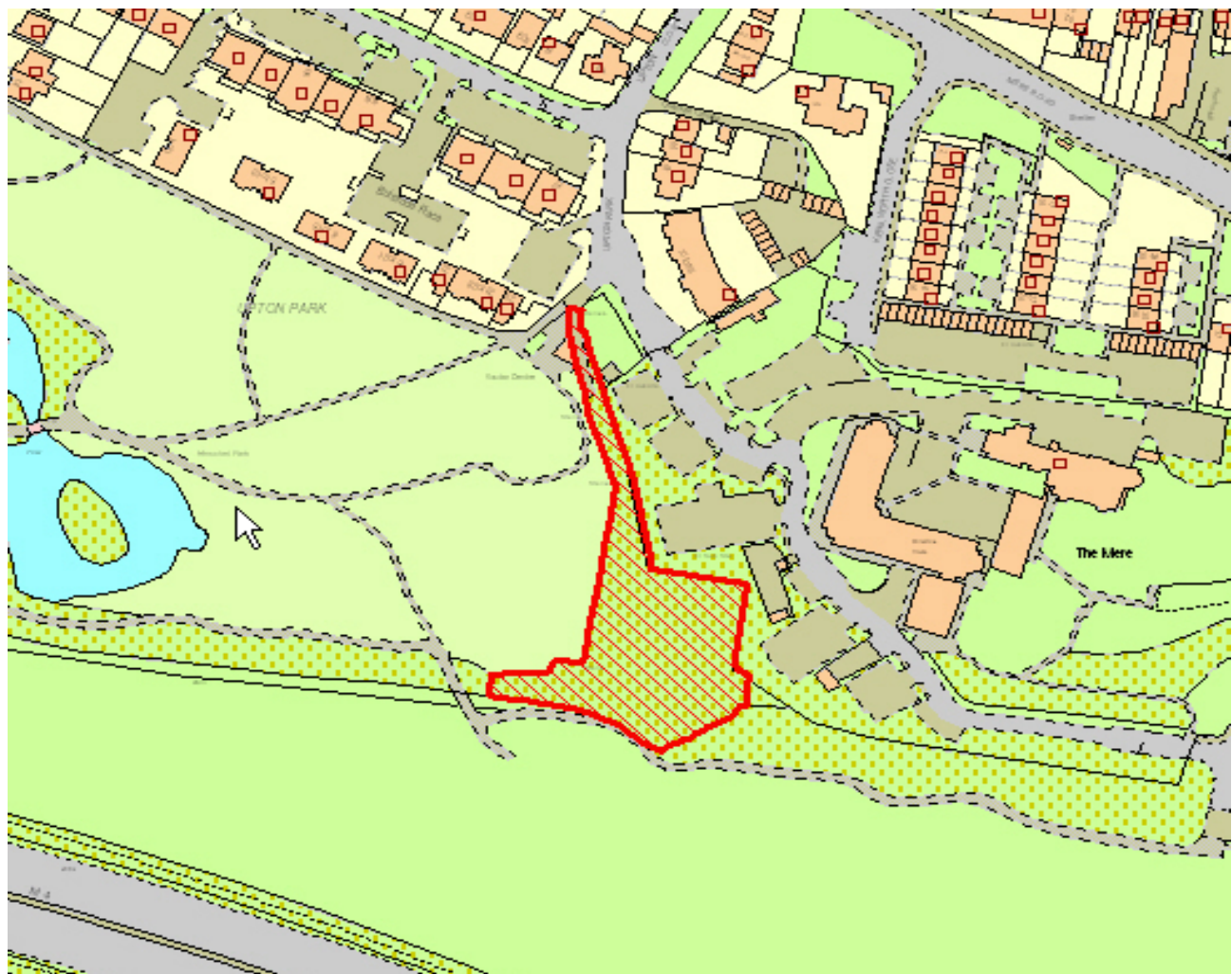


<b>Registration Date:</b>	18 <sup>th</sup> April 2016	Applic. No:	P/00475/009
<b>Officer:</b>	Hilary Kernohan	Ward:	Central
<b>Applicant:</b>	Mr S Mann	Applic type:	<b>Major</b>
<b>Agent:</b>	TP Architects	13 week date:	18 <sup>th</sup> July 2016
<b>Location:</b>	Site of former Spring Cottage, access from Upton Park Rd , Slough		
<b>Proposal:</b>	Construction of one detached dwellinghouse (4 no. bedroom) and 3 storey building to provide 9 no. flats (8 no. x 2 bedroom and 1 no. x 3 bedroom). Associated works including basement, car parking provision, amenity and access off Upton Park.		

**Recommendation:** Refuse



## 1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be **refused** for the reasons outlined in the report.
- 1.2 This application has been referred to the Planning Committee for consideration as the application is for a major development.

