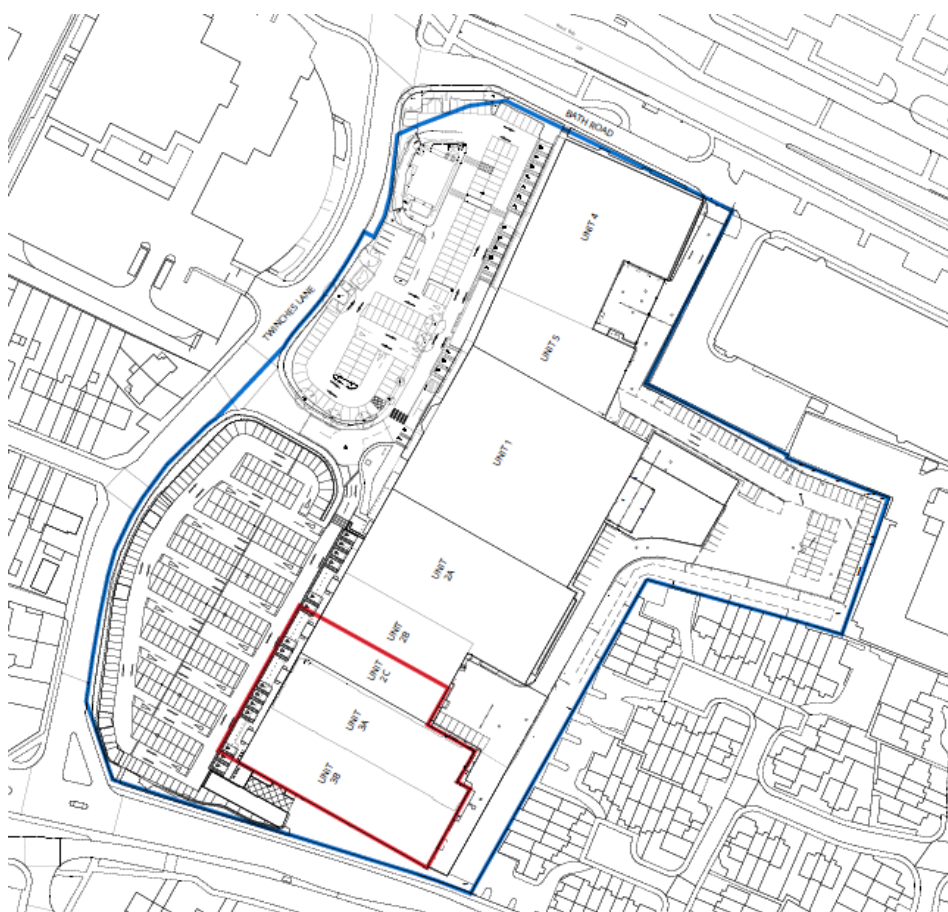


Registration Date:	12-Feb-2021	Application No:	P/06651/103
Officer:	Christian Morrone	Ward:	Cippenham Meadows
Applicant:	St James's Place UK Plc/Lidl GB Ltd	Application Type:	Major
		13 Week Date:	14 May 2021
Agent:	Mr. Colin Burnett, Burnett Planning 7-10 Adam Street, London, WC2N 6AA		
Location:	Units 2C, 3A, 3B, Slough Retail Park, Twinches Lane, Slough, SL1 5AL		
Proposal:	Variation of conditions 7 (Items to be sold), 8 (Hours of opening) & 9 (Hours of deliveries) of planning permission P/06651/086 dated 05/11/2015		

Recommendation: Approve



P/06651/103: Units 2C, 3A, 3B, Slough Retail Park, Twinches Lane, Slough, SL1 5AL

1.0 SUMMARY OF RECOMMENDATION

1.1 Having considered the relevant policies and planning considerations set out below, it is recommended the application be APPROVED.

1.2 This application is being brought to Committee on the request of the Planning Manager due to the change in the type of retail being proposed in this location.

PART A: BACKGROUND

2.0 Proposal

2.1 This application is for

- Variation of conditions 7 (Items to be sold), 8 (Hours of opening) & 9 (Hours of deliveries) of planning permission P/06651/086 dated 05/11/2015

2.2 **Proposed Variation of Condition 7:**

The variation of condition 7 seeks to permit the sale of food and drink for consumption of the premises within unit 3A. The following wording is proposed by the applicant (changes shown in bold italic):

“Except for Unit 3A which shall be used as a foodstore for the sale of food & drink and non-food goods, the site shall be used predominantly for the retail sale of items which by virtue of their nature and/or size require removal from the premises by vehicle. Except in Unit 3A, there shall be no retail sales of food or food products at the site, other than consumption of food by customers on the premises”

2.3 The existing unit has a GIA of 2,096sqm (1,353sqm at ground floor and 743sqm at mezzanine). The proposed store as a result of this application will have the same GIA, however, the following limitations are proposed:

- The mezzanine level would be used for ancillary non-sales use
- The sales area would be limited to 1,100 square metres at ground floor level
- The remaining 253 square metres at ground floor level would be used for ancillary non-sales use

2.4 A separate planning application under reference P/06651/102 proposes a reduction in the mezzanine floor space from 743sqm to 527sqm. If approved, Unit 3A would have a floorspace of 1,880sqm gross, 216sqm gross smaller than the 2,096sqm gross floorspace as existing.

2.5 Proposed Variation of Condition 8:

The variation of Condition 8 seeks to change to opening hours to customers in unit 3A from:

Existing hours: 08:00 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays

Proposed hours: 08.00 to 22.00 Monday to Saturday including bank/public holidays and 10.00 to 18.00 on Sundays”

2.6 The following wording of Condition 8 is proposed by the applicant (changes shown in bold italic):

“The premises shall not be open to members of the public/customers outside the hours of 0800 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays except for Unit 3b which between 1st November and 23rd December each year shall not be open to members of the public outside the hours of 08:00 to 23:00 Mondays to Fridays, 08:00 to 20:00 on Saturdays and 10:00 to 17:00 on Sundays and Bank/Public Holidays; ***and except for Unit 3A which shall not be open to the public outside the hours of 08.00 to 22.00 Monday to Saturday including bank/public holidays, and outside the hours of 10.00 to 18.00 on Sundays***”

2.7 Proposed Variation of Condition 9:

The variation of Condition 9 seeks to change the commercial delivery hours to unit 3A from:

Existing hours: 08:00 hours to 16:00 hours on Mondays-Fridays, no deliveries on Saturdays, Sundays and Bank Holidays

Proposed hours: 06:00 hours to 23:00 hours on Mondays-Fridays, 06.00 to 23.00 hours on Saturdays, Sundays and Bank Holidays

2.8 The following wording of Condition 8 is proposed by the applicant (changes shown in bold italic):

There shall be no commercial deliveries visiting the site outside the hours of 08:00 to 18:00 hours on Mondays to Fridays other than for Unit 3b, where there shall be no commercial deliveries visiting the site outside of the hours 07:00 to 19:00 Mondays to Fridays between 1 October and 31 December each year, ***and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours Mondays to Fridays.*** There shall be no deliveries on Saturdays, Sundays and Bank Holidays other than for Unit 3b where there shall be no commercial deliveries visiting the site outside of the hours 08:00 to 19:00 on each of these days between 1 October and 31 December each year, ***and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00***

hours on Saturdays, Sundays and Bank Holidays”

