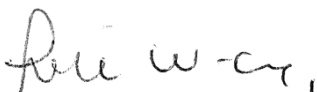


Date of issue: Tuesday, 3 November 2020

<b>MEETING</b>	<b>PLANNING COMMITTEE</b> (Councillors Dar (Chair), M Holledge, Ajaib, Davis, Gahir, Mann, Minhas, Plenty and Smith)
<b>DATE AND TIME:</b>	WEDNESDAY, 11TH NOVEMBER, 2020 AT 6.30 PM
<b>VENUE:</b>	VIRTUAL MEETING
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	NICHOLAS PONTONE 07514 939 642

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.



**JOSIE WRAGG**  
Chief Executive

**AGENDA**

**PART 1**

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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**APOLOGIES FOR ABSENCE**

**CONSTITUTIONAL MATTERS**

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*

<b><u>AGENDA ITEM</u></b>	<b><u>REPORT TITLE</u></b>	<b><u>PAGE</u></b>	<b><u>WARD</u></b>
2.	Guidance on Predetermination/Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 14th October 2020	3 - 8	-
4.	Human Rights Act Statement - To Note	9 - 10	-
<b>PLANNING APPLICATIONS</b>			
5.	P/01388/012 - 246 Farnham Road, Slough, SL1 4XE  <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	11 - 18	Farnham
6.	P/03283/018 - 232, Farnham Road, Slough, SL1 4XE  <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	19 - 28	Farnham
7.	P/03283/019 - 230, Farnham Road, Slough, SL1 4XE  <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	29 - 36	Farnham
8.	P/00226/044 - 253-257, Farnham Road, Slough, Berkshire, SL4 4LE  <i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>	37 - 72	Farnham
9.	P/10211/004 - Crossdock, 60, Lakeside Industrial Estate, Slough, Lakeside Road, Slough, Colnbrook, SL3 0EL  <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	73 - 88	Colnbrook with Poyle
10.	P/08979/002 - Langley Police Station, High Street, Langley, SL3 8MF  <i>Officer's Recommendation: Delegate to the Planning Manager</i>	89 - 130	Langley St Mary's

<b><u>AGENDA ITEM</u></b>	<b><u>REPORT TITLE</u></b>	<b><u>PAGE</u></b>	<b><u>WARD</u></b>
11.	P/10482/012 - Slough Hockey Club, Stambury, Slough Cricket Club, Upton Court Road, Slough, SL3 7LT	131 - 148	Upton
	<i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>		
12.	P/19067/000 - Arbour Park, Stoke Road, Slough, SL2 5AY	149 - 164	Elliman
	<i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>		
13.	P/08145/007 - Salisbury House, 300 - 310 High Street, Slough	165 - 182	Central
	<i>Officer's Recommendation: Delegate to the Planning Manager for Refusal</i>		

#### **PRE-APPLICATION PRESENTATIONS**

14.	Buckingham Gateway Site, 132-144 High Street, Slough	183 - 188	Central
15.	HSS Tool Hire Shop, 375 Bath Road, Cippenham, SL1 5QA	189 - 192	Cippenham Green

#### **MATTERS FOR INFORMATION**

16.	Planning Appeal Decisions	193 - 224	-
17.	Members Attendance Record	225 - 226	-
18.	Date of Next Meeting - 9th December 2020	-	-

#### **Press and Public**

This meeting will be held remotely in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. Part I of this meeting will be live streamed as required by the regulations. The press and public can access the meeting from the following link (by selecting the meeting you wish to view):

**<http://www.slough.gov.uk/moderngov/mgCalendarMonthView.aspx?GL=1&bcr=1>**

Please note that the meeting may be recorded. By participating in the meeting by audio and/or video you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

The press and public will not be able to view any matters considered during Part II of the agenda.



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## **PREDETERMINATION/PREDISPOSITION - GUIDANCE**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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**Planning Committee – Meeting held on Wednesday, 14th October, 2020.**

**Present:-** Councillors Dar (Chair), M Holledge (Vice-Chair), Ajaib, Davis, Gahir, Mann, Minhas, Plenty and Smith.

**Also present under Rule 30:-** Councillors Hulme and Dhaliwal.

**Apologies for Absence:-** None.

**PART I**

**47. Declarations of Interest**

Item 8 (Minute 54 refers) – Slough Canal Basin, Stoke Road: Councillor Ajaib declared that he was the Council appointee to the Slough Urban Renewal Board. He left the meeting for the duration of this item and did not participate in any discussion on the matter.

Item 8 (Minute 54 refers) – Slough Canal Basin, Stoke Road: Councillor Hulme, attending as a ward member, declared that she had been appointed by the Council as the deputy member on Slough Urban Renewal. She had not attended meetings or had any involvement with SUR arising from this appointment. She stated she would comment on the pre-application presentation as a ward member.

**48. Guidance on Predetermination/Predisposition - To Note**

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

**49. Minutes of the Last Meeting held on 9th September 2020**

**Resolved –** That the minutes of the meeting held on 9<sup>th</sup> September 2020 be approved as a correct record.

**50. Human Rights Act Statement - To Note**

The Human Rights Act Statement was noted.

**51. Planning Applications**

The Amendment Sheet, which included details of alterations and amendments received since the agenda was circulated had been sent to Committee Members who confirmed that they had received and read it.

Oral representations were made to the Committee under the Public Participation Scheme prior to the applications being considered by the Committee as follows:-

## Planning Committee - 14.10.20

Application P/06964/016 – Beacon House, 50 Stoke Road: the Applicant, Ward Members Councillor Hulme and Councillor Dhaliwal addressed the Committee.

**Resolved** – That the decisions taken in respect of the planning applications as set out in the minutes below, subject to the information, including conditions and informatives set out in the report of the Planning Manager and the Amendment Sheet circulated to Members prior to the meeting and subject to any further amendments and conditions agreed by the Committee.

### 52. P/00072/097 - AkzoNobel Decorative Paints, Wexham Road, Slough, SL2 5DB

Application	Decision
<p>Refurbishment of existing building B154 incorporating R&amp;D Laboratories and write-up areas. Construction of a four storey plant addition known as the Common Utility Building (CUB) providing the servicing requirements for the lab areas and a new purpose built store is proposed to replace an existing temporary facility that will be removed.</p>	<p>Delegated to the Planning Manager for approval subject to:-</p> <ol style="list-style-type: none"> <li>1. a satisfactory surface water drainage strategy in consultation with the Lead Local Flood Authority;</li> <li>2. agreement of the pre-commencement conditions with the applicant/agent;</li> <li>3. finalising conditions; and any other minor changes.</li> </ol> <p>Or to refuse the application if the above had not been finalised by 14th January 2021 unless a longer period was agreed by the Planning Manager, or Chair of the Planning Committee.</p>

### 53. P/06964/016 - Beacon House, 50, Stoke Road, Slough, SL2 5AW

Application	Decision
<p>Demolition of existing building and redevelopment of the site to provide 116 residential dwellings with associated amenity space, access and parking.</p>	<p>Deferred to a future meeting of the Committee for further information on:</p> <ol style="list-style-type: none"> <li>1. Car parking allocation and road adoption matters.</li> <li>2. Green issues (Landscaping, communal space in the site).</li> <li>3. Offsite contributions in S106 for leisure and recreation.</li> <li>4. Lighting and security.</li> </ol>



## Planning Committee - 14.10.20

	5. Materials to the external facades.
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### 54. P/00331/004 - 413, London Road, Slough, SL3 8PS

Application	Decision
Construction of 14no. flats comprising 13no. 2 bedroom flats and 1no. studio flat with associated parking and amenity.	Deferred to a future meeting of the Committee for further information on car parking provision.

*(Having declared his interest in the following item, Councillor Ajaib left the meeting)*

### 55. Slough Canal Basin, Stoke Road, Slough

The Committee received a pre-application presentation on the proposals for Slough Canal Basin, Stoke Road, Slough. Members noted the purpose, scope and format of the discussion, as outlined in the Code of Conduct for Councillors and Officers in relation to planning and licensing matters.

The Planning Officer gave an overview of the proposal which was to demolish existing buildings and redevelop the site to provide 312 residential units in a number of new buildings, 359 sq m. of commercial floorspace, public realm improvements, enhanced recreational facilities and associated car parking, landscaping and infrastructure works.

