



**Office of the
Deputy Prime Minister**

Creating sustainable communities

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Our ref: APP/J0350/A/04/1166905,
APP/J0350/A/05/1175855,
APP/J0350/A/05/1187532 &
APP/J1725/E/05/1186646

29 March 2006

COPY

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78

APPEALS BY: KELOBRIDGE LTD

**APPLICATION NUMBERS P/11425/001, P/11425/003, P/13303/000 & P/13303/001
PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED
ACCESS ON LAND TO THE REAR OF 2-78 CASTLEVIEW ROAD, SLOUGH**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Michael Clark FRTPI FRICS, who held an inquiry on 10-13 January 2006 into your client's appeals against the decision of Slough Borough Council to refuse planning permission for:
 - appeal 1, residential development with public open space and play area on land to the rear of 2-78 Castleview Road, Slough;
 - appeal 2, residential development with primary school with public open space with play areas on land to the rear of 2-78 Castleview Road, Slough;
 - appeal 3, a revised proposal for access to application P/11425/001 (appeal 1) including the demolition of no. 26-32 Castleview Road; and
 - appeal 4, a revised proposal for access to application P/11425/001 (appeal 1) including the demolition of no. 26-32 Castleview Road and a replacement dwelling on no. 30-32 Castleview Road.

Inspector's Recommendation and Summary of the Decision

2. The Inspector, whose conclusions are annexed to this letter, recommended that the appeal 2 be allowed and appeals 1, 3 and 4 be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and his recommendations. All references to paragraph numbers appearing in this letter, unless otherwise stated, are to the Inspector's report (IR).

Policy Considerations

3. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan includes:

Regional Planning Guidance Note 9: the South East (RPG9), published in March 2001; the Berkshire Structure Plan (2001-2016), adopted in July 2005; and the Local Plan for Slough (1991-2006) adopted in March 2004.

4. The Secretary of State has also taken into account as material considerations: Planning Policy Guidance 3 *Housing* (PPG3); Planning Policy Guidance 13 *Transport* (PPG13); and Planning Policy Guidance 15 *Planning and the Historic Environment* (PPG15).
5. In determining the appeals, the Secretary of State has taken into account draft Planning Policy Statement 3 *Housing* (PPS3) but he accords it very little weight. He also considers that this draft raises no new issues which would affect his decision or require him to refer back to the inquiry parties, either under Rule 17 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, or in the interests of natural justice.

Main Considerations

6. The Secretary of State considers the main issues are:
 - whether the proposed development would result in an over-supply of housing land in Slough and, if so, whether that would cause any material harm;
 - whether the sites are in a sustainable location for housing;
 - whether the proposed development accords with Local Plan requirements for Proposal Site 16;
 - the effect of the proposed means of access to the sites on the operation, safety and convenience of the local highway network and on the living conditions of nearby residents in terms of noise and disturbance;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the proposed development would provide sufficient social and affordable housing as required by Policies H5 and H6 of the Local Plan.

Whether the proposed development would result in an over-supply of housing land in Slough and, if so, whether that would cause any material harm

7. The Secretary of State agrees with the Inspector, for the reasons given at IR212-223, that the proposed development would lead to an over-supply of hard commitments for housing in Slough in relation to the strategic housing requirements for the period 2006-2011. However, he concludes that no material harm would arise from such an over-supply, particularly in view of the benefits arising from the delivery of family and affordable housing on the sites.

Whether the sites are in a sustainable location for housing

8. The Secretary of State agrees with the Inspector, for the reasons given at IR224-233, that the site of Appeals 1 and 2 is in a sustainable location for housing, in terms of the accessibility of the proposed development.

Local Plan requirements for Proposal Site 16

9. The Secretary of State agrees with the Inspector, for the reasons given at IR234-253, that appeals 1, 3 & 4 fail to comply with the requirements of the Local Plan in terms of the proposed access to the appeal site and, in respect of appeal 1 only, by a failure to provide land for the relocation of Castleview School. The Secretary of State concludes that appeal 2 complies with the requirements of Chapter 10 of the Local Plan.

Effect on the operation, safety and convenience of the local highway network and on the living conditions of nearby residents

10. The Secretary of State agrees with the Inspector, for the reasons given at IR254-269, that the proposed means of access to the site in appeal 1, as revised by appeals 3 and 4, would cause harm to the operation, safety and convenience of the local highways. He concludes that appeal 1 fails to accord with the Local Plan on this matter. The Secretary of State concludes that, subject to appropriate conditions and the s106 agreement, the proposed means of access to the site in appeal 2 would not cause harm to the operation, safety and convenience of local highways and accords with the Local Plan in that respect.
11. The Secretary of State agrees with the Inspector, for the reasons given at IR270-283, that the proposed means of access to the development in appeals 1, 3 & 4 would cause harm to the residential amenities of nearby residents in Castleview Road by virtue of noise disturbance, contrary to environmental policies in the Local Plan.