3.0 Application Site

- 3.1 The redline of the application site accommodates three single storey retail units on the corner of Cippenham Lane (north side) and Twinches Lane (east side) and fronting surface level parking to the west. The application site forms part of the Slough Retail Park which is part of a wider defined 'Existing Business Area' (Wellcroft Road-Twinches Lane Business Area). The Retail Park is positioned between Bath Road (north) and Cippenham Lane (south) and accessed via Twinches Lane (west). Slough Retail Park comprises a total of eight retail units which front onto surface level parking and then Twinches Lane to the west. The retail units mostly sell non-food items. Permission was recently granted at Unit 6 to allow for the sale of food goods within up to 198 sqm of the Class A1 (retail) floorspace for consumption off the premises, (ref. P/06651/100).. An additional Costa Coffee Pod is located in the parking area.
- 3.2 The retail units are serviced to the rear of the site (east), where there is an existing service road accessed via Bath Road at the north and runs to the southern end of the site at the rear. On the opposite side of this service road to the east are a number of two storey houses in Pearl Gardens, some of which have rear gardens which back onto this service road.
- 3.3 To the west on the opposite side of Twinches Lane, and to the south on the opposite side of Cippenham Lane is predominately two storey housing. To the southwest there is a public house and a shopping parade which comprises ground floor retail units and two floors of flats above. To the north are the neighbouring retail units in the Retail Park, and further north are the Westgate and The Slough Trading Estate Business Areas. To the northwest on the opposite side of Twinches Lane and by the junction with Bath Road are three storey offices.
- 3.4 The retail unit subject to this application is Unit 3A, which was previously occupied by Harveys, According to the submitted Planning & Retail Statement; Unit 3A has been vacant since September 2020.

4.0 Site History

- 4.1 P/06651/104 Variation to the wording of condition 13 (Security Barrier) of planning permission P/06651/030 dated 31/07/1997

Case Officer Note: Currently under consideration. Relates to this application

- P/06651/102 Repositioning of customer entrance and associated alterations to shopfront; reconfiguration and reduction of mezzanine floorspace, alterations to customer car park and provision of trolley bay, repositioning rear delivery doors and alterations to rear escape doors and erection of plant enclosure in service yard and removal of 8 staff parking bays

Case Officer Note: Currently under consideration. Relates to this application

P/06651/101 Advertisement consent to display 1 no non illuminated slim frame flex face.

Approved with Conditions; Informatives; 20-May-2021

Case Officer Note: this is for an Iceland sign at Unit 1

P/06651/100 Variation of condition 15 (restriction of products on sale) of planning permission P/06651/011 dated 29/03/1988 (which was for the erection of 3 retail warehouses) to allow for the sale of food goods within up to 198 sqm of the Class A1 (retail) floorspace in Unit 6 for consumption off the premises.

Approved with Conditions; Informatives; 06-Feb-2020

P/06651/086 Variation of condition no. 9 of planning permission p/06651/075 dated 18-oct-2013 for subdivision of unit 3 to form units 3a & 3b; the insertion of a mezzanine floor of 743m² within unit 3a to be used for sales; the insertion of a mezzanine floor of 465m² within unit 3b to be used for storage; replacement of existing shopfronts to unit 2c, unit 3a & 3b, alterations to elevations, repositioning of roller and addition of roller shutter on east elevation, new paving to front to allow for extending commercial deliveries visiting the site outside from the hours of 08:00 - 18:00 monday to friday to the hours of 08:00 to 18:00 hours on mondays to fridays other than for unit 3b, where deliveries may take place between 07:00 and 19:00 mondays to fridays between 1 october and 31 december each year. There shall be no deliveries on saturdays, sundays and bank holidays other than for unit 3b where deliveries may take place between 08:00 and 19:00 on each of these days between 1 october and 31 december each year

Approved with Conditions; Informatives; 05-Nov-2015

Case Officer Note: this is the planning permission to be varied

P/06651/076 Variation of condition no. 8 of planning permission p/06651/075 dated 18-oct-2013 for subdivision of unit 3 to form units 3a and 3b; the insertion of a mezzanine floor of 743m² within unit 3a to be used for sales; the insertion of a mezzanine floor of 465m² within unit 3b to be used for storage, replacement of existing shopfronts to unit 2c, unit 3a and unit 3b, alterations to elevations, repositioning of roller shutter and addition of roller shutter on east elevation, new paving to front to allow for unit 3b, which between 1 november and 23 december each year, shall not be open to members of the public outside the hours of 0800 to 2300 on mondays to fridays, 0800 to 2000 on saturdays and 1000 to 1700 on sundays and bank / public holidays.

Approved with Conditions; Informatives'; 14-Feb-2014.

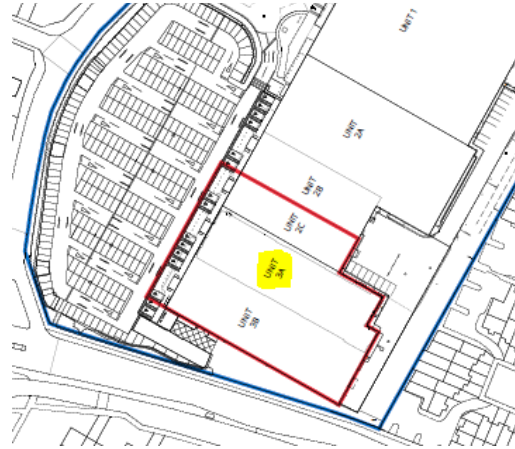
P/06651/075 Subdivision of unit 3 to form units 3a and 3b; the insertion of a mezzanine floor of 743m² within unit 3a to be used for sales; the insertion of a mezzanine floor of 465m² within unit 3b to be used for storage, replacement of existing shopfronts to unit 2c, unit 3a and unit 3b, alterations to elevations, repositioning of roller shutter

and addition of roller shutter on east elevation, new paving to front.
Approved with Conditions; Informatives; 18-Oct-2013.

Case Officer Note: the retail unit subject to the submitted variation application was created by this planning permission.



Existing site plan before subdivision by P/06651/075.



Site plan as a result of subdivision by P/06651/075. Unit 3A highlighted yellow.

- P/06651/069 Installation of mezzanine floor (875 square metres gross/ 857 square metres net sales) within unit 2b
Approved with Conditions; Informatives; 12-Jul-2012
- P/06651/068 Proposed mezzanine, new shop front and minor external alterations to rear elevation
Approved with Conditions; Informatives; 16-Dec-2011.
- P/06651/067 Variation of condition 12 of planning permission p/06651/011 to allow insertion of mezzanine floor upto 200m²
Approved with Conditions; Informatives; 15-Dec-2009.
- P/06651/065 Certificate of lawfulness of proposed development to allow a minimum of 55% of the floor space of phase 1 of the slough retail park to be used for the sale of non flood items which by virtue of their nature and/or size require the removal from the premises by motor vehicles and for a maximum of 45% of any other non food retail items.
Approved Grant CLU/D; 23-May-2007.
- P/06651/064 Demolition of existing entrance and lobby, erection of new canopy and signage, new entrance points, relocation of disabled parking spaces and installation of retail floor space at mezzanine level
Approved with Conditions; Informatives; 27-Mar-2007
- P/06651/063 Demolition of existing entrance and lobby, erection of new canopy and signage, new entrance points relocation of disabled parking spaces and installation of retail floorspace at mezzanine level

Approved with Conditions; Informatives; 27-Mar-2007.

- P/06651/058 Variation of condition no.12 of planning consent p/06651/011 to insert a mezzanine floor
Approved with Conditions; Informatives; 11-Jan-2005
- P/06651/055 Variation of condition 12no. Of planning permission p/06651/011 dated 29/03/88 to allow installation of mezzanine floor
Approved with Conditions; Informatives; 30-Sep-2003
- P/06651/051 Variation of condition 11 of planning permission p/06651/030 dated 31/07/97 to enable the sale of bulky electrical goods
Approved with Conditions; Informatives; 07-Feb-2003
- P/06651/030 Demolition of building 189 bath road and erection of non- food retail warehouse unit car parking and service access as extension to twinches lane retail park (amended plans received 15.07.97 and 08.01.96)
Approved with Conditions; Informatives; 31-Jul-1997

Case Officer Note: the second phase of the Retail Park was originally created by this application, and does not include the application site.

