer: Mr. Albertini

Application No: P/06348/008
Ward: Central
Application type: Major
13 week date:

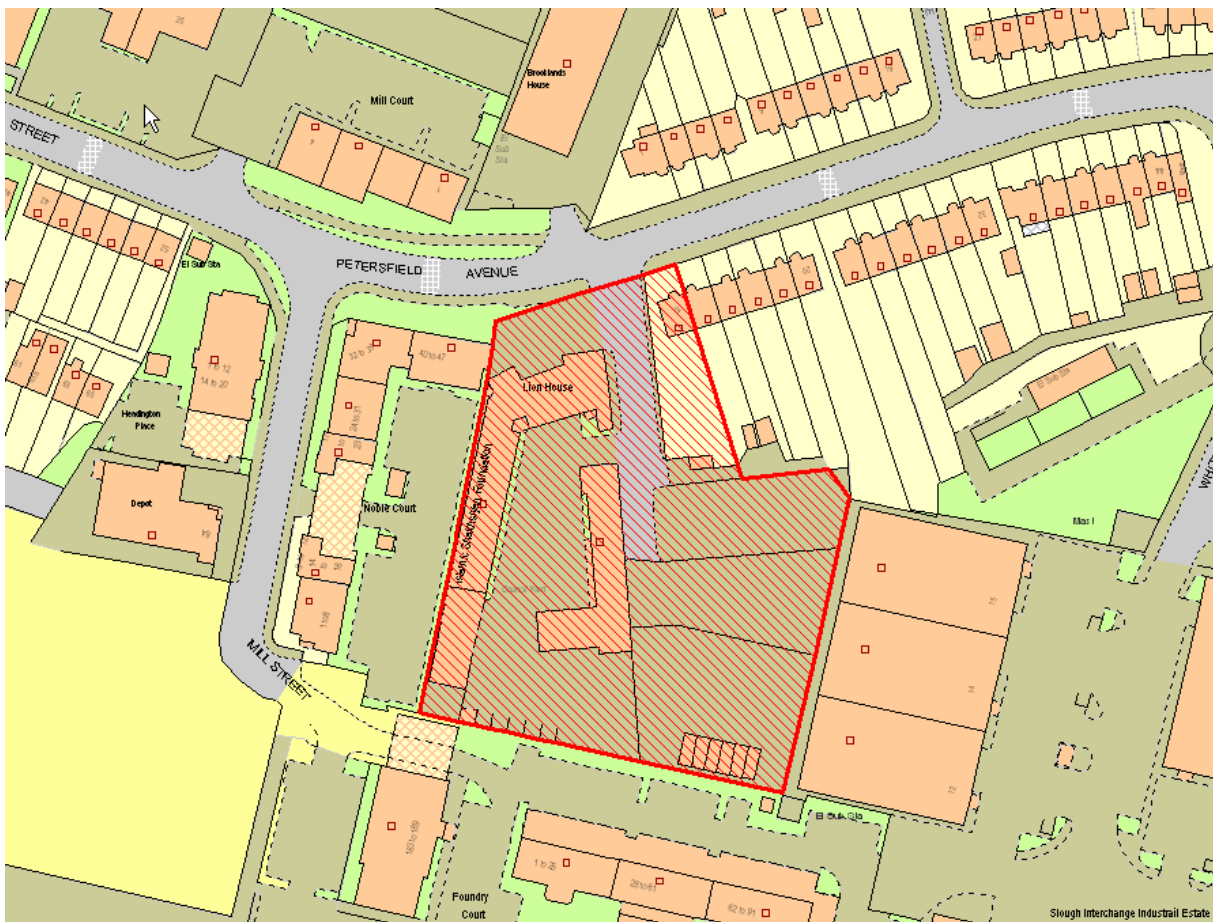
Applicant: O.F Chaudhry and OC Ventures Ltd acting by J Pitt and B Moon, Joint Fixed Charge Receiver of the Property.