The pre-application presentation was given by representatives of the applicant, Stoke Wharf LLP. The Committee noted that the site was outside of the defined town centre but was within the 'Square Mile' and had been identified as an important site in the Council's Regeneration Framework. The proposal was for a new high quality mixed use development and improved public realm and revitalised canal basin. It was envisaged there would be 10 new buildings ranging between 2 and 8 storeys. 144 car parking spaces would be provided and the site was accessible to the train station. The extensive public engagement at the Canal Festival and public events was outlined.

In addition to members of the Committee, Ward Councillors Hulme (Central) and Dhaliwal (Elliman) also spoke and asked questions. During the course of a question and answer session, Members raised a number of points including:

- The impact on public amenity and apparent loss of land on Bowyer Recreation Ground.
- How feedback from the public consultation had been incorporated into the revised plans.

## **Planning Committee - 14.10.20**

- The design of the winding hole in the canal basin and the potential operation of moorings.
- The fact that the level of affordable housing currently proposed was not compliant with agreed policies.
- Access to the site from adjacent streets.
- That the car parking ratio of 0.46 spaces per dwelling could cause pressures on the site and surrounding area.

The representatives of the applicant responded to the points raised and noted the comments of Members. At the conclusion of the discussion, the presentation was noted.

**Resolved** – That the pre-application presentation be noted.

*(Councillor Ajaib re-joined the meeting)*

### **56. Buckingham Gateway Site, 132-144 High Street, Slough**

The pre-application presentation had been withdrawn from the agenda.

### **57. Government White Paper - Planning for the Future**

The Committee received a report that informed Members of the Government's current consultation on the White Paper "Planning for the Future" and sought to seek agreement to the Council's proposed response to the consultation which would close on 29<sup>th</sup> October 2020.

The key points of the White Paper were summarised and Members considered the proposed response detailed in section 8 of the report. It was recognised that the proposals could have significant implications for Slough and the South East Leader's Group had drafted some key points in response which the Committee was asked to approve as the basis of Slough Borough Council's reply. These included rejecting the notion put forward in the White Paper that the current planning system was a fundamental block to delivering housing; that whilst the system could be simplified this should not be done by circumventing local authorities; and that the White Paper did little to address the real block to delivery of housing which was the development industry's lack of appetite to build at a level sufficient to meet the Government's aspirations.

Members of the Committee endorsed the proposed response and also commented that the Government's focus on apparently speeding up the system was at the expense of local democratic oversight; the proposed framework risked lowering environmental standards; and the proposals said little about strategic planning partnerships such as the duty to cooperate between authorities.

At the conclusion of the discussion the recommendations were agreed.

## **Planning Committee - 14.10.20**

### **Resolved –**

- (a) That the White Paper as at Appendix 1 to the report be noted.
- (b) That the comments made in section 8 of the report be sent to the Secretary of State raising the Council's concerns about the proposals contained in the White Paper.
- (c) That delegated powers be given to the Planning Manager to make further representations based upon the comments set out in the report.

### **58. Response to Central & Eastern Berkshire Joint Minerals & Waste Proposed Submission Plan (Regulation 19) Consultation**

The Committee considered a report that sought agreement to the Council's response to the final consultation on the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission Plan.

The Plan was being developed by Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor & Maidenhead and Wokingham Borough Council. Although Slough Borough Council was not part of the plan, it had made previous representations during prior stages of consultation, most of which had been addressed to the satisfaction of the Council.

However, the previous objection to Policy DM9 (Protecting Public Health, Safety and Amenity) still remained. It was considered that it did not include an appropriate policy framework for considering the impact of HGV movements upon air quality and securing appropriate mitigation. This was an important issue for Slough as there may be proposals for haul routes to come through Air Quality Management Areas in places such as Brands Hill. There had been no amendment to this position in the final consultation draft and the Committee was asked to respond to the current consultation to restate the objection. The Committee agreed this recommendation.

### **Resolved –**

- (a) That the Council should object to Policy DM9 (Protecting Public Health, Safety and Amenity) in the Central and Eastern Berkshire Joint Minerals and Waste Submission Plan on the grounds that it did not provide an appropriate policy framework for considering the impact of HGV movements upon air quality and securing appropriate mitigation.
- (b) That the proposed representations to the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission be agreed and submitted to the Council.

## **Planning Committee - 14.10.20**

### **59. Planning Appeal Decisions**

The Committee received and noted details of planning appeals determined since the previous report to the Committee.

**Resolved –** That details of planning appeals be noted.

### **60. Members Attendance Record**

The Committee received and noted the Members' Attendance Record for the 2020/21 municipal year.

**Resolved –** That the record of Members' Attendance for 2020/21 be noted.

### **61. Date of Next Meeting - 11th November 2020**

The date of the next meeting was confirmed as 11<sup>th</sup> November 2020.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 10.05 pm)

The Human Rights Act 1998 was brought into force in this country on 2<sup>nd</sup> 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
HPPP	Head of Planning Policy & Projects
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order
LPA	Local Planning Authority

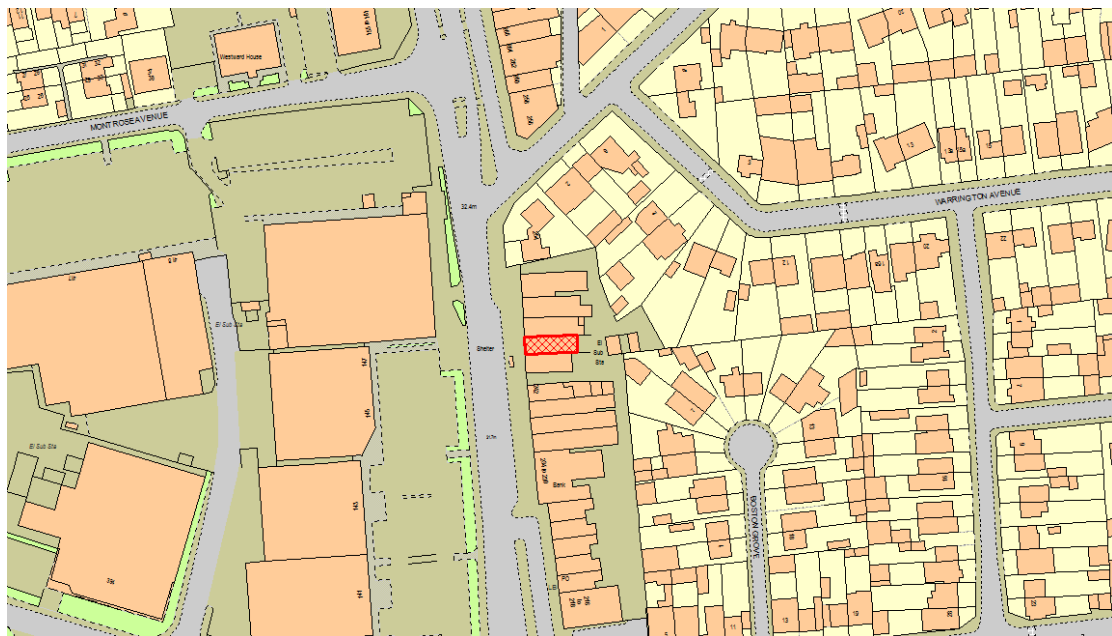
<b>USE CLASSES – Principal uses</b>	
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C2(a)	Secure Residential Institutions
C3	Dwellinghouse
C4	Houses in Multiple Occupation
D1	Non Residential Institutions
D2	Assembly & Leisure

<b>OFFICER ABBREVIATIONS</b>	
LM	Laurence Moore
DC	David Cooper
PS	Paul Stimpson
NR	Neetal Rajput
HA	Howard Albertini
JG	James Guthrie
SB	Sharon Belcher
IK	Ismat Kausar
CM	Christian Morrone
CL	Caroline Longman
NB	Neil Button
MS	Michael Scott

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Registration Date:	14 <sup>th</sup> August 2020	Application No:	P/01388/012
Officer:	William Docherty	Ward:	Farnham
Applicant:	Mr Ali	Application Type:	Minor
		8 Week Date:	9 <sup>th</sup> October 2020
Agent:	Mr. Sikandar Ali, SA Associates, 22 Windsor Road, Slough, SL1 2EJ		
Location:	246 Farnham Road, Slough, SL1 4XE		
Proposal:	Variation of condition 2 (Restricted hours operation) of planning permission P/01388/009 dated 11/07/2011 (to enable extended hours of use to 0200 hours each day of the week)		

**Recommendation:** Delegate to Planning Manager to Refuse



**P/01388/012 – 246, Farnham Road, Slough, SL1 4XE**

**1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application is of a type which would normally be determined under powers of officer delegation. However, the ward members have had official and formal discussions on planning issues with the Planning Manager and the issues/concerns remain unresolved.
- 1.2 Having considered the relevant policies set out below, the representations received from all consultees and neighbouring residents, as well as all other relevant material considerations, it is recommended that the application be delegated to the Planning Manager for REFUSAL as set out under paragraph 9.1 below.