- P/06651/029 Relaxation of condition no. 16 (opening hours) of planning permission p/06651/011
Approved with Conditions; 27-Jul-1995
- P/06651/011 Erection of 3 retail warehouses with ancillary parking and service vehicle facilities (amended plans received 06/01/88 and 13/01/88)
Approved with Conditions; 29-Mar-1988

Case Officer Note: the first phase of the Retail Park was originally created by this application, and includes the application site.

5.0 Neighbour Notification

- 5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was advertised as a major application in the 12/03/2021 edition of The Slough Express. Site notices were displayed outside the application site on 16/02/2021. The consultation period has expired.

No third party letters have been received at the time of writing this report.

- 5.2 *Community Involvement on behalf of the Applicant:*

- 5.3 In February 2021 the Applicant carried out a consultation with local community by sending out an information leaflet to 10,000 properties nearest the site, outlining the proposals, alongside a covering letter and Freepost feedback form. A website was also created that outlines the proposals and allows visitors to provide detailed comments. The statement explains the proposals and asks whether the property occupier, whether they, family, or friends are 'keen to see the food store on Slough

Retail Park, there are various ways to help support the application’.

5.4 1,461 replies were sent to the Applicant. 1,372 responded ‘Yes’ (94%); 56 responded ‘No’ (4%); 33 responded ‘Undecided (2%)’.

5.5 According to the Applicant, those supportive of the plans raised comments in relation to:

- Improves local affordable shopping choice
- Lidl’s existing store at Farnham Road is too far to go
- Creates jobs
- Convenience and availability of parking

According to the Applicant, those not supportive of the plans raised comments in relation to:

- Need – there are sufficient supermarkets
- Additional traffic

6.0 Consultations

The following are comments received from the relevant consultees. These comments are taken into account within Part B: Planning Appraisal.

6.1 Local Highway Authority

Access:

Vehicular access would be provided via the existing priority junction with Twinches Lane. No changes are proposed to the vehicular access arrangements for the site.

Trip Generation:

The survey data from January 2020 has been used to establish a trip rate profile for Slough Retail Park, which has then been applied to the floor area for Unit 3A.

The TA has assumed that 60% of the vehicle trips generated by the proposed use will be new to the road network, whilst 20% of vehicle trips would be passby/diverted from other land uses within Slough Retail Park and a further 20% of trips will be pass-by and diverted trips already on the Slough Road network. As a result, the TA forecasts that the proposed development will generate the following additional trips:

- 17 two-way trips during the AM Peak Hour (08:00 – 09:00)
- 41 two-way trips during the PM Peak Hour (17:00 – 18:00)
- 70 two-way trips during the Saturday Peak Hour (12:00 – 13:00)
- 122 two-way trips during the Sunday Peak Hour (13:00 – 14:00)

SBC Highways and Transport accept the forecast trip generation for the proposed

development.

Traffic Impact Assessment:

Junction capacity assessments have been completed for junctions surrounding the site based on the following data:

- Manual Classified Count (MCC) surveys were undertaken by an independent survey company on 24th January 2020 during peak hours on Friday and Saturday 25th January and 26th January 2020;
- Growth factors from TEMPRO were applied to these traffic flows to produce traffic flows for the year 2025;
- Vehicle Trips from the proposed development then added to the 2025 Future Year Flows to create a 2025 + Development Scenario; and
- Proposed development trips were distributed based on the turning movements obtained from the 2020 survey data.

Junction capacity assessments have been completed for the following junctions:

- Slough Retail Park Access/Twinches Lane priority junction
- Twinches Lane / Cippenham Lane signal junction
- Bath Road service roads / Twinches Lane priority junction
- Twinches Lane / A4 Bath Road signal junction

The junction capacity assessments have been amended and corrected at the request of WSP (SBC's sub-consultant).

The capacity assessment forecasts that the Slough Retail Park Access is likely to exceed capacity during the Sunday Peak Hour. Queues of up to 13 vehicles are forecast on the access for the retail park, with delays of up to 171 seconds and an RFC of 1.01. The capacity assessment forecasts that the access will operate within capacity on the weekday AM and PM Peak Hours and during the Saturday Peak Hour.

The capacity assessment for the junction of Twinches Lane / Cippenham Lane forecasts that on a Weekday in the 2025 Base + Development AM Peak Hour, the junction will have 33.4% spare capacity (Practical Reserve Capacity) with a maximum queue of 8 vehicles. During the PM Peak, the junction is forecast to have 28.4% spare capacity, with a maximum queue of 10 vehicles.

During the Saturday Peak, the junction is forecast to have 18.4% spare capacity, with a maximum queue of 12 vehicles. During the Sunday Peak for the 2025 + Development scenario, the junction is forecast to have 10.7% spare capacity, with a maximum queue of 10 vehicles.

The capacity assessment for the junction of Twinches Lane with the Bath Service Roads forecasts that the junction will operate well within capacity after the addition of development traffic. Delays of up to 13 seconds are forecast, which is considered immaterial and unlikely to be noticeable to drivers.

For the A4 Bath Road / Twinches Lane Junction, the capacity assessment forecasts that the junction will operate with spare capacity on a weekday with spare capacity of 5.5% and queues total delay of up to 22 seconds during the AM Peak Hour and spare capacity of 6.7% and delays of up to 25 seconds during the PM Peak Hour. During the Saturday peak, the A4 Bath Road / Twinches Lane junction will operate with spare capacity of 3.7% and total delay of up to 30 seconds.

SBC Highways and Transport have no objection to the proposed development based on the forecast impact on highway capacity. The capacity assessments forecast that after the junctions will still operate with spare capacity after the addition of traffic generated by the proposed development.

Car Parking:

The traffic surveys provided entry and exit counts at the internal mini roundabout within Slough Retail Park which allowed existing car parking demand in both car parks to be determined.

The surveys show that during the peak period for parking demand on a weekday (Friday) for the north car park) occurs between 11:00 – 12:00 where the maximum parking demand is 101 vehicles, equating to a minimum capacity of 50 spaces.

For the South Car Park, the survey identified that peak parking demand occurred between 13:00 – 14:00hrs, where the maximum parking demand is 54, equating to a minimum spare capacity of 231 spaces.

Across both the north and south car parks in Slough Retail Park, there is a minimum spare capacity of 290 spaces on a weekday (Friday) which occurs between 11:00 – 12:00hrs.

On Saturday, the survey showed that across both North and South Car Parks there is minimum spare capacity on a Saturday of 177 spaces between 14:00 – 15:00hrs.

SBC Highways and Transport have no objection to the proposed development on the basis of car parking availability. The traffic survey completed in January 2020 demonstrated that the car parks have spare capacity to accommodate parking demand associated with the proposed development.

EV Car Parking:

SBC Highways and Transport request confirmation of whether Electric Vehicle Charging Points will be provided on site. 10% EVCP parking provision is suggested based on the maximum parking accumulation associated with the application site and expected use of the Lidl Store. The Slough Low Emissions Strategy (2018 – 2025) provides SBC's requirements for the provision of Electric Vehicle Charging Points.

Cycle Parking:

SBC Highways and Transport request confirmation of what existing provision there is for cyclists at Slough Retail Park and whether any additional cycle parking spaces / facilities are proposed for users of the Lidl Store. It is recommended that further details of cycle parking could be secured by condition.

Framework Travel Plan:

A Framework Travel Plan (FTP) has been submitted with the objective to reduce single-occupancy private car journeys in favour of more sustainable modes of travel. TRICS SAM compliant surveys will be completed in accordance with the SBC Travel Plan Guidance. The surveys will be completed in Year 1, Year 3 and Year 5 to measure and monitor the success of the Travel Plan. The FTP has been prepared in advance of occupation and as a result, no site-specific mode share targets have been included.