Agent: Miss Lisa Bowden, BNP Paribas Real Estate 5, Aldermanbury Square, London, EC2V 7PB

Location: Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN

Proposal: APPLICATION FOR AN EXTENSION OF TIME FOR THE IMPLEMENTATION OF AN EXISTING PLANNING PERMISSION (REF. P/06348/007 DATED 23/10/2008) DEMOLITION OF BUILDINGS; ERECTION OF BUILDING (3 / 5 STOREY) CONTAINING 90 APARTMENTS AND A HEALTH CENTRE; CONVERSION OF 10 PETERSFIELD AVENUE FROM FLATS TO A HOUSE (3 BEDROOM) WITH PARKING AND LANDSCAPING

Recommendation: Delegate to Development Management Lead Officer for S106



1.0 SUMMARY OF RECOMMENDATION

Delegate to Development Management Lead Officer for a Section 106 planning obligation.

PART A: BACKGROUND

2.0 Background

- 2.1 This application was presented to the December 2011 Planning Committee. It was recommended for approval subject to the existing Section 106 planning obligation being linked to the new permission. The applicant requested, immediately prior to the Committee meeting, a decision be deferred to a future meeting pending discussion about revisions to the Section 106. They said the development was not viable with the existing Section 106 package. Negotiations on key elements of the reduced package have recently been concluded.
- 2.2 For this category of application the scheme of delegation allows for the Development Management Lead Officer to decide it however a Ward Councilor has asked (in 2011) for it to be presented to the Planning Committee.

3.0 Proposal

- 3.1 This is an application by receivers to extend the time limit for implementation of development originally approved in October 2008. The development proposed remains the same as the 2008 permission and descriptions below are based upon the previous 2008 Committee report (as amended) with updates to reflect the renegotiated Section 106 planning obligation.
- 3.2 The renegotiated Section 106 provides for 30% affordable housing on the site instead of 40%. The revised proposal comprises 14 one bedroom and 13 two bedroom flats 20 of which are social rent and 7 shared ownership tenure.
- 3.3 The 2008 permission had 40 % affordable housing comprising 17 one bedroom and 18 two bedroom flats plus a 3 bedroom house for rent. (26 for social rent and 10 shared ownership flats).
- 3.4 The renegotiated Section 106 package provides for a financial contribution towards education, transport and recreation infrastructure. The total sum will be 50 % of the original sum in the 2008 Section 106.
- 3.5 A viability study has been submitted and assessed by Asset Management to establish that the reduced Section 106 package is justified if the development is to be viable in the current economic climate.

4.0 The proposed development (2008 permission)

- 4.1 The scheme comprises 40 one bedroom and 50 two bedroom flats in a U shaped building. In addition a house, currently two flats, will be converted back to a three bedroom house. The ground and first floor of the front of the building are designed for a health centre with 5 consulting rooms. The rear of the building will be 5 storey stepping down on each wing to four then three at the Petersfield Ave end with a very small two storey portion on the west wing (part of the health centre).
- 4.2 Parking at a ratio of 0.8 spaces per flat plus cycle storage is accommodated mostly in a

basement but with some surface parking on the east side of the site. Parking for the health centre will be a combination of basement parking, for staff, and 5 surface parking places for patients. In addition two spaces are allocated to the house. The existing site access will be reformed to serve the site. It will also serve some existing garages located at the rear of adjacent houses.

- 4.3 Amenity space for the flats is proposed at the rear of the site, adjacent to the flats on the east side and a small area near the entrance between the two wings. All flats have balconies. Part of the garden for existing flats at 10 Petersfield Ave. will be used for parking and screen tree planting. The remainder will serve the converted house.
- 4.4 Existing trees near adjacent gardens are to be replaced with new trees. New trees are proposed around the outside edge of the site
- 4.5 The elevational treatment will be contemporary in style using buff bricks at lower level, cedar cladding above and silver cladding at upper levels. A mono pitch roof is proposed with a shallow pitch.
- 4.6 The west wing is parallel to the Noble Court flats to the west about 26/28 metres away. The rear is parallel to Foundry Court flats off Mill St. Separation distance is 28.5 m. The east façade is 17.6 metres from adjacent industrial units. Distances to adjacent houses are referred to below.
- 4.7 The supporting information submitted includes design information, transport assessment, planning statement, day light study, archaeology, drainage and ground investigation. The transport assessment concludes that traffic flows will be less than the existing use.