## **PART A: BACKGROUND**

### 2.0 **Proposal**

- 2.1 To erect 8no x2 bed and 1no x3 bed flats, and 1no x 4 bedroom detached dwelling with associated parking, cycle storage and refuse store, with access from Upton Park, Slough.
- 2.2 The application states that the 1no 4 bed dwelling was previously approved, under application no P/00475/007, and has not been changed, this single dwelling is on the site of the original Spring Cottage

### 3.0 **Application Site & Surroundings**

- 3.1 The application site is known as Spring Cottage, is located off Upton Park Road, at the eastern end of Herschel Park. Spring Cottage was previously an important historic building, however it burnt down in May 2011 after suffering, since 2008, abandonment, lack of maintenance, trespass, vandalism, fire and eventual demolition. A substantial history of planning applications which aimed to enable its survival, which is highly relevant to this current application, is provided below.
- 3.2 The site is accessed by a long tree lined driveway, with the entrance located between a pedestrian access to Herschel Park and a gated entrance to the Mere.
- 3.3 The site is enclosed by Herschel Park, which is designated Public open space and lies immediately adjacent to the defined Metropolitan Green Belt. The site is also within the designated Upton Park conservation area, comprising the Spring Cottage site, the Mere (Jacobean mansion building 1887) and Herschel Park. The Spring Cottage site is also adjacent to a section of the Herschel Park designated as a "Historic Park and Garden".

3.4 The site falls within Flood Risk zones 1 and 3 as defined on the current Environment Agency Flood Map. Slough Borough Council's Strategic Flood Risk Assessment shows that the site lies within Flood Zone 3b, functional floodplain.

4.0 **Site History**

4.1 Full planning history relating to the site is as follows:

<b>Application ref. / Date</b>	<b>Description</b>	<b>Decision</b>
P/00475/001 Sept 1987	Change of use from residential to an office class B1	Refused
P/00475/02 Oct 2009	Conservation area consent fro demolition of part of Spring Cottage and detached garage. Renovation of Spring Cottage into 1no 2 and 2no 1 bedroom flats .Erection of 2 bedroom and 2no 3 bedroom terraced houses and 1no detached house with associated access road , parking, garage, bin and cycle stores and landscaping	Withdrawn by applicant prior to determination
P/00475/03 Oct 2009	Demolition of extension to Spring Cottage and detached garage. Renovation of Spring Cottage into 1no 2bed and 2no 1 bed flats. Erection of 2no 2 bedroom and 2no 3 bed terraced houses and 1no associated detached house with associated access road , parking , and garage, bin and cycle stores and landscaping ( outline )	Withdrawn by applicant prior to determination
P/00475/04 June 2010	Demolition of modern side extensions to Spring Cottage and detached garage. Conversion of original Spring Cottage into 2x1 bed flats, erection of 2x2 bed and 1x3 bed terraced dwellings and 1x3 bedroomed detached house with associated access road, parking, bin , cycle store and landscaping	Approved
P00475/05 April 2012	Conservation area consent for reconstruction of Spring Cottage to contain 2no flats and construction of 2no dwellings	Withdrawn by applicant
P00475/06 Lodged May 2011 – determined Jan 2012	Reconstruction of Spring Cottage to contain 2no x 2bed flats ; construction of 2no 4no bedroomed detached dwellings with garages	Approved

P/00475/07 May 2014	Erection of 2no 4 bed semi-detached and 2no 4 bed detached dwellings with rooms in the roof space and associated parking	Approved
P/00475/08 Aug 2015	Submission of details pursuant to conditions 03, 5, 9, 14, 15, 16, 18, 20, ref planning permission P00475/07	Conditions complied with

## 5.0 **Neighbour Notification**

5.1 Consultation letters were posted to the residents and commercial properties consulted in relation to the previous application.

5.2 There has been one representation received objecting on the grounds of overdevelopment and the negative visual impact on Herschel Park.

5.3 **Publicity:** In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, a site notice was displayed at the site. The application was re-advertised in the 12<sup>th</sup> August 2016 edition of the Slough Express.

## 6.0 **Internal Consultation**

### 6.1 Transport and Highways

This application is for the construction of one detached dwelling house (4 no. bedroom) and one 3 storey building to provide 9 no. flats (8 no. x 2 bedroom and 1 no. x 3 bedroom). Associated works including basement, car parking provision, amenity and access off Upton Park. The site is situated in a predominantly residential area to the south of the borough. The site has previously had consent for 4 houses. Therefore the proposed development is an intensification of an extant scheme.

My understanding in respect of the planning history of the site is as follows:

- Original development was one cottage (Spring Cottage);
- Spring Cottage was in poor condition and needed renovation so it was accepted that two flats could be developed within Spring Cottage and 1 additional house provided to help with the renovation costs;
- Spring Cottage burnt down and this changed 2 semi-detached houses and 2 detached houses;
- This proposal for 1 detached house and 9 flats.

One can summarise that there has been a 'scope creep', where development of the site increases over time significantly to what was originally accepted.

### *Trip Generation*

The applicant's consultant has provided trip generation for the proposed development, which having interrogated the TRICS database would appear to be slightly inflated, although I do not think the transport consultant who prepared the report has access to the TRICS database. The proposed development is shown to lead to an increase in the number of vehicle movements to the site by 20 per day.

	Daily Arrivals	Daily Departures	Total
4 House (Extant Scheme)	8	8	16
1 House + 9 flats (Proposed Scheme)	2+17	2+15	36
Net Increase in Vehicle Trips	11	9	20

### Access

The access to the site is from Upton Close and its junction with Mere Road. This Mere Road junction is adequate in terms of capacity to cater for this level of development. Upton Close itself is approximately 6m wide and operates adequately as a shared area, as there are no separate footways. Upton Close is a private road.

