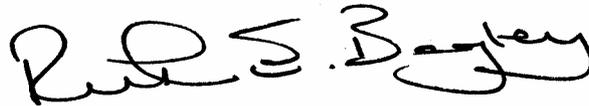


Date of issue: 2nd June 2009

MEETING	PLANNING COMMITTEE (Councillors Dodds (Chair), P Choudhry, A S Dhaliwal, Finn, Maclsaac, Pantelic, Plimmer, Rasib and Swindlehurst)
DATE AND TIME:	THURSDAY, 11TH JUNE, 2009 AT 6.30 PM
VENUE:	COUNCIL CHAMBER, TOWN HALL, BATH ROAD, SLOUGH
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

NOTE TO MEMBERS

This meeting is an approved duty for the payment of travel expenses.

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

CONSTITUTIONAL MATTERS

1. Declarations of Interest

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct).

2. Membership of the Committee 2009/2010

Changes to the Committee are as follows:

Councillor Dale-Gough has been replaced by Cllr P Choudhry.

3. Minutes of the Last Meeting held on 12th May 2009 1 - 4 All

4. Human Rights Act Statement 5 - 6

PLANNING APPLICATIONS IN THE EASTERN PART OF THE BOROUGH

5. P/06255/005- 69, London Road, Slough 7 - 18 Kedermister

6. P/06255/006- 69, London Road, Slough 19 - 30 Kedermister

7. P/10650/004- International Catering Ltd, Walford Meadow, Horton Road, Colnbrook, Slough 31 - 52 Colnbrook with Poyle

MATTERS FOR INFORMATION

8. Planning Appeal Decisions 53 - 54 All

9. Authorised Enforcements and Prosecutions 55 - 68 All

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.



Planning Committee – Meeting held on Tuesday, 12th May, 2009.

Present:- Councillors Dodds (Chair), Dale-Gough, A S Dhaliwal, Finn, Maclsaac (until 7.18 p.m.), Pantelic and Plimmer.

Also present under Councillor Davis.

Procedure Rule 30:-

Apologies for Absence:- Councillor Swindlehurst.

PART I

89. Declarations of Interest

None.

90. Minutes

The minutes of the meeting of the Committee held on 15th April, 2009 were approved as a correct record.

91. Planning Applications

Details were tabled in the amendment sheet of alterations and amendments received to applications since the agenda was circulated, together with further representations and/or petitions received.

Resolved – That the following decisions be taken in respect of the planning applications set out below, subject to the information, including conditions and informatives set out in the report of the Head of Planning and Strategic Policy and the amendment sheet circulated at the meeting, and subject to any further amendments and conditions agreed by the Committee as indicated below:-

Application No.	Proposed Development	Decision
P/14534/000	47, Cippenham Lane, Slough- Construction of a front bay window with pitched roof and single storey rear extension with a flat roof.	Approved subject to conditions
S/00071/045	Compair House, Brunel Way, Slough- Demolition of the existing building Compair House and provision of a new Slough Bus Station facility , including a new access road from William Street, ancillary operational facilities, feature canopy, public realm works and associated infrastructure.	Approved in principle and agreement to conditions and any further minor amendments delegated to the Head of Planning and Strategic Policy.

Planning Committee - 12.05.09

P/02272/009	<p>Brunel Bus Station Site, Wellington Street, Slough-Redevelopment of the existing Brunel Bus Station and public car park on Wellington street and the construction of a phased office-led mixed use development. Full planning permission is sought for building 1 which will comprise of 12,365 sq m (GFA) of office (11,163 sq m GIA) and retail (199 sq m GIA) floorspace with shared basement parking serving buildings 1 & 2 (6,584 sq m GEA) and associated landscaping and plant. The application includes vehicular access and egress onto Brunel Way, egress onto Williams Street and alterations to the entrance to the Wellington Street subway.</p> <p>Outline planning permission is sought for building 2 which will comprise of up to 22,223 sq m (GEA) of office (20,115 sq m GIA) and retail (316 sq m GIA) floorspace. matters for approval include access, scale, layout and landscaping. details of appearance to be reserved.</p>	<p>Delegated to the Head of Planning and Strategic Policy and the Borough Secretary for the signing of a Section 106 legal agreement and to agree any subsequent minor amendments to the planning application or legal agreement.</p>
P/12601/009	<p>Datchet Meadows, (Formerly: New Tithe Court), Datchet Road, Slough-Application to vary the siting of the building granted outline planning permission under P12601/006 for construction of a part three, part four storey building to provide 35 no. flats, comprising of 4 no. one bedroom, 30 no two bedroom and 1 no. three bedroom flats, with 58 no. parking spaces (retrospective).</p>	<p>Approved subject to conditions</p>

92. Update on Performance regarding speed of determination of planning applications

The Head of Development Control outlined a report to update the Committee on the performance of the planning section on national performance indicators relating to the speed of determination of major, minor and other planning applications, including householder applications.

The Officer advised that once again in the case of minor and other categories of planning applications, performance had been maintained at a standard much higher than the required target. It was noted that 90% of other applications which included householder applications, were dealt within the 8 week period for the complete year 2008/09, compared to 91% for the previous year (2007/08). For minor applications the figure was 85% and this was still well in excess of the government's target of 65%. Performance on major

Planning Committee - 12.05.09

applications had been strong for the last 2 years and the figure of 70% for 2008/09 exceeded the government target of 60% but was a little below the performance of 2007/08.

The Committee was advised that there was a high proportion of major applications where decisions remained to be taken and these were currently working their way through the system and accounted for the drop in performance compared with the previous year.

In conclusion the Officer advised that this was the fourth year running that all three indicators on performance under NI 157 were met and exceeded and it was important that the performance levels were maintained in the interests of delivering an efficient and effective planning service.

Resolved – That the report be noted.

93. Planning Appeal Decisions

The Committee noted the receipt of various planning appeal decisions.

Resolved – That the report be noted.

94. Authorised Enforcements and Prosecutions

The Committee noted the status of various ongoing enforcement and prosecution cases .

Resolved - That the report be noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.30 pm)

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The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain expectations, be directly unlawful for a public authority to act in a way which is incompatible with a Convention Right. In particular Article 8 (Respect for Private and Family Life) and Article 1 of Protocol 1 (Peaceful Enjoyment of Property) apply to planning decisions. When a planning decision is to be made, however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act 1998 will not be referred to in the Officers Report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

Please note the Ordnance Survey Maps for each of the planning applications are not to scale and measurements should not be taken from them. They are provided to show the location of the application sites.

CLU / CLUD	Certificate of Lawful Use / Development
GOSE	Government Office for the South East
HPSP	Head of Planning and Strategic Policy
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order

	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C3	Dwellinghouse
D1	Non Residential Institutions
D2	Assembly & Leisure

	OFFICER ABBREVIATIONS
AWM	Alan McMillen
WM	Wesley McCarthy
RS	Reena Sharma
EW	Edward Wilson
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
AH	Abigail Heard
SG	Sarah Gambitsis
IH	Ian Hann
AM	Ann Mead
FI	Fariba Ismat
PS	Paul Stimpson
PT	Phillip Taylor

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Registration Date:	16-Mar-2009	Applic. No:	P/06255/005
Officer:	Mr Smyth	Ward:	Kedermister
Applicant:	Mr. Balwinder Dhillon		
Agent:	Mr. Harvey Saund 183, Spackmans Way, Slough, SL1 2SE		
Location:	69, London Road, Slough, SL3 7RS		
Proposal:	CHANGE OF USE OF SINGLE FAMILY DWELLING HOUSE (CLASS C3) TO MIXED RESIDENTIAL AND COMMERCIAL USE (SUI GENERIS)		

Recommendation: Refuse



P/ 06255/005

1.0 **SUMMARY OF RECOMMENDATION**

1.1 This application seeks planning permission for a change of use of a habitable room, to commercial use, to create a separate planning unit within the existing host residential property at 69 London Road. It has been considered in the context of the relevant Policies below, and the development is considered to have an adverse affect on the sustainability and the environment for the reasons set out'

1.2 Refuse for the reasons set out below

PART A: BACKGROUND

2.0 **Proposal**

2.1 This application seeks use of the former integral garage, now a habitable room, as approved under planning permission reference P/06255/004, dated 16th January 2007, for commercial use (sui generis). It is not intended that this facility would be for use by the occupants of the host property, but is to be used by persons independent of and not resident at that property. Notwithstanding that there would be some sharing of facilities with the residential occupiers of the host property, in terms of parking, w/c and kitchen, the proposal, would in planning terms, create a commercial facility, with a sufficient degree of separation from the host residential property, to create a separate planning unit.

2.2 The habitable room has a floor area of 12.35 sq metres. Access is from the main front door which would be shared with the occupants of the house, although a separate door into the office is provided from inside of the front porch. There are no separate w/c or kitchen facilities within the office. Parking for 8 no. cars are shown to the fronts of 67 and 69 London Road, laid out in a communal hardstanding.

2.3 The application is supported by plans showing site layout, floor plans, elevations and sections. There are supporting statements by the applicant and the Chairman of the Slough Conservative Association.

2.3 The applicant proposes the following uses:

- As a local surgery for ward constituents (Sui Generis)
- As an office for use by the Conservative Association including its postal address and records office (Class B1)

2.4 The Chairman of the Slough Conservative Association (SCA) has added the further details:

- Use 69 London Road as the SCA postal address for all its correspondence
- Use 69 London Road to house SCA files, records and computer systems so it can readily accessed by relevant officers

In terms of level of usage, it is suggested the use of the office would be light maybe a handful of times a week. The SCA do not have an

Admin assistant so the office would not be manned full time.

- ✓ A nominated officer will check the mail two or three times a week
- ✓ The applicant as Deputy Chairman would need to go in weekly to update any membership records
- ✓ The Chairman, who lives within 3 minutes walk of the property would need to visit the office to print the occasional letter/report
- ✓ The office is too small to hold meetings, which would continue to take place at their usual venues

3.0 **Application Site**

3.1 The proposal property is a substantially extended semi detached house comprising 5 no. bedrooms, including accommodation in the roof space. The other half of the pair of semi detached houses which has also been substantially extended is a single family dwelling house. Each property has a rear outbuilding. The properties share a communal front drive, with a separate in and out arrangement. The deposited plans show a total of 8 no. car parking spaces, 3 no. to serve 67 London Road, the remaining 5 no. parking spaces to serve 69 London Road.

3.2 The proposal property is occupied by 6 no. unrelated persons which benefits from an HMO licence for 6 no. households /6 no. persons.

3.3 This part of London Road is predominantly residential in character, although there are a number of guest houses and hotels to the west of the site as London Road approaches the outskirts of Slough Town Centre

4.0 **Site History**

4.1 There is a fairly extensive planning history relating to 67 and 69 London Road, the most relevant decisions are set out below:

-
- 67, London Road, P/11887/000. Erection of a two storey pitched roof side extension, part single storey, part two storey rear extension and a pitched roof front porch. Approved 21-Jun-2002.
- 67-69, London Road, P/11887/001 Change of use from residential to bed and breakfast accommodation (Class C1). Withdrawn 03-Dec-2003
- 67-69, London Road, P/11887/002. Change of use of 1 no. family dwelling to guest house and retention of 1no. family dwelling as residential / managers dwelling. Refused 02-Nov-2004. Appeal Dismissed 18-Aug-2006
- 67-69, London Road, P/11887/003. Erection of a part first floor rear extension at no.69 london road and change of use of 1 no. family dwelling of no. 69 to bed and breakfast accommodation and retention of 67 as a single family dwelling. Refused 22-Mar-2005
- 69, London Road, P/06255/004. Erection of a part single part two storey rear extension, enlargement of existing rear dormer and conversion of garage into a habitable room. Approved 16-Jan-2007

4.2 With respect to the most relevant planning history, as set out above, there are three key planning decisions.

1) P/11887/002. Change of use of 1 No. Family Dwelling to Guest House and Retention of 1 No. Family Dwelling as Residential/Managers Dwelling.

That planning application was refused by Planning Committee on 2nd November 2004, overturning an Officer recommendation of approval, on the following two grounds:

1)The proposal would result in the loss of a property which is capable of being used as a family dwelling and is therefore contrary to criterion a)of Policy H24 of the Adopted local plan for Slough 2004

2)The proposal fails to provide adequate control of internal traffic management and movement on site, which may impact upon the free flow of traffic on the neighbouring highway contrary to Policy T3 of the Adopted local Plan for Slough 2004.

The refusal was the subject of an appeal. The appeal was dismissed, on the grounds that the Appeal Inspector concluded with respect to reason 1), the following:

Therefore taking into account the unexceptional size of No 69 in the locality, the nature of its present use, and the potential for diversity in family size and make-up within the Borough, I am lead to the view that No 69 is capable of being used as a single family dwelling. Taking into account the nature of the present use of the property, I am not convinced that No 69 is incapable of economic use as a family home. Paragraph 2.104 of the LP states that *there is a shortage of large family houses in Slough and the loss of this type of accommodation would increase the pressures on the Borough's remaining dwelling stock*. No evidence has been submitted to persuade me that a need for such large family properties does not exist. I must conclude therefore that the change of use of No 69 to a guest house would result in the loss of a large property which is capable of accommodating, and is currently being used as, a single family home. This would then be contrary to the terms of LP Policy H24 criterion a).