5.0 Application Site

- 5.1 The 0.6 hectare site currently contains a three storey office building (partly used as a school at present) plus offices, the yard of Interserve, the Council's property maintenance contractor and a house converted to flats. There are four trees on the site near the boundary with existing gardens.
- 5.2 To the west are 4 and 5 storey flats and car park (Noble Ct.). To the south is a 7 storey building part of the recently completed Linden Homes flats scheme. To the east is the rear of a large, new industrial/business unit. On the Petersfield Ave. frontage two storey houses with large rear gardens adjoin the site. Opposite is the entry to a commercial site with houses adjacent. Since the previous application was approved one of the commercial buildings is now used as a church

6.0 Site History

- 6.1 Part of Lion House was approved in 2006 for use as a private school.

Application for 119 flats (4/5 storey) refused October 2007; Appeal dismissed May 2008 (P/6348/5).

Application for 92 flats (3/4 storey) refused January 2008, Appeal dismissed May 2008 (P/6348/006).

The key issues considered at the appeal (for both the above schemes) related to the reasons for refusal comprised :

- Would loss of employment land be acceptable.

- Effect of building on the appearance and character of the surroundings (design/residential amenity).
- Adequacy of provision for family housing.
- Adequacy of provision for car parking.

The key reasons that the appeal Inspector used to dismiss the appeals were :

The design issues regarding the affect of the frontage of the larger building on the character of Petersfield Avenue.

The proximity and height of the building in relation to nearby Petersfield Ave. homes more so for the larger 119 unit scheme.

Inadequate car parking of the larger scheme (0.6 spaces per unit).

Lack of adequate landscape setting.

Concerns relating to family housing were not supported; loss of employment land was not supported because the Core Strategy, that firms up this policy was not, at the time of the inquiry, declared sound. The Strategy has since been found 'sound'.

- 6.2 90 flats (3/5 storey) and conversion of 2 flats to a 3 bedroom house.
Approved 23 October 2008 (P66348/7). This permission expired October 2011. However it can be resurrected if this 2011 extension of time application is approved it having been submitted before the permission expired.

7.0 Neighbour Notification

- 7.1 Petersfield Ave 1-7 odd 10. 10A – 32 even. Systems House
Mill St. Noble Court 1-47 incl; Mill Court 1-4
Whittenham Close units 12, 14, 15.
Foundry Court.
3,4,7,8,11,12,15,16,19,20,23,24,32,33,38,39,44,45,50,51,56,57,60,61,64,65,66,69,70,71,74,75
,76,79,80,81,84,85,86,89,90,173,180,181,188,189.

- 7.2 3 letters of objection received raising issues of:
Appeal rejected re previous proposal
- Developments near the station provide housing demand – this proposal is unnecessary.
 - No consideration of spill over issues likely to impact residents.
 - Intrusion of privacy/overlooking
 - Make traffic conditions worse/noise/safety risk.
 - Petersfield Ave used for parking by residents of new flats nearby
 - Building would create shadows
 - Out of keeping with streetscape
 - Church opened opposite since permission granted; this has lead to increased car parking in the street; the proposal site is used for overflow car parking.

- 7.3 Petition of 56 signatures objecting to proposal on grounds of :

Appeal planning inspectors concerns not addressed when subsequent application approved.
Inspector's summary re design issues quoted.