The existing access road from the northern end of the access road to the dwellings is around 90m in length and narrow with the appearance of a country lane. It measures a minimum of 3.6m (fence to fence) and does not widen sufficiently for circa 35m before a passing place for 2 cars is available. At this point the access road, fence to fence width is 5.8m. The carriageway would not be this wide in the final scheme as there would be a vegetation strip on both sides, but there would be sufficient space at this point for two cars or a car and van to pass. It is unlikely that a car would pass a refuse vehicle on the access road. However given the passing space is 35m into the site there is a likelihood that vehicles will wait at the site access (i.e. obstructing the pedestrian access to the park) or reverse back to the site access to allow vehicles to pass therefore increasing the risk of collision with pedestrians, some of whom will be young children.

With the increase in number of dwellings there is shown to be a greater number of vehicle trips and therefore the number of times vehicles need to wait for another vehicle to pass increases. The reality of this is that there will be far more occurrences of vehicles waiting in the vicinity of the Park pedestrian entrance with the proposed scheme than the extant scheme. Whilst the number of passing manoeuvres is going to be small across the day, one needs to take it back to the context of where the redevelopment of this site started with one cottage becoming 2 houses and 2 flats, then 4 houses and now 1 house and 9 flats. The impact on the Park access continues to increase and raises risk for the safety of pedestrian movement. There does become a point where the path leading to the Park for park users (pedestrians with young children and school children) becomes less attractive and less safe to use as more and more vehicle movements are permitted. I would suggest that point has already been reached and therefore there should be no increase in development above the 4 house scheme. If the developer wishes to pursue this scheme then I would recommend that the access to Upton Close is achieved off the access road to the Education Centre so that the impact on the Park users is limited.

The drawings do not clearly show the existing access to the Park and the visibility splays and these should have been provided on the submitted drawings in

accordance with Manual for Streets 2.4m x 4.3m for vehicle visibility splays and pedestrian visibility splays of 2.4m x 2.4m.

The road construction the road surface is proposed to be permeable tarmac, but whilst permeable element is welcomed, I would suggest that taking account its proximity to the Park then a more sympathetic surface, like resin bound gravel, may be more appropriate certainly at the northern end of the access road. If a permeable tarmac surface is to be implemented then the road surface will also need a geotextile membrane, a permeable sub base, a permeable base course, and a permeable binder course otherwise the permeable surface course will not work.

### *Car Parking*

Under the Slough Local Plan 2004, for this development, the parking requirements are as follows: 3 spaces for the 4 bedroom house, 18 spaces for the 9 flats (8 x 2 bedrooms, 1 x 3 bedrooms). The plans show the required 3 spaces for the house, with dimensions of 2.4m x 4.8m; also a total of 18 spaces for the flats, including 17 in the basement, all measuring 2.5m x 5m, with the 18<sup>th</sup> space being suitable for disabled parking and measuring 6m x 3.8m. The car park does not provide any detail in respect of the column positions and these need to be provided to ensure that the design of the car park is in accordance with the Institution of Structural Engineers publication "Design Recommendations for Multi-storey and Underground Car Parks 2011 - 4th Edition" to ensure it will operate safely and provide unimpeded ingress and egress for the specified number of parking bays. In respect of the column locations and other technical details the following should be taken into account:

- The distance from end of parking space to edge of column should be minimum of 3.3m min with 3.6m desirable;
- The distance from end of parking space (aisle) to edge of column 0.46m min 0.8-1.0m desirable;
- No fewer than 3 bays per between interbin columns;
- Column projection into parking space of up to 200mm permitted;
- In respect of the gradient of the ramp this is acceptable at 1:10;
- With 6 metre aisles the end parking space should be widened by 300mm when it is adjacent to a wall or vehicle barrier.

In order to prevent overspill parking from the development impacting on the residential amenity of residents in surrounding developments, residents of the development should be ineligible to apply for on-street parking permits in any existing or future schemes (on the public highway).

### *Cycle Parking*

In accordance with the Local Developers Guide, a minimum of 1 no. secure cycle parking space per unit is required for residents. Secure storage has been provided near the entrance to the basement car park with 9 spaces for the flats, but the plans will need to be amended to show Sheffield racks in accordance with Developers Guide Part 3. Cycle storage for the house is likely to be in a garden shed.

### *Refuse and recycling*

For a total of 9 flats, the applicant is required to provide 1 x 1100 litre bins for residual waste collection and 1 x 1100 litre bins for recycling material and this is what is proposed. The applicant will need to demonstrate that a refuse vehicle can turn and leave in a forward gear by providing the tracking drawings.

### *Impact on PROW to the south*

There is a Public Right of Way to the south of the site, but there would appear to be no impact on this path resulting from the development.

### **Recommendation**

This application should be refused as the development if permitted would intensify the use of an existing access and access road which is substandard in width and would lead to the obstruction of a main pedestrian access to Herschel Park and would lead to an increase in reversing manoeuvres at the site access, which would the risk of collisions with pedestrians. Such an intensification is considered to be detrimental to road safety and therefore the development is contrary to Slough Borough Council's Core Strategy 2006-2026 Core Policy 7.

## **6.2 Environmental Quality**

- 6.2.1 Raise no objections to this scheme or concerns to the noise impact report submitted.