However the FTP sets the target to reduce single occupancy vehicle trips by 10% by Year 5 of the Travel Plan. Within 6 months of occupation and post completion of the initial travel survey, the baseline mode split will be revised, as required.

SBC Highways and Transport have no objection to the Framework Travel Plan. It is recommended that a full travel plan is secured by planning condition.

Servicing and Refuse Collection:

The TA proposes that servicing and deliveries will take place as per the existing arrangements. Deliveries and service vehicles will continue to use the Bath Road to access the service yard of Unit 3A as per existing conditions.

Swept path analysis of a 16.50m articulated delivery vehicle has been provided on Drawing No. VT-054-01, dated May 2021 and Drawing No. VT-054-02, dated May 2021.

The swept paths demonstrate that the manoeuvres would have an operational impact on several loading bays for Units 2A, 2B and 2C. As a result, cooperation will be required between the operators of each unit to ensure deliveries do not conflict and restrict the servicing requirements for other units.

SBC Highways and Transport request that a Delivery Servicing Plan (DSP) is provided detailing the management of deliveries and the servicing area to the rear of Unit 3A. The DSP should also provide the anticipated profile of deliveries across a typical week for this specific proposed development needs to be set out, including the maximum anticipated deliveries per day. It is recommended that the DSP is secured by planning condition.

Summary and Conclusions:

Subject to the applicant providing the requested information to allay my concerns, I confirm I have no objection to this application from a transport and highway perspective. I recommend the inclusion of the following condition(s)/informative(s)

as part of any consent that you may issue.

Delivery and Servicing Plan:

Prior to commencement of the development, a site servicing strategy and Delivery and Servicing Plan (DSP) for the development including vehicle tracking, shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, estimated no. of deliveries emergency access, collection of waste and recyclables, silent reversing methods/ location of drop-off bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the development.

REASON: In order to ensure that safe provision is made for deliveries, drop-offs and refuse storage and collection, to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, and to mitigate air quality impacts in accordance with Core Policy 7 and 8 of the Local Development Framework Core Strategy, PolicyEMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

Cycle Parking:

No development shall be begun until details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained at all times in the future for this purpose.

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy

6.2 Environmental Quality – Air Quality:

An air quality assessment (AQA) was completed by RPS Group in support of planning application P/06651/103. This was requested by the LPA due to the proximity of the development to two nearby Air Quality Management Areas (AQMAs) at Tuns Lane (AQMA 3) and the Town Centre (AQMA 4) (0.6km and 2km from the development site, respectively).

The transport assessment which informs this AQA indicates that a net increase in annual average daily (AADT) trips of up to 377 AADT occurs within AQMA 3, on Church Street. AADT in AQMA 4 decreases as vehicles divert from existing retail to the new store therefore only AQMA 3 is considered further in the assessment.

The methodology followed to produce the AQA supports a conservative approach, including high vehicle growth assumptions, use of conservative background concentrations, and no improvement in background concentrations resulting from vehicle emission improvements and uptake of cleaner technologies. This is accepted as a worst case scenario approach.

Results indicate that the development on Twinches Lane will have minimal impact on concentrations in the Tuns Lane AQMA. However, the LPA require electric vehicle charging facilities for all developments, regardless of their air quality impact, to promote and increase uptake of sustainable travel, and to aid compliance with air quality and carbon targets. The following mitigation is therefore requested:

- A suitable electric vehicle charging point, in line with table 7 of the Low Emission Strategy Technical Guidance and specified within the Low Emission Programme, shall be provided for 10% of parking spaces.
- Provision of 4 rapid chargers (Type 2, 43kW/50kW) and 4 fast chargers (Type 2, Mode 3, 7.4Kw/22Kw) on site.
- Any gas fired heating plant should meet the minimum emission standards in table 7
- The Travel Plan shall be monitored and include details of the promotion of sustainable travel, including cycling and walking, electric vehicle use, usage of the EV charging infrastructure, reducing car journeys and increasing modal shift.
- Operational and delivery vehicles should be Euro VI compliant.

6.3 Environmental Quality – Noise:

Following the assessment of for the additional information requested, it is concluded that noise generated by the proposal would be below background noise levels and therefore low impact, so I can confirm that the operational hours are acceptable from a noise perspective.

6.4 Planning Policy:

The proposal to allow food sales within a retail park has to be seen within the context of the changing nature of retail within Slough. The Spatial Strategy recognised that Slough town centre is failing, that it will no longer be a sub-regional shopping centre and there will be a significant reduction in the amount of retail floorspace in the town centre. In contrast, it was recognised that the Farnham Road and Langley District centres are thriving and that these, along with the smaller neighbourhood centres need to be supported as part of the “living locally” strategy.

This means that that Policy 6 n the Core Strategy (Retail, Leisure and Community facilities) has to be interpreted in the light of changes to national policy, as set out in the NPPF, and changes to local circumstances.

Core Policy 6 states that all new major retail, leisure and community developments will be located in Slough town centre and out-of-centre retail developments will be subject to the sequential test. This planning application is not for “new” retail development and is not required to carry out an impact assessment because it is less than the 2,500m² (gross) threshold in the NPPF. There is no longer a requirement to demonstrate that there is a “need” for the development and so the only tests that the proposal needs to satisfy in order to comply with Core Policy 6 is that there are no sequentially preferable sites in designated centres and that the

site is accessible by a variety of means of transport.

Given the nature of the proposed food store, it is not considered necessary to consider whether there are any preferable sites in the town centre.

Paragraph 7.120 of the Core Strategy states that

“There should be no further expansion or intensification of the out of town centre retail parks or individual retail warehouses which should continue to provide for bulky goods only”.

The nature of the retail parks have changed since then and so the proposal for a food store should be considered in this context.

PART B: PLANNING APPRAISAL

7.0 Policy Background

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 revised version of the National Planning Policy Framework was published on 19th February 2019.

The relevant Local Development Plan Policies in relation to determining this application are largely considered to be in compliance with the National Planning Policy Framework 2019. Any non compliance parts are addressed in the planning assessment.

7.1 Section 73 Town and Country Planning Act 1990 Background

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions imposed on a planning permission. In assessing an application made under S73 the local planning authority shall consider only the question of conditions. Section 73 does not confer the power to change other parts of the planning permission such as the description of development or to impose conditions that are so fundamentally different that they could not have been imposed on the original planning permission.

7.2 Relevant Planning Policies

The National Planning Practice Guidance (NPPG) states that an application under Section 73 shall be considered against the Development Plan, material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions,

focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Given the above, the proposed changes are considered to engage the following planning policies:

National Planning Policy Framework 2019:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies, Adopted December 2008:

- Core Policy 1 (Spatial Vision and Strategic Objectives for Slough)
- Core Policy 5 (Employment)
- Core Policy 6 (Retail, Leisure and Community Facilities)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)

Local Plan for Slough March 2004 policies:

- EN1 (Standard of Design)
- EMP2 (Criteria for Business Developments)
- EMP12 (Remaining Existing Business Areas)
- S1 (Retail Hierarchy)
- T2 (Parking)
- T8 (Cycling Network and Facilities)

The Emerging Preferred Local Plan for Slough 2016 – 2036:

The Emerging Local Plan is at a relatively early stage of development. The Proposed Spatial Strategy was published for consultation on November 2020. The consultation ended on 11th January 2021.

The Proposed Spatial Strategy recognised that Slough town centre is failing, that it will no longer be a sub-regional shopping centre and there will be a significant reduction in the amount of retail floorspace in the town centre. In contrast, it was recognised that the Farnham Road and Langley District centres are thriving and that these, along with the smaller neighbourhood centres need to be supported as part of the “living locally” strategy.