**PART A: BACKGROUND**

**2.0 Proposal**

- 2.1 Variation of condition 2 (Restricted hours operation) of planning permission P/01388/009 dated 11/07/2011 to enable extended hours of use to 0200 hours each day of the week. The existing condition states the below:
- 2.2 *2) The use hereby permitted shall not be open to members of the public/customers outside the hours of 0900 hours to 2300 hours on Mondays to Fridays, 0900 hours to 2300 hours on Saturdays, and 0900 hours to 2100 hours on Sundays and Bank/Public Holidays.*

*REASON: To protect the amenity of residents within the vicinity of the site in accordance.*

**3.0 Application Site**

- 3.1 The application site is located on the eastern side of Farnham Road, within an existing row of shops and restaurants. The site consists of a restaurant with an element of takeaway at ground floor with flat above.
- 3.2 The site is designated as a secondary shopping frontage located in the Farnham Road district shopping centre as designated in the local plan. The site is not within a conservation area, not near any listed buildings and is located in flood zone 1.

**4.0 Relevant Site History**

P/01388/006 - ERECTION OF GROUND FLOOR REAR EXTENSION TO SHOP  
FIRST FLOOR REAR EXTENSION TO ANCILLARY OFFICES - Refused Dec 20



P/01388/007 - CHANGE OF USE OF GROUND FLOOR RETAIL (A1) TO HOT F TAKEAWAY (A5) WITH INSTALLATION OF FLUE - Approved Aug 2010

P/01388/008 - CHANGE OF USE FROM SHOP (A1) TO RESTAURANT (A3). ERECTION OF EXTRACTION FLUE - Approved December 2010

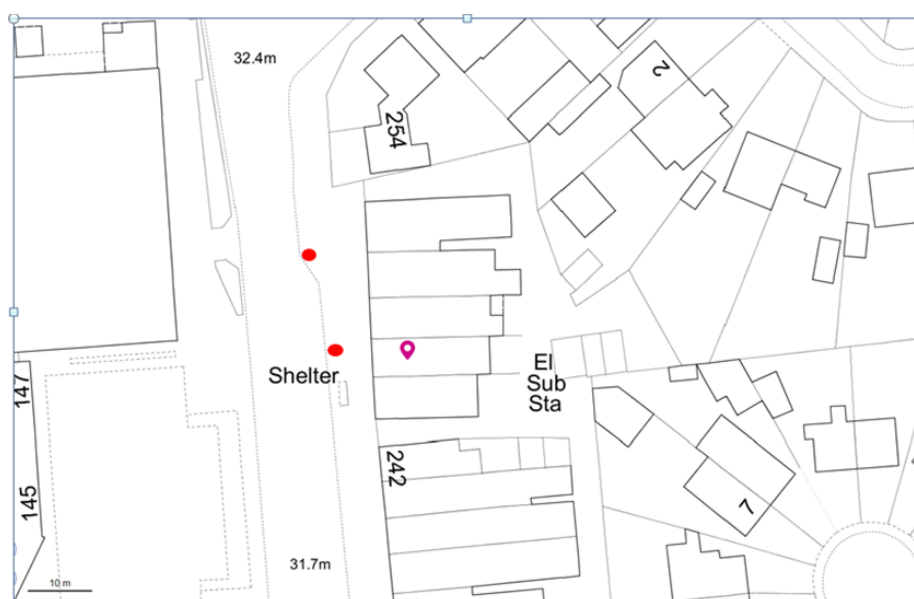
P/01388/009 - CHANGE OF USE FROM SHOP (A1) TO RESTAURANT (A3) RELOCATION OF EXTRACTION FLUE (RETROSPECTIVE) - Approved Jul 2011

P/01388/010 - INSTALLATION OF AN INTERNALLY ILLUMINATED FASCIA SIGN AND HANGING SIGN - Approved Dec 2011

P/01388/011 - Construction of a single storey rear extension with flat roof to use as storage area. - Approved 2016

## 5.0 Neighbour Notification

- 5.1 A neighbour consultation took place by way of site notice. The locations of the notice are noted on the map below (Denoted by ●).



- 5.2 No neighbour responses were received.

## 6.0 Consultations

### 6.1 Licensing

The premises licence for Peri Peri Chicken Original was granted in 2011 with the opening hours of 10.00am to 02.00am, to cover the provision of late night refreshment between the hours of 23.00 and 02.00.

Although the licensable hours as granted exceed the permitted hours of operation as a planning condition on the premises, it is the operators

responsibility to ensure that they comply with any and all planning conditions on the premises.

With regards to the area of Farnham Road where these premises are situated the following information may assist.

There has already been several co-ordinated operations over the last month or so, involving planning, parking enforcement, Licensing, Food and Safety and Thames Valley Police, in the Farnham Road to visit and work in partnership with business to ensure that they comply with planning conditions and COVID measures and try and restrict the number of people gathering in the area.

These operations have proved successful with ensuring premises working in line with planning conditions, and limiting patrons after 11.00pm.

It is clear however that the area is extremely popular with sometimes large gatherings of people visiting all the different premises into the late evening. The accumulation of these groups at 11.00pm and later are the cause of concern to local residents.

## 6.2 **Environmental Health**

No comments received. Any comments received will be reported into the amendment sheet.

## **PART B: PLANNING APPRAISAL**

### 7.0 **Policy Background**

#### 7.1 National Planning Policy Framework

Section 2: Achieving sustainable development  
Section 6: Building a strong, competitive economy  
Section 7: Ensuring the vitality of town centres  
Section 8: Promoting healthy communities  
Section 9: Promoting sustainable transport  
Section 12: Achieving well-designed places

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:

Core Policy 1 – Spatial Strategy  
Core Policy 6 – Retail, leisure and community facilities  
Core Policy 7 – Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 12 – Community Safety

Local Plan for Slough March 2004 policies:

Policy S1 (Retail Hierarchy)  
Policy S8 (Primary and Secondary Frontages)  
Policy S11 (Late night uses in Slough Town Centre)

Policy S12 ( Change of Use A1 to A3)  
Policy EN1 (Standards of Design)  
Policy EN5 (Design and Crime Prevention)  
Policy T2 (Parking Restraints)

### Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 19th June 2019.

The National Planning Policy Framework 2019 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

## **8.0 Assessment**

- 8.1 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area for the lifetime of the development and that promote health and well-being with a high standard of amenity for existing and future users.
- 8.2 Core policy 8 of the core strategy states that development should respect its location and surroundings. Policy S12 of the Local Plan states that proposals for change of use into A3 uses must seek to trade at hours complementary to a retail location; it further states that proposals must not result in any adverse environmental effects.
- 8.3 The site is located within the Farnham Road District Shopping Centre with the parade containing a number of uses; however, there is a large concentration of restaurants and takeaways in the area which serve both the immediate local population and increasingly customers from across Slough and neighbouring towns. Some of these food and beverage businesses operate throughout the day and evening into the late night / early morning. All of the shops along this parade have residential accommodation at first floor level, with parts of the parade being 3 storeys, including 230 – 242 Farnham Road, having residential accommodation at second floor also.
- 8.4 The volume of customers arriving at and/or congregating outside some of these premises in the evenings and early hours of the morning has been observed as bringing unacceptable levels of noise and disturbance , which are harmful to

residential amenity. The late night uses in this part of Farnham Road has resulted in coordinated efforts involving parking enforcement, Licensing, Food and Safety and Thames Valley Police, in the Farnham Road to visit and work in partnership with business to ensure that they comply with planning conditions and COVID measures and try and restrict the number of people gathering in the area, which as noted has been cause for concern for local residents.

