

PLANNING COMMITTEE

3rd July 2019

THE FOLLOWING ALTERATIONS AND AMENDMENTS HAVE BEEN
RECEIVED SINCE THE PLANNING OFFICER'S REPORT WAS
PRESENTED TO MEMBERS

Amendment to description of development (Page 7). Description to be amended to delete the word 'buildings'; and replace with 'dwellings'.

Local Lead Flood Authority (LLFA)

Para 6.17 on Pages 23 and 24. Late comments from the LLFA submitted on 02/07/2019 as follows:

We have reviewed the following information in relation to the planning application:

- * Flood Exceedance Plan (drwg no:12416-CIV-960)
- * *Drainage Strategy drawing (drwg no : 12416-CIV-952 Rev B)*
- * *Private Hardstanding Details drawing (drwg no : 12416-CIV-150)*
- * Microdrainage calculations o *Model Rev 00_BLOCK A-B.MDX (1/6/2019)*
- * *Model Rev 00_BLOCK C-F.MDX (1/6/2019)*

Surface Water Drainage

We recommend following condition for the surface water drainage.

'No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details) before the development is commenced. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

The surface water drainage strategy shall follow the drainage hierarchy for the outfall as per Building Regulations Part H requirement. The drainage scheme shall also provide sufficient level of treatment in accordance with the SuDS Manual.'

Officer Comment: The recommendations will be taken into account within an appropriately planning condition.

Amendment to Para 8.116 on page 74: Please insert the following text:

*The Council will take legal advice as to the lawful method of entering into such obligations to ensure they can be properly enforced in its capacity as local planning authority.
The Planning Manager will review this advice and the planning obligations to ensure their robustness prior to any decision notice being issued.*

Late Representations: The Council has, of today, received formal notification from the National Planning Casework Unit (PCU) that a third-party request has been made requesting that the Secretary of State calls-in the planning application at Tower and Ashbourne House. In these circumstances, the PCU has confirmed it is for the local authority to resolve whether (or

not) to grant planning permission and then to provide the Secretary of State information relating to the application so that the Secretary of State can decide whether call in is warranted.

The Council has confirmed in writing to the PCU, that the local planning authority would be prepared to withhold issuing a decision notice until such time as the PCU has either determined the application should continue to be decided by the Local Planning Authority, or that the application will be 'called in' for decision by the Secretary of State.

CHANGE TO RECOMMENDATION

Change to the Recommendation at 1.2 of the Agenda on page 8 be changed to:

Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be

- i) Referred to the planning case work unit for them to determine if the application should continue to be decided by the Local Planning Authority, or called in for decision by the Secretary of State.
- ii) In the event of the planning case work unit deciding the application can continue to be decided by the Local Planning Authority; it is delegated to the Planning Manager for approval subject finalising conditions and planning obligations to deliver 100% Slough Living Rent affordable homes (on-site), highways improvements and associated traffic regulation orders, on-site infrastructure to support an Electric Vehicle (EV) Car Club (including one bay with EV charging point) and financial contribution towards an EV off-site Car Club and the laying out of new Public Open Space with Play Facilities, off-site sports/recreation improvements and other minor changes.

There has been an update to Section 16 which refers to the conditions and informatives.

- (A) Following further clarification with the applicant's agent, Conditions 5 and 6 have been amended to read 11934 sq.m. (replaces 12151.2 sq.m.) and 852 sq.m. (replaces 891.8 sq.m.) respectively.
- (B) Following further consultation with Thames Water, Condition 23 has been deleted and Informative 7 has been revised as follows:

Informative 7 – Thames Water:

Waste Comments

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

CHANGE TO RECOMMENDATION

There is no change to the Recommendation at 1.1 of the Agenda papers.

The following sections of the reports are updated:

5.3 - There have been no comments or objections received from neighbouring occupiers.

6.3 – There has been no response received from the applicant following the initial response from the Lead Local Flooding Authority for additional information/details.

6.8 – The Tree Officer stated the following: “Based on the new windows now being larger than was originally proposed thus allowing additional natural light into the properties I do not consider that there will be any problems with regards to loss of light.