7.3 The planning considerations for this proposal are:

- Planning History
- Land Use
- Impact on neighbouring properties
- Traffic and Highways Implications

- Air Quality
- Economic Impact
- Whether the changes fall within the scope of Section 73 of the Town and Country Planning Act 1990 Equalities Considerations
- Presumption in favour of sustainable development

8.0 Planning History

- 8.1 The planning history is a material planning consideration. The retail park was granted planning permission in two phases, the first phase: ref. P/06651/011 dated 29/03/1988 for the erection of 3 retail warehouses with ancillary parking and service vehicle facilities. The second phase for the remaining retail park was granted on 31/07/1997 for a further two units to the northern part of the site (ref. P/06651/030). Both permissions restrict the sale of food items.
- 8.2 Unit 3 was originally approved under the first phase (ref. P/06651/011). There have been many applications over the years to vary the P/06651/011. However, in October 2013, a full planning application was approved which subdivided Unit 3 to create Unit 3A and Unit 3B, insertion of a mezzanine floor, and other alterations (ref. P/06651/075). Unit 3A is the retail unit subject to this application.
- 8.3 P/06651/075 was then varied by P/06651/076 to extend the opening hours in Unit 3B and again by P/06651/086 to allow extended delivery hours in Unit 3B.
- 8.4 Given Unit 3A (which is the subject of this application), was created by the full planning permission P/06651/075, and given this has since been varied to the latest permission at P/06651/086, the Local Planning Authority consider the P/06651/086 permission is the relevant planning permission which needs varying in relation to this application for Unit 3A. As the current proposals seek to vary conditions attached to the former permission (which varied earlier approvals), the application is being treated as a Major Planning Application (given the 'Mother' and 'Grandmother' permissions comprised Major Applications).

9.0 Principle of development

- 9.1 The reason for Condition 7 in the P/06651/086 permission is:

To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

- 9.2 This application seeks to vary conditions to permit the sale of food and drink within unit 3A for consumption of the premises. Therefore, in accordance with the NPPG,

it is necessary to consider the implications on the basis of the current planning policy context.

- 9.3 Local Plan Policy S1 requires all new retail proposals to comply with the sequential test in order to maintain, enhance and protect the retail hierarchy comprising the sub-regional centre, district centres, and neighbourhood centres.
- 9.4 The explanatory text leading up to Local Plan Policy S1, at Paragraph 4.1, clarifies that the shopping hierarchy comprises the Slough town centre as having a sub-regional role; supplemented by two district shopping centres at Langley and the Farnham Road, and a number of smaller neighbourhood centres and local parades. Paragraph 4.8 explains the existing neighbourhood centres in the hierarchy provide access to their immediate population, provide local services and facilities and generally reduce the need for residents to travel to obtain basic services.
- 9.5 Core Policy 6 of the Core Strategy requires all new major retail developments to be located in the shopping area of the Slough town centre. Out-of-centre and edge-of-centre retail developments will be subject to the sequential test. Developers will be required to demonstrate that:
- It is of an appropriate scale;
 - There are no sequentially preferable sites in designated centres;
 - The site is accessible by a variety of a means of transport.
- 9.6 Core Policy 6 of the Core Strategy and Local Plan Policy S1 also states that all new major retail out-of-centre and edge-of-centre retail developments will need to carry out an impact assessment and demonstrate the need for the retail development. The National Planning Policy Framework has since been published, and demonstrating the need is no longer required, while the impact assessment is only required where the floor area exceeds 2,500sqm. As such, these are not required for this proposal.
- 9.7 Paragraph 86 of The Framework requires Local Planning Authorities to apply the sequential test to planning applications for main town centre uses that are not in existing centres or in accordance with an up to date development plan. Paragraph 010 of The NPPG sets the context for applying the sequential test:

'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority should support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity.'

- 9.8 The Framework defines the Town Centre as an:

'Area defined on the local authority's policies map, including the primary shopping

area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres’.

- 9.9 The application has been submitted pursuant to a household survey undertaken by a NEMS market research on behalf of the applicant. This has identified that 54% of the residents of Cippenham carryout their food shopping in the out of centre Asda at Telford Drive, while 15% of Cippenham residents use the Town Centre Tesco in Brunel Way, and 7% use the edge of Town Centre Sainsbury's in Uxbridge Road (7%). The applicant therefore considers that a more local food store provision for the Cippenham residents, and particularly at the scale proposed, would be suited within the designated shopping centres closer to Cippenham .
- 9.10 Core Policy 6 does not define a major retail development. This Section 73 application proposes to vary the application reference ref P/06651/075, which was regarded and treated as a major development. This was because the subdivision of unit 3 to form units 3a and 3b was considered to the result in the provision of buildings where the floor space to be created by the development was 1,000 square metres or more. Therefore, this Section 73 application proposes to vary conditions on an application previously regarded and treated as major development as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9.11 Core Policy 6 refers to ‘new major retail’. The application relates to an existing retail unit, and the proposal would lead to a change in the terms of how the existing retail is used by allowing the retail sales of food or food products for consumption off the premises.
- 9.12 As Core Policy 6 does not define what constitutes a new major retail development, the Policy is open to a degree of interpretation. Given this a Section 73 application that proposes to vary conditions on a planning application previously treated and defined as a major development, and given the proposal would introduce a new type of retail, Officers consider it is appropriate to apply a cautious approach and regard this proposal, in the whole, as a ‘new major retail development’. It is rational and reasonable in the Officer’s view to interpret Core Policy 6 on the cautious basis that an amendment to a planning permission which includes the provision of major retail development which also restricts the new type of retail proposed, triggers the policy requirement that the development (as varied) should be located within Slough town centre.
- 9.13 In undertaking the market research, the applicant has considered Slough town centre, but has concluded this would not be sequentially preferable location. This is because the evidence suggests the majority of Cippenham residents are not using Slough Town Centre for food shopping, but are using the out of centre Asda. Therefore in accordance with Core Policy 6, a sequential test has been carried out to find any sequentially preferable sites in designated shopping centres. Based on

the evidence provided, and using reasonable judgment to align with the NPPG advice that sequential tests should be proportionate and appropriate for the given proposal, the applicant considers the sequentially preferable locations for this proposal are the shopping centres closer to the Cippenham residents, which include:

- Elmshott Lane
- Bath Road
- Chalvey High Street
- Chalvey Road West

9.14 Slough town centre has not been included as a sequential location in the applicant's Sequential Test. In using the more cautious approach outlined above, Officers consider it would have been preferable to include Slough town centre within the Sequential Test. Furthermore, the stated reason for condition 7 explicitly referred to the need *'to safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008'*. It is therefore clear that the justification for condition 7 was intended to safeguard Slough town centre and Officers have applied this reasoning in coming to a view on the proposals including whether Slough town centre should be included as part of the Sequential Test. However, the proposals need to be considered on their own merits recognising the NPPG advises the Test will need to be proportionate and appropriate for the given proposal. It is therefore concluded that Core Policy 6 should be applied on this basis. Officers have therefore considered the context that the resulting sales area to arise out of the varied condition to facilitate the provision of a small food superstore will be limited to 1,100 square metres, and the evidence provided that asserts Slough town centre would not be a sequentially preferable location for this type of store which is evidenced by the applicant to support more localised shopping needs.

9.15 The submitted Sequential Test considers:

1. whether there are any available sites that are suitable in the agreed sequentially preferable locations
2. the market and locational requirements of the uses concerned
3. whether the assessment (of suitable alternative sites) is proportionate and appropriate to the given proposal
4. whether there is flexibility to demonstrate whether more central sites have been fully considered

9.16 The applicant has adopted the following minimum thresholds for assessing the suitability or alternative premises/sites applying flexibility in format and scale. The Sequential Test considers the suitability of sites which can accommodate car parking, serving, GIA of between 1,300 – 2460sqm, on a minimum site of 0.6 hectares of land to determine whether any alternative sites are suitable or viable. The applicant has set out a comprehensive assessment of the suitability and availability in accordance with the NPPG.