With respect to reason 2), the Appeal Inspector concluded:

As already set out above, No 67 and 69 are larger family houses. As I saw at my site visit No 69 currently accommodates 6 occupants, whilst No 67 has the capability to accommodate a large family. As a result I consider it reasonable to assume that the front parking area is already well used, although a formal layout is not marked out on the forecourt area. The appeal proposal shows a layout of 8 parking spaces utilising the existing access points as an in-out arrangement. I have noted that no objection has been raised by the Council's Principal Highways Engineer to the layout. I similarly find that taking into account the level of normal domestic vehicular movements which could be generated by the existing uses, along with the marking out of spaces and the opening up of the in-out access, a more formalised layout would be created, representing an improvement to the internal management and movement of vehicles on the site.

Parking was being proposed on the basis of a parking layout for 8 no. cars plus garage. This equated to 1 car parking space per guest bedroom in respect of the proposed Guest House at 69 London Road and 2 no. car parking spaces plus garage in respect of the family dwelling at 67

A further application planning application was submitted:

2) P/11887/003 Erection of a Part First Floor Rear Extension at no.69 London Road and Change of Use of 1 no. Family Dwelling of no. 69 to Bed and Breakfast Accommodation and Retention of 67 as a Single Family Dwelling

This application was being recommended for approval by Officers, but overturned by Members and refused planning permission on 22nd March 2005. This application was similar to the previous application for which planning permission was refused (P/11887/002), albeit by a different applicant. No appeal was lodged against this refusal of planning permission as an appeal in relation to the earlier refusal of planning permission P/11887/002 had already been lodged.

The appeal decision in respect of the earlier planning application

(P/11887/002) was given on 18th August 2006 following an Informal Planning Hearing.

3) **P/06255/004 Erection of a Part Single Part Two Storey Rear Extension, Enlargement of Existing Rear Dormer and Conversion of Garage into a Habitable Room.**

This was approved by Planning Committee on 16th January 2007. It was permitted on the basis that there was sufficient car parking (6 no. spaces to serve both houses).

5.0 **Neighbour Notification**

5.1 65, London Road, Slough, SL3 7RS, 2, Lynwood Avenue, Slough, SL3 7BH, 71, London Road, Slough, SL3 7RS, 67, London Road, Slough, SL3 7RS, 73, London Road, Slough, SL3 7RS

No Objections received

6.0 **Consultation**

6.1 Transport

The change of use from a personal study/office/computer room for use by other members of the Slough Conservative Association has limited implications from a transport and safety perspective and therefore I do not object to the application.

Although six car parking spaces have been identified in the application only 3 spaces can be attributed to No. 69 London Road, it is noted that No. 67 London Road is also in the applicant's ownership. The 3 spaces for No. 69 London Road meet the Local Plan requirements, however if additional parking were required for the described activity this could have the potential to overspill into the surrounding streets. I believe further information has been requested regarding the parking situation and how the use of the computer room in the house will be managed. Upon receipt of this information a comprehensive review can be provided regarding the parking conditions and requirements for the application.

Highways

8 car parking spaces are proposed. The 2 spaces on the grass verge are unacceptable therefore 6 satisfactory spaces are provided.

I confirm the access provides adequate sight lines.

The in/out arrangement is preferred as it reduces the likelihood of vehicles reversing onto the A4.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 This application is assessed against the following policies:

Adopted Local Plan for Slough

Policy EMP2 (Criteria for Business Developments)

Policy EMP4 (Development Outside of the Existing Business Areas)

Policy EN1 (Standard of Design)

Policy EN2 (Extensions)

Policy T2 (Parking Restraint)

Local Development Framework, Core Strategy (2006 – 2026),
Development Plan Document December 2008

Core Policy 4 (Type of Housing)

Core Policy 8 (Sustainability and the Environment)

7.2 The main issues to be considered are:

- The principle of the use
- Impact on Residential Amenity
- Parking

The Principle of the Use

7.3 Planning permission has been granted for a change of use of the former integral garage to habitable room for use(s) which is ancillary to the main dwelling house. In other words it is for use by the residential occupiers of the host property. This application seeks to establish the independent commercial use of the former garage (now habitable room), for purposes which are not ancillary to the enjoyment of the existing dwelling house. Notwithstanding that there would be some sharing of facilities, it is considered that, in planning terms, there would be a sufficient degree of separation, between the use of the host property as a single family dwelling house and the proposed use of an existing habitable room within that property for commercial purposes, to conclude, that a separate planning unit would be created. Given that there would be no one primary use, then the proposed use of the habitable room for commercial purposes is considered to be sui generis. The proposed uses are set out in paragraph 2.3 of this report.

7.4 The applicant advises that the proposal property is in multiple occupation, containing 6 no. unrelated tenants in accordance with an existing HMO licence, however, the property does not benefit

from planning permission for a house in multiple occupation. In her decision letter dated 18th August 2006, the Appeal Inspector concluded that, the property was occupied by 6 no. unrelated tenants, but was being occupied as a family dwelling house and not as a house in multiple occupation. So in the absence of a specific planning permission for a change of use of the proposal property to a house in multiple occupation, for planning purposes 69 London Road is being treated as a single family dwelling house. However, Members are advised that a separate planning application has been submitted for a change of use of the proposal property from single family dwelling house to house in multiple occupation and this is for separate decision on the Agenda.

7.5 Notwithstanding some limited sharing of facilities, the introduction of an independent commercial office use into a single family house would result in the creation of a separate planning unit. Although the supporting information would seem to suggest a low key use, an intensification of the commercial use would prove difficult to control if planning permission was to be granted. There is a concern that the creation of an independent commercial use with the host dwellinghouse, with a significant degree of separation, would mean that the host property would no longer continue to effectively function as a dwellinghouse and as such there would be a loss of family housing.

7.6 The proposal is contrary to Core Policy 4 of the Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008 and Policy EMP2(h) and EMP4 (a) of the Adopted Local Plan in that there will be a net loss of family housing.

Impact on Residential Amenity

7.7 There is a concern that the introduction of an independent commercial office use into a single family dwellinghouse would be incompatible with the use of that property as a single family house. Both residential users and commercial users would share the same front door entrance, albeit there would be a separate entrance into the office from the front porch. The office does not have its own toilet facilities or kitchen facilities. These would be available within the main house and would need to be shared with the occupiers of the house. As stated in paragraph 7.5 above, although the supporting information would seem to suggest a low key use, an intensification of the use would prove difficult to control if planning permission was to be granted. Whilst conditions could be used to control hours of use, this could prove difficult to enforce as could any intensification of the commercial use of the premises. The additional comings and goings of non residential occupiers and the need to share toilet/kitchen facilities would result in unacceptable noise and disturbance and loss of residential amenity for the

occupants of the family dwellinghouse, thereby resulting in poor quality housing contrary to Planning Policy Statement 3.

- 7.8 The proposal is contrary to PPS 3, Core Policy 8 (2b) of the Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008 and Policy EMP2 (b) and EMP4 (d) of the Adopted Local Plan, in that the proposed use would not respect the amenity of its location resulting in noise and disturbance and loss of residential amenity for the occupiers of 69 London Road.

Parking

- 7.9 Amended plans show a communal car parking area for 8 no. cars to the fronts of 67 and 69 London Road, as existing. There are separate in – out arrangements onto the London Road.
- 7.10 The parking is allocated on the basis of 6 no. spaces serving the residential occupiers of nos. 67 and 69 (3no. per property) and the remaining 2no. spaces to serve the commercial users of the host property.
- 7.11 Given the modest size of the proposed commercial space with no. 69 and given the low key level of usage indicated by the potential occupiers of that space, 2 no. car parking spaces would on the face of it seem to be adequate. However, there are a number of factors to be taken into consideration:
- a) The applicant has provided insufficient information in support of the application to demonstrate predicted levels of usage sufficient to allow a considered view to be taken with respect to appropriate car parking levels.
 - b) An intensification of the commercial use of the premises would prove difficult to control if planning permission was to be granted
 - c) There is a current planning application for a change of use from single family dwelling house to house in multiple occupation.
- 7.12 (a) With respect to parking issues, the supporting statements rely on the close proximity of the places of residence of the Chairman and Deputy Chairman of the Slough Conservative Association. Clearly, personnel can change as can their places of residence. Further, no information is provided as to frequency of visits by other officers to the premises, nor indeed nos. or frequency of persons anticipated to visit local surgeries.
- 7.13 (b) An intensification of the commercial use of the host property may prove difficult to control and hence any increased demand for car parking.

- 7.14 (c) There is a concurrent planning application for a change of use from single family dwellinghouse to house in multiple occupation (HMO), which proposes a total of 6 no. bedrooms comprising 4 no. double and 2 no. single bedrooms, which is up for separate decision at the Meeting . It is a material consideration in the determination of this application. Clearly, in parking terms the host property cannot provide sufficient on site car parking to support both proposed uses, particularly given that there is already a shortfall of 1 no. car parking space to serve the proposed HMO.
- 7.15 A holding objection is raised on the grounds that the applicant has not provided sufficient details to allow a full and proper assessment to be carried out of car parking requirements particularly when assessed alongside the concurrent planning application P/06255/006 (for a change of use of the host property from single family dwellinghouse to HMO)), in that there would be insufficient on site car parking to serve both proposed uses. This could result in parking spilling out onto surrounding residential streets obstructing the free flow of traffic and being prejudicial to general highway safety contrary to Core Policy 7 of the Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008 and Policy T2 of the Adopted Local Plan for Slough 2004.

8.0 **Summary**

- 8.1 Concerns are raised about the potential loss of family housing which could arise from the introduction of a separate commercial use into the host residential property and which with a significant degree of separation, would mean that the host property would no longer continue to effectively function as a dwellinghouse and as such there would be a loss of family housing. The physical mixing of commercial and residential users without separate entrances and exits or facilities is likely to result in there being an adverse impact on the residential amenities of the existing residential occupiers and result in poor quality housing. The applicant has failed to provide sufficient information to allow a full and proper assessment to be made of car parking, particularly when assessed alongside the concurrent planning application P/06255/006 (for a change of use of the host property from single family dwellinghouse to HMO)), in that there would be insufficient on site car parking to serve both proposed uses.

PART C: RECOMMENDATION

9.0 **Recommendation**

9.1 Refuse for the reasons set out below.

10.0 **PART D: LIST OF REFUSAL REASON(S)**

Reason(s)

1. The proposal is contrary to Core Policy 4 of the Slough Local Development Framework, Core Strategy (2006 - 2026), Development Plan Document, December 2008 and Policies EMP2(h) and EMP4 (a) of The Adopted Local Plan for Slough, 2004 in that the creation of a commercial use within the host property with a sufficient degree of separation from the residential use of that property will result in demonstrable harm to the effective functioning of the host property as a single family dwelling and this coupled with the difficulties of being able to control the intensification of the commercial element of the use would mean that a reversion back to a single family house is unlikely thereby resulting in the loss of family housing.
2. The proposal is contrary to PPS 3, Core Policy 8 (2b) of the Slough Local Development Framework, Core Strategy (2006 - 2026), Development Plan Document, December 2008 and Policies EMP2(b) and EMP4 (d) of The Adopted Local Plan for Slough, 2004 in that the proposed use would not respect the amenity of its location resulting in noise and disturbance and loss of residential amenity for the occupiers of 69 London Road, thereby resulting in poor quality housing.
3. A holding objection is raised on the grounds that the applicant has not provided sufficient details to allow a full and proper assessment to be carried out of car parking requirements. The applicant has failed to provide sufficient information to allow a full and proper assessment to be made of car parking, particularly when assessed alongside the concurrent planning application P/06255/006 (for a change of use of the host property from single family dwellinghouse to HMO), in that there would be insufficient on site car parking to serve both proposed uses). This could result in parking spilling out onto surrounding residential streets obstructing the free flow of traffic and being prejudicial to general highway safety contrary to Core Policy 7 of the Slough Local Development Framework, Core Strategy (2006 - 2026), Development Plan Document, December 2008 and Policy T2 of The Adopted Local Plan for Slough 2004.

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Registration Date:	22-Apr-2009	Applic. No:	P/06255/006
Officer:	Mr Smyth	Ward:	Kedermister
Applicant:	Mr. Balwinder Dhillon		
Agent:	Mr. Harvey Saund 183, Spackmans Way, Slough, SL1 2SE		
Location:	69, London Road, Slough, SL3 7RS		
Proposal:	CHANGE OF USE FROM SINGLE FAMILY DWELLING HOUSE TO HOUSE IN MULTIPLE OCCUPATION AND ENCLOSURE OF EXISTING GROUND FLOOR AND REAR VERANDA TO CREATE AN ENLARGED KITCHEN		

Recommendation: Refuse



P/06255/006

1.0 SUMMARY OF RECOMMENDATION

1.1 This application is brought before Planning Committee as the applicant is an elected member of this Council. This application which seeks a change of use from single family dwellinghouse to house in multiple occupation for the property at 69 London Road, has been considered in the context of the relevant Policies below, and the development is considered to have an adverse effect on the sustainability and the environment for the reasons set out'.