## **6.3 Land Contamination**

- 6.3.1 The officer notes there are a number of outstanding issues and recommends the following conditions:
- 6.3.2 1 Phase 3 Quantitative risk assessment and site specific remediation strategy  
Development works shall not commence until a quantitative risk assessment has been prepared for the site, based on the findings of the previous intrusive investigations

2 Remediation – no development within or adjacent to any areas subject to remediation works carried out pursuant to the Phase 3 quantitative risk assessment and site specific remediation strategy condition shall be occupied until a full validation report for the purposes of human health protection has been submitted.

## **6.4 Neighbourhood Services**

- 6.4.1 No development to commence until a detailed Construction Management Plan has been submitted and approved in writing by the LPA – this could be secured via a condition.

## **6.5 Drainage**

- 6.5.1 The drainage philosophy and design is acceptable however the introduction of

the attenuation pond as a storage structure within the Win-Des drainage calculations is required to confirm that no more than 5 l/sec will leave the site and that flooding does not occur anywhere on site during the worst case 1 in 100 year rainfall event. The proposed drainage strategy and aforementioned discharge flow rate are to be approved by Thames Water.

#### 6.5.2 *Flood Risk*

The development is sited within flood zone 1, and categorized as “more vulnerable”. More vulnerable developments are considered appropriate in flood zone 1 therefore no mitigation is required with regard to fluvial flood risk.

To mitigate surface water flood risk the finished floor level for all properties must be raised as per the recommendation of the FRA. Whereby finished floor levels are to be a minimum of 100mm above surrounding ground level.

The local foul gravity sewer is susceptible to backing up. As recommended by the FRA the manhole covers must be raised and installed with bolt down covers, subject to agreement with Thames Water.

### 6.6 **Parks Development Team**

6.6.1 For context, Slough Borough Council received £2.2million Heritage Lottery Funding (HLF) to carry out the restoration of our Grade II listed park adjacent to Spring Cottage which was completed in 2011. As part of the restoration project, SBC enlisted specialist historic parks consultants to produce a conservation management plan for the park which included the parks interrelationship with Spring Cottage and the land adjoining the park owned by the planning applicant. English Heritage who monitored the HLF funded project stressed the importance of keeping historic fabric of the park intact. This includes screening the park from the NFER Mere buildings. The proposed buildings have 3 storeys and will be easily seen from the park. This latest proposal increases the density of the dwellings substantially exacerbating the problems already identified with the previous application and on these grounds the Parks section objects to this application.

Key points of objection and comments are as follows:

1) The proposals set out in the application show the removal of trees and other vegetation that currently screen NFER when viewed from Herschel Park. This vegetation would also screen the new development from the park and although some new trees are included in the proposals the natural screening would be greatly diminished. To mitigate the proposed loss of vegetation, we would ask that additional trees be planted in the park adjoining the development as we appreciate there is insufficient space on site. The increased mass of the proposed dwelling further impose on the park compared to the previous application and will greatly impact upon views to the east of the park.

2) Access & construction – as part of the HLF restoration project SBC was asked to produce an access plan for the park. The entrance to N/E



corner of the park is already shared with Spring Cottage which potentially constituted a safety hazard. The previous occupants of Spring Cottage did not drive so they posed little risk to pedestrians using the park entrance. The applicant's new proposals indicate that the entrance would be used by a greater number of vehicles to service the 10 dwellings which would greatly increase this risk to other users. The roads in Upton Park are privately owned and maintained by Upton Roads Ltd. who have expressed concern about the increased traffic and wear that would result from the proposed development. There appears to be insufficient space for refuse and delivery vehicles to turn around which would necessitate vehicles having to reverse up the narrow driveway. During any construction work SBC should insist that the stone entrances, lanterns, new fencing and park Kiosk building be protected from dust and damage and that the park hedge and tree root zones are protected and any construction carried out using No Dig methods. There are a set of engraved marker stones along the park/Spring cottage boundary that need to be protected/incorporated into the landscaping. These stones are thought to pre-date the Victorian park.

3) Wildlife impact – has an environmental impact assessment been submitted with the application? There have been reports from a number of users of the wildlife area of wildlife using the site including sightings of bats roosting.

4) SBC have replaced the fence shown along the park boundary with a new HLF funded ornamental steel railing fence along the boundary between the park and this would need protection and be in constant danger of being damaged if the development were to go ahead.

5) Drawings state that the SBC owned Laurel hedge is to be reduced in height by SBC. It does not say how much it is to be reduced by and who would fund any work. The hedge forms an evergreen screen between the park and the proposed development and we feel it needs to be retained to a height of at least 1.5m to function as a screen.

6) Lanterns – new lanterns are proposed along the driveway. English Heritage worked closely with SBC and Upton Roads Ltd. to ensure the design of the lanterns used in the park and surrounding estate were appropriate to the historic setting of the conservation area. Any new lanterns should also complement the existing lanterns especially where the proposed development adjoins the park and estate.

7) A 5m “drainage buffer” is shown on the LNR. Is this the existing ditch or is the applicant proposing to modify SBC land?

## 7.0 **External Consultees**

### 7.1 Historic England

No comment

## 7.2 Thames Water

7.2.1 They have identified an inability of the existing waste water infrastructure to accommodate the needs of this application. If the LPA are minded to grant permission, then a Grampian condition is to be imposed as follows:

*“Development shall not commence until a drainage strategy detailing any on and off site drainage works has been submitted to and approved by the LPA in consultation with the sewerage operator. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason- the development may lead to sewerage flooding – to ensure that sufficient capacity is made available to cope with the new development, and in order to avoid adverse environmental impact upon the community “*

## 7.4 Environment Agency

No comments have been received.