However it should be decided that some pruning work is required to further improve the light issue then I would only recommend carrying-out some very minor crown thinning & reduction works as anything more substantial than this in the way of pruning may well be detrimental to the long term health of these trees and something I would strongly advise against.

Any minor tree maintenance can if required be completed before Tree Protection Fencing is erected, however no contractors plant or vehicles should be allowed to track within the Root Protection Areas unless ground protection panels are laid.”

14.8 – The Council’s Low Emission Strategy 2018-2025 requires 1 in 10 parking spaces are provided with Electric Vehicle (EV) charging points and therefore 3 should be provided as a minimum, (30.5 spaces) however 5 charging points would be 1 in 10 of all 49 available spaces within the car park. Discussion with the applicant has commenced regarding EV charging points for the development (which can also be used by other users of the car park), and it is anticipated that a Car Park Management Plan will be formulated to indicate how this can be achieved, including how many can be provided.

Additional/amended conditions and informatives

The agenda report includes recommended planning conditions and informatives, at section 22; based upon tree officer comments, and issues arising from car parking, condition 6 should be amended as follows, and new conditions 7 and 8 to be inserted before condition 7:

6. Arboricultural Assessment

No development shall commence until an arboricultural assessment indicating the existing trees' roots, tree protection areas and potential impact of the development (including foundations) has been submitted and approved in writing by the Local Planning Authority. All protective measures indicated in the Arboricultural Assessment shall be implemented prior to commencement and retained until development is occupied.

The arboricultural assessment should included details of the Root Protection Area and Tree Protection Fencing.

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

7. Bird Nesting Season:

Any planned tree maintenance or removal work carried out between February & August must be carefully considered to avoid impact to nesting birds.

REASON To ensure compliance with the Wildlife and Countryside Act 1981 and the European Habitats Directive 1992/Nesting Birds Directive. Trees & Shrubs.

8. Car park management plan

No development shall commence until a Car Park Management Plan has been submitted and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include details and locations of Electric Vehicle (EV) charging points and the measures shall be implemented prior to commencement and shall be retained.

REASON: To ensure that there is adequate car parking to meet the needs of the site, in accordance with Policy T2 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Low Emission Strategy 2018-2025

The following informatives should be included:

Bat Roosts:

The current legislation makes it a criminal offence to disturb damage or destroy any bat roost or hibernation area. The applicant and their contractors are reminded of their responsibilities and should contact the relevant authorities if any signs of bats are found.

Tree Maintenance:

All work should be carried out in accordance with BS3998: 2010 Recommendations for tree work. Reason: to ensure that works are carried out in such a way as to not cause avoidable harm to the tree(s) and to protect local amenity.

Post Construction Tree Management:

Tree owners have a duty of care to maintain and manage their tree stock and it is recommended that regular tree inspections are undertaken by a person competent in Arboriculture.

Section 8.8.2 of the British Standard: 2012 recommends post development aftercare of trees following the completion of development works. It is recommended the following is considered with regard to post development inspection of retained trees:

1. Trees that grow on a site prior development may, if adversely affected be in decline over a period of several years before they die. This varies due to age, species, condition prior to development, extent of damage during development, soil conditions and climate. It is recommended that regular inspections are undertaken.

2. Where trees are protected by planning controls, it is recommended that the LPA is informed and necessary agreements obtained prior to any remedial works.

3. Following completion of a development it is recommended that the arboricultural consultant inspects the trees for signs of intolerance to the change of conditions and the effect of the development. There may be a need for additional tree works to those originally specified.

4. Maintenance of newly planted trees is important during the establishment period, of at least two years and it is recommended an appropriate maintenance schedule is included with the Landscaping Scheme.

Trees in relation to design:

British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.

Trees, or other features such as watercourses, which make a significant contribution to the landscape, these should be retained and incorporated into the new scheme. Landscaping should be carried out in first planting season following the completion of the proposed development and a scheme of for the subsequent maintenance and retention of the existing and proposed planting should be established. Offsite planting may be required where there is substantial loss of landscaping on site or where there is the opportunity to enhance existing landscape in the vicinity of the development.