1.2 Refuse for the reasons set out below

PART A: BACKGROUND

2.0 Proposal

2.1 This application seeks a change of use of the proposal property from single family dwellinghouse to a house in multiple occupation. The proposals include 4 no. double bedrooms and 2 no. single bedrooms for occupation by up to 10 no. persons. At ground floor the deposited plans show, an entrance porch with separate access to a downstairs office/computer room, lounge, dining room, double bedroom, shower room and kitchen which is proposed for enlargement. At first floor there are 4 no. bedrooms (2 no. single and 2 no. double bedrooms) with 2 no. en suite bathrooms and 1 no. general bathroom. At second floor level within the loft space there is a double bedroom with en suite shower room. Parking for 8 no. cars are shown to the fronts of 67 and 69 London Road, laid out in a communal hardstanding. There is an in and an out access arrangement onto London Road.

3.0 Application Site

3.1 The proposal property is a substantially extended semi detached house comprising 5 no. bedrooms, including accommodation in the roof space. The other half of the pair of semi detached houses which has also been substantially extended is occupied as a single family house. Both properties have been extended up to their respective boundaries. Each property has a rear outbuilding. The properties share a communal front drive, with a separate in and out access arrangement. The deposited plans show a total of 8 no. car parking spaces, 3 no. to serve 67 London Road, the remaining 5 no. parking spaces to serve 69 London Road.

3.2 The proposal property is occupied by 6 no. unrelated persons which benefits from an HMO licence for 6 no. households /6 no. persons.

3.3 This part of London Road is predominantly residential in character,

although there are a number of guest houses and hotels to the west of the site as London Road approaches the outskirts of Slough Town Centre

4.0 **Site History**

4.1 There is a fairly extensive planning history relating to 67 and 69 London Road, the most relevant decisions are set out below:

-
- 67, London Road, P/11887/000. Erection of a two storey pitched roof side extension, part single storey, part two storey rear extension and a pitched roof front porch. Approved 21-Jun-2002.
- 67-69, London Road, P/11887/001 Change of use from residential to bed and breakfast accommodation (Class C1). Withdrawn 03-Dec-2003
- 67-69, London Road, P/11887/002. Change of use of 1 no. family dwelling to guest house and retention of 1no. family dwelling as residential / managers dwelling. Refused 02-Nov-2004. Appeal Dismissed 18-Aug-2006
- 67-69, London Road, P/11887/003. Erection of a part first floor rear extension at no.69 London Road and change of use of 1 no. family dwelling of no. 69 to bed and breakfast accommodation and retention of 67 as a single family dwelling. Refused 22-Mar-2005
- 69, London Road, P/06255/004. Erection of a part single part two storey rear extension, enlargement of existing rear dormer and conversion of garage into a habitable room. Approved 16-Jan-2007

4.2 With respect to the most relevant planning history, set out above, there are three key planning decisions.

- 1) P/11887/002. Change of use of 1 No. Family Dwelling to Guest House and Retention of 1 No. Family Dwelling as Residential/Managers Dwelling.

That planning application was refused by Planning Committee on 2nd November 2004, overturning an Officer recommendation of approval, on the following two grounds:

1) *The proposal would result in the loss of a property which is capable of being used as a family dwelling and is therefore contrary to criterion a) of Policy H24 of the Adopted local plan for Slough 2004*

2) *The proposal fails to provide adequate control of internal traffic*

management and movement on site, which may impact upon the free flow of traffic on the neighbouring highway contrary to Policy T3 of the Adopted local Plan for Slough 2004.

The refusal was the subject of an appeal. The appeal was dismissed, on the grounds that the Appeal Inspector concluded with respect to reason 1), the following:

Therefore taking into account the unexceptional size of No 69 in the locality, the nature of its present use, and the potential for diversity in family size and make-up within the Borough, I am lead to the view that No 69 is capable of being used as a single family dwelling. Taking into account the nature of the present use of the property, I am not convinced that No 69 is incapable of economic use as a family home. Paragraph 2.104 of the LP states that *there is a shortage of large family houses in Slough and the loss of this type of accommodation would increase the pressures on the Borough's remaining dwelling stock.* No evidence has been submitted to persuade me that a need for such large family properties does not exist. I must conclude therefore that the change of use of No 69 to a guest house would result in the loss of a large property which is capable of accommodating, and is currently being used as, a single family home. This would then be contrary to the terms of LP Policy H24 criterion a).

With respect to reason 2), the Appeal Inspector concluded:

As already set out above, No 67 and 69 are larger family houses. As I saw at my site visit No 69 currently accommodates 6 occupants, whilst No 67 has the capability to accommodate a large family. As a result I consider it reasonable to assume that the front parking area is already well used, although a formal layout is not marked out on the forecourt area. The appeal proposal shows a layout of 8 parking spaces utilising the existing access points as an in-out arrangement. I have noted that no objection has been raised by the Council's Principal Highways Engineer to the layout. I similarly find that taking into account the level of normal domestic vehicular movements which could be generated by the existing uses, along with the marking out of spaces and the opening up of the in-out access, a more formalised layout would be created, representing an improvement to the internal management and movement of vehicles on the site.

Parking was being proposed on the basis of a parking layout for 8 no. cars plus garage. This equated to 1 car parking space per guest bedroom in respect of the proposed Guest House at 69 London Road and 2 no. car parking spaces plus garage in respect of the family dwelling at 67

A further application planning application was submitted:

2) P/11887/003 Erection of a Part First Floor Rear Extension at no.69 london Road and Change of Use of 1 no. Family Dwelling of no. 69 to Bed and Breakfast Accommodation and Retention of 67 as a Single Family Dwelling

This application was being recommended for approval by Officers, but overturned by Members and refused planning permission on 22nd March 2005. This application was similar to the previous application for which planning permission was refused

(P/11887/002), albeit by a different applicant. No appeal was lodged against this refusal of planning permission as an appeal in relation to the earlier refusal of planning permission P/11887/002 had already been lodged.

The appeal decision in respect of the earlier planning application (P/11887/002) was given on 18th August 2006 following an Informal Planning Hearing.

3) P/06255/004 Erection of a Part Single Part Two Storey Rear Extension, Enlargement of Existing Rear Dormer and Conversion of Garage into a Habitable Room.

This was approved by Planning Committee on 16th January 2007. It was permitted on the basis that there was sufficient car parking (6 no. spaces to serve both houses).

5.0 **Neighbour Notification**

5.1 65, London Road, Slough, SL3 7RS, 2, Lynwood Avenue, Slough, SL3 7BH, 71, London Road, Slough, SL3 7RS, 67, London Road, Slough, SL3 7RS, 73, London Road, Slough, SL3 7RS

No objections received

6.0 **Consultation**

6.1 Transport
The application proposes change of use of No .69 London Road from a residential dwelling to a six bedroom house of multiple occupancy (4 double bedrooms and two single bedrooms) and a kitchen enlargement. The applicants' states that up to 10 persons could be housed in the HMO once occupied.

Traffic Generation

In the case of this application the traffic likely to be generated by this development is not material in traffic impact terms when considered against existing background traffic levels. I therefore can confirm that I do not propose to object to the proposal on traffic generation grounds.

Parking

The application states that there are 8 parking spaces assigned to No. 69 London Road. However this is not the case and it would be assumed that both Nos. 67 and 69 London Road have 4 car parking spaces allocated each on a shared driveway area.

The Council applies a parking standard of one space per room for HMO uses outside of the Town Centre. As only 4 car parking

spaces are proposed this equates to a shortfall of 2 car parking spaces.

I am concerned that should this application be approved the shortfall of on site car parking will lead to overspill car parking on the surrounding network particular as adjacent streets such as Lynwood Avenue and Glenavon Gardens within short walking distance are not protected by parking restrictions.

Public Transport / Cycling Accessibility

The site is located on the A4 London Road bus corridor. This site benefits from a high frequency bus services. The service runs at a frequency of 6 service per hour and the services continue until approximately 23.00 hours; however there are other services that run more frequently along the corridor. An off-road cycle route also passes the front of the property. I am therefore satisfied that reasonable alternatives are in place to private car use for tenants.

Cycle Parking

The Highway Authority requires the provision of cycle parking for the site. For the HMO it is recommended that cycle parking is provided at one space per room which would require a minimum 6 cycle spaces. Plans of the cycle store are to be provided to the highway authority for approval.

Summary

Mindful of the above significant amendments are required before this application could be supported. If the applicant considers that they can address the comments that have been made then I would be pleased to consider additional information supplied. Alternatively, should you wish to determine this application as submitted then I would recommend that planning permission be refused for the reason(s) given.

1. The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted is likely to lead to additional on street car parking or to the obstruction of the access to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policy T2.
2. The development fails to provide cycle parking in accordance with adopted Slough Borough Council standards and therefore does not comply with the Council's Integrated Transport Strategy and is therefore contrary to Slough Borough Council Local Plan Policy T8.

6.2 Highways

This application does not propose amendments to the highway

layout within the site and/or to the existing access arrangements therefore I have no objections to the application.

- 6.3 Private Sector Housing: This is a property we have licensed for 5 years for 6 people and 6 households. This licence ends in October 2011 at which point the owner will have to apply to renew the licence. The licence is not transferable, so if the current owner sells, the new owner will have to make a fresh application. If the owner wants to increase the number of occupants and households then either the owner must make an application to vary the licence or the Council can vary the licence on its own initiative. In this case I would like the owner to apply to vary the licence as there are implications for the property if the number of people living there is increased.

The implications are:

1. If the number of occupants is increased to 10 then in order to meet with the Council's amenity standards the property will need a second kitchen or a second set of cooking and food preparation facilities to be located in the extended kitchen.
2. Changes may need to be made to the design of the automatic fire detection system to accommodate the change in layout of the house.
3. There will be an increase in the amount of rubbish produced at the property and so the owner must ensure that there is proper provision for storage of rubbish and recyclables so that there is no nuisance.

- 6.4 Environmental Services: Any comments received will be reported on the Amendment Sheet

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

- 7.1 This application is assessed against the following policies:

Adopted Local Plan for Slough

Policy H20 (Houses in Multiple Occupation)

Policy H14 (Amenity Space)

Policy EN1 (Standard of Design)

Policy EN2 (Extensions)

Policy T2 (Parking Restraint)

Local Development Framework, Core Strategy (2006 – 2026), Development Plan Document December 2008

Core Policy 4 (Type of Housing)

Core Policy 7 (Transport)

Core Policy 8 (Sustainability and the Environment)

7.2 The main issues to be considered are:

- The principle of the use
- Standard of Accommodation
- Impact on Residential Amenity
- Parking
- Amenity Space
- Design

The Principle of the Use

7.3 Core Policy 4 of the Local Development Framework Core Strategy states that: *“there will be no net loss of family accommodation as a result of flat conversions, changes of use or redevelopment”*.

Following her site inspection of no. 69 London Road, the appeal inspector in her decision letter dated 18th August 2006 concluded that: *“I must conclude therefore that a change of use of no. 69 to a Guest House would result in the loss of a large property which is capable of accommodating and is currently being used as a single family home. This would then be contrary to the principle of LP Policy 2h criterion (a). Criterion (a) requires “no loss of family housing”*.

7.4 At the time of Appeal Inspector’s site visit the property was occupied by 6 no. unrelated persons, sharing the house. Whilst the tenancy arrangements may be different now to what they were at the time, following the officer’s site visit little seems to have changed in the way the house is used and occupied. It is acknowledged that some internal works have been carried out in order to comply with an HMO licence which is in effect on the property, such as the introduction of fire doors etc. The applicant advises that the proposal property is in multiple occupation, containing 6 no. unrelated tenants in accordance with an existing HMO licence, however, the property does not benefit from planning permission for a house in multiple occupation. In her decision letter dated 18th August 2006, the Appeal Inspector concluded that, the property was occupied by 6 no. unrelated tenants, but was being occupied as a family dwelling house and not as a house in multiple occupation. So in the absence of a specific planning permission for a change of use of the proposal property to a house in multiple occupation, for planning purposes 69 London Road is being treated as a single family dwelling house.

7.5 An intensification of the use of the house from 6 no. occupiers, to 10 no. occupiers through the creation of an HMO will effectively result in the loss of a family home contrary to Core Policy 4 of the Local Development Framework Core Strategy (2206 – 2026) Development Plan Document December 2008.