## 7.5 Local Police

No comments have been received.

## 7.6 Garden History Society

No comments have been received – they have been involved in support of the Lottery Funded Historic Garden Restoration

## **PART B: PLANNING APPRAISAL**

### 8.0 **Policy Background**

8.1 The following National Policy and Development Plan documents are considered to be most relevant to the proposal:

National Planning Policy Framework, March 2012 and the Planning Practice Guidance

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

- Core Policy 1 – Spatial Strategy
- Core Policy 2 – Green Belts and Open Spaces
- Core Policy 4 – Type of Housing
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment

- Core Policy 9 – Natural and Built Environment
- Core Policy 10 – Infrastructure

#### The Local Plan for Slough, Adopted March 2004

- Policy EN1 – Standard of Design
- Policy EN3 – Landscaping Requirements
- Policy EN17 – Locally Listed Buildings
- Policy EN22 – Protection of Sites with Nature Conservation Interest
- Policy EN24 – Protection of Watercourses
- Policy EN34 – Utility Infrastructure
- Policy OSC8 – Green Spaces
- Policy T2 – Parking Restraint
- Policy T8 – Cycling Network and Facilities

#### Other Relevant Documents/Statements

Upton Conservation Area Character Survey

Slough Borough Council Developer's Guide Parts 1-4  
Proposal's Map

Further consideration will also need to be given to the following constraints around the site :

- The application site is within the "Upton Park Conservation Area".
- Herschel Park – is a designated Open space, and is part of the Metropolitan Green Belt
- Historic Herschel Park is identified as a "Historic park and Garden".

#### 8.2 Composite Local Plan – Slough Local Development Plan and the NPPF – PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework.

The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

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

1) Whether the landscape and visual impact, and amenity of the Historic Park and Garden of Herschel Park, and on the Upton conservation area, are acceptable?

2) Is it acceptable to use the previous "enabling consents", (which sought over many years, to help facilitate the restoration of an important historic building Spring Cottage ), to justify the 125% intensification of residential use, in a sensitive conservation area and heritage location, which now provide no heritage or conservation area enhancement .

3) Whether the principle of the development accords with the Slough Development plan in relation to the type of housing proposed in this out of town centre location?

## 9.0 **Principle of the development**

9.1 *Whether the landscape and visual impact, and the impact on the amenity of the Historic Park and Garden of Herschel Park, and on the Upton conservation area, of the application proposals, are acceptable.*

The application site is fully enclosed within the Upton Conservation area. In addition it is immediately adjacent to the recently restored Registered Historic Park and Garden now known as Herchel Park. The neglected, then vandalised, then set on fire and finally demolished Spring Cottage, a recognised important historic building, (which was previously located on the application site) has also been central to decision making in relation to this site.

In the appraisal of this application, the key policy areas relate firstly to the planning objective to protect and enhance conservation areas (including Upton Conservation area) and historic parks and gardens (Historic Upton Park) – these objectives have had a significant effect on how the numerous planning applications submitted by the applicant since 1995, in relation to this site, have been responded to by the Council, leading up to the current application. The long planning history of the application site, is of vital importance in understanding the context of the decisions previously made,

and the current position of the Planning Authority. .

National Planning Guidance, strongly supports the conservation of heritage assets and the designation of conservation areas. The NPPF states para 125:

*“Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so , they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance”*

*“In determining applications , Local Planning authorities should require an applicant to describe the significance of any heritage assets affected, including an contribution made by their setting”*

In keeping with National Guidance, Slough Borough Council has adopted a range of policies also firmly aimed at the protection of the historic environment of Slough.

Core Policy 9 of the Slough Local Development framework states that development will not be permitted unless it :

*“ enhances and protects the historic environment*

*-Respects the character and distinctiveness of existing buildings , townscapes and landscapes and their local designations*

*-Protects and enhances the water environment and its margins*

*- enhances and preserves natural habitats and the biodiversity of the borough including corridors between biodiversity rich features.”*

The above policy applies to designated conservation areas such as Upton Park, Designated Historic Parks and Gardens such as Herschel Park.

The importance and significance of Herschel Park in Slough has been fully documented in “ A Landscape survey and analysis “ Jan 2006 Vol 1

It states Para 2.2 :

*“The Victorian Park is identified by English Heritage as a designated landscape of a special historic interest in the national context and included on the national register at Grade II, one of only 1560 registered sites. The prevailing historic character is of a pleasure ground .its national rarity and value are increased as there are few sites of its type. Its essential setting, Upton Park, is designated a conservation area, and has special architectural historic interest in the local context which is worthy of preservation or enhancement.”*

*“The Victorian Park and the Upton Park estate form a unified and attractive urban landscape which retains much of the genteel character derived from the mid C19th origins. The considerable local landscape value of the estate has been damaged by the loss of many trees along the estate roads, and conversion of gardens to hard standing and development. The townscape significance is degraded by the deterioration of the estate roads, the loss of*

*gateways, and lodges, parked cars and wheelie bins etc. Historically Upton Park was distinguished by its high quality townscape absent elsewhere in Slough .The relationship of the estate with the mere has largely been lost, which has damaged the landscape value.”*