- 8.5 It has been noted by the applicant in their supporting statement that many of the other properties in the surrounding area hold “licenses” which allow the properties to remain open later than the conditional planning permissions allow.. Planning permissions for similar uses in the area, with the exception of 248 Farnham Road, stipulate similar hours of operation to that specified in the existing condition, the subject of this application.
- 8.6 As noted by the applicant in their submission, the neighbouring property, 248 Farnham Road (German Doner Kebab), extended their hours of operation in 2018 under planning reference P/01454/008. In this application the hours of operation were extended till 2am. In considering that case it is noted that much weight was attached to the background noise of Farnham Road, in mitigation against any increased level of noise and disturbance which may arise from granting the extension of opening hours in that case. Furthermore, in part the case was held to be acceptable as many of the local premises were already opening beyond their permitted hours. Notwithstanding, there does not appear to be any certificates of lawfulness confirming this at any of the properties.
- 8.7 Furthermore, in the intervening period since that decision in May 2018, there have been issues raised about the level and intensity of the noise and disturbances arising in this local area. As such, it is considered to be appropriate to consider the weight that ought to be put on the previous arguments, in particular, the “background noise” associated with this part of Farnham Road.
- 8.8 The concentration of these late night uses has intensified since the issuance of this permission in 2018. The former bank premises at 230-234 Farnham Road has been split into three individual businesses, each with use that adds to the overall attraction of the locality for leisure and recreation based on cafes and restaurant businesses. As such, it is considered that there has been a significant material change in circumstances to when planning permission was granted to extend the opening hours at 248 Farnham Road. It is reasonable to conclude that the consequences of allowing this operation to extend its hours would be likely to add to the level of noise and disturbance to the detriment of the residential amenities of those occupying the accommodation above in particular and the local area more generally.
- 8.9 A noise and an odour report has been submitted by the applicant concluding that extending the hours would not cause any significant additional harm to amenity from noise and odour.
- 8.10 The noise report concludes that *‘the noise impact on the nearby receptors’ is not considered significant*; however, the noise report appears to focus on the equipment operating to the rear of the premises, and does not take into account the additional coming and goings later into the evening and the associated take-away use. An extension of the use to 2am for these premises would be an increase of 3 hours into the early hours of the morning, a time

when people could reasonably expect some peace and quiet in their homes,

- 8.11 The proposal to extend the opening hours would also be in clear contradiction to the criterion as stated within Policy S12 of the Local Plan. Criterion d) and f) of the policy are as follows:

d) the proposal seeks to trade at hours complementary to a retail location;

f) proposals must not result in any adverse environmental effects.

It is not considered the proposed hours would be complementary to a retail location for the reasons noted above, being a late night use. In relation to criterion f), it is likely that the change of hours would result in adverse environmental effects, also as noted above.

- 8.12 Contact was made with the applicants to discuss the case, where revised hours to the proposed were suggested; however, it is considered that the hours granted consent in the initial permission are latest that the business could operate without having a detrimental impact on the residential amenity of nearby occupiers. As such, when considering the reason for imposing condition 2 of P/01388/009, "to protect the amenity of residents within the vicinity of the site", it is considered that this is still very much relevant and that extending the hours of use to the proposed hours would have a detrimental impact on the amenities of local residents.

## **9.0 PART C: RECOMMENDATION**

- 9.1 Having considered the relevant policies set out below, and comments from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for REFUSAL, as set out below:

1. The proposed extension of the operational hours of the premises is likely to result in a harmful impact on the amenities of residents and occupiers of the local area through an increased level of noise and disturbance at anti-social hours contrary to the provisions of The National Planning Policy Framework (2019); Policy 8 of Slough Core Strategy (2006-2026); and Policy S12 of The Adopted Local Plan for Slough 2004.

2. INFORMATIVE:

The development hereby refused was submitted with the following information:

- Application form - Received 14.08.20
- Site Location Plan - Received 14.08.20
- Covering letter dated 14.08.20 - Received 14.08.20
- Copy of Premises Licence - Received 14.08.20
- Noise Impact Assessment (AVAL) - Received 16.09.20
- Odour Assessment (AVAL) - Received 16.09.20

3. INFORMATIVE:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner notifying of concerns with the application. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.

Registration Date:	06-Aug-2019	Application No:	P/03283/018
Officer:	Michael Scott	Ward:	Farnham
Applicant:	Balal Malik	Application Type:	Minor
		8 Week Date:	13 Nov 2020
Agent:	Kaleem Janjua, M C S Design Architectural Services, 53 Westmead, Windsor, SL4 3NN		
Location:	232, Farnham Road, Slough, SL1 4XE		
Proposal:	Variation of condition 3 (Hours of opening) of planning permission P/03283/014 for 'Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway) ' dated 18/12/2018 to allow business hours of 08:00 to 02:00 each day of the week.		

**Recommendation:** Delegate to the Planning Manager to Refuse



**P/10211/004**

1.0 **SUMMARY OF RECOMMENDATION**

1.1 This application is of a type which would normally be determined under powers of officer delegation. However, the ward members have had official and formal discussions on planning issues with the Planning Manager and the issues/concerns remain unresolved.

1.2 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for REFUSAL as set out under paragraph 9.1 below.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 Variation of condition 3 (Hours of opening) of planning permission P/03283/014 for 'Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway) ' dated 18/12/2018 to allow business hours of 08:00 to 02:00 each day of the week.

2.2 Condition 3 of P/03283/014 states that "The use hereby permitted shall not be open to members of the public / customers outside the hours of 23.30 hours to 08.00 hours.

The reason for the imposition of this condition was to protect the amenity of residents within the vicinity of the site.

3.0 **Application Site**

3.1 The application site is located on the east side of Farnham Road between its junctions with Gloucester Avenue to the north and Sheffield Road to the south.

3.2 The ground floor is commercial and lies within a designated Retail Parade. The upper floors are residential with access from the rear service road.

3.3 For completeness, it should be noted: the site lies within an area



outside of the Town Centre on the Proposals Plan; the site is not in a Conservation Area; there are neither heritage assets nor trees under a Tree Preservation Order in close proximity; and is located in Flood Zone 1, where there is no requirement for a Flood Risk Assessment.

#### 4.0 **Relevant Site History**

- 4.1 P/03283/019 Variation of condition 3 (Hours of opening) of planning permission P/03283/013 for "Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway) " dated 13/11/2018 to allow opening hours of Monday to Thursday 11:00 to 01:00, Friday to Sunday 11:00 to 02:00, seasonal variations Eid and Ramadan Only 11:00 to 03:00 - PENDING DETERMINATION
- P/03283/017 Submission of details pursuant to condition 4 (Bins) & 5 (Fats trap) of planning permission P/03283/013 dated 13/11/18 – DISCHARGED 27/11/19
- P/03283/016 Submission of details pursuant to condition 4 (Bins and Recycling) & 5 (Fat Traps) of planning permission P/03283/014 dated 18/10/2018 – DISCHARGED 05/09/19.
- P/03283/015 Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 and a single storey side extension – APPROVED 14/01/19.
- P/03283/014 Change of use from A2 (Offices) to A3 (restaurant) with ancillary A5 (take-away) service – APPROVED 18/12/18.
- P/03283/013 Change of use from A2 (Offices) to A3 (coffee shop) with ancillary A5 (take-away) service – APPROVED 13/11/18.
- P/03283/012 Advertisement consent to display 2no. fascia signs & 1no hanging sign – EXPRESS CONSENT 13/11/18.
- P/03283/011 Non material amendment to planning permission P/03283/009 to remove existing double doors and install a single glazed door – APPROVED 08/08/18.
- P/03283/010 Advertisement consent for the installation of 1no. internally illuminated ATM surround - APPROVED 15/02/18.
- P/03283/009 Removal of 2no. ATMs and installation of 1no. ATM and

new glazed shopfront with frosted vinyl backing -  
APPROVED 16/02/18.

P/03283/008 Installation of 1no. high internally illuminated ATM  
surround - APPROVED 16/02/18.

P/03283/007 Removal of 2no. ATMs and installation of 1no. ATM and  
1no. secure door to create stand alone secure ATM  
area. - APPROVED 03/08/17.