- 9.17 Having regard for the conclusions in the Sequential Test, it is considered that the applicant has provided sufficient evidence to demonstrate that there are no suitable alternative sites within the sequentially preferable locations. Consideration has been given the suitability of the alternatives in accordance with the NPPG.
- 9.18 The site is located within a 'Existing Business Area' where Policy EMP12 allows a range of business developments. Given the nature of the existing unit and neighbouring units are retail, the change to food retail would not conflict with Policy EMP12 in this instance.
- 9.19 Based on the above, the application has demonstrated the proposed store could not be located within the designated shopping centres local to the site in accordance with NPPF Para 86. In coming to a conclusion, Officers consider that when using a cautious approach in interpreting the meaning of 'new major retail development' the proposals are not fully compliant with the thrust of Core Policy 6 as the store is not proposed in Slough town centre. However, when assessing the acceptability of the proposal as whole, the proposals need to be considered in the context of the size of the proposed sales area which is relatively small and the evidence provided to support the local catchment area and sequential locations. Officers consider such evidence is sufficiently robust, and the NPPG which advises 'the application of the Sequential Test will need to be proportionate and appropriate for the given proposal' which the applicant has demonstrated to officers satisfaction. Therefore, it is considered the proposed variation of condition 7 to be justified in these circumstances, in accordance with the guidance contained in the NPPG and Para 86 of the NPPF.

10.0 Impact on neighbouring properties

- 10.1 The National Planning Policy Framework encourages new developments should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EMP2.
- 10.2 In addition to varying Condition 7 to allow a food store accommodate unit 3a, the application also proposes to vary conditions 8 and 9 to extend the hours of opening and to extend the hours of delivery. The extended hours are as proposed:

Condition 8 (opening hours):

Existing hours: 08:00 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays

Proposed hours: 08.00 to 22.00 Monday to Saturday including bank/public holidays and outside the hours of 10.00 to 18.00 on Sundays"

Condition 9 (delivery hours):

Existing hours: 08:00 hours to 16:00 hours on Mondays-Fridays, no

deliveries on Saturdays, Sundays and Bank Holidays

Proposed hours: 06:00 hours to 23:00 hours on Mondays-Fridays, 06.00 to 23.00 hours on Saturdays, Sundays and Bank Holidays

- 10.3 The site is located within a defined Business Area. The closest residential occupiers are located to the east in Pearl Gardens, where a number of the rear gardens serving two storey housing back onto the service road which accesses the service yard for the application site and also its neighbouring units. There are also residential occupiers on the opposite side of Cippenham Road to the south, and on the opposite side of Twinches Lane to the west.
- 10.4 A noise report has been submitted which sets out the background noise levels, and then uses noise survey result from other Lidl stores to calculate the impact on the residential occupiers in Pearl Gardens, and the residential occupiers to the south and east. It is noted that there would be increase in vehicle movements to the site via the public roads, and the food deliveries via the rear service road being up to 3 x HGVs per day.. The Applicant has confirmed that no additional refuse collection will take place. This is because the delivery vehicles also collect the waste produced by the store.
- 10.5 The Council's Environmental Quality Officer has assessed the submitted noise report and commented that the resulting noise levels would fall below the existing background noise levels, and therefore the impact in the would be acceptable.
- 10.6 No external changes are proposed as part of this application.
- 10.7 Based on the above, the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policies EN1 and EMP2 of the Adopted Local Plan and the requirements of the National Planning Policy Framework.

11.0 Traffic and Highways Implications

- 11.1 The National Planning Policy Framework 2019 requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods, and provide facilities for electric vehicle charging. This is reflected in Core Policy 7 and Local Plan Policies T2, T8, and EMP2. The National Planning Policy Framework states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 11.2 Access:
- Vehicular access would be provided via the existing priority junction with Twinches Lane. No changes are required to the access.

A Transport Statement has been submitted with the application which uses dated and record from similar sites (TRICS) which forecasts the following traffic generation. The forecast figures retrieved from TRICS have then be reduced by 40% as it is assumed that 20% would be linked trips in relation to the other units in Slough Retail Park and a further 20% would be linked trips diverted from existing trips on the Slough Road network:

AM Peak Hour (08:00 – 09:00):	17 two-way trips
PM Peak Hour (17:00 – 18:00):	41 two-way trips during
Saturday Peak Hour (12:00 – 13:00):	70 two-way trips
Sunday Peak Hour (13:00 – 14:00):	122 two-way trips

- 11.3 The Local Highway Authority has assessed the method used to calculate this trip generation and raised no objection.
- 11.4 The impacts of the resulting traffic generation on the highway network have been tested using junction modelling on the relevant local junctions within the vicinity of the site. The Local Highway Authority has reviewed the junction modelling and commented that they will still operated with spare capacity, and have therefore raised no objections.
- 11.5 It is also assumed that HGV movements will amount to 2 – 3 deliveries per day, via the rear service road, access by Bath Road. Refuse collection would also take place at via this service road. Tracking details have been provided which show the service vehicles would require manoeuvring space at the rear of Units 2A, 2B and 2C. This is likely to be the existing scenario given the space available at the rear of the unit. However, as there would need to be a degree of cooperation with the neighbouring units, and given the occupier would be a different operator, and there also may lead to a change in profile of servicing / deliveries, a service and delivery management plan should be secured by condition.
- 11.6 *Vehicle Parking*
- The existing unit is served by communal parking for the entire retail park. This comprises 151 spaces to the north of the access point and 285 spaces to the south of the access point (which are nearer the proposed store). In total there are 436 communal parking spaces serving the retail park. The Developers Guide requires 1 car parking space per 30 square metres, which translates as 63 parking spaces.
- 11.7 The physical alterations application (ref. P/06651/102) includes some changes to the parking layout. These result in a reduction of 8 spaces to the southern car park and 8 staff spaces at the rear.
- 11.8 The applicant has undertaken surveys of the existing parking demand and has used the trip generation survey data to calculate the resulting parking demand. The results show that the car park would still operate well within maximum capacity. The highest peak on the Sunday between 13:00 and 14:00 show the demand could be met within the southern carpark, and with a spare capacity of 82

car parking spaces. The Local Highway Authority has assessed the parking provision and has commented that the car parks have spare capacity to accommodate parking demand associated with the proposed development and raise no objection in relation to parking provision.

11.9 The Low Emission Strategy requires 10% of the parking spaces to be EV charging bays. Following discussions with the Applicant, the Local Highway Authority, and the Council's Air Quality Officer, it is agreed the 10% should be application to the highest parking demand for the proposal. This would be 10% of the 75 spaces required during the Sunday peak, which equates to 8 EV bays (4 charging points).

11.10 Following negotiations, the Applicant has agreed to provide 4 fast charging bays and 4 rapid charging bays, subject to National Grid or the electricity provider raising no objection to the rapid charges in terms of demand. Officers do not envisage an issue in this regard, however, if there are valid power supply issues, and then the Applicant has agreed to provide 10 fast charging bays. An appropriately worded new planning condition can secure the EV charging bays which is recommended to be added to the list of conditions pursuant to the planning permission..

11.11 Cycle parking

For a retail unit in this location, the Developers Guide requires 1 cycle space per 125 square metres, which equates to 15 cycle parking spaces. There may be space by the front of the store to provide the spaces, or alternatively, given the amount of spare car parking capacity, the loss of some spaces to provided cycle parking could also be explored if required. This can be secured by a new planning condition which is recommended to be added to the list of conditions pursuant to the planning permission..