CHANGE TO RECOMMENDATION

There is a change to the recommendation, which now reads:

Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for approval subject to agreeing conditions, if the request for additional information from the Lead Local Flood Authority are satisfied, and no substantive concerns are raised by the Council's Contaminated Land Officer, or as a result of comments received from adjacent neighbouring occupiers and any other minor changes that maybe required.

Representation to the Chiltern and South Bucks Local Plan 2036- publication Version Agenda Item 9

The following email and note from their consultants was received from Chiltern and South Bucks Councils:

“In drafting the report to our own committee meetings to seek approval to publish and submit the Local Plan, I was advised that we had not received any formal requests to meet any unmet housing needs of neighbouring areas. Having looked into this issue subsequently, however, I can confirm that we did receive representations from your Council to ask for this assistance in response to the Local Plan Issues and Options and Green Belt Preferred Options consultations in 2016. I hope that this now sets the record straight on this matter.”

Chiltern & South Bucks LHN

Local Housing Need based on the Government Standard Method

1. The revised National Planning Policy Framework (February 2019) states at paragraph 60:

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

2. Planning Practice Guidance for “Housing and economic needs assessment” sets out the standard method at paragraph 004 [ID 2a-004-20190220] under the heading “How is a minimum annual local housing need figure calculated using the standard method?” using a three-step process:

» **Step 1 - Setting the baseline**

Set the baseline using national household growth projections ... for the area of the local authority ...

» **Step 2 - An adjustment to take account of affordability**

Then adjust the average annual projected household growth figure (as calculated in step 1) based on the affordability of the area ...

» **Step 3 - Capping the level of any increase**

A cap is then applied which limits the increases an individual local authority can face ...

3. As part of the Government consultation “Planning for the right homes in the right places”,¹ a data table was published in which the Government calculated an “Indicative assessment of housing need based on proposed formula, 2016 to 2026” for each local authority area.²
4. The Government’s explanatory notes confirmed that this used affordability ratios for 2016 and average household growth over the period 2016 to 2026 from the 2014 household projections.
5. The Government’s indicative assessment of housing need for Chiltern was 316 dwellings per year and for South Bucks was 432 dwellings per year. This represents a total of 14,960 dwellings for the combined area over a 20-year period.
6. Following the consultation, the Government adopted the proposed formula without any change.

¹ <https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/644783/Housing_Need_Consultation_Data_Table.xlsx

Chiltern and South Bucks HENA

7. The Chiltern and South Bucks Housing and Economic Needs Assessment (HENA) (ORS, April 2019) calculates the minimum annual local housing need figure for Chiltern and South Bucks on pages 21 and 22 using the standard method as set out in national planning guidance. It uses affordability ratios for 2017 and average household growth over the period 2018 to 2028 from the 2014 household projections.
8. On this basis, the HENA establishes that the local housing need figure for Chiltern is 330 dwellings per year and the local housing need figure for South Bucks is 433 dwellings per year. This represents a total of 15,260 dwellings for the combined area over a 20-year period.
9. The local housing need figure calculated by the HENA is consistent with the Government's indicative figure; a difference of 300 dwellings over the 20-year period (15 dwellings per year) equivalent to 2% of the total. The HENA is based on a correct application of the Government's standard method set out in national planning guidance, whilst taking account of the most recent data available at the time of the calculation.

Slough Borough Council Report

10. The Slough Borough Council Report "*Representations to the Chiltern and South Bucks Local Plan 2036 – Publication Version*" to be considered by that council's Planning Committee on Wednesday, 3rd July 2019 states:³

5.26 Although it is not explicitly stated in the Housing Needs Assessment produced by ORS in April 2019, it can be seen that using their figures, the combined unconstrained Local Housing Need for the two districts using the standard methodology is 19,520.