Standard of Accommodation

- 7.7 The Council's Private Sector Housing Section have advised that this is a property we have licensed for 5 years for 6 people and 6 households. This licence ends in October 2011 at which point the owner will have to apply to renew the licence. The licence is not transferable, so if the current owner sells, the new owner will have to make a fresh application. If the owner wants to increase the number of occupants and households then either the owner must make an application to vary the licence or the Council can vary the licence on its own initiative. In this case I would like the owner to apply to vary the licence as there are implications for the property if the number of people living there is increased.
The implications are:

- 1 If the number of occupants is increased to 10 then in order to meet with the Council's amenity standards the property will need a second kitchen or a second set of cooking and food preparation facilities to be located in the extended kitchen.
- 2 Changes may need to be made to the design of the automatic fire detection system to accommodate the change in layout of the house.
- 3 There will be an increase in the amount of rubbish produced at the property and so the owner must ensure that there is proper provision for storage of rubbish and recyclables so that there is no nuisance

- 7.8 With reference to item 3) listed in the above paragraph, the siting and level of refuse provision is considered to be inadequate to serve an HMO which would house up to 10 no. persons. The siting of the bins adjacent to existing windows and the impact on residential amenity are covered in the paragraphs below. In addition to the issues addressed below, the number bins shown on the deposited plans is considered to be inadequate and would be difficult to access when the existing car parking is being fully utilised. A properly constructed bin store would be needed, which would need to be sited to the front of the property, given that there is no side access to the rear garden.

- 7.9 Objections are raised on grounds of inadequate facilities including refuse provision contrary to Policy H20 (a) of the Adopted Local Plan.

Impact on Residential Amenity

- 7.10 Notwithstanding the proposed increase in numbers of occupiers from 6 no to 10 no. no issues are raised regarding the potential for increased noise and disturbance for the neighbouring residential occupiers. However, the proposed siting for the refuse bins immediately adjacent to the proposed ground floor bedroom and

immediately adjacent to the bay window of the neighbouring property is considered to be less than ideal in terms of residential amenity

- 7.11 Objections are raised to the siting of the refuse bins which would impact adversely on residential amenity contrary to Policies H20 (a) and (d) and EN1 of the Adopted Local Plan for Slough

Parking

- 7.12 Amended plans show a communal car parking area for 8 no. cars to the fronts of 67 and 69 London Road, as existing. There are 6 no. car parking serving the residential occupiers of nos. 67 and 69 (3no. per property), although the spaces are not specifically demarcated on the ground.
- 7.13 The current proposals show a total of 8 no. car parking spaces shared between both properties and across both curtilages. Allocation of the parking would be based upon 3 no. car parking spaces to serve the existing family house at no. 67 London Road and the other 5 no. spaces to serve the proposed HMO. On the basis of 6 no. bedrooms this would represent a shortfall of 1 no. car parking space. The existing car parking arrangements would support 5 no. households, although given the property's location close to the Town Centre and on a major bus route, a relaxation to allow 5 no. on site car parking spaces could be accepted in this instance. However, whilst this factor on its own may not be sufficient grounds to warrant a refusal of planning permission, when considered alongside other matters as detailed below and elsewhere in this report, there is a concern that level of provision available would not be adequate to satisfy the potential demands associated with the proposal.
- 7.14 No provision is made on site for bicycle parking, which to comply with Council's approved parking standards would require the provision of secure covered car parking for 6 no. bicycles. This would need to be provided to the front of the property as there is no side access available to the rear garden. However, such provision is likely to result in the loss of at least one on site car parking space. Further loss could result from the need to provide a properly constructed bin store.
- 7.15 It is noted that the car parking needed to serve the proposed HMO would not all fall within the red line application site. It is further noted that the existing communal in and out access arrangements would also involve land within the curtilage of no. 67 London Road. Given that both properties are within the same ownership, in the event that planning permission was to be granted it would be necessary to impose conditions requiring minimum parking levels for each property and retention of the existing in and out access arrangements and communal parking and manoeuvring area

across both properties. A car parking management plan would also be required to ensure that adequate car parking is available to serve each property.

- 7.16 Members are advised that a concurrent planning application is submitted for a change of use of the former integral garage, now a habitable room, for commercial use (sui generis), to be used independently of the main dwellinghouse. . It is a material consideration in the determination of this application. Clearly, in parking terms the host property cannot provide sufficient on site car parking to support both proposed uses, particularly given that there is already a shortfall of 1 no. car parking space to serve the proposed HMO.
- 7.17 This factor combined with the other deficiencies of the scheme in terms of refuse storage and secure covered bicycle parking would place significant pressures on a parking area which is already marginally deficient in its level of provision.
- 7.18 An objection is raised on the grounds that adequate provision has not been made for secure bicycle parking or refuse storage on site and which when considered in conjunction with the concurrent planning application for a change of use of the former integral garage, now a habitable room, for commercial use (sui generis), to be used independently of the main dwellinghouse (P/06255/005), which will place additional demands on car parking, will result in a scheme of development which is deficient in on site car parking. This could result in parking spilling out onto surrounding residential streets obstructing the free flow of traffic and being prejudicial to general highway safety The proposal therefore represents an over intensified use of the site and as such objections are raised. The development is contrary to Core Policy 7, of the Local Development Framework Core Strategy and Policies H20 and T2 of the Adopted Local Plan for Slough.
- Amenity Space*
- 7.19 The property retains a rear garden which is in excess of 20 metres and is fully usable. As such no objections are raised in relation to Policy H14 of the Adopted Local Plan for Slough.
- Design*
- 7.20 The proposals involve the filling in of a ground floor rear veranda to allow an extension to the existing kitchen. This proposal raises no issues in terms of design and/or external appearance. As such no objections are raised in relation to Core Policy 8 of the Local Development Framework Core Strategy or Policies H14, H20 EN1 or EN2 of the Adopted Local Plan for Slough.

8.0 **Summary**

8.1 Concerns are raised about the loss of a single family house through the creation of an HMO. The proposed scheme is considered to be deficient in terms of cycle parking and bin storage and when considered in conjunction with the concurrent planning application for a for a change of use of the former integral garage, now a habitable room, for commercial use (sui generis), to be used independently of the main dwellinghouse (P/06255/005), which will place additional demands on car parking, will result in a scheme of development which is deficient in on site car parking. The proposal therefore represents and an over intensified use of the site.

PART C: RECOMMENDATION

9.0 **Recommendation**

9.1 Refuse for the reasons set out below.

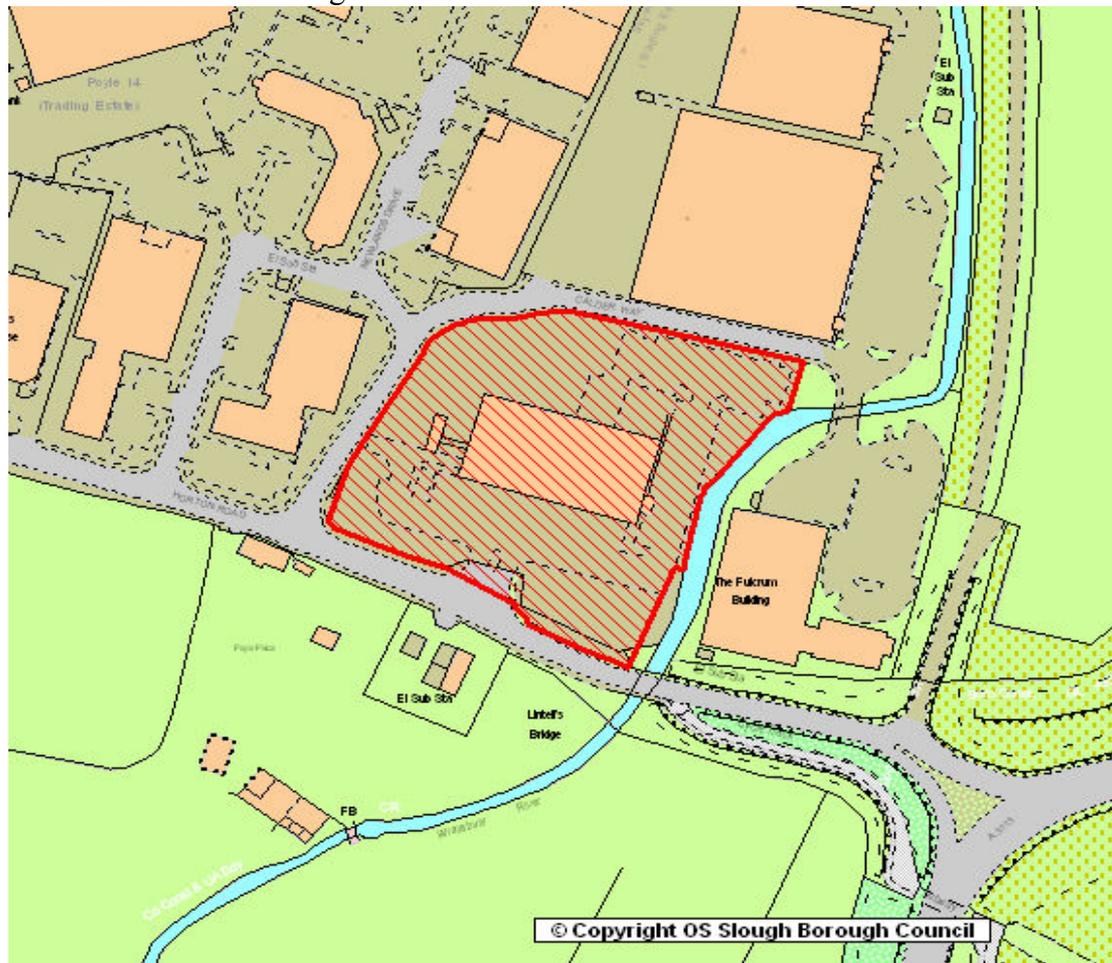
10.0 **PART D: LIST OF REFUSAL REASON(S)**

Reason(s)

1. The proposal is contrary to Core Policy 4 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan, Document, December 2008 in that the proposal for a change of use to House in multiple occupation would result in the loss of family housing.
2. Inadequate provision has been on site for refuse storage and no provision has been made on site for secure bicycle parking. In addition, the applicant has failed to provide sufficient information to allow a full and proper assessment to be made of car parking, particularly when assessed alongside the concurrent planning application P/06255/005 for a change of use of the former integral garage, now a study/office, for commercial use (sui generis), to be used independently of the main dwellinghouse (P/06255/005) in that there would be insufficient on site car parking to serve both proposed uses). This could result in parking spilling out onto surrounding residential streets obstructing the free flow of traffic and being prejudicial to general highway safety. The proposal therefore represents an over intensified use of the site and is contrary to Core Policy 7 of the Slough Local Development Framework Core Strategy (2006 - 2026), Development Plan Document, December 2008 and Policies H20 and T2 of The Adopted Local Plan for Slough, 2004.
3. A holding objection is raised on the grounds there would be insufficient facilities in terms of kitchens / food cooking and preparation areas nor storage and siting of refuse bins to serve a HMO accommodating up to 10 persons and the proposal is thereby contrary to Policy H20 (a) of The Adopted Local Plan for Slough, 2004.

Registration Date:	08-Apr-2009	Applic. No:	P/10650/004
Officer:	Sarah Gambitsis	Ward:	Colnbrook-and-Poyle
		Applic type:	Major
		13 week date:	8th July 2009
Applicant:	Bilton PLC		
Agent:	Mr. Neil Lawrence, GVA Grimley Ltd 10, Stratton Street, London, W1J 8JR		
Location:	International Catering Ltd, Walford Meadow, Horton Road, Colnbrook, Slough, SL3 0BG		
Proposal:	REDEVELOPMENT OF THE SITE TO PROVIDE UP TO A MAXIMUM OF 6,517 SQ. METRES (GROSS EXTERNAL AREA) OF INDUSTRIAL FLOOR SPACE OF LIGHT INDUSTRIAL (B1C) OR STORAGE AND DISTRIBUTION (B8) USES INCLUDING ANCILLARY OFFICE SPACE TOGETHER WITH ASSOCIATED CAR PARKING, SERVICING AND LANDSCAPING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)		

Recommendation: Delegate to HPSP for S106



P/10650/004

1.0 **SUMMARY OF RECOMMENDATION**

1.1 Delegate back to Head of Planning and Strategic Policy for approval subject to no substantive comments being received, including from the Environment Agency, Highways and Transport and BAA.

1.2 **Sustainability**

Having considered the relevant policies below, the development as it stands is considered to be sustainable and would not have an adverse affect on the environment for the reasons set out below.

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is an application for outline planning permission for the redevelopment of the application site to provide up to 6,517 sq. metres (gross external area) of industrial floor space of light industrial (B1c)/ storage and distribution (B8) uses including ancillary office space together with associated car parking, servicing and landscaping. All matters have been reserved.

The application is accompanied by plans showing the site location, an outline application parameter plan, two indicative layouts (twin unit and single unit layouts) and indicative elevations. Also submitted are:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Framework Travel Plan
- Flood Risk Assessment
- Sustainability and Energy Statement
- Geo-technical and Environmental Statement
- Ecological Assessment
- Arboricultural Survey

2.2 The applicant is seeking outline planning permission with all matters reserved. A parameter plan has been submitted for approval setting out the proposed 'development zone' within which buildings could be accommodated. The intent of the parameter plan is that it allows for flexibility for different configurations of building layout to be submitted under reserved matters. The parameters have been informed by an assessment of indicative layout options and site constraints.