## 5.0 **Neighbour Notification**

5.1 Neighbour letters were sent out on 02/10/2019 to the following  
addresses:

6, Boston Grove, Slough, SL1 3EQ, 4, Boston Grove, Slough, SL1  
3EQ, Second Floor, 236A, Farnham Road, Slough, SL1 4XH, 236,  
Farnham Road, Slough, SL1 4XE, 228, Farnham Road, Slough, SL1  
4XE, 228A, Farnham Road, Slough, SL1 4XE, 232A, Farnham Road,  
Slough, SL1 4XE, 234A, Farnham Road, Slough, SL1 4XE, 230A,  
Farnham Road, Slough, SL1 4XE, Natwest, 230, Farnham Road,  
Slough, SL1 4XE, 236A, Farnham Road, Slough, SL1 4XE, 5, Boston  
Grove, Slough, SL1 3EQ

5.2 OBJECTIONS in writing were received from Nos. 5 and 6 Boston  
Grove citing the following issues: (a) overflowing refuse – which  
becomes an environmental health problem; (b) bins obstruct garage;  
(c) floodlighting causes health concerns; (d) increased traffic and noise  
of machinery including extract fan; and (e) inconsiderate parking.

RESPONSE to each of these objectors' points is set out in Planning  
Considerations below.

## 6.0 **Consultations**

6.1 Crime Prevention Design Advisor for Berkshire |Local Policing| Thames  
Valley Police

*"I have spoken with Mrs Pearmain (TVP Licensing Officer). An  
application to extend the opening hours to 02:00 would be acceptable,  
with the option for licensing to review this in six months."* [November  
2019]

6.2 SBC Licensing Team

*The premises is located next to Chaiiwala which has a premises licence for the provision of late night refreshment (LNR)  
Monday to Thursday – 23:00 to 1am  
Friday to Sunday – 23:00 to 2am  
During Eid and Ramadan open until 3am*

*Granting an extension to the opening hours of 232 Farnham Road will mean a premises licence is required to sell hot food and drink after 11pm. This could negatively impact the residents living directly above and within the vicinity of the premises and has the potential to increase noise nuisance and anti-social behaviour on the Farnham Road, an area of Slough that already has high levels of ASB. I have also personally witnessed during enforcement on the Farnham Road the parking issues that occur opposite Chaiiwala, with numerous vehicles parking illegally and causing obstructions (this was at 10.30pm).  
[January 2020]*

6.3 SBC Housing & Enforcement Team

*232 I believe is Grill Street which is between Chaiiwala and Gelato's. These 3 units used to make up the old Natwest Bank (230-234) which was redeveloped last year.*

*The only thing I would say here is that there has been complaints from this area before where the neighbouring property Chaiiwala extended their hours without permission last year which caused issues with the residents living directly above.*

*There has also been instances where at the rear of Farnham Road the bins have not been adequate to contain all the waste produced by these new shops where [a colleague] has been involved in dealing with the over spilling of waste.*

*Looking at the application its asking*

*Operating hours*

*Currently the takeaway operates Monday – Sunday 8.00 until 23:00 including bank and public holidays. Permission is sought to extend the opening hours from 8.00 until 3:00, Monday – Sunday including bank and public holidays.*

*So are they asking to open until 0300 every day. I'm not sure how this will impact the residents above who previously objected to Chaiiwala next door operating during similar times and reported noise disturbances during that time.*

*Also with extended hours we will likely as a result see an increased amount of waste being produced, and as there has been issues along the rear of these shops previously, how will they manage the additional waste. [January 2020]*

6.4 SBC Public Protection Division

*There has already been several co-ordinated operations over the last month or so [as at September 2020], involving planning, parking enforcement, Licensing, Food and Safety and Thames Valley Police, in the Farnham Road to visit and work in partnership with business to ensure that they comply with planning conditions and COVID measures and try and restrict the number of people gathering in the area.*

*These operations have proved successful with ensuring premises working in line with planning conditions, and limiting patrons after 11.00pm.*

*It is clear however that the area is extremely popular with sometimes large gatherings of people visiting all the different premises into the late evening. The accumulation of these groups at 11.00pm and later is the cause of concern to local residents.*

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework**

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

#### **Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:**

- Core Policy 1 – Spatial Strategy
- Core Policy 6 – Retail, leisure and community facilities
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural, built and historic environment
- Core Policy 12 – Community Safety

#### **Local Plan for Slough March 2004 policies:**

- Policy S1 (Retail Hierarchy)
- Policy S8 (Primary and Secondary Frontages)
- Policy S12 (Change of Use A1 to A3)
- Policy S17 (New Shop Fronts)
- Policy EN1 (Standards of Design)
- Policy EN5 (Design and Crime Prevention)

- Policy T2 (Parking Restraint)

### Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 19th June 2019.

The National Planning Policy Framework 2019 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

## 8.0 **Assessment**

- 8.1 The implications of the proposed variation of the previously approved hours of opening have been considered with the appropriate consultees. The original submission was put forward with a proposed closure of 03:00 and was subsequently formally revised to 02:00.
- 8.2 The consultees have reviewed the local circumstances pertaining to the issue of other licensed premises and the incidence and likelihood of anti-social behaviour, as a context for the proposals. Whilst one consultee concluded in November 2019 that a six-month “trial” period would enable the issues related to their areas of involvement to be assessed, prior to any consideration of the appropriate opening hours in the longer term; there have been a series of consultees responses during that six month period – when the determination was held in abeyance - setting out that the local circumstances since and recently suggest the proposal should be refused.
- 8.3 The matters of concern raised by the objectors relate to the impacts of the use and whether there would be harm to residential amenities arising from the additional time of opening for the business.
- 8.4 There is residential accommodation above the parade and to the rear of 1

parade, which has rear access from the service road behind.

- 8.5 The Farnham Road retail area includes a large and vibrant food and beverage offering – takeaways, restaurants and bars/cafes. Set in the heart of a diverse community, it serves both the immediate local population and increasingly customers from across Slough, neighbouring towns and beyond.
- 8.6 Some of these food and beverage businesses operate throughout the day and evening into the late night / early morning. There are a variety of different opening times due to historic and legislative programs operating under licensing and planning regimes.
- 8.7 The volume of customers arriving at and/or congregating outside some of these premises in the evenings and early hours of the morning has been observed as bringing unacceptable levels of noise and disturbance which are harmful to residential amenity.
- 8.8 The proposals would entail an extension of time for the application premises, which lies in the heart of the area where the incidence of anti-social behaviour has led to a serious concern due to noise and disturbance.
- 8.9 It is therefore considered that the proposals would be likely to exacerbate the situation that has been found to occur in the locality, when other establishments have opened beyond the approved hours at these premises, and, as such, would be unacceptable in terms of the impact on residential amenity.
- 8.10 The applicant's agent has drawn attention to a case where the hours of operation were extended at 248 Farnham Road in 2018 – SBC ref: P/01454/008 – as follows:  
*The use hereby permitted shall not be open to members of the public as a restaurant, nor for the preparation/collection/delivery of any takeaway meals in person or by any other means outside the hours of 1000 hours to 0200 hours on Mondays to Fridays, 1000 hours to 0200 hours on Saturdays, and 1100 hours to 0200 hours on Sundays and Bank/Public Holidays.*  
Thus enabling that business to open until 2am
- 8.11 In considering that case it is noted that much weight was attached to the background noise of Farnham Road, in mitigation against any increased level of noise and disturbance which may arise from granting the extension of opening hours in that case. Furthermore, in part the case was held to be acceptable as many of the local premises were already opening beyond their permitted hours. Notwithstanding, there does not appear to be any certificates of lawfulness confirming this at any of the properties.

- 8.12 In the intervening period since that decision in May 2018, there have been issues raised about the level and intensity of the noise and disturbances arising in this local area. As such, it is considered to be appropriate to consider the weight that ought to be put on the previous arguments, in particular, the “background noise” associated with this part of Farnham Road.
- 8.13 The concentration of these late night uses has intensified since that time, as the former bank premises at 230-234 Farnham Road has been split into three individual businesses, each with a use that adds to the overall attraction of the locality for leisure and recreation based on cafes and restaurant businesses.
- 8.14 Indeed, this application relates to one of those new incoming activities.
- 8.15 As such, it is considered that the weight of the case has demonstrably changed and it is appropriate to conclude that the consequences of allowing this operation to extend its hours would be likely to add to the level of noise and disturbance to the detriment of the residential amenities of those occupying the accommodation above in particular and the local area more generally. As such this application is considered to trade at hours which is not complementary to its location and results in adverse environmental effects.
- 8.16 It has been noted that there are also objections raised by neighbours regarding refuse and lighting at the rear. However, it is considered that these represent issues which could have been covered by conditions to achieve reasonable remedies through changes in operation and practice were the substantive matter to have been acceptable
- 8.17 As this application is considered to be unacceptable per se, the applicant has not been asked to resolve those issues through negotiation of this application.