11. This statement is misleading. Whilst the output at step 2 of the Government's standard methodology is 19,520 dwellings, it is an interim output and is not the local housing need figure. The standard method, as set out in national planning guidance, uses a three-step process. All three steps must be undertaken.
12. The Report goes on to state:

5.29 The figure for the Local Housing Need is not correct. As explained above, it can be seen from the Housing Needs Assessment produced by ORS in April 2019, using the standard methodology calculation the combined unconstrained Local Housing Need for the two districts is 19,520. This is not mentioned in the Plan but should have been used as the starting point for calculating the Local Plan requirement.

13. This statement is wrong. The HENA identifies the correct local housing need for the two districts using the standard method, a total of 15,260 dwellings over the 20-year plan period. This is consistent with the Government's indicative figure, as previously noted.

³ <http://www.slough.gov.uk/moderngov/documents/s56299/Report.pdf>

14. The Report continues:

5.31 The standard methodology for calculating housing needs allows the Local Plan requirement to be capped to prevent the amount of housing being provided within a Plan area being too much of a step change. The combined cap for Chiltern and South Bucks according to the ORS report is 15,260. Since this is higher than the residual need figure of 13,770, no reduction is allowed.

15. This statement is also wrong. The Report has considered step 3 of the standard method (capping the level of any increase) in the context of housing requirement, when it actually forms an integral step in the assessment of housing need. PPG [ID 2a-002-20190220] sets out in terms that the standard method does not produce a housing requirement figure (emphasis added):

The standard method set out below identifies a minimum annual housing need figure. It does not produce a housing requirement figure.

16. Finally, the Report notes:

5.34 It should be noted that all of the figures used in the above calculations are derived from the Housing Needs Assessment by ORS. Although this was published in April 2019 it did not use the most up to date statistics in applying the standard methodology to calculate local housing needs.

5.35 It used 2018 not 2019 as the “current year” for calculating the household projections and did not use the most recent affordability ratios which were published by the Government in March 2019. If you use these figures the unconstrained housing need for Chiltern and South Bucks increases to 20,880. When the 5,750 houses that are being exported to Aylesbury are deducted from this, the shortfall is 15,130. This is below the revised cap of 15,340 which means this does not apply. As a result the actual shortfall in the Local Plan area is 4,031. If the 10% non-delivery figure is applied the shortfall in Chiltern and South Bucks Districts is 5,141.

17. The HENA uses the correct figures, taking the household growth for the period mid-2018 to mid-2019 (the current year) as the first year of the 10-year period. Whilst the affordability ratios for 2018 were released by the Office for National Statistics on 28 March 2019,⁴ this data was not available at the time that the HENA was prepared and ratios for the previous calendar year (2017) were used for the calculation. Nevertheless, it should be noted that the whilst the affordability ratios for 2018 would impact on the interim output at step 2 of the standard method calculation for both areas, these ratios do not change the local housing need for either area given the cap that it is necessary to apply at step 3 of the calculation.

⁴ <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

OFFICER COMMENTS:

It is not considered that there is anything factually incorrect in the three paragraphs of the report that that ORS have identified.

Paragraphs 5.26 and 5.29 state that 19,520 is the combined unconstrained Local Housing Need for the two districts and the starting point for calculating the Local the Local Plan requirement. ORS agree that this is the figure that you get after undertaking steps 1 and 2. The only difference is that they call it an “interim output”.

Paragraph 5.31 is also correct. The standard methodology allows you to apply a cap “in order to limit the increase an individual authority can face”. Using the methodology in step 3, the cap for Chiltern and South Bucks is 15,260. There is no dispute about this. All paragraph 5.31 states is that if the residual requirement is 13,770, then no reduction is allowed because it is already under the cap.

In paragraph 17 ORS state that they have used the household growth figures for the period mid 2018 to mid 2019 as the current year. It is still consider that it would be more appropriate for a plan published in June 2019 to use mid 2019 to mid 2020 as the current year. It is understood that the affordability ratios were only published at the end of March and so could not have been used. What both sets of figures show is that housing need is going up in Chiltern and South Bucks.

As a result there are no changes to the report as a result of the representations from Chiltern and South Bucks Councils.

There is one correction that needs to be made to the report. In paragraph 5.109 the figure should be 20,880 not 19,520.

CHANGE TO RECOMMENDATION

There is no change to the Recommendation.