Two indicative layout schemes have been submitted. These

provide an indication of the potential layout and appearance of the buildings and how these would be configured within the site together with access, parking and landscaping arrangements. The first is a single unit site layout with maximum building dimensions of 90 metres by 62 metres. The second is a twin unit site layout comprised of two units of lesser dimensions. Both schemes achieve no more than 6,517 sq. metres (gross external area) of industrial floor space. Again, the final configuration of the building layout would be a matter for consideration at reserved matters stage.

It is anticipated that the proposed development would not exceed a height of 15 metres above ground level. The buildings would comprise a ground floor warehouse and reception with ancillary offices over three floors.

The development would be accessed by the existing access from Horton Road. It is proposed that the development would provide up to 107 car parking spaces.

An 8 metre river maintenance/ ecological corridor is proposed to be reinstated between the proposed development zone and the Wraysbury River.

3.0 **Application Site**

3.1 The application site is situated on the northern side of Horton Road, within the Poyle Industrial Estate. Poyle Industrial Estate is an Existing Business Area as identified in the adopted Local Plan.

The site has an area of approximately 1.24 hectares and is roughly rectangular, measuring approximately 120m wide and 110m deep.

Up until recently the site was occupied by a vacant two storey industrial unit and a substation. The buildings were located centrally on the site and were surrounded by hard standing for access, parking and servicing. The vacant industrial unit was formerly used as an in-flight catering production facility for Japanese Airlines. The buildings have recently been demolished and the site cleared to make way for the proposed redevelopment. It is estimated that the site formerly accommodated in the order of 128 car parking spaces.

The site is located at the south eastern corner of the Poyle Industrial Estate, is accessed from Horton Road and is located immediately off M25 (J14).

The site is bound by Horton Road to the south, Calder Way, a private road, to the north and west and Wraysbury River to the east. Wraysbury River is approximately 8 metres in width. An 8 metre

wide maintenance/ ecology zone exists along the side of the Wraysbury River within the application site.

The site falls within Flood Zones 2 & 3 as identified on the Council's Flood Map (Jan 2009). The site is also identified on the Strategic Flood Risk Map as falling within an area prone to surface water flooding and an area prone to sewer surcharge due to infiltration.

The surrounding buildings are mostly warehouses. A new 9 storey Travelodge hotel is located immediately to the east on the opposite side of the Wraysbury River.

Poyle Industrial Estate comprises a mixture of business premises including light industry (B1c), general industrial (B2), distribution and warehousing (B8).

4.0 **Relevant Site History**

4.1 P/10650/000 – *Erection of temporary single storey extension to provide inflight catering facility and retention of existing portacabins (as amended 21/10/98)(amended plans 9/12/98) approved on 03-Sep-2001.*

P/10650/002 – *Extension to existing airline catering factory (amended plans dated 24/04/02) approved on 07-May-2002.*

5.0 **Neighbour Notification**

5.1 Travelodge, Horton Road
Circle Express Ltd, A 1 Skyway, 14 Calder Way
Ashley Range Way, A 1 Skyway, 14 Calder Way
Union Air Transport Ltd, A 1 Skyway, 14 Calder Way
Davies Turner Air Cargo Ltd, A 1 Skyway, 14 Calder Way
G G Baxter Ltd, Fulcrum Building, Horton Road
Steelcase Strafor, Newlands Drive, Colnbrook
Kintetsu World Express (UK) Ltd, Unit 2, 14 Newlands Drive
Yamato Transport (UK) Ltd, Unit 5-6, 14 Newlands Drive
Hawke Computer Systems, Unit 1, 14 Newlands Drive
Kinnarps (UK) Ltd, Comfort House, Newlands Drive, Colnbrook

Consultation period closes 12th June 2009

Press Notice 22nd May 2009

Site Notice 8th May 2009

No comments have been received to date. However, as the consultation period closes after the June Committee, it is recommended that if the Committee is minded to grant approval that the decision be delegated back to the Head of Planning and Strategic Policy for determination provided there are no substantive

objections received.

5.2 Colnbrook with Poyle Parish Council

Consulted although no comments received to date. If comments are received these will be reported on in the Amendment Sheet.

6.0 Consultation

6.1 Planning Policy

Flooding will clearly be a key issue to be considered in the determination of this proposal. Whilst there may be other site specific issues to be considered in the context of Policy EMP2 of the Local Plan (design, layout, transport impacts, car parking etc), the proposal within the Poyle Estate existing business area is supported in principle by Policy EMP9 of the Local Plan and Policy CP5 of the Core Strategy. The redevelopment could provide the opportunity to enhance the offer of business facilities within the Poyle Estate and contribute to its longer term regeneration.

6.2 Transport

Consulted although no comments received to date. To be reported on in Amendment Sheet.

6.3 Highways

Consulted although no comments received to date. To be reported on in Amendment Sheet.

6.4 Drainage

Whilst I have found a number of issues with the FRA, for example, no mention of flood risk from the adjacent reservoir, I am happy that the drainage of the site can be successfully achieved. The risk of surface water flooding needs to be better considered and the JBA risk map should be consulted as there would appear to be a risk of flow from adjacent sites.

A detailed design for the drainage has not been submitted. However, I would suggest that the use of pumping is not sustainable and should be avoided if possible.

No surface water should be discharged to the foul sewer and Thames Water should be consulted on the available capacity of the sewer for the site as foul sewer flooding has occurred in this area.

The EA should be consulted on the proposal to raise floor levels as

this could result in a reduction of flood storage capacity.

6.5 Environment Agency

Consulted although no comments received to date. To be reported on in Amendment Sheet.

6.6 Thames Water

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

6.7 Neighbourhood Protection - Environmental Health

The Council's EHO has recommended that the following standard EH conditions be imposed on any decision, if granted:

- Control of environmental effects
- Hours of demolition and construction
- Site lighting
- Control of waste during construction phase and
- On-site refuse storage

6.8 Environmental Protection – Land Contamination/ Air Quality

The area along Horton Road has been in industrial use both during and since World War 2. There is a large former Longford II Landfill approximately 100m to the east. Due to the industrial legacy of the area and the presence of the landfill on the site we would like to

include the following two conditions regarding contamination.

The planning application is accompanied by *Bradbrook Consulting, Geotechnical and Environmental Statement, December 2008*. This Statement contains Phase I and Phase II Environmental Review reports relating to the site both by Environ, both dated March 2006. These reports refer to some contamination having been identified on site and contain initial proposals for remediation of that contamination. These reports appear to be generally comprehensive. However, guidance for the assessment of contaminated land has changed significantly since they were written. As such, it is recommended that the following conditions are placed on any issued planning permission.

Condition

Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted in writing and approved by the Local Planning Authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on and off site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type nature and extent of soil and controlled water contamination present, the risks to receptors and to inform the remediation strategy proposals. If significant contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted and approved in writing by the Local Planning Authority. The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted and approved to the satisfaction of Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Reason- To ensure that any ground and water contamination is

identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

Condition

The land is situated within 250m of a landfill site and buildings may therefore require gas protection measures to be incorporated into their design.

Prior to development a site investigation and/or risk assessment in line with appropriate guidance such as CIRIA 665 shall be submitted for approval by the Local Planning Authority. Where unacceptable levels of gaseous contamination are identified, a proposal for remediation/mitigation shall be submitted and approved in writing by the Local Planning Authority. Any scheme of remediation that requires the fitting of landfill gas protection, such as a protective membrane shall be carried out by a person(s) competent to carry out that work. All work shall be validated by a competent person and report submitted for the approval of the Local Planning Authority. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Reason- In order to safeguard the health and safety of future occupants and/or site users.

6.9 BAA Safeguarding

Consulted although no comments received to date. To be reported on in Amendment Sheet.

6.10 Sustainable Design/ Renewable Energy

Sustainable Design and Construction

Various measures have been mentioned but the scale of carbon emission reduction has not been given. I suggest we still ask for BREEAM very good via a s106 Agreement.

Renewable Energy etc.

The applicant seems reluctant to commit to Low/Zero Carbon Energy sources (renewables etc) other than air source heat pumps which are not as effective as they use a fair bit of energy for carbon reduction.

I suggest we still seek some energy from renewables or low carbon technology on site. Why can't ground source heat pump contribute to domestic hot water supply and cooling system?

6.11 Ecology

There are no sensitive habitats for Natural England to be consulted.

To comply with policy I suggest we pick up on their suggestion to improve wildlife habitat through:

- River maintenance buffer area;
- Appropriate planting on the buffer area and elsewhere – deal with this under the standard landscape condition and an informative to highlight what expected;
- Bird and bat boxes – add a condition requiring these to be approved and implemented prior to occupation.

6.12 Tree Advisor

The tree and landscape management proposals are considered satisfactory.

6.13 Spelthorne Borough Council

Consulted although no comments received to date. If comments are received these will be reported on in the Amendment Sheet.

6.14 London Borough of Hillingdon

Consulted although no comments received to date. If comments are received these will be reported on in the Amendment Sheet.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The application is considered alongside the following policies:

Adopted Local Plan for Slough 2004. Relevant Policies are EMP2 (Criteria for Business Developments), EMP9 (Poyle Estate), EN1 (Standard of Design), EN3 (Landscaping Requirements), EN24 (Protection of Watercourses), T2 (Parking Restraint), T8 (Cycling Network and Facilities).

Slough Local Development Framework, Core Strategy 2006 – 2026 Development Plan Document, December 2007. Relevant Policies are the overarching Spatial Vision (Core Policy 1), Core Policy 5 (Employment), Core Policy 7 (Transport), Core Policy 8 (Sustainability and the Environment), Core Policy 9 (Natural and Built Environment) and Core Policy 10 (Infrastructure).

National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

PPS1: Planning and Climate Change, Supplement to Planning Policy Statement 1 (Dec 2007)

PPG4: Industrial, Commercial Development and Small Firms (1992)

PPS9: Biodiversity and Geological Conservation (2005)

PPG13: Transport

PPS22: Renewable Energy (2004)

PPS23: Planning and Pollution Control (2006)

PPG24: Planning and Noise (1994)

PPS25: Development and Flood Risk (2006)

- 7.2 Policy EMP2 (Criteria for Business Developments) states:
“Proposals for business developments will only be permitted if they comply with all of the following criteria:
- a) the proposed building is of a high quality design and is of a use and scale that is appropriate to its location;*
 - b) it does not significantly harm the physical or visual character of the surrounding area and there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, over- looking, or overbearing appearance of the new building;*
 - c) the proposed development can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem;*
 - d) appropriate servicing and lorry parking is provided within the site;*
 - e) appropriate contributions are made to the implementation of any off-site highway works that are required and towards other transport improvements such as pedestrian and cycle facilities, that are needed in order to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site;*
 - f) the proposal incorporates an appropriate landscaping scheme;*
 - g) the proposal would not significantly reduce the variety and range of business premises;”*

- 7.3 The main planning considerations are therefore considered to be:
- Principle of the redevelopment & land use
 - Design and appearance
 - Sustainability/ energy efficiency
 - Impact on adjoining sites
 - Traffic and Highways Implications
 - Flood Risk/ Drainage/ Contamination
 - Impact on Waterway/ Ecological Impact
 - Landscaping

Assessment

8.0 Principle of the redevelopment & land use

8.1 The proposal is for the redevelopment of the site to provide up to a maximum of 6,517 sq. metres (gross external area) of industrial floor space of light industrial (B1c)/ storage and distribution (B8) uses with ancillary office space, associated car parking, servicing and landscaping.

The site which was previously occupied by a two storey industrial unit and used as an in-flight catering production facility together with a sub-station is now vacant having been recently cleared of buildings to make way for the proposed redevelopment. It is understood that the former building had been vacant for some time.

8.2 The proposal site is within the Poyle Industrial Estate which is designated as an Existing Business Area. The principle of redeveloping the proposed site for light industrial and storage/distribution with ancillary office use is supported by Policy EMP9 of the adopted Local Plan, which states that B1(c) light industry and B8 storage and distribution will be permitted within the Poyle Industrial Estate. The proposal is also consistent with Policy EMP2 (Criteria for Business Developments) of the Local Plan which requires that *“g) the proposal would not significantly reduce the variety and range of business premises”*. The redevelopment could provide the opportunity to enhance the offer of business facilities within the Poyle Industrial Estate and contribute to its longer term regeneration. The development would bring back into use a vacant employment site. The proposal is also supported by Core Policy 5 (Employment) of the Core Strategy which states *“major warehousing and distribution developments be located in the eastern part of the borough and in Existing Business Areas that have good access to the strategic road and rail network.”* The site has excellent access to the M25, M4 and Heathrow Airport.

8.3 The Spatial Vision of the Slough Local Development Framework, Core Strategy 2006-2026, has as strategic objectives:

- *“Make the best use of existing buildings, previously developed land and existing and proposed infrastructure.*
- *To ensure that the existing business areas continue to provide sufficient employment-generating uses in order to maintain a sustainable, buoyant and diverse economy.*
- *To encourage investment and regeneration of employment areas.”*

The proposal would be consistent with all of these objectives.

8.4 PPS1 also seeks that development make more efficient use and reuse of existing resources including building at higher densities on previously developed land. The proposed development would bring back into use and make more efficient use of a brownfield site.