Under Historic significance of elements within the site para 2.2.8 :

*“The landscape design forms the setting for the mid C19 Upton Park layout and the focus to its circulation and views. Spring Cottage is of high significance as the only detached villa built, its architectural value enhanced by its close relationship to the park its grounds are of significance as a section was detached from the park to form the present drive in the early C20th .The adjacent Mere, set in its own complex garden , was damaged by the construction of the late C20 associated buildings and car parking.”*

As stated previously, the original Spring Cottage has been lost by a combination of neglect and vandalism. While the original Spring Cottage was not a listed building, it was regarded as a significant built asset within the Upton Park Conservation area, and within Herschel Park, part of which is a designated Historic Park and Garden. The Upton Conservation Character survey (page 7) states that while *“there are no Local list buildings within the Upton Conservation area but this survey suggests the addition of many buildings to the Slough Boroughs Local list. Local listing does not bring additional statutory protection in itself, but being within the conservation area, such buildings are already protected from substantial demolition. Certainly every effort will be made to safeguard their contribution to the conservation area and that of any other buildings within its boundaries that contribute to its character as an historic settlement.”*

The report then goes on to describe the various buildings within the conservation area which contribute to the character of the conservation area as a historic settlement. The document also lists Spring Cottage as a proposed locally listed building at Page 20.

The application site itself, is an unallocated site in the development plan, and bearing in mind its position within a conservation area, immediately adjacent to a Registered historic park and garden, adjacent to a Designated nature conservation site, and to the Metropolitan green belt, so in usual circumstances this is not a location where the Local Planning Authority (LPA) would wish to see any development.

However, due to the fact that the important historic Spring Cottage was located on the site, and the fact that the Council wished to see its restoration due to its historic and conservation area importance, the LPA have been willing over the years, to provide the applicant with a number of consents which were fully intended to achieve this objective. The previous consents granted for the Spring Cottage restoration and then rebuilding, also allowed some limited additional development as part of ensuring the viability of the scheme.

In contrast, the current scheme proposes the replacement of 3 no. of the 4no

family houses previously consented and their replacement with 9 no. flats and 1 no. family home. The proposed scheme creates a larger footprint on the application site, and proposes one large building where previously the buildings were split and much less dominant in the view. The proposed height is similar to the previous scheme, however the amount of the development at the maximum roof height is greatly increased, again increasing the visual impact and dominance of the building.

The application site is visible from the Registered park and garden to the west, and this proposed increased size of development, will in turn increase the degree of visibility from the Park, creating an unwelcome residential intrusion on the south east side of the Park. This side of the Park is adjacent to a nature conservation area, which will also experience visual impact from the development. The proposed development proposes the introduction of a large block of flats within a currently undeveloped, quite central part of the conservation area. The proposals do not preserve or enhance either Historic park or the Conservation area –and due to the greater visual intrusion, the larger footprint of development, the greater number of cars, residents, and associated noise and disturbance, it would create a significant dis-benefit to both the Registered Historic Park and the Conservation area. The proposed development is not considered to be acceptable in this heritage /conservation area location.

**2) Is it acceptable to use the previous “ enabling consents” , (which sought over many years, to help facilitate the restoration of an important historic building Spring Cottage ), to justify the 125% intensification of residential use, in a sensitive conservation area and heritage location, which now provide no heritage or conservation area enhancement.**

Due to the fact that the important historic Spring Cottage was located on the site, and the fact that the Council wished to see its restoration due to its historic and conservation area importance, the LPA have been willing over the years, to provide the applicant with a number of consents which were fully intended to achieve this objective. The previous consents granted for the Spring Cottage restoration and then rebuilding, also allowed some limited additional development as part of ensuring the viability of the scheme.

The owners / applicants, over some 29 years, since 1987, have submitted 10 planning applications for a range of proposals, for various changes to the use of Spring Cottage, and then the ever increasing expansion of development in and around the site, as listed in the History section of this report above.

It is noted that consent was originally given in June 2010 (Ref: P/00475/004) for the conversion of Spring Cottage into 2 no x 1 bed flats, the erection of 2 no x 2 bed dwellings, and 1 x 3 bed dwellings, and 1 no x 3 bed detached houses. The purpose of the consent which included some separate dwellings, and including 2 no. flats in Spring Cottage, was fully to facilitate the owner in the refurbishment of Spring Cottage. This consent if implemented, would have enabled the repair and refurbishment of Spring Cottage.

It is further noted that, at the time when application ref P/00475/006 was initially submitted on May 4<sup>th</sup> 2011, Spring Cottage was still intact. In their supporting statement the applicant stated *“Spring cottage, an ornate two storey Victorian lodge, much of which is derelict and overgrown by vines. Part of the lodge was until 2008 tenanted accommodation. In the last 2no years the building has been subject to vandalism and occupation by illegal immigrants”*.

During the course of the P/00475/006 application, Spring Cottage was burnt down in 2011. Consent was then granted in January 2012 for an amended scheme.

On 13<sup>th</sup> Sept 2013 a further application (P00475/007) was lodged for: *“Erection of 2no four bedroom semi-detached and 2no four bed detached dwellings with rooms in roof “* which was granted consent in May 2014, quickly followed by a discharge of conditions application.