Traffic Generation
Parking
Pollution
Effect on Trees
Loss of amenities
Noise
Design
Ask Council to consult Thames Valley police

8.0 Consultation

- 8.1 Traffic:
Request existing Sec 106 obligations and conditions applied.
- 8.2 Highways:
Request existing Sec 106 obligations and conditions applied
- 8.3 Environmental Protection:
Existing conditions to be applied but with updates to take account of change guidelines.
- 8.4 Housing:
Request existing Sec 106 obligations applied but with updating of out of date definitions.
Reduced amount of affordable housing accepted if justified by viability study and if social rent provided for rather than affordable rent proposed by applicant.
- 8.5 Education:
Request existing Sec 106 obligations applied

PART B: PLANNING APPRAISAL

Sections 9, 11, 12 below are extracts of the 2008 Committee report (as amended) which are still relevant. Section 14 addresses the extension of time issues.

9.0 Policy Background (re 2008 permission scheme)

- 9.1 The site is an existing business area. The adopted Local Development Framework Core Strategy seeks retention of business use. Local Plan policy EMP 6 encourages mixed use redevelopment in the Stoke Road/Mill Street area. This site can be considered to be an extension of this area; the inquiry Inspector supported this view. The health centre can be counted as an employment use such that the proposal does, just, comply with this policy and the Core Strategy. Nearby redevelopment has been approved as an exception to the previous Local Plan policy regarding retention of business use.
- 9.2 Whilst the Core Strategy seeks to concentrate high density development in the town centre this site is so close to the expanded town centre area (Mill Street being the new boundary) an exception can be made. Consequently the scheme can be considered acceptable in terms of land use/density provided that quality design and Section 106 matters are satisfactory including securing the employment use.
- 9.3 Key criteria in Local Plan policy EMP 6 that need to be met include no adverse affect on amenities of neighbouring residential areas, car parking limited to reflect good public transport links and making a positive contribution to enhancing the local environment. These issues are dealt with below.

10.0 Transport and Highway Matters

- 10.1 There are no vehicle traffic impact problems compared to the existing use of the site. To help reduce car use convenient and attractive pedestrian and cycle links to the town centre (and other local facilities) are important.
- 10.2 The parking ratio of 0.8 spaces per dwelling is acceptable subject to the enhancements to non car modes of travel referred to above. The appeal Inspector was happy with this ratio. The site is quite accessible but not highly accessible because of the walk distance to the town centre. By condition a parking management plan will be agreed to ensure affordable housing, visitors and health centre users will each have acceptable levels of parking.
- 10.3 The requested financial contribution to enhance non car modes of travel is important. However, as indicated in Section 13 & 14 below the renegotiated Section 106 package means these payments are less than originally proposed to make the scheme viable. Affordable housing has been prioritised over financial sums for infrastructure at the request of the Council.

11.0 Design Matters (re 2008 permission scheme)

- 11.1 The scale of the scheme fits in with the completed schemes to the south and adjacent to the station but it will contrast with the 2 storey houses along Petersfield Ave. This site is on the edge of the area promoted as an area for redevelopment because of its sustainable location near the station. The submitted scheme can be considered acceptable in terms of overall scale as the separation distances for adjacent dwellings are acceptable and the narrow frontage means the overall bulk of the scheme will not be so noticeable when passing along Petersfield Ave.
- 11.2 This proposal addresses the appeal Inspectors concerns by reducing bulk on the frontage above two storey height. However the two storey health centre will project forward more than the previous schemes but it will not come forward of the building line formed by Petersfield Ave. houses.
- 11.3 Retention of existing boundary trees between the site and the garage access of adjacent houses is impractical because of root disturbance through construction. Bearing in mind they are not good specimens the proposed replacement and additional tree planting is supported.
- 11.4 Regarding appearance the contemporary design fits in with some of the schemes near the station. It will however contrast with the more traditional designs on Petersfield Avenue. The site does however have a limited frontage onto the road and the use of cedar cladding is softer in appearance than metal cladding such that overall the appearance of the flats is acceptable. The inquiry Inspector did not think contemporary design a problem.