8.5 As such the principle of the redevelopment of the site and the proposed use are considered to be acceptable.

9.0 **Design and Appearance**

9.1 PPS1 promotes high quality design that ensures attractive, useable, durable, adaptable, sustainable and accessible places. Such design is a key element in achieving sustainable development. PPS1 also seeks to ensure that places function well and add to the overall character and quality of an area over the lifetime of the development.

Policy EN1 of the adopted Local Plan states that development proposals are required to reflect a high standard of design and must be compatible with and/ or improve their surroundings in terms of scale, height, massing/ bulk, layout, siting, building form and design, architectural style, materials, access points and servicing, visual impact, relationship to nearby properties, relationship to mature trees; and relationship to watercourses.

Core Policy 8 of the Core Strategy requires that, in terms of design, all development:

- a) Be of high quality design that is practical, attractive, safe, accessible and adaptable;
- b) Respect its location and surroundings;
- c) Provide appropriate public space, amenity space and landscaping as an integral part of the design; and
- d) Be in accordance with the Spatial Strategy in terms of its height, scale, massing and architectural style.

9.2 The application is in outline form only, with limited and indicative information provided to allow it to be determined. All matters have been reserved. The purpose of this application is to establish not only the principle of the redevelopment of this site and the type of use (discussed above), but also to establish a specific level of development on this site.

9.3 A parameter plan has been submitted for approval setting out the proposed 'development zone' within which buildings could be accommodated. The parameters have been informed by an assessment of indicative layout options and the site constraints.

9.4 Outline planning permission is sought for up to 6,517 sq. metres floor space (GEA). It is anticipated that the proposed development would not exceed a height of 15 metres (equivalent to three floors). Indicative layout options indicate maximum building dimensions of 90 metres by 62 metres, although the final configuration of the buildings would be a matter for consideration at reserved matters stage. The site would continue to be accessed by the existing access from Horton Road.

- 9.5 The footprint size of the indicative buildings is considered to be consistent with the size of other large industrial buildings found elsewhere within the Poyle Industrial Estate. The height of the building, at an anticipated maximum height of 15 metres, would be higher than the adjacent industrial/ warehouse premises, which look to be in the vicinity of 10m. Nonetheless the site is considered to be a large enough site to support a building of slightly larger bulk/ mass. There are noted to be other buildings of similar height found elsewhere within the industrial estate. The development would be set back approximately 15 metres from the Horton Road frontage and sited to maintain an 8m buffer from the eastern edge of the Wraysbury River for river maintenance/ ecological purposes. Indicative landscaping has been shown around the perimeter of the site, particularly along the site frontage and adjacent to the river to help soften and break up the scale of the development.
- 9.6 The indicative plans show that the building development would comprise ground floor warehouse with reception and ancillary offices over three floors and that the reception/ offices would be oriented to the southern end of the site facing Horton Road. The layout is considered to be logical and would maximise efficiency.
- 9.7 Indicative elevations and design options have been submitted in support of the application, which provide an indication of the likely appearance of the buildings. The architectural style proposed for the development uses clean, simple lines and is modern. It is proposed that the development would be built and finished in high quality modern materials and built to achieve a 'Very Good' BREEAM rating. This is supported and should be conditioned. The Design and Access Statement and indicative elevations show that the building would be clad with silver coloured profiled metal cladding with aluminium framed double glazed windows/ curtain walling for the office area using grey anti-sun glazing and external louvered brise soleil solar shading over the windows and grey coloured composite cladding for the spandrel areas. The colour scheme has been chosen to both compliment and provide contrast between the different finishes. Double glazing is proposed for the office facades to buffer the internal accommodation from noise generated by traffic along Horton Road and from aircraft noise overhead. Again the indicative design and appearance of the development is considered to be in keeping with other modern industrial buildings found elsewhere within the estate. It is agreed that the proposed offices, as indicated, would provide a high quality frontage to Horton Road and that this would improve the appearance of the site.
- 9.8 The Design and Access Statement makes it clear that the development would be designed to accommodate all reasonable provisions for access and use of the development in accordance with Part M of the Building Regulations.

- 9.9 No significant trees would be affected by the proposed development. Some indicative replacement planting has been shown on the drawings. The details of the landscaping would need to be finalised through condition, if granted.
- 9.10 The development, whilst closer to the watercourse than the previous building, would maintain the 8 metre buffer and would be no closer than the Travelodge car park building on the opposite side of the watercourse. Comments are yet to be received from the Environment Agency (Biodiversity Officers). The comments will be reported on the Amendment Sheet.
- 9.11 Subject to the comments from the EA of the impact of the development on the waterway, the design and appearance of the development is considered to be consistent with the relevant policies and government guidance.

10.0 **Sustainability/ energy efficiency**

- 10.1 PPS1 states that local authorities should promote resource and energy efficient buildings and the use of renewable energy, and take climate change into account in the location and design of development so as to reduce energy use and reduce emissions and with a view to addressing the causes and potential impacts of climate change.

Core Policy 8 of the Local Development Framework Core Strategy sets out that all development, where feasible, should include measures to:

- a) minimise the consumption and unnecessary use of energy, particularly from non renewable sources;
- b) recycle waste;
- c) generate energy from renewable resources;
- d) reduce water consumption; and
- e) incorporate sustainable design and construction techniques.

The explanation to the policy also states that non residential development should achieve a BREEAM rating of 'very good' or 'excellent'.

The Draft South East Plan looks to mitigate climate change through greater use of renewable energy or low carbon energy and by increasing the energy efficiency of new buildings. The Secretary of State Proposed Changes to the Draft South East Plan calls for new non-residential developments of more than 1000 sq. metres floorspace to secure at least 10% of their energy from decentralised and renewable or low-carbon sources unless, having regard to the type of development involved and its design, this is not feasible or viable (Policy NRM11 (Development Design for Energy Efficiency and Renewable Energy)).

- 10.2 The Applicant has submitted a Sustainability and Energy Statement, prepared by Hoare LEA Consulting Engineers, dated 4th Feb 2009.
- 10.3 In terms of sustainable design and construction, various measures have been mentioned in the report although the scale of carbon emission reduction has not been given. The report mentions that a BREEAM rating of 'Very Good' is being targeted. It is recommended that this be secured through a S106 Agreement.
- 10.4 In terms of renewable energy, at this stage it is noted that the Applicant seems reluctant to commit to Low/Zero Carbon Energy sources (renewables etc) other than air source heat pumps. These are not considered to be as effective as they use a fair amount of energy for carbon reduction. The Applicant has been asked to re look at some energy from renewables or low carbon technology on site, such as a ground source heat pump. The Applicant's response will be reported on in the Amendment Sheet.

11.0 **Impact on adjoining sites**

- 11.1 Policy EMP2 of the Local Plan requires that: *"there is no significant loss of amenities for the neighbouring land uses as a result of noise, the level of activity, overlooking, or overbearing appearance of the new building"*.

Core Policy 8 states *"Development shall not give rise to unacceptable levels of pollution including air pollution, dust, odour, artificial lighting or noise"*.

11.2 *Impact on Travelodge Hotel*

Whilst the proposed building would be one floor higher and closer to the Wraysbury River and Travelodge site than the previous two storey warehouse building, the proposed development would still be set back a minimum of 8 metres from the river edge. The height and scale of the proposed building is considered to be compatible with the height and scale of other nearby large warehouse/ industrial buildings. The hotel itself is 9 storeys. The Travelodge car park building would also be sited between the proposed development and the Travelodge where the back of the hotel faces toward the development site. It is considered that the high standard of development proposed would represent an improvement in the appearance of the site. The indicative layout shows that there would be less parking and hard standing and no building accesses or loading bays on the side nearest the hotel. In terms of level of activity, whilst there is no information on the future tenants of the site, as the previous operation was also a 24hr operation and as there would be a reduction in the number of parking spaces available on site in the proposed development, it is reasonable to

conclude that the future operation would have a similar level of activity, perhaps even less than the previous operation. Thus noise and disturbance from the site affecting the hotel is anticipated to be no worse than the previous situation. Any plant or machinery located on this side would need to be acoustically treated. This could be covered by condition. As such, it is not considered that the proposal would have a harmful impact on the amenities of the hotel.

11.3 *Impact on surrounding warehouses*

Again the larger building configuration shown on the indicative layouts would bring the development closer to the rear (northern) boundary than the previous building. The warehouse immediately across from the site on Calder Way has windows at ground and first floor level along their southern elevation. As noted, the proposed development would be closer and potentially higher, up to a maximum height of 15m, than the former building. In terms of impacts on the building to the north, it is noted that the windows on the southern elevation of that building extend only part way along. At the point where the development could overlap the neighbouring building, there are fewer windows in the southern elevation of that building. As such, it is considered that the development would not have a significant impact in terms of shading or overbearing on the warehouse to the north. The indicative layouts show that in the case of a twin unit configuration there could be loading bays and servicing situated to the rear of the site. This is noted to be similar to the former situation and therefore is not considered to have a significant impact of the working conditions of the offices in the adjacent warehouse.

11.4 The warehouse/ industrial premise to the west of the site is orientated towards Horton Road and therefore it is not envisaged that the development would have a significant impact on the working conditions of that site.

11.5 In terms of environmental effects, no air conditioning or plant other than chillers and a potential substation, have been indicated on the submitted plans. A condition is recommended to require that no machinery, plant, ducts or other openings be allowed without the prior written approval of the Local Planning Authority. In terms of lighting, the Design and Access Statement indicates that the external lighting shall be designed in accordance with the relevant British Standards and shall be designed to prevent upward light pollution and intrusion of neighbouring areas, and encroachment onto the neighbouring roads. Again a standard lighting condition has been recommended by the Council's Environmental Health Section. The standard construction conditions have also been recommended.

11.6 The proposal is considered to be in accordance with Core Policy 8 and policy EMP2 of the adopted Local Plan.

12.0 **Traffic and Highways Implications**

12.1 Core Policy 7 (Transport) of the Slough Local Development Framework, Core Strategy 2006-2026, (Submission Document), requires that: *“All new development should reinforce the principles of the transport strategy as set out in the Council’s Local Transport Plan and Spatial Strategy, which seek to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.*

Development proposals will, either individually or collectively, have to make appropriate provisions for:

- *Reducing the need to travel;*
- *Widening travel choices and making travel by sustainable means of transport more attractive than the private car;*
- *Improving road safety; and*
- *Improving air quality and reducing the impact of travel upon the environment, in particular climate change.*

There will be no overall increase in the number of parking spaces permitted within commercial redevelopment schemes unless this is required for local road safety or operational reasons.”

The supporting text to Policy EMP9 (Poyle Estate) notes that *“on the Poyle Estate, provision for parking and servicing arrangements is limited, and in many cases does not meet current standards, resulting in congestion on the estate. Redevelopments will be expected to improve vehicular access and overcome road safety problems.”* It acknowledges that there is very limited public transport provision, and therefore access to this area is mainly by car for the workforce and visitors, and goes on to say *“The Borough Council will continue to encourage the location of B8 distribution/storage and freight activity within these three areas, and B1 (b) research and development, B1(c) light industrial activity, and B2 general industrial would also be acceptable. As parking provision will be in accordance with Appendix 2, an increase in current parking provision may be required to overcome localised operational or road safety problems.”*

Policy EMP2 (Criteria for Business Developments) of the Local Plan states that:

“Proposals for business developments will only be permitted if they comply with all of the following criteria:

- c) the proposed development can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem;*
- d) appropriate servicing and lorry parking is provided within the site;*

e) appropriate contributions are made to the implementation of any off-site highway works that are required and towards other transport improvements such as pedestrian and cycle facilities, that are needed in order to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site”.

12.2 It is proposed that the development would provide up to 107 car parking spaces. There would be approximately 21 fewer spaces than under the previous use. To this end, the proposal is consistent with Council’s policy of *no overall increase in the number of parking spaces permitted within commercial redevelopment schemes* (Core Policy 7).

12.3 The Council’s Transport and Highways Engineers have yet to provide comments on the proposal. Their comments will be reported in the Amendment Sheet.

13.0 **Flood Risk/ Drainage/ Contamination**

13.1 The site falls within Flood Zones 2 & 3 as identified on the Council’s Flood Map (Jan 2009). The site is also identified on the Strategic Flood Risk Map as falling within an area prone to surface water flooding and an area prone to sewer surcharge due to infiltration.

13.2 The Council’s Principal Drainage Engineer has reviewed the proposal and has advised that he is satisfied that drainage of the site can be successfully achieved, although a detailed design for the drainage will need to be submitted. This can be covered by condition. He has also advised that the risk of surface water flooding will need to be better considered and the JBA Consulting risk map consulted as there would appear to be a risk of flow from adjacent sites. He has also suggested that the use of pumping is not sustainable and should be avoided if possible. Finally he has advised that no surface water should be discharged to the foul sewer given the site’s location within an area prone to sewer surcharge due to infiltration. Notwithstanding Thames Water’s comments on sewerage infrastructure, Council’s Principal Drainage Engineer has recommended that Thames Water be consulted on the available capacity of the sewer for the site as foul sewer flooding has occurred in this area. This can be covered by informative. He has also recommended that the Environment Agency be consulted on the proposal to raise floor levels as this could result in a reduction of flood storage capacity. The comments of the Principal Drainage Engineer have been copied to the Environment Agency for their consideration.