The current application therefore, needs to be seen in the context of this long application history where the applicants have seen fit not to implement any of the various consents granted over the years, all of which had the objective of facilitating first the restoration of Spring Cottage, and then its rebuilding. Had they done so, it is likely that Spring Cottage would have been refurbished and still standing today. Instead the Cottage was allowed to become unoccupied, then derelict, then vandalised, burnt and finally demolished.

It is notable that the current application makes no mention of the rebuilding of Spring Cottage, but is instead simply an application for the 125% intensification of the number of residential units that have been granted previously - but always specifically to enable the saving and then rebuilding of Spring Cottage. In contrast, this application now seeks to simply use the concessions that the LPA has previously granted on this site, (with the sole objective of supporting and enabling the applicant in the restoration/rebuilding of Spring Cottage) – to simply maximise the amount of development on the site, not only without any heritage benefit but with considerable dis-benefit to both the Conservation area and the Historic Park and Garden, as described above. In view of the above, the application proposals are not considered acceptable.

## 9.2 (iii) Compliance with LDF Core Policy 4

9.3 The current proposal entirely changes the basis of the scheme from a flatted development in the rebuilding of Spring Cottage, with the associated development a few family homes to assist in financing the scheme has been fundamentally changed to an application for a large block of 9 no. flats, and one single dwelling on the site of the former Spring Cottage.

Aside with the detrimental impact of the proposals on the Historic Park and Garden and the Conservation area discussed above, these new proposals do not meet with Planning Policy in relation LDF Core Policy 4, which



emphasises the need for family homes outside the town centre area, as the applicants have been advised on numerous occasions.

Core Policy 4 of the LPF Core Strategy states that:

*“In the urban areas outside the town centre, new residential development will predominately consist of family housing, and be at a density related to the character of the surrounding area , the accessibility of the location, and the availability of existing and proposed local services, facilities and infrastructure.”*

9.4 The application site lies considerably outside the defined Town Centre, and is in a location where family housing is both most appropriate and strongly required. Much of the new development within Slough in recent years has been of flatted development, and there is a very substantial shortage of family homes and appropriate sites to build them in the town.

#### 9.5 **Access and Highways**

The Highways Officer has expressed concern in relation to the intensification of the use of the site, and associate increase in vehicle numbers and usage of the access. There is concern also at the associated increase in safety concerns in relation to the access to the Herchel Park, where one of the main access to the park is immediately adjacent to the access for the application site. The proposed car parking has not been demonstrated to be technically sound, and there is considerable potential for overspill car parking from the site impacting on adjacent areas.

The applicant has not demonstrated the availability of turning space for a waste lorry, and in total the intensification of use is considered to be detrimental to road safety and therefore contrary to Core Strategy Policy 7, and the Highways Officer has made a recommendation that the application be refused.

#### 10.0 **Ecology**

10.1 Legislation for the protection of wildlife and ecology in the United Kingdom includes:

- The Wildlife and Countryside Act, 1981 (as amended);
- The Countryside and Rights of Way Act, 2000 (as amended);
- Natural Environment and Rural Communities Act, 2006;
- The Conservation of Habitats and Species Regulations, 2010 and
- Wild Mammals (Protection) Act, 1996.

10.2 The NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, minimising impacts on biodiversity and providing net gains in biodiversity where possible.

10.3 Slough’s Core Strategy Core Policy 9 includes a number of polices aimed at protecting nature conservation. Developments are required to demonstrate

they appropriately mitigate impacts on ecology. The policy of the Spatial Strategy is to direct development into the most accessible locations in the Borough, while protecting other more environmentally sensitive areas from over-development and which is most likely to protect existing biodiversity.

The applicants have not provided any update of earlier ecological and bird and bat surveys. Concern has been expressed by the Parks Department that there would be negative effects on local ecology, especially birds and bats, caused by the development. It is clear that the increase in site usage from the most recent consent of 5 no. properties to 10 no. Further reports would be necessary to verify the detailed situation, however it is inevitable that the larger scale of development and the greater number of cars and residents using the site, will cause greater disturbance to the local ecology than previous schemes.

#### 11.0 **Land Contamination**

The Officer notes there are a number of outstanding issues and recommends the following conditions:

1. Phase 3 Quantitative risk assessment and site specific remediation strategy

Development works shall not commence until a quantitative risk assessment has been prepared for the site, based on the findings of the previous intrusive investigations

2. Remediation – no development within or adjacent to any areas subject to remediation works carried out pursuant to the Phase 3 quantitative risk assessment and site specific remediation strategy condition shall be occupied until a full validation report for the purposes of human health protection has been submitted.

#### 12.0 **Noise**

In relation to noise, the Council's Environmental Quality Manager has reviewed the Noise Impact Assessment and no objection is raised. The nearest residential properties are located on Bath Road, approximately over 30m away, this is considerable distance to mitigate any issues with regard to noise and disturbance as a result of the proposed development.

#### 13.0 **Archaeological Potential**

The applicant has submitted an archaeological desk-based assessment Thames Valley Archaeological services (site code SCU12/199) dated 22<sup>nd</sup> January 2013. The current application was received 7/4/2016. This archaeological report was received as part of the discharge of conditions in relation to application P/00475/007, which granted permission for the "erection of 2no four bedroom semi-detached and 2no four bedroom dwellings with rooms in the roof space and associated parking".