Effect on the character and appearance of the surrounding area

12. The Secretary of State agrees with the Inspector, for the reasons given at IR284-307, that the proposed development in appeals 1 and 2 would not cause unacceptable harm to the character and appearance of the surrounding area.

Provision of social and affordable housing

13. The Secretary of State agrees with the Inspector (IR309) that the proposed developments in appeals 1 and 2 would both provide sufficient social and affordable housing to comply with the requirements of the Local Plan.

Conditions

14. The Secretary of State has considered the conditions for this development, having regard to Circular 11/95 "The Use of Conditions in Planning Permissions". He agrees with the Inspector, for the reasons given in IR322-341, that all of the suggested conditions, as amended, are necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

s106 agreement

15. For the reasons given in IR320-321, the Secretary of State agrees with the Inspector that the provisions of the section 106 Agreements would deliver all of the mitigation measures promised by the Promoters, and meet the test of necessity for planning obligations.

Conclusion

Appeal 1

16. The Secretary of State agrees with the Inspector's conclusions (IR310-313) that the appeal site is in a sustainable location and the housing proposed would not have an unacceptable impact upon housing supply in Slough or on the character and appearance of the area. However, he concludes that the means of access to the site, as revised by Appeals 3 & 4, does not accord with the Local Plan's requirements for the site. The Secretary of State further concludes that the proposal would cause harm to the operation, safety and convenience of the local highway network and to the residential amenity of nearby residents and therefore fails to accord with the Local Plan in this regard. In addition, the proposal also fails to accord with the Local Plan in terms of its failure to make provision for the relocation of Castleview School. On balance, the Secretary of State considers that the harm arising from the proposal outweighs the benefits of the provision of housing on the site and concludes that the appeal should be dismissed.

Appeal 2

17. The Secretary of State agrees with the Inspector, for the reasons given at IR314-317, that the appeal site is in a sustainable location, the housing proposed would not have an unacceptable impact upon housing supply in Slough or on the character and appearance of the area and that the proposal would make provision for the relocation of Castleview Primary School. He concludes that the proposal accords with the requirements of the Local Plan for the site and that there are no highway objections to the proposed means of access. The Secretary of State concludes the appeal should be allowed, subject to conditions.

Appeal 3

18. For the reasons given in paragraph 16 above and at IR318, the Secretary of State concludes that the appeal should be dismissed.

Appeal 4

19. For the reasons given in paragraph 16 above and at IR319, the Secretary of State concludes that the appeal should be dismissed. In reaching this conclusion he has taken into account the proposal for a replacement dwelling for numbers 30/32 Castleview Road, but considers that this would not outweigh the harm arising from the proposed means of access to the appeal site.

Formal Decision

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector and accepts his recommendations. He hereby dismisses appeals 1, 3 & 4 (relating to applications P/11425/001, P/13303/000 AND P/13303/001), and allows appeal 2 (relating to application P/11425/003) against the decision of Slough Borough Council and grants planning permission for residential development with primary school with public open space with play areas on land to the rear of 2-78 Castleview Road, Slough, subject to the following conditions:

1. Application for approval of the reserved matters must be made not later than three years from the date of this outline permission and the development must be begun not later than two years from the date of the final approval of the last of the reserved matters, or within five years from the date of this outline permission, whichever is the later.
2. The development shall be carried out in accordance with detailed plans showing the siting, design and external appearance of any buildings to be erected, the landscaping of the site, road, footpath and cyclepath design, vehicular parking and turning provision, hereinafter collectively referred to as 'the reserved matters' which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
3. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority:
 - Drawing No. 2319/PL.01A Location Plan, received 6 December 2004 (correcting drawing of the same number received with application 10.11.04.)
 - Drawing No. 3048C4001 rev B Proposed Roundabout Access
 - Drawing No. 3048C4002 rev A Proposed Roundabout and Access
4. Prior to the submission of details pursuant to the reserved matters (Condition 2) a Master Plan and Design Guide for the development shall have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with Master Plan and Design Guide approved.
5. Prior to the commencement of development a Phasing Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the Phasing Plan as approved. The Phasing Plan shall show the sequence of completion of the development including open space, play areas, site boundary tree and shrub planting, pedestrian, cycle and emergency links to and from the site.
6. Development shall not commence until the off-site works shown on drawing numbers 3048C4002A and 3048C4001B (or approved revisions to those drawings) have been substantially formed, laid out and constructed in accordance with the approved drawings and in accordance with detail construction drawings and specifications that shall have first been approved in writing by the local planning authority. No dwelling shall be occupied until the approved works have been fully implemented.
7. Prior to first occupation of each dwelling the internal access roads footpaths and vehicular parking and turning areas serving the associated dwelling shall be provided in accordance with the approved drawings.
8. Development shall not commence until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The