12.0 Residential Amenity (re 2008 permission scheme)

- 12.1 The east wing will be three storey at the point behind Petersfield Ave. homes. This is the same as the previous smaller scheme but half of the previous stepped flank wall (containing stairwell windows) will be set back between 1 and 2.5 metres further away from the rear of Petersfield Ave houses and the window area reduced. The overall distance between the building and the rear of 10 Petersfield Avenue will be between 33.5/35.5 metres (previously 33 metres) to the now stepped flank.
- 12.2 The west wing, at third storey level, will not come as far forward compared to the previous larger scheme such that it will have less effect on Petersfield Ave. homes. Compared to the

previous smaller scheme the building will come forward a few metres at this level only. Immediately adjacent to number 10 Petersfield Avenue the new building (three storey) will be 8 metres away; this is less than the previous scheme.

- 12.3 The flats will significantly change the view from nearby houses but the separation distances are adequate for privacy. The distance (diagonally) to houses opposite is 35m at third storey (as before) or 30 m at two storey level. Rear gardens will feel overlooked because of the height of the new buildings but this relationship is not unusual for an edge of town centre site.
- 12.4 The distance to adjacent flats is reasonably acceptable for high density development in terms of overlooking. Within the scheme some windows are 21m apart on the 3 and 4 storey element. The applicants study indicates rooms will still have acceptable levels of light. The proximity of the 5 storey block to the recently built 7 storey block to the south may result in some less desirable conditions in terms of light to lower rooms.
- 12.5 Flats on the east side might suffer if noisy equipment, that does not require planning permission, is mounted on the adjacent industrial building. Consequently a condition will be added to ensure adequate insulation and ventilation is incorporated within the affected flats.

13.0 Section 106 matters

- 13.1 The applicant's unilateral section 106 planning obligation was accepted by the Council when planning permission was granted in 2008. The renegotiated package provides for :
- Affordable Housing package provides for 30 % as described in paragraph 3.2.
 - A reduced financial contribution to education; transport (pedestrian/cycle links including; station (north) forecourt enhancement) and recreation.
 - Provision for the reduced Section 106 package to not apply long term if development does not progress beyond floor level during the life of the planning permission. Planning permissions normally last 3 years but the Council needs to guard against a token start being made on site and then development delayed to a later date when values are rising. Extra payments and affordable housing apply if this threshold is breached.

These items remain unchanged :

- Sustainable Development; build to the Code for Sustainable Homes level 3 standard.
 - Offer the health centre to a health care provider. If no agreement reached within a period of one year after starting development developer can offer space to an education/training provider.
- 13.2 The reduced package is supported by a viability study that has been checked by the Asset Management Section. Bearing in mind the considerations in Section 14 below the package is acceptable in principle. On the basis that there is only a limited sum available for all Section 106 items Affordable Housing has been prioritised above the financial contributions for education, transport and recreation as it provides a significant benefit to the Borough. The reduced financial contribution is split pro-rata in line with the original split of Section 106 money i.e. 67 % education 27 % transport 6% recreation.
- 13.3 The obligation needs to be varied to make it apply to the current 'extension of time' application, update some references which are out of date and accommodate the renegotiated package.

14.0 Considerations regarding extension of time

- 14.1 Government guidance regarding extension of time applications asks Council's to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. However Council's, when making decisions, can take account of policy and other material considerations that have changed significantly since the original grant of permission in October 2008.
- 14.2 The full adoption of the Core Strategy in November 2008 is a new material consideration. However the relevant policies relating to loss of business use and seeking predominantly family housing outside the town centre (policy CS4) were considered in their draft form before the 2008 permission was granted. See section 9 above.
- 14.3 It is also relevant to point out that the appeal Inspector for the earlier applications was aware of the 'family housing' policy in the then draft Core Strategy but he did not think it justified refusal of a flatted scheme in this location.
- 14.4 Because of the particular circumstances of this site in particular it being adjacent to the Town Centre boundary where, within it, higher density development is encouraged the significance of this now adopted policy is reduced.
- 14.5 Furthermore in the current economic conditions the development is most unlikely to be viable if the amount of saleable development on the site reduces. If the site was developed with houses the amount of saleable floor space would be less than that proposed.
- 14.6 The 2010 Proposals Map identifies the area north of the Station, including this site, as a selected key location where some policies can be relaxed if proposals provide comprehensive regeneration in particular residential or mixed uses.