9.0 **PART C: RECOMMENDATION**

- 9.1 Having considered the relevant policies set out below, and comments from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for REFUSAL, as set out below:

1. The proposed extension of the operational hours of the premises is likely to result in a harmful impact on the amenities of

residents and occupiers of the local area through an increased level of noise and disturbance at anti-social hours contrary to the provisions of The National Planning Policy Framework (2019); Core Policy 12 of Slough Core Strategy (2006-2026); and, Policy S12 of The Adopted Local Plan for Slough 2004.

INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is contrary to the National Planning Policy Framework.

2. PLANS

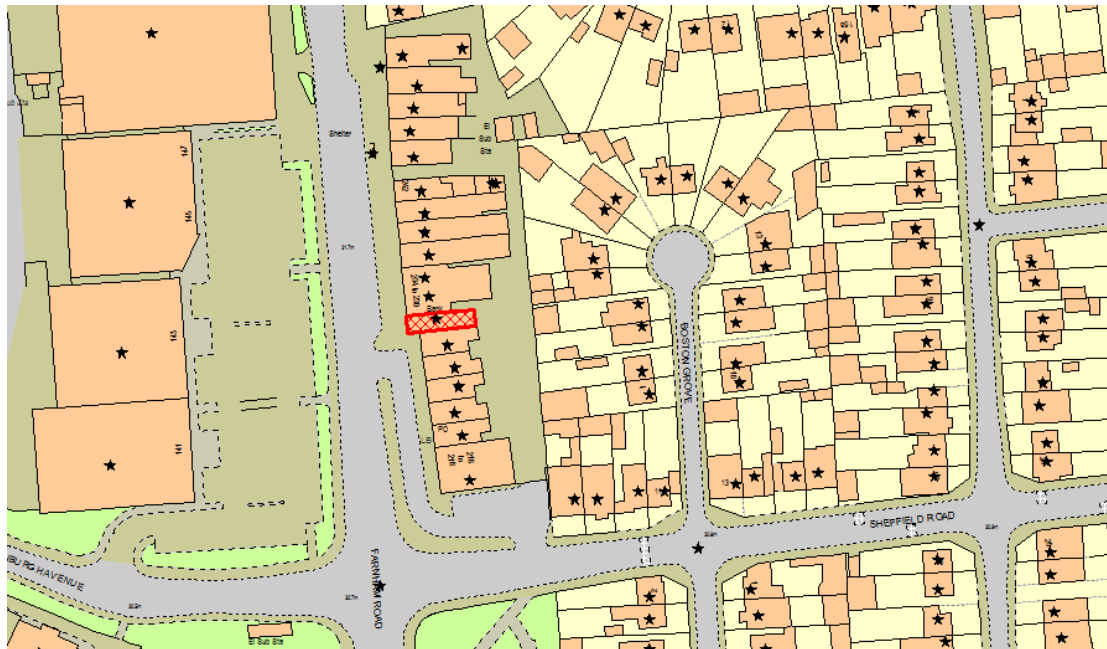
The proposal hereby refused was submitted with the following drawings:

(a) Planning Statement by MCS Design, Dated 6<sup>th</sup> August 2019, Recd On 06/08/2019



Registration Date:	01-Sep-2020	Application No:	P/03283/019
Officer:	Komal Patel	Ward:	Farnham
Applicant:	Chaiiwala Slough	Application Type:	Minor
		8 Week Date:	27October 2020
Agent:	Haris Kasuji, RR Planning Ltd Otley Road, Headingley, Headingley, Leeds, LS6 4BA		
Location:	230, Farnham Road, Slough, SL1 4XE		
Proposal:	Variation of condition 3 (Hours of opening) of planning permission P/03283/013 for 'Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway) ' dated 13/11/2018 to allow opening hours of Monday to Thursday 11:00 to 01:00, Friday to Sunday 11:00 to 02:00, seasonal variations Eid and Ramadan Only 11:00 to 03:00		

**Recommendation:** Delegate to Planning Manager to Refuse



**P/03283/019 – 230, Farnham Road, Slough, SL1 4XE**

**1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application is of a type which would normally be determined under powers of officer delegation. However, the ward members have had official and formal discussions on planning issues with the Planning Manager and the issues/concerns remain unresolved.
- 1.2 Having considered the relevant policies set out below, the representations received from all consultees and neighbouring residents, as well as all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for REFUSAL as set out under paragraph 9.1 below

**PART A: BACKGROUND**

**2.0 Proposal**

- 2.1 Variation of condition 3 (Hours of opening) of planning permission P/03283/013 for "Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway)" dated 13/11/2018 to allow opening hours of Monday to Thursday 11:00 to 01:00, Friday to Sunday 11:00 to 02:00, seasonal variations Eid and Ramadan Only 11:00 to 03:00. The existing condition states the below:

*The use hereby permitted shall not be open to members of the public / customers outside the hours of 23.30 hours to 08.00 hours.*

*REASON To protect the amenity of residents within the vicinity of the site*

**3.0 Application Site**

- 3.1 The application site is located on the eastern side of Farnham Road, within an existing row of shops and restaurants with residential accommodation above... The site consists of a restaurant with an element of takeaway at ground floor with a residential use above (the residential unit is currently unoccupied).
- 3.2 The site is designated as a secondary shopping frontage located in the Farnham Road district shopping centre as designated in the local plan. The site is not within a conservation area, or near any listed buildings and is located in flood zone 1.

**4.0 Relevant Site History**

P/03283/013 - Change of use from A2 (Offices) to A3 (coffee shop) with ancillary (take-away) service. – Approved 13 Nov 2018

P/03283/012 - Advertisement consent to display 2no. fascia signs & 1no hanging - Approved 27 Nov 2019

P/03283/017 - Submission of details pursuant to condition 4 (Bins) & 5 (Fats trap) planning permission P/03283/013 dated 13/11/18 – Approved 27 Nov 2019

P/03283/018 - Variation of condition 3 (Hours of opening) of planning permission P/03283/014 for 'Change of use from A2 (Office) to A3 (Restaurant) with ancillary (Hot-food takeaway) ' dated 18/12/2018 to allow business hours of 08:00 to 02:00 day of the week at 232 Farnham Road – pending consideration.

## **5.0 Neighbour Notification**

5.1 A neighbour consultation took place by way of a site notice.

5.2 No neighbour responses were received.

## **6.0 Consultations**

### **6.1 Licensing**

The premises license for Chaiiwala was granted in 2019-2020 with the following opening hours:

Monday to Thursday: 11:00pm 1:00am

Friday to Sunday: 11:00pm 2:00am

Seasonal Variations: Eid & Ramadan Only 11:00pm 3:00am

Although the licensable hours as granted exceed the permitted hours of operation as a planning condition on the premises, it is the operators responsibility to ensure that they comply with any and all planning conditions on the premises.

With regards to the area of Farnham Road where these premises are situated the following information may assist.

There has already been several coordinated operations over the last month or so, involving planning, parking enforcement, Licensing, Food and Safety and Thames Valley Police, in the Farnham Road to visit and work in partnership with business to ensure that they comply with planning conditions and COVID measures and try and restrict the number of people gathering in the area.

These operations have proved successful with ensuring premises working in line with planning conditions, and limiting patrons after 11.00pm.

It is clear however that the area is extremely popular with sometimes large gatherings of people visiting all the different premises into the late evening. The accumulation of these groups at 11.00pm and later is the cause of concern to local residents.