boundary treatment shall be implemented as approved prior to the occupation of the adjacent dwelling/building or completion of adjoining path or open space.

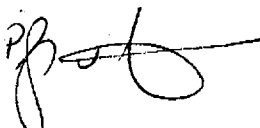
9. Details and samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site. The details shall include hard surfaces. Development shall be carried out in accordance with the approved details.
10. Any trees lost as a result of construction of the access roundabout and associated link road through Upton Court Park shall be replaced with semi-mature trees in accordance with the design and maintenance details approved pursuant to the reserved matters.
11. Prior to the submission of reserved matters pursuant to Condition 2 a written scheme of archaeological investigation work shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include site investigation, excavation, recording and reporting details. The scheme shall be implemented prior to the submission of reserved matters pursuant to Condition 2 and results reported to the Local Planning Authority. Any long term recording & reporting requirements identified within the scheme shall be submitted to the Local Planning Authority prior to the first occupation of the penultimate dwelling approved pursuant to the reserved matters.
12. A minimum of ten percent of the housing development site area shall be laid out as public open space in accordance with details approved pursuant to Conditions 2 (Reserved Matters), 8 (Boundary Treatment) and 13 (Play Area) and in accordance with the Phasing Plan approved pursuant to condition 5.
13. Development shall not commence until details of an equipped play area has been submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and in accordance with the Phasing Plan approved pursuant to Condition 5.
14. Prior to the commencement of the means of access and link road through Upton Court Park the relocation of the Park car park and recycling facilities and other accommodation works shall be carried out in accordance with details first approved in writing by the Local Planning Authority. The accommodation works shall include verge protection measures, formation of alternative Park access, erection of height restriction barriers and fencing, relocation of signs.
15. No more than 150 dwellings shall have been occupied prior to the laying out of a recycling compound & installation within it of recycling containers. The compound shall be constructed and containers installed in accordance with details first approved in writing by the Local Planning Authority. The location of the compound shall be in accordance with siting details approved pursuant to the reserved matters Condition number 2.
16. Development shall not commence until the means of access shown on drawing numbers 3048C4002 rev A have been completed to base course level prior to the start of construction of any dwelling on the site and completed in full prior to the first occupation of a dwelling.

17. Vehicle wheel cleaning and dust suppression facilities shall be installed at construction site exit points/access road for the duration of the construction period in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
18. There shall be no access to Blenheim Road other than for pedestrians, cyclists and emergency vehicles. Blenheim Road shall not be used as an access for activity related to the construction of the development.
19. A site measuring 2.024 hectares shall be reserved for a primary school adjoining Upton Court Park for 5 years from the date of the start of the development.
20. Development shall not commence until details of on site drainage works have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.
21. No residential or other flood sensitive development shall be permitted within the area shown as liable to flood in a 1 in 100 year event (otherwise known as the flood plain) as defined on Drawing No. 3826/21/07 Rev.D.
22. Details of finished floor levels of buildings shall be submitted to and approved by the local planning authority in consultation with the Environment Agency, prior to commencement of development. The scheme shall be completed in accordance with the approved plans.
23. A buffer zone of 8m measured from the outer edge of the culvert of Datchet Common Brook shall be established and shown on a plan to be submitted to and approved in writing by the local planning authority before development commences. No development including fences or hardstanding, or storage of building materials shall take place within the buffer zone.
24. Surface water drainage works incorporating surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.
25. No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.
26. Provision shall be made to the satisfaction of the local planning authority for an alternative safe, dry access route from the development to land outside the 100 year modelled floodplain, suitable for use by residents should a flood event occur.
27. Development shall not commence until additional boundary treatment for existing houses adjacent to the access road (No. 1-20 Castlevie Road) have been constructed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Right to Challenge the decision

21. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
22. A copy of this letter has been sent to Slough Borough Council and to all those who appeared at the Inquiry.

Yours faithfully



Phillip W Smith

Authorised by the First Secretary of State to sign in that behalf