11.12 *Travel Plan*

A Travel Plan has been submitted with the application which aims to encourage staff and customers to travel sustainably and to help them consider their transport options when travelling to and from the site. The Travel Plan would ideally be secured via a Section 106 and would also attract a monitoring fee of £6,000. However, in this case, there is no other reason to require a Section 106 and such a requirement for the Travel Plan and monitoring fee alone would not be expedient given the time / cost involved in creating the agreement. In addition the impacts on the highway network are considered acceptable, and there is ample provision of EV Charging and cycle parking, the Travel Plan can be secured by an appropriately worded condition which is recommended to be added to the list of conditions pursuant to the planning permission. The Local Highway Authority has also recommended this approach.

11.13 Securing the Travel Plan by condition is consistent with the NPPF and Planning Practice Guidance. Paragraph 54 of the NPPF states that "planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition". The Planning Practice Guidance state that "the local planning authority should use a condition rather than seeking to deal with the

matter by means of a planning obligation", (Paragraph: 011 Reference ID: 21a-011-20140306). In addition, the Planning Practice Guidance advises Travel Plans can be secured by condition (Paragraph: 011 Reference ID: 42-011-20140306). The above provides further policy backing in addition to the above reasons for not securing the Travel Plan by a planning obligation.

11.14 Based on the above, the proposal is considered to be consistent with Core Policy 7 of the Local Development Framework Core Strategy and Policies T2, T8, and EMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

12.0 Air Quality

12.1 Core Policy 8 of the Core Strategy seeks development to be located away from areas affected by air pollution unless the development incorporates appropriate mitigation measures to limit the adverse effects on occupiers and other appropriate receptors. Proposal should not result in unacceptable levels of air pollution. This is reflected in Paragraph 181 of the National Planning Policy Framework which also goes on to require any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

12.2 The Council has recently adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic and requiring electric charging points within new developments. The Low Emission Strategy is a material planning consideration but it does not form part of the current local development plan.

12.3 There are a number of Air Quality Management Areas (AQMA) in the vicinity of the site, and given there would be an increase on traffic movements, and Air Quality Assessment has been submitted. The Assessment concludes that even in a worst case scenario, there would a minimal impact on concentrations in the Tuns Lane AQMA. This has been assessed by the Council's Air Quality Officer with has agreed with these results and commented that no bespoke mitigation is required. However, given the scale of the development, the following mitigation is sought by the Low Emission Strategy and is secured by new conditions:

- At least 10% of EV parking spaces. Please see paragraphs 11.9 and 11.10 for the agreed quantum and type.
- Any gas fired heating plant should meet the minimum emission standards in table 7. This can be secured b condition.
- Travel Plan. Please see paragraph 11.2 for the reason why this is agreed to be secured by condition.
- Operational and delivery vehicles should be Euro VI compliant. This can be added to the service and delivery management plan condition.

12.4 Based on the above, and subject to the recommended new planning conditions, the proposal would comply with Core Policy 8 of the Core Strategy and the requirements of the National Planning Policy Framework.

13.0 Employment Impact

13.1 The site is located within an 'Existing Business Area' where Local Plan Policy EMP12 allows a range of business developments. Core Policy 5 of the Core Strategy states "There will be no loss of the defined Existing Business Areas to non-employment generating uses especially where this would reduce the range of jobs available". Core Strategy paragraph 7.89 recognises retailing as an important source of jobs and classes retail as an employment generating use appropriate in Existing Business Areas.

13.2 Paragraph 80 of the National Planning Policy Framework seeks to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

13.3 According to the submitted Planning & Retail Statement, Unit 3A has been vacant since September 2020. The unit was previously occupied by Harveys who went into administration in June 2020. The proposal would bring a vacant retail unit back into full use, generating around 40 local jobs in a mix of full and part time positions. In this regard, the proposal would not conflict with the relevant requirements of the Local Plan Policy EMP12, Core Policy 5 of the Core Strategy, and the National Planning Policy Framework.

14.0 Whether the changes fall within the scope Section 73 of the Town and Country Planning Act 1990

14.1 Section 73 of the Town and Country Planning Act 1990 does not provide scope to impose conditions that are so fundamentally different that they could not have been imposed on the original planning permission. Based on the information provided, it is considered that the conditions as proposed to be varied, could have been imposed on the original planning permission, do not involve any change to or raise any inconsistency with the original description of development, and that such variations do not lead to a fundamental alteration of the original planning permission. The proposed variations to the conditions therefore fall within the scope of Section 73.

15.0 Equalities Considerations

15.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people),

disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Take steps to meet the needs of people with certain protected characteristics; and;
- Encourage people with protected characteristics to participate in public life (et al).

15.2 The proposal would provide a new employment facility that would provide employments opportunities. Wheelchair access including accessible parking spaces consistent with the Manual for Streets guidance will be secured via the physical alterations application (ref. P/06651/102).

15.3 It is considered that there could be temporary and limited adverse impacts upon all individuals, with protected characteristics, whilst the conversion works are under way. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development eg: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from conversion works has the potential to cause nuisances to people sensitive to noise or dust. Given the conversion works would largely take place internally, the adverse impacts would be very limited and in this instance it would not be reasonable to secure a management plans for the conversion works.

15.4 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

16.0 Presumption in favour of sustainable development

16.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”

16.2 The report identifies that in using a cautious approach to interpret the meaning of major retail development, in the context of Core Policy 6, the proposals are not fully compliant with the text in the policy by not considering Slough Town Centre in the sequential test and by virtue of the proposals being within an out of town centre location which included a restriction on the type of retail given the need to safeguard Slough Town Centre. However, when considering the following:

- The proposed sales area would be limited to 1,100 square metres which comprises a relatively small food store
- The gross floorspace of Unit 3A falls under the 2,500 sqm gross threshold whereby a retail impact assessment is not required by the NPPF;
- The evidence provided to support the defined catchment area and the

sequential locations;

- The NPPG which advises the application of the Sequential Test will need to be proportionate and appropriate for the given proposal;
- Full compliance with all the other relevant planning policies subject to conditions;
- The proposal would bring a vacant retail unit back into full use, generating around 40 local jobs in a mix of full and part time positions.

The proposal is considered to be in broad compliance with the Local Development Plan and the National Planning Policy Framework 2019 when taken as a whole. On balance, the application is recommended for approval.

17.0 PART C: RECOMMENDATION

17.1 Having considered the relevant policies and planning considerations set out above, it is recommended the application be APPROVED.

18.0 PART D: LIST CONDITIONS AND INFORMATIVES

The following conditions have been agreed with the Applicant.

1. Time Limit – Deleted as no longer relevant
2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:
 - (a) Drawing No. PL.0101 Rev A, Dated June 2013, Recd On 10/09/2013
 - (b) Drawing No. PL.0102 Rev A, Dated June 2013, Recd On 10/09/2013
 - (c) Drawing No. PL.0103 Rev A, Dated June 2013, Recd On 10/09/2013
 - (d) Drawing No. PL.0104 Rev A, Dated June 2013, Recd On 10/09/2013
 - (e) Drawing No. PL.0105, Dated June 2013, Recd On 05/07/2013
 - (f) Drawing No. PL.0106 Rev A, Dated June 2013, Recd On 10/09/2013
 - (g) Drawing No. PL.0107 Rev A, Dated June 2013, Recd On 10/09/2013
 - (h) Drawing No. PL.0108 Rev A, Dated June 2013, Recd On 10/09/2013
 - (i) Drawing No. PL.0109 Rev B, Dated June 2013, Recd On 10/09/2013
 - (j) Drawing No. PL.0110 Rev A, Dated June 2013, Recd On 10/09/2013
 - (k) Drawing No. PL.0111, Dated June 2013, Recd On 05/07/2013
 - (l) Drawing No. PL.0112 Rev B, Dated June 2013, Recd On 10/09/2013

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

3. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building at the date of this permission. The entrance features hereby approved shall be carried out in materials that match as closely as possible the colour, texture and design of the existing entrance feature to the front of Unit 2a Twinches Lane Retail Park.