13.3 Comments are yet to be received from the Environment Agency (Flooding and Groundwater Teams). Their comments will be reported on the Amendment Sheet.

13.4 In terms of contamination, Council's Environmental Protection Officer has advised that the area along Horton Road has been in industrial use both during and since World War 2. There is a large former Longford II Landfill approximately 100m to the east. Due to the industrial legacy of the area and the presence of the landfill on the site, the Council's Environmental Protection Officer has requested two conditions regarding contamination (phased risk assessment and site investigation for landfill gas). Even though the planning application has been accompanied by a Geotechnical and Environmental Statement prepared by Bradbrook Consulting, Dec 2008, the reports within the statement are both dated March 2006. The Council's Environmental Protection Officer notes the reports refer to some contamination having been identified on site and contain initial proposals for remediation of that contamination and comments that the reports appear to be generally comprehensive. However, it is noted that guidance for the assessment of contaminated land has changed significantly since they were written. As such, it is recommended that the two conditions referred to above be placed on the decision, if granted.

14.0 **Impact on Waterway/ Ecological Impact**

14.1 Planning Policy Statement 9: Biodiversity and Geological Conservation (2005), seeks to conserve and enhance biological diversity in England.

Core Policy 9 (Natural and Built Environment) of the Slough Local Development Framework, Core Strategy 2006-2026, (Submission Document), sets out that *"Development will not be permitted unless it protects and enhances the water environment and its margins, and enhances and preserves natural habitats and the bio-diversity of the Borough, including corridors between bio-diversity rich features."*

Policy EN24 of the Local Plan states *"Development will not be permitted which will have a detrimental effect on water quality or the ecological, amenity or historical value of the watercourse. Where appropriate, measures to enhance or restore watercourses will be encouraged."*

14.2 The Applicant has submitted as part of the application an Ecological Assessment prepared by Richard Kilshaw ecological services, dated December 2008. The report notes whilst the site itself is of low inherent ecological value, and no protected or uncommon species or habitats were recorded, the river section adjoining the site contains high levels of habitat and botanical diversity with good potential for wildlife. There are no notable species or habitats recorded for the site or Wraysbury River. The report makes a number of recommendations for ecological enhancement of the 8.0m buffer zone adjacent to Wraysbury River. The report also recommends appropriate planting on the buffer area and elsewhere

within the site and provision of bird and bat boxes to enhance wildlife habitat. It is noted that whilst the parameter plan indicates that the development would be located clear of the 8m buffer zone, the indicative layouts show that there could be vehicle and pedestrian access and parking within the buffer zone, subject to the approval of the Environment Agency. Comments are yet to be received from the Environment Agency (Biodiversity Team) in relation to the proposal. The comments will be reported on the Amendment Sheet. Depending on what is agreed, it is recommended that suitable conditions be added to the decision, if approved, to ensure that these recommendations/ agreements are implemented.

15.0 **Landscaping**

15.1 An Arboricultural Survey report, prepared by View Point, dated 02/07/07 has been submitted as part of the application. It makes recommendations for tree protection measures and tree surgery. The Council's Tree Advisor has reviewed the arboricultural survey report and is satisfied with the tree and landscape management proposals. It is recommended that a condition be added which requires that the recommendations of this report be implemented in the event that the redevelopment is carried out.

16.0 **S106 issues**

16.1 The applicant would be required to enter into a section 106 Agreement the Heads of terms for which are as follows:

- Payment of a general transportation financial contribution
- Preparation of a Travel Plan(s) prior to occupation
- Payment of a contribution for review and monitoring of travel plans
- Requirement that developer enter into a S278 agreement prior to commencement of development on site
- Development to BREEAM 'Very Good' or 'Excellent' (depending on outcome of negotiations regarding renewable energy).

17.0 **Summary**

17.1 On the basis of the information provided Council officers are satisfied that the site is capable of accommodating the level of development proposed. Officers further accept either a single unit or a twin unit configuration and that neither would cause any adverse impacts or issues of amenity. A development of 15 metres in height would not be out of keeping with the character of the industrial area. Having regard to the issues of ecology, flooding, highways/ transport, these can be covered by conditions (subject to confirmation from the statutory consultees). Subject to the applicant entering into a S106 Agreement to secure general

transportation and travel plan review contributions and a sustainable form of development (BREEAM) and subject to a number of conditions, there are no objections to the proposed development.

PART C: RECOMMENDATION

18.0 **Recommendation**

18.1 Delegate back to Head of Planning and Strategic Policy for approval subject to no substantive comments being received, including from the Environment Agency, Highways and Transport and BAA, completion of S106 and finalisation of conditions.

19.0 **PART D: LIST OF CONDITION(S) / INFORMATIVE(S)**

The following is a list of suggested headings for conditions:

- Outline applications - Reserved Matters
- Outline applications - Time limit
- Design and Access
- Sustainability/ Energy Efficiency
- Details of external materials
- Details of surfaces
- Height limit
- Maximum floor space and removal of PD rights
- Limit on ancillary office space
- Means of access
- Pedestrian visibility splays
- Sightlines
- Car parking
- Servicing arrangements/ on-site turning
- Cycle parking
- River maintenance/ ecological buffer
- Landscaping
- Landscape management
- Bird and bat boxes
- Ecology Report
- Arboricultural Report
- Boundary treatment
- Surface water drainage
- Sewerage impact assessment
- Aircraft noise
- Details of plant and machinery
- Plant and machinery acoustic treatment
- Construction Management
- Site contamination
- Landfill gas
- Site lighting
- Lighting scheme (Airport)

Bird proofing
Control of environmental effects
Hours of demolition and construction
Control of waste during construction phase
On-site refuse storage

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 11th June 2009

PART 1

FOR INFORMATION

Planning Appeal Decisions

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

WARD(S)

ALL

Application Ref	Appeal	<u>Decision</u>
P/07951/007	139 Marescroft Road Construction of a two bedroom dwelling with a gabled roofline.	Appeal dismissed 1 st May 2009
P/12366/004	43 Lynwood Avenue Two storey side extension and rear extension and loft conversion with dormer	Appeal dismissed 14 th May 2009
P/07604/003	58-60 Station Road, Langley First floor front, part single and part two storey rear etensions to no. 58. Single storey front, part two storey side, part single and part two storey rear extensions to no. 60	Appeal Allowed 15th May 2009

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ENFORCEMENT NOTICES, BREACH OF CONDITION NOTICES, SECTION 215 NOTICES

ONGOING TO DATE (11.06.09)

Planning Reference and Officer	Legal Ref/ Officer	Address And Activity	Details of actions Planning prefaced (P) Legal prefaced (L)
2007/0009 2 BL		6 Salt Hill Drive 2 nd Storey rear ext. Side Dormer . Front canopy.	(P) Instructions sent to legal and land charges 04/06/08. (P) Breach of Condition Notice Served 22 July 2008. (P) Compliance due 24 January 2009. (P) Prosecution papers sent to Legal 26 February 2009.
2007/0039 1 BL		65 Northern Road 2 nd Storey side extension	(P) Planning enforcement notice served 15 may 2008. (P) Compliance due 16 September 2008. (P) Appeal Received. (P) Appeal dismissed, compliance due 27 May 2009.
2006/0034 4 BL		191 Humber Way Rear Outbuilding	(P) Memo sent to legal and Land charges. 12 May 2008 (P) Planning enforcement notice served 29 may 2008 Compliance due 14 October 2008. (P) Appeal Received. (P) Appeal dismissed and Notice varied, compliance due 27 February 2009
2007/0026 9 BL		89 Paxton Avenue Breach of Condition	(P) Memo sent to legal and Land charges. 12 May 2008 (P) BOC Notice Served 29 May 2008. (P) Compliance by 29 August 2008. (P) New application received. (P) Application refused (appeal awaited)

2006/0045 5 NFC	SH T3/618	171, Stoke Road, Slough Change of use- car wash at rear of property	(P) Legal instructed and Land Charges informed 10/4/07. (P) Legal acknowledged instructions 8/5/07. (P) Memo to planning asking a series of questions. (P) Questions answered and plans sent to legal 4/9/07. (L) EN served on 11/12/2007. Time for compliance 11/02/2008. (P) Prosecution papers prepared and Court date set. (P) Trial date set for 05/08/09
2005/0012 6 NFC	SH T3/600	27 Stoke Road, Slough. Unauthorised rear extension	(P) Legal instructed and land charges informed 15/12/06. (L) Instructions not received by legal (P) Further set of instructions sent 21/3/07 (P) Legal acknowledged receipt of instructions 26/3/07 (P) Further set of instructions sent 24/4/07 (P) Enforcement notice served 1/5/07, effective 4/6/07 compliance by 4/8/07. (P) Appeal lodged (P) Appeal dismissed, compliance by 07/03/08. (P) Negotiations with owner and Environmental health underway.
2006/0024 4 NFC	SQ	27 Stoke Road, Slough. Unauthorised compressor at rear	(P) Legal instructed and land charges informed 15/12/06. (L) Notice drafted and sent for approval on 15/02/07 (P) Notice corrected and returned to legal 19/2/07 (P) Enforcement notice served 12/3/07, effective 16/4/07 compliance by 16/6/07. (P) Appeal lodged (P) Appeal dismissed, compliance by 07/03/08. (P) Negotiations with owner and Environmental health underway.
2006/0006 4 NFC	SQ	307/311 Colnbrook-by-Pass, Slough Change of Use storage of portable modular units	(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned on basis of undertaking to cease uses.

2006/0006 4a NFC	SQ	307/311 Colnbrook-by-Pass, Slough Development portable modular units	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned.</p>
2006/0008 2 NFC	SQ	307/311 Colnbrook-by-Pass, Slough Development hardstanding	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned.</p>
2008/0033 2 NFC		35 Hillersdon Slough Change of use to flats	<p>(P) Enforcement Notice served 9th December 2008. (P) Compliance 6th April 2009. (P) New application refused 27th April 2009.</p>
2008/0033 0 NFC		50 Northern Road Slough	<p>(P) Section 215 Notice 10th December 2008, Compliance 4th February 2009. (P) Default work planned May/June 2009.</p>

2006/0041 9 NFC	SQ	307/311 Colnbrook-by-Pass, Slough Change of Use storage of a travelling caravan	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned on basis of undertaking to cease uses.</p>
2006/0041 7 NFC	SQ	307/311 Colnbrook-by-Pass, Slough Development creation of a compound using double stacked shipping containers	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned.</p>
2006/0041 6 NFC	SQ	307/311 Colnbrook-by-Pass, Slough Development creation of a storage facility using double stacked shipping containers	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned.</p>

2006/0006 6 NFC	SQ	307/311 Colnbrook-by-Pass, Slough Development fencing over 2 metres	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged (P) Appeals withdrawn, compliance, 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned.</p>
2006/0008 2a NFC	SQ T3/595	307/311 Colnbrook-by-Pass, Slough Development weighbridge	<p>(P) Legal instructed and land charges informed 9/11/06. (P) Legal acknowledged instructions 16/11/06. (P) Memo from Steven Quayle with a series of related questions. (P) Memo responded to and meeting has taken place. A site visit followed and the results have been passed to SQ. (P) Plans of site supplied to SQ on 27/3/07. (P) Enforcement Notice served 23/7/07, effective 27/8/07 compliance by 27/11/07 (P) Appeal lodged Appeals withdrawn, compliance 03/09/08, full award of costs to Council. (P) Application for Injunction order adjourned.</p>
2006/0041 8 NFC	SH T3/604	20 Wexham Road, Slough Unauthorised erection of a rear garden wall	<p>(P) Legal Instructed and land charges informed – 11/10/06 (P) Legal requested further instructions – resent – 22/11/06 (P) Legal requested further set of instructions sent 24/01/07 (L) Drafts sent to planning 15/02/07 (P) Draft corrected and returned 19/2/07. (P) Notice served 26/3/7, effective 30/4/7 for compliance by 30/7/7 (P) No action taken pending outcome of appeal in relation to the following entry.</p>

2006/0025 6 NFC		20 Wexham Road, Slough Unauthorised erection of a rear detached structure	<p>(P) Legal Instructed and land charges informed – 11/10/06 (P) Legal requested further instructions – resent – 22/11/06 (P) Legal requested further set of instructions sent 24/01/07 (L) Drafts sent to planning 15/02/07 (P) Draft corrected and returned 19/2/07. (P) Notice served 26/3/7, effective 30/4/7 for compliance by 30/7/7 (P) Appeal lodged (P) Appeal dismissed, full award of costs awarded to the Council. (P) Compliance 15/07/08 (P) Appeal being prepared by Appellant for Judicial Review</p>
2006/0037 7 NFC	SH T3/585	46 Cockett Road, Slough Unauthorised erection of a single storey side and rear extension	<p>(P) Legal instructed and land charges informed 19/9/06 (P) Legal acknowledged instructions 22/9/06. (P) Meeting with legal to discuss issues – 30/11/06 (P) Legal requested further copies of plans and photographs 14/12/06. Supplied 15/12/06. (P) Notice served 16/1/07, effective 20/2/07 for compliance 20/6/07. (P) Appeal lodged. (P) Appeal dismissed 16/8/07. New compliance date 16/12/07. (P) Papers being prepared for Legal for non compliance.</p>
2006/0133 NFC		54/56 Canterbury Avenue, Slough. Change of use of domestic garage to commercial use, tyre fitting/storage.	<p>(P) Legal Instructed and land charges Informed 27/03/06. (P) Legal acknowledged instructions 18/4/06. (P) Draft Notice corrected and returned to Legal 23/6/06. (P) Notice served 17/8/06, effective 21/9/06 for compliance by 21/12/06. (P) Appeal lodged (P) Hearing date 12/4/07. (P) Hearing adjourned to 30/5/07 (P) Hearing took place result awaited. (P) Appeal dismissed. New compliance date of 5/4/08. (P) New Planning application received. (P) Application refused, prosecution papers being prepared.</p>