### **6.2 Environmental Health**

No comments received. Any comments received will be reported into the amendment sheet.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework**

Section 2: Achieving sustainable development  
Section 6: Building a strong, competitive economy  
Section 7: Ensuring the vitality of town centres  
Section 8: Promoting healthy communities  
Section 9: Promoting sustainable transport  
Section 12: Achieving well-designed places

#### **Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document policies:**

Core Policy 1 – Spatial Strategy  
Core Policy 6 – Retail, leisure and community facilities  
Core Policy 7 – Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 12 – Community Safety

#### **Local Plan for Slough March 2004 policies:**

Policy S1 (Retail Hierarchy)  
Policy S8 (Primary and Secondary Frontages)  
Policy S11 (Late night uses in Slough Town Centre)  
Policy S12 (Change of Use A1 to A3)  
Policy EN1 (Standards of Design)  
Policy EN5 (Design and Crime Prevention)  
Policy T2 (Parking Restraints)

#### **Slough Local Development Plan and the NPPF**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 19th June 2019.

The National Planning Policy Framework 2019 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

## **8.0 Assessment**

- 8.1 Paragraph 127 of the NPPF states that planning decisions should ensure that developments function well and add to the overall quality of the area for the lifetime of the development and that promote health and well-being with a high standard of amenity for existing and future users.
- 8.2 Core policy 8 of the core strategy states that development should respect its location and surroundings. Policy S12 of the Local Plan states that proposals for change of use into A3 uses must seek to trade at hours complementary to a retail location; it further states that proposals must not result in any adverse environmental effects.
- 8.3 The site is located within the Farnham Road District Shopping Centre with the parade containing a number of uses; however, there is a large concentration of restaurants and takeaways in the area which serve both the immediate local population and increasingly customers from across Slough and neighbouring towns. Some of these food and beverage businesses operate throughout the day and evening into the late night / early morning. All of the shops along this parade have residential accommodation at first floor level, with parts of the parade being 3 storey, including 230 – 242 Farnham Road, having residential accommodation at second floor also.
- 8.4 The volume of customers arriving at and/or congregating outside some of these premises in the evenings and early hours of the morning has been observed as bringing unacceptable levels of noise and disturbance which are harmful to residential amenity. In respect of the application site, this led to the serving of a Temporary Stop Notice and a Breach of Condition Notice during the summer of this year to try and secure an end to the breach of planning control with the premises operating outside of their permitted hours. Cumulatively the late night uses in this part of Farnham Road has resulted in coordinated efforts involving parking enforcement, Licensing, Food and Safety and Thames Valley Police, to visit and work in partnership with business in Farnham Road to ensure that they comply with planning conditions and COVID measures and try and restrict the number of people gathering in the area, which as noted has been cause for concern for local residents.
- 8.5 It has been noted by the applicant in their cover letter that many of the other properties in the surrounding area hold “licenses” which allow the properties to remain open later than the conditional planning permissions allow. Planning permission for similar uses in the area, with the exception of 248 Farnham Road, stipulate similar hours of operation to that specified in the existing condition subject of this application.
- 8.6 248 Farnham Road (German Doner Kebab), extended their hours of operation in 2018 under planning reference P/01454/008. In this application the hours of operation were extended till 2am. In considering that case it is noted that much weight was attached to the background noise of Farnham Road, in mitigation against any increased level of noise and disturbance which may arise from granting the extension of opening hours in that case. Furthermore, in part the case was held to be acceptable as many of the local premises were already opening beyond their permitted hours. Notwithstanding, there does not appear to be any certificates of lawfulness confirming this at any of the properties.

Furthermore, in the intervening period since that decision in May 2018, there have been issues raised about the level and intensity of the noise and disturbances arising in this local area. As such, it is considered to be appropriate to consider the weight that ought to be put on the previous arguments, in particular, the “background noise” associated with this part of Farnham Road.

- 8.7 The concentration of these late night uses has intensified since the issuance of this permission also, as the former bank premises at 230-234 Farnham Road has been split into three individual businesses, each with a use that adds to the overall attraction of the locality for leisure and recreation based on cafes and restaurant businesses. As such, it is considered that there has been a significant material change in circumstances to when planning permission was granted to extend the opening hours at 248, Farnham Road. It is reasonable to conclude that the consequences of allowing this operation to extend its hours would be likely to add to the level of noise and disturbance to the detriment of the residential amenities of those occupying the accommodation above in particular and the local area more generally.
- 8.8 No supporting information has been submitted by the applicant to demonstrate how the use of this site would not adversely impact on the amenities of neighbouring residential occupiers. A cover letter submitted by the applicant refers to the installation of sound-proofing by way of acoustic ceiling and self-closing doors, but this in itself does not demonstrate how this would reduce any potential adverse impacts from within the premises nor does it address the issue of noise externally.
- 8.9 An extension of the hours of for these premises and the noise associated with the comings and goings by customers and the take-away function, would occur at a time when people could reasonably expect some peace and quiet in their homes. The adverse impact on residential amenity would not be addressed by the mitigation measures referenced in the cover letter.
- 8.10 When considering the reason for imposing condition 3 of P/03283/013, being to protect the amenity of residents within the vicinity of the site, it is considered that this is still very much relevant and that extending the hours of use to the proposed hours would have a detrimental impact on the amenities of local residents.

## **9.0 PART C: RECOMMENDATION**

- 9.1 Having considered the relevant policies set out below, and comments from consultees and neighbouring occupiers, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for REFUSAL, as set out below:

1. The proposed extension of the operational hours of the premises is likely to result in a harmful impact on the amenities of residents and occupiers of the local area through an increased level of noise and disturbance at anti-social hours contrary to the provisions of The National Planning Policy Framework (2019); Policy 8 of Slough Core Strategy (2006-2026); and Policy S12 of The Adopted Local Plan for Slough 2004.

2. INFORMATIVE:

The development hereby refused was submitted with the following information:

- Cover Letter (ref: hk/O/Slgh/VOC/11.09.20), prepared by 'RR Planning Ltd', Dated 11 Sept 2020, Rec'd 21 Sept 2020

3. INFORMATIVE:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner notifying of concerns with the application. It is the view of the Local Planning Authority that the proposed development does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.

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Registration Date:	22-May-2020	Application No:	P/00226/044
Officer:	Neil Button	Ward:	Farnham
Applicant:	Hillstone Properties Limited	Application Type:	Major
Agent:	GAA Design, Suite 1, First Floor, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location:	253-257, Farnham Road, Slough, Berkshire, SL4 4LE		
Proposal:	Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 12 self-contained residential flats (net increase in 15 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping (Revised Plans and Description of Development dated 13.10.2020)		

**Recommendation:** Delegate to the Planning Manager for REFUSAL



## **P/00226/44 - 253-257 Farnham Road, Slough**

### **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 This application has been referred to the Planning Committee for consideration as the application is for a major development.
- 1.2 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for Refusal.
- 1.3 This is on the following grounds:

#### Reason 1

The proposed development by reason of the excessive height of the building would result in a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor (above the consented second floor) would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

#### Reason 2:

The proposed development would create additional opportunities to overlook the adjoining gardens to the west by virtue of the position and number of bedroom and living room windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon garden space at 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

#### Reason 3:

The proposed development would create additional opportunities to overlook the adjoining site to the east by virtue of the position and number of bedroom and living room windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore

contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

Reason 4:

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.

Reason 5:

In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on affordable housing, education and open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and the NPPF.

## **PART A: BACKGROUND**

### **2.0 Proposal**

- 2.1 The applicant has applied for a change of use at ground floor from nursery (D1 Use Class) to commercial use (E Use Class) and conversion to provide 3 x self contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 12 self-contained residential flats (net increase in 15 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.
- 2.2 The application has been made following the approval of a full planning application for 9 flats and single storey roof extension and external alterations with associated works (P/00226/043 – granted in 2020) and an application for the Prior Approval for change of use of the first floor to provide 9 flats (F/00226/040 – granted 10<sup>th</sup> September 2018). The applicant has commenced work on the change of use on the first floor.
- 2.3 The proposed dwelling mix of the proposed 15 additional residential units comprises 3 x studio units, 5 x 1bed 2 person units, 3 x 2bed 3 person units and 4 x 2bed 4 person units. The proposed ground floor has been revised to reinstate a commercial unit for which planning permission is sought for Class E Use (Commercial/Business/Retail) which occupies 185 sqm. The remainder of the ground floor comprises 3 x self contained flats, the bin and cycle stores and residential communal access and central core.
- 2.4 The two storey roof level extension proposes to match the same external treatment of the lower floor facades within a rendered concrete frame with recessed external brick walls encasing the windows/glazed elements. The

proposals include a minor change to the building line of the western elevation with the external wall projecting forward within a zig zag line to ensure certain the glazed elements of the facade are orientated northwards. Obscured or opaque glazing is proposed within specified windows in the western façade.

- 2.5 The façade works to the western elevation results in a small amount of additional floorspace which increases the building footprint. The proposals would extend the existing ground and first floors by an additional 22.48 sqm.
- 2.6 The proposals include re-landscaping the external area to the west of the proposed ground floor residential units with new boundary treatment which comprises a privacy screen with lower level timber fencing.
- 2.7 The proposals include the provision of a refurbished car parking area within the existing forecourt adjacent to Furnival Avenue to provide 10 spaces and provision of newly demarked parking spaces 1-6. Spaces 1 and 2 contain access to an Electric Vehicle (EV) charger. The applicant confirms that parking spaces will be allocated to 14x 1 bed and 2 bed flats. 2 spaces will be set aside for the commercial unit.
- 2.8 A refuse and bin store comprising 4 x 1100ml Euro bins is located adjacent to the communal residential entrance. The cycle store is located next to the bin stores which will provide space for 24 bicycles on two tier stacked racks.
- 2.9 The proposal essentially comprises a similar scheme as the originally submitted proposals in the previous application (Ref: P/00226/043) which contained a second additional floor. The top floor was removed in revised plans submitted under the previous application due to concerns raised by officers and approval was given for a single storey rooftop extension in addition to the associated works and change of use of the ground floor former nursery.
- 2.10 The following documentation has been submitted as a part of the planning application:
  - Application Forms
  - Application Certificates
  - Site Location Plan
  - Existing Plans and Elevations (Revised 13<sup>th</sup> October 2020)
  - Revised Plans, Sections and Elevations (Revised 13<sup>th</sup> October 2020)
  - Design and Access Statement
  - Noise Assessment
  - Drainage Strategy
  - Surface Water Drainage Design Report:
  - Sunlight and Daylight Letter
  - Transport Statement (Revised)

### 3.0 **Application Site**

- 3.1 The site contains a two storey building with flat roof which is surrounded by un-marked forecourt car parking area which was formerly used as a nursery (Use D1) at ground floor and offices (B1(a)) at first floor.
- 3.2 Prior approval has been obtained with all conditions discharged for the change of use of the first floor offices to 9 residential flats under Class O, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal was the same as that approved under reference F/00226/039 although the internal layout of the first floor had been changed.
- 3.3 The applicant has provided an inspection report (dated 4th September 2019) from Slough Borough Council (SBC) of the prior approval to residential had commenced.
- i) Erection of metal studwork for the first floor corridor/ party walls was in progress.
  - ii) Amendments to the internal layouts of flats were required with the formation of a corridor lobby with a suitable AOV/ installation of an automatic fire suppression system is required in order to comply with Approved Document B2/ BS 9991.
  - iii) The site would be seen again (by SBC Building Control) when corridor/ party walls constructed.
- 3.4 Subsequent correspondence from the applicant confirms no further substantive work had taken place and this was verified by site visit.
- 3.5 To the east of the site, there is a petrol station with convenience store which is within the designated Shopping Area. Properties to the south (No's. 235-251 Farnham Road) are also within the designated shopping area. There are rows of detached and semi-detached residential properties to the west along Furnival Avenue and residential properties above the commercial properties to the north on Farnham Road. The Budgens convenience store adjacent to the petrol station has been extended by one floor to contain a small first floor which is used for storage.

### 4.0 **Site History**

- 4.1 **P/00226/043:** Change of use at ground floor from nursery (D1 Use Class) to provide 3 x self contained residential flats (C3 Use Class) together with integral cycle parking and undercroft parking, external alterations to the facades of the building and erection of single storey extension at roof level above the converted (residential) first floor to provide an additional 6 self-contained residential flats (net increase in 9 x flats excluding the first floor). External cycle store, bin store, railing enclosure, boundary treatment, parking, and landscaping. (Revised Description of Development and Revised Plans submitted 10/12/2019 & 08/01/2020)

Approved with Conditions 22-April-2020

**F/00226/042:** Submission of details pursuant to condition 3 (Noise Impact Assessment) of planning permission F/00226/040 dated 10/09/2018.

Conditions Complied With: 15-Aug-2019

**F/00226/040:** Prior approval for a change of use from office (B1) to residential (C3) at first floor level to provide with 9 flats.

Approved with conditions 10-Sept-2018

**F/00226/039:** Prior approval for a change of use from office (B1) to residential (C3) at first floor level to provide with 9 flats.

Approved with Conditions; Informatives – 18-Sept-2017

**P/00226/038:** Submission of details pursuant to condition 6 (surface water) of planning permission P/00226/034 dated 23 July 2015.

Conditions Complied With; Informatives 26-Oct-2015

**P/00226/037:** Submission of details pursuant to Condition 4 (site investigation and remediation) of planning permission P/00226/034 dated 23 July 2015.

Conditions Complied With; Informatives 18-Dec-2015

**P/00226/036** Submission of details pursuant to condition 8 (working method statement) of planning permission P/00226/034 dated 23-07-2015.

Conditions Complied With; Informatives 22-Sep-2015

**P/00226/035:** Advertisement consent for replacement of existing signage on retail shop from 'BP' shop to 'Budgens of Farnham'.

Approved with Conditions; Informatives 20-Apr-2015

**P/00226/034:** Construction of a ground floor and first floor extension to retail shop within petrol station.

Approved with Conditions; Informatives 23-Jul-2015

**P/00226/033:** Installation of an internally illuminated totem sign.

Approved with Conditions; Informatives 10-Sep-2010

**P/00226/032:** Change of use of first floor from day nursery (D1) to offices (B1a) and insertion of entrance doors and canopy over.

Approved with Conditions; Informatives 29-Jul-2005

#### 4.2 Pre-Application Advice:

Pre-application advice was sought by the same applicant for a development scheme comprising the re-cladding of the building and the erection of a part two, part three storey extension at the top of the existing building, and a part one, part two storey side extension, retention of existing D1 (nursery) at ground floor level to provide a total of 24 flats (12 x 1 bed and 12 x 2 bed).

Following the advice received from officers, the applicant opted to submit a prior approval to convert the offices on the first floor offices to residential under permitted development and commenced works to implement this approval. The applicant subsequently submitted a planning application for the extensions above first floor and change of use of the ground floor to create additional residential accommodation. The applicant reduced the height of the extensions by two levels and the quantum of residential accommodation as a consequence of negotiations with officers.

#### 5.0 Neighbour Notification

5.1 B P Service Station, 257A, Farnham Road, Slough, SL2 1HA, 261A, Farnham Road, Slough, SL2 1HA, 261B, Farnham Road, Slough, SL2 1HA, 261, Farnham Road, Slough, SL2 1HA, 2, Furnival Avenue, Slough, SL2 1DW, Ats Euromaster Ltd, 1A, Furnival Avenue, Slough, SL2 1DH, 251A, Farnham Road, Slough, SL2 1DE, 251, Farnham Road, Slough, SL2 1DE, 1, Furnival Avenue, Slough, SL2 1DH, 263, Farnham Road, Slough, SL2 1HA, 263A, Farnham Road, Slough, SL2 1HA, 263B, Farnham Road, Slough, SL2 1HA, 4, Furnival Avenue, Slough, SL2 1DW, 265, Farnham Road, Slough, SL2 1HA, First And Second Floor Flat, 265, Farnham Road, Slough, SL2 1HA, Room 2, 6, Furnival Avenue, Slough, SL2 1DW, Room 5, 6, Furnival Avenue, Slough, SL2 1DW, 6, Furnival Avenue, Slough, SL2 1DW, Room 3, 6, Furnival Avenue, Slough, SL2 1DW, Room 4, 6, Furnival Avenue, Slough, SL2 1DW, Room 1, 6, Furnival Avenue, Slough, SL2 1DW, 3, Furnival Avenue, Slough, SL2 1DH, Burnham House, Flat 4, 267, Farnham Road, Slough, SL2 1HA, Burnham House, Flat 3, 267, Farnham Road, Slough, SL2 1HA, 267, Farnham Road, Slough, SL2 1HA, 267B, Farnham Road, Slough, SL2 1HA, 267A, Farnham Road, Slough, SL2