REASON To ensure a satisfactory appearance of the development so as not to

prejudice the visual amenities of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. The new paving shall be carried out in materials that match as closely as possible the colour, texture and design of the existing adjacent paving at the date of this permission.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

5. No increase in floorspace created by internal sub-division, mezzanine floor, or external extension other than that hereby permitted shall take place without the prior written approval of the Local Planning Authority.

REASON To protect the vitality and viability of existing shopping centres within the borough and to comply with Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

6. No goods, materials or plant shall be deposited or stored outside of the buildings.

REASON To safeguard the visual amenities of the locality, and the privacy and amenities of the adjoining properties in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

7. Condition Varied

Except for Unit 3A which shall be used as a foodstore for the sale of food & drink and non-food goods, the site shall be used predominantly for the retail sale of items which by virtue of their nature and/or size require removal from the premises by vehicle. Except in Unit 3A, there shall be no retail sales of food or food products at the site, other than consumption of food by customers on the premises.

REASON To safeguard the future viability and vitality of the central shopping area within Slough and the surrounding district centres in accordance with Policy S1 of The Adopted Local Plan for Slough 2004 and Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to ensure the provision of adequate parking spaces within the site in the interests of road safety and the free flow of traffic along the neighbouring highway in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

8. Condition Varied

The premises shall not be open to members of the public/customers outside the hours of 0800 hours to 20:00 hours on Mondays-Saturdays, 10:00 hours to 17:00 hours on Sundays and Bank/Public Holidays except for Unit 3b which between 1st November and 23rd December each year shall not be open to members of the public

outside the hours of 08:00 to 23:00 Mondays to Fridays, 08:00 to 20:00 on Saturdays and 10:00 to 17:00 on Sundays and Bank/Public Holidays; and except for Unit 3A which shall not be open to the public outside the hours of 08.00 to 22.00 Monday to Saturday including bank/public holidays, and outside the hours of 10.00 to 18.00 on Sundays

REASON To ensure that the use of the premises does not prejudice the quiet enjoyment by neighbouring occupiers of their dwellings by reason of noise or general disturbance in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

9. Condition Varied

There shall be no commercial deliveries visiting the site outside the hours of 08:00 to 18:00 hours on Mondays to Fridays other than for Unit 3b, where there shall be no commercial deliveries visiting the site outside of the hours 07:00 to 19:00 Mondays to Fridays between 1 October and 31 December each year, and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours Mondays to Fridays. There shall be no deliveries on Saturdays, Sundays and Bank Holidays other than for Unit 3b where there shall be no commercial deliveries visiting the site outside of the hours 08:00 to 19:00 on each of these days between 1 October and 31 December each year, and other than for Unit 3A where there shall be no commercial deliveries visiting the site outside the hours 06.00 to 23.00 hours on Saturdays, Sundays and Bank Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

10. Original mezzanine restriction - Deleted as no longer relevant

11. The floor space of the mezzanine within Unit 3b hereby approved shall be used for the storage of goods and for no other purposes.

REASON To protect the vitality and viability of existing shopping centres within the Borough and to comply with Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

12. New Condition - Delivery and Servicing Plan

Prior to the commencement of the foodstore use in Unit 3A, a site servicing strategy and Delivery and Servicing Plan (DSP) for Unit 3A including vehicle tracking, shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, estimated no. of deliveries, collection of waste and recyclables, silent reversing methods/ location of drop-off bays and vehicle movement in respect of the foodstore use in Unit 3A, and promote best endeavours to ensure delivery vehicles visiting Unit 3A should be a minimum Euro VI compliant.

The approved measures shall be implemented on first use of the foodstore use in Unit 3A and thereafter retained for the lifetime of the approved foodstore use in Unit 3A.

REASON: In order to ensure that safe provision is made for deliveries, drop-offs and refuse storage and collection, to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, and to mitigate air quality impacts in accordance with Core Policy 7 and 8 of the Local Development Framework Core Strategy, PolicyEMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

13. New Condition – EV Charging

Prior to the first commencement of the foodstore use in Unit 3A, details of 4 fast charging bays (Type 2, Mode 3, 7.4Kw/22Kw) and 4 rapid charging bays (Type 2, 43kW/50kW) shall be submitted to and approved in writing by the Local Planning Authority.

In the event that there are power supply issues in relation to providing rapid charges, then robust evidence of such issues shall be submitted to the Local Planning Authority. Where it is accepted that rapid charging bays cannot be provided, details of 10 fast charging bays (Type 2, Mode 3, 7.4Kw/22Kw) shall be submitted to and approved in writing by the Local Planning Authority.

The electric vehicle charging bays shall be provided in accordance with the approved details, prior to first occupation of the unit as a food store and once installed shall be retained in good working order for the lifetime of the foodstore use in unit 3A.

REASON to provide mitigation towards the impacts on air quality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2019.

14. New Condition - Cycle Parking

Prior to the first commencement of the foodstore use in Unit 3A hereby approved, details of 15 cycle parking spaces (including location, housing and cycle stand details) in accordance with the Part 3 of the Slough Developer's Guide shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the first use of Unit 3A as a foodstore and shall be retained at all times for the lifetime of the foodstore use in Unit 3A

REASON: To ensure that there is adequate cycle parking available at the site in accordance with Core Policy 7 and 8 of the Local Development Framework Core Strategy, Policy T8 and EMP2 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework.

15. New Condition – mezzanine in unit 3A for non sales purposes only

The floor space of the mezzanine within Unit 3A shall be used for non sales purposes

only.

REASON To ensure the store remains at an appropriate scale for its location to serve local residents, to be consistent with the method used to carry out the town centre sequential test, and to have acceptable impacts on the highway network and parking provision, in accordance with Local Plan Policy S1, T2, and T8, Core Policy 6 and 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework.

16. New Condition – Sales Area

The sales area within Unit 3A shall be limited to 1100 square metres at ground floor only. No further sales area above 1100 square metres within Unit 3A shall be created.

REASON To ensure the store remains at an appropriate scale for its location to serve local residents, to be consistent with the method used to carry out the sequential test, and to have acceptable impacts on the highway network and parking provision, in accordance with Local Plan Policy S1, T2, and T8, Core Policy 6 and 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008, and the requirements of the National Planning Policy Framework.

17. New Condition - Gas-fired boilers emissions

All gas-fired boilers within Unit 3A shall meet any of the following minimum standards at all times:

- Individual gas fired boilers <40mgNOx/kWh.
- Spark ignition CHP engine 250 mgNOx/Nm³
- Gas turbine 20mgNOx/Nm³

The development shall be carried out in full accordance with these details prior first occupation shall be retained in good working order at all times in the future.

REASON to provide mitigation towards the impacts on air quality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2019.

18. New Condition – Travel Plan

On commencement of the foodstore use in Unit 3A, the Travel Plan Aims & Objectives, Travel Plan Targets, Action Plan, Sustainable Transport Measures, Travel Plan Roles and Responsibilities within the submitted Travel Plan produced by Milestone Transport Planning (ref. MTP Ref: 20-023); Dated February 2021; Rec'd 12/02/2021 shall be implemented as set out in the submitted Travel Plan. The Travel Plan shall be monitored and reviewed in accordance with the timescale set out in the plan. A record of the monitoring and reviewing shall be made available for inspection

upon request by the Local Planning Authority.

REASON To reduce travel to the site by private car, to meet the objectives of Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2019.

Informatives:

1. The “sales area” referred in Condition 16 excludes the areas to which customers do not have access and also excludes the entrance lobby area, i.e. as shown on plan URB 3A[08] 00 05 submitted with application P/06651/102.
2. The Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting further information and clarifications. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.