2005/0033 1 NFC	T3/381a DP	35 Montem Lane, Slough Enforcement Notice for operational development	(P) Legal instructed and land charges informed 9/11/05 (L) Requisition sent 14 th June 2006. (L) Draft notice to planning for approval 14 th June 2006. (P) Legal acknowledged instructions 16/6/06. (L) 10.07.06 - EJ instructed by SQ not to issue notice for time being – in light of petition received. SQ will advise EJ, when notice can be issued. (P) Notice served 17/1/07, effective 21/2/07 for compliance by 21/4/07 (P) Appeal lodged (P) Appeal dismissed, compliance by 07/02/08. Reminder to comply sent 23/03/09	Ma
2007/0032 7 BL	CF T/T3/668	108 Bowyer Drive, Slough, Unauthorised erection of roof terrace and balcony.	(P) Enforcement Notice Served 6 th November 2008, Compliance due 3rd February 2009. (P) Appeal received.	
2008/0017 3 BL	CF T/T3/666	245 Humber Way, Langley. Unauthorised erection of a single storey rear outbuilding.	(P) Enforcement Notice served 6 th November 2008, Compliance 4 th March 2009.	
2008/0022 2 BL	CF T/T3/671	10 Yew Tree Road, Slough. Unauthorised change of use to a house in multiple occupation and the unauthorised erection of a single storey rear extension.	(P) Enforcement Notice served 18 th November 2008, Compliance 16 th March 2009.	
2008/0032 8 NFC	CF T/T3/671	3a Church Street, Slough. Unauthorised change of use to a private hire – mini cab booking office and the installation of a radio aerial.	(P) Enforcement Notice served 17 th November 2008, Compliance 15 th March 2009. (P) Appeal received.	
2008/0025 6 BL	CF T3/675	37 Mulberry Drive, Langley. Development not carried out in accordance with approved plans.	(P) Breach of Condition Notice served 25 th November 2008, Compliance 25 th March 2009.	
2008/0034 7 BL		64 Barnfield, Slough. Mixed use of residential and place of worship	(P) Legal instructed 26 February 2009. (P) Notice served 30/03/09. Effective 27/04/09. Compliance 27/05/09. (P) Appeal received	

2008/0022 7 BL	CF T 3/683	98 Hazelmere Road. Unauthorised rear extension.	(P) Notice served 30/03/09. Effective 27/04/09. Compliance 27/07/2009.
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GLOSSARY OF ABBREVIATIONS

PLANNING

BL = Bob Lee

NC = Nigel Craske

LEGAL

SQ = Steven Quayle

CF = Ciara Feeney

DP = Dawn Pelle

SH = Sadia Hussain

General

HMO = House in Multiple Occupation

PA = Planning Application

BOC = Breach of Condition

**LITIGATION, FAILURE TO COMPLY WITH A NOTICE, ADVERTISING
ONGOING TO DATE (11.06.09)**

Planning Reference and Officer	Legal Reference and Officer	Address And Activity	Details of actions Planning prefaced (P) Legal prefaced (L)
2006/0038 2 BL	JRB T3/619	Land Adj. 100 Waterbeach Road Unauthorised erection of Building containing residential Flats.	<p>(P) Legal instructed and Land Charges Informed 27/3/07.</p> <p>(P) JB has forwarded a memo seeking further information dated 3/5/07.</p> <p>(P) Reply to forgoing sent 9/5/07</p> <p>(P) Legal requested 12 copies of plan in memo dated 15/5/07</p> <p>(P) Plans sent to legal as requested.</p> <p>(P) Enforcement Notice served 13/6/07, effective 16/7/07 compliance by 16/10/07.</p> <p>(P) Appeal lodged.</p> <p>(P) App/J0350/c/07/2050463. The Planning Inspectorate refuse the appeal. Not valid by Time. Prosecution to be commenced.</p> <p>(P) No compliance. Prosecution papers being prepared.</p> <p>(P) Prosecution Case File to, Tania Fletcher, Wednesday 14 November 2007</p> <p>(L) Prosecution considered and will continue. TEF to arrange filing of documents to be served.</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve</p> <p>(L) docs ready to serve TEF to give to planning</p> <p>(L) docs served</p> <p>(L) first call 18.01.08. defendant did not appear. Adjourned to 15.02.08. warrant to follow if non attendance.</p> <p>(L) Adjourned until 13 June 2008.</p> <p>(L) Pleaded guilty, £4.500 fine, £450 costs.</p> <p>(L) The owners agent has been made aware that we are monitoring the situation. Meeting arranged for 15 September 2008 to discuss regularisation application to be submitted. Prosecution being considered in view of length of time being taken to submit application.</p>

2006/0043 0 BL	JRB T3/602	8 Middlegreen Road Slough Unauthorised Development Front Wall	<p>(P) Legal Instructed and Charges Informed 17 October 2006</p> <p>(P) Notified that John Bell dealing. 16 November 2006</p> <p>(L) Sight line issue – waiting on planning</p> <p>(P) Plans forwarded to legal 19/3/07.</p> <p>(P) Enforcement notice served 10/4/07, effective 15/5/07 compliance by 15/8/07.</p> <p>(P) Notice not complied with. Prosecution papers prepared and moved to Part 11</p> <p>(L) TEF to locate file and discuss next week</p> <p>(L) Proceedings filed 29.11.07. first call 18.01.08. TEF awaiting documents to be returned then to prepare for Planning to serve (NB see below matters filed together)</p> <p>(L) docs ready to serve TEF to give to planning</p> <p>(L) docs served</p> <p>(L) Contact from those concerned disputing validity of Notice.</p> <p>(L) Notice served 08. 10. 08, took effect 05. 11. 08. Compliance 05.02.09</p>
2005/0026 0 NFC	L16/025 011219	Rhea's Indian Cuisine, 295- 297, High Street, Slough Shutters	<p>(P) Legal Instructed and Land Charges informed. 30/8/05</p> <p>(L) acknowledgement of instructions sent out on 22/09</p> <p>(L) Requisitions sent out to 8 parties on 5/10/05</p> <p>(L) SH to draft Enforcement Notice</p> <p>(L) Enforcement notice served 6/1/06, effective 6/2/06 for compliance 6/4/06, Land Charges informed</p> <p>(P) Site visit required to establish if compliance has been achieved.</p> <p>(P) Appeal lodged.</p> <p>(P) Appeal dismissed. New date for compliance 18/12/06.</p> <p>(P) No compliance moved to Part 11.</p> <p>(P) Prosecution papers being prepared.</p> <p>(P) Prosecution papers signed by David Scourfield 18/5/07 and forwarded to legal the same day.</p> <p>(P) Legal Acknowledged instructions 7/8/07.</p> <p>(L) as above</p> <p>(L) File located. TEF has requested NC carry out a site visit.</p> <p>(L) NC doing a pre-action letter</p> <p>(P) NC meeting with new occupier on 17.01.08</p> <p>(P) planning in discussions about the way forward. No legal action required at this stage.</p>

<p>2006/0000 1 BL</p>		<p>2 Upton Court Road S215 Action. Storage/parking motor vehicles.</p>	<p>(P) Legal instructed and Land Charges informed 27/02/06 (P) Legal acknowledged instructions 8/3/06. (L) Requisitions sent 10.3.06 File passed to JRB (P) Draft notice agreed and returned to legal w/e 14/7/06 (P) Sec 215 Notices served 27 July 2006. Compliance date. 3 September 2006. (P) No compliance. Prosecution papers prepared and moved to Part 11 (P) KKC has requested a meeting with BL. Yet to be arranged. (P) Attended court on 6 September 2007. Plea of guilty. Fined £720 with £1500 costs. Will monitor the property for post conviction compliance. (L) meeting TEF and NC – NC to monitor compliance (L) Bob Lee to provide up to date statement (L) statement provided, we are waiting on a land registry search and a record of conviction then we will be able to file proceedings for continued non compliance. (L) Papers being prepared for prosecution for non compliance. (L) Adjourned for representations. Next Court date 11th July 2008 (L) Plead not guilty, next Court date 5 November 2008. (L) Convicted guilty at Court. Fined £2500.00 and ordered to pay costs of £584.61 (L) Considering further prosecution.</p>
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NFC	EJ/T3/306	Poyle Recycling Centre, Poyle Rd. Slough Unauthorised use of land for storage and recycling.	<p>(P) Legal instructed 13/8/98.</p> <p>(P) Enforcement Notice issued and served 25/8/99 for compliance on various dated ending on 23/9/00.</p> <p>(P) Appeal lodged and dismissed.</p> <p>(L) Judicial Review dismissed. New compliance dates as follows: - 8/10/02 to cease use for recycling, 17/1/03 to remove scrap/soil etc., 18/4/03 topsoil area and sow grass seed.</p> <p>(P) Notice not complied with and instructions to legal to commence a prosecution on 6/1/04.</p> <p>(P) Whilst there is no compliance prosecution is on hold pending confirmation from legal that notices that will be required to be served under PACE are acceptable.</p> <p>(P) Although the advise sought above has not been given site visit 9/8/04 and prosecution file updated.</p> <p>(P) PACE issues resolved and evidence gathered. Added to prosecution file.</p> <p>(L) March 05 - Evidence received by Legal to lay papers at court.</p> <p>(L) Counsel instructed who is reviewing papers prior to laying information at Court.</p> <p>(P) Site visit 5/8/05 with an Environment Agency surveyor and a soil scientist to gather evidence pending a prosecution for failure to comply with an enforcement notice.</p> <p>(P) Following the above visit the soil scientist has failed to supply a statement and accordingly the file is being reviewed for evidential quality.</p> <p>(L) TEF no prosecution file can be located. NC to look to see what they have</p> <p>(L) Site visited by Planning, papers being prepared for prosecution for non compliance.</p> <p>(L) In Court 25 July for Plea.</p> <p>(L) Pleaded not guilty, Pre trial review on 19 September 2008 to fix trial date.</p> <p>(L) 2 day trial fixed for 11 and 12 February 2009.</p> <p>(L) Trial vacated to next hearing 20/02/08.</p> <p>(L) And case below, defendant pleaded guilty, fined £9500.00 with costs of £1500.00 awarded to the Council.</p>
2004/0060 6 NFC	L7/010 010831	Land at Poyle Manor Farm Caravans on Land Prosecution breach of enforcement notice	<p>(L) Meeting with TEF and NC. This matter is quite old. Enforcement notice issued in 2004. NC to do a site visit.</p> <p>(L) as above</p> <p>(L) Adjourned at Court until 25th July 2008 for plea.</p> <p>(L) As above</p>

2005/0040 9/ENF	T1/077 011746	13 Grasmere Avenue Tyres sales and fitting Prosecution for breach of enforcement notice	(P) file sent to legal (L) Trial on 21 st and 28 th January 2009 at Bracknell. (L) Pleaded guilty, fine £1000.00, costs of £668.00 awarded. CASE CLOSED
ENF/2005 /00396 NFC	T3/651	271 Langley Road Slough Failure to Comply with an Enforcement Notice	(L) (L) In Court 1 st August 2008 for plea, proof in absence or warrant of arrest. (L) Matter proved in absence and warrant of arrest issued.
2007/0041 2/ENF	T3/653	50 Northern Road Slough Failure to Comply with a S215 Notice	(L) Hearing 22 nd October 2008 at Bracknell (L) Appeal dismissed by Magistrates, award of costs £150.00. (P) Default work proposed May/June 2009
2005/0052 2/ENF	T3/643	56 Hillside Slough Failure to Comply with an Enforcement Notice	(L) In Court 8 th August 2008 for plea. (L) Adjourned until 29 August 2008 for pre trial review. (L) Trial 17 December 2008. (L) Counsel instructed to attend Trial. (L) Trial date set for 16 th January 2009 at Maidenhead Magistrates Court. (L) Adjourned until the 25/05/09.

GLOSSARY OF ABBREVIATIONS

PLANNING

NC = Nigel Craske

BL = Bob Lee

LEGAL

EJ = Elizabeth Jenkins

KKC = Kuldip Channa

DP = Dawn Pelle

CF = Ciara Feeney

SQ = Steven Quayle

General

HMO = House in Multiple Occupation

PA = Planning Application

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