15.0 Objectors observations

- 15.1 With regard to the objectors comments most were raised and considered in connection with the approved development. Whilst some comments are clearly relevant and need to be addressed as part of the development (e.g. by condition or planning obligations) none are significant new material considerations that would justify a different recommendation from that made previously. This approach is in line with Government guidance referred to in paragraph 16.1.
- 15.2 Objectors highlight that the appeal Inspector rejected a scheme of flats and expect that decision to influence a decision on this new application. The existing planning application was submitted and approved after the appeal decision. The appeal decision related solely to the earlier schemes. The permitted scheme, whilst still a very substantial building next to houses, addressed the specific concerns raised by the Inspector when rejecting the earlier proposals.
- 15.3 One matter that has changed in recent years is the opening of a Church in one of the former commercial buildings off Mill Street. Residents refer to overflow parking taking place on Petersfield Avenue. However this is not considered a significant issue bearing in mind the proposed flats scheme has a reasonable amount of parking on site for its location near the town centre.

16.0 Summary

- 16.1 This proposal has not changed since 2008 other than the Section 106 package. Taking account of material considerations that have changed since 2008 the building is still acceptable in terms of use and design. Regarding the Section 106 package Government guidance regarding extension of time applications indicates Council's should be positive about them during the

economic downturn. The applicants say the original Sec. 106 makes the development unviable in the current market. The renegotiated Section 106 package is backed up by a viability study. Compared to the original Section 106 it provides for 75% of the affordable housing and 50 % of financial contributions. The reduced package will only be applicable if a substantial start is made on the development within the life of the permission. The recommendation of approval is however subject to a satisfactory variation of the existing planning obligation being completed. of some items in the viability study and agreement of provision for long term restrictions on the reduced Section 106 package.

PART C: RECOMMENDATION

17.0 Recommendation

- 17.1 Delegate a decision to the Development Management Lead Officer for the signing of a satisfactory Section 106 planning obligation and updating of soil quality conditions.
- 17.2 Having considered the relevant policies and comments from consultees and those notified the development is considered to be acceptable subject to conditions and the completion of a planning obligation.

Extract of 7th May 2014 Planning Committee Amendment Sheet

P/06348/008 - Lion House: Depot & No. 10, Petersfield Avenue, Slough, Berks, SL2 5DN

A new petition, objecting to the proposal, has been received. It is from the Residents Association of Petersfield Avenue and has 51 signatures from residents of Petersfield Ave and Benson Close. It includes many names from the existing 2011 petition. A new letter from the Association raises the following matters :

The previous application was approved by accident/deception.

It was strongly opposed by residents – it had been rejected twice and at a public enquiry.

Only 3 people received notification of the application being resubmitted.

When the application was passed no residents were notified and, as a result, no one from the Association attended the Planning Committee.

The application should be denied because of huge opposition and over development of the area (referring to recent developments nearby).

A full impact assessment should be carried out.

Does the proposal meet the public inquiry Inspectors recommendations ?.

Local people will have to put up with areas social problems.

In response the existing permitted scheme is different to the 2 schemes previously refused. It is smaller and addresses the concerns raised by the public inquiry Inspector. Council records show that neighbours in the area were notified of the application for the permitted scheme and the associated 2011 extension of time application. When the permitted scheme was approved in principle (23rd September 2008) minutes record that an objector(s) spoke at the Committee meeting. (Point to note : when the current (extension of time) application was first presented to Planning Committee in Dec 2011 no discussion took place and a decision was deferred. One objector had registered to speak). The Officers report addresses issues of the impact of the proposal. The 2008 Committee report addressed issues raised by the Inspector in particular the height of the building in relation to the proximity of existing homes and design issues regarding the frontage.

One objector has sent in a second letter raising similar issues as those reported in the Neighbour Notification section.

NO CHANGE TO RECOMMENDATION