#### 14.0 **Other Issues**

14.1 Concern has been expressed that the applicants have not provided an updated ecology appraisal. Reports submitted earlier are now potentially out of date, as the site has been lying in a derelict unkept state for a long period of time. The Parks Department advise that there are signs of bat and bird roosts, which would be affected. This would require further investigation should the Council be minded to grant consent.

14.2 The applicant states that a Laurel hedge owned by Slough Borough Council should be reduced in height. This hedge forms an evergreen screen between the park and the proposed development, and Slough Borough Council (SBC) consider it needs to be maintained at its current height to function as a screen.

14.3 A 5m drainage buffer is shown on the LNR. It is unclear if this is the existing ditch, or if the applicant is proposing to modify SBC land.

14.4 It is clear from the comments of both Drainage officer and Thames Water that there are potentially major issues still to be resolved. It is not clear at this stage if they can be resolved on the site, or if these requirements would necessitate major works on and off site.

#### 15.0 **Process**

15.1 In dealing with the application, the Local Planning Authority has worked with the Applicant over a long period of some 29 no/ years, and have granted a consent in 2010 which if implemented, would have enabled the saving of Spring Cottage. Despite the loss of Spring Cottage to vandalism due to lying unoccupied, then damage by illegal occupants and finally fire and demolition, the Council has provided a further 2 no. consents for the redevelopment of the site, in 2012 and 2014, in keeping with Council residential policy,

15.2 However, despite all this, the current application represents an attempt by the applicant to fundamentally change the nature of the proposed redevelopment from a small number of family homes, to an intensified residential use, containing largely flatted development, thereby creating a large increase in the level of traffic using the site and attendant issues. The applicants have been advised on numerous occasions of Core Policy 4 which strongly supports the development of family housing in locations (as with this one) well outside the town centre. While the Council have long been very supportive of the applicants, over the years agreeing to many compromises to assist the applicants in their wish to save Spring Cottage. However, the amendments proposed in this current application, now make the proposal unacceptable and contrary to policy.

#### 16.0 **Summary and Conclusion**

16.1 Having considered the relevant policies set out below, the representations received from consultees and all other relevant material considerations, it is recommended that the application be refused on the following grounds below.

17.0 **PART C: RECOMMENDATION**

The application should be refused for the following reasons:

**1. Harm to the Upton conservation area and Registered Historic Park and Garden**

The proposed development would cause significant harm to the Upton Conservation area, as it proposes a considerable intensification of residential use, with a more than doubling of residential units, and in turn all the associated increases in car movements, car parking, bin storage and waste lorry requirements, cycle parking, loss of trees, impact of wildlife and ecology, and general use of the site and its environs - in a location which is currently a quiet secluded area, immediately surrounded by the Herschel Park Historic designated Park and Garden, fully within the Conservation area. The proposed development will also cause more noise and visual intrusion in relation to Herschel Park and its wildlife and the Conservation area.

The proposals are therefore contrary to National Planning Policy Framework, 2012 as it does not conserve and enhance the historic environment. It is also contrary to the Slough Conservation Area designation of Upton Park, the Historic Park and Garden designation of Herschel Park, and Core Policy 9 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008), which requires that development enhances and protects the historic environment, and respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations.

**2. Over-intensification of residential use**

The application proposals are an over-intensification of previously consented residential use of this site. Unlike earlier enabling consents which had the objective of restoring and then rebuilding the historic Spring Cottage, this application for the much intensified residential use of the site, provides no heritage benefit, and in addition would create a negative impact on the conservation area and historic park and garden.

The proposals are therefore contrary to National Planning Policy Framework, 2012 in relation to conserving and enhancing the historic environment, and contrary to the Slough Conservation Area designation

of Upton Park, the Historic park and Garden designation of Herschel Park, and Core Policy 9 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

### **3. Contrary to LDF Core Strategy Policy No4**

Some limited additional family homes were originally permitted as part of the Council's support for the applicant, in attempts first to save, and then rebuild the former historic Spring Cottage. The current application proposes to change the limited number of family homes into a block of 9 no flats, fully contrary to adopted policy. This is a locality which is suitable for family homes, of which there is a considerable shortage in the Borough. The application is therefore contrary to Core Policy 4 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008) and the National Planning Policy Framework, 2012.

### **4. Access and highways**

The development, if permitted, would intensify the use of an existing access and access road which is substandard in width and would lead to the obstruction of a main pedestrian access to Herschel Park and would lead to an increase in reversing manoeuvres at the site access, which would the risk of collisions with pedestrians. Such an intensification is considered to be detrimental to road safety and therefore the development is contrary to Core Policy 7 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

### **5. Ecological Impact**

The ecological impact of the development, which is immediately adjacent to a recently restored heritage park and a designated nature conservation site, has not been appraised. No up to date bird, bat or ecological survey has been provided. The application proposes not only removal of trees, reduction of hedges, but also a considerable intensification of usage with 125% increase in residential units, with the likely increased impact on wildlife and ecology that all this would create. The application is therefore contrary to Core Policy 9 of the Slough Local Development Framework Core Strategy 2006 – 2026 (Development Plan Document, December 2008) as it does not preserve or enhance the local habitat.

### **6. Drainage**

There is a holding objection regarding drainage as insufficient information has been provided to determine the suitability of this low lying application site for development. Thames Water have identified an inability of the existing waste water infrastructure to accommodate the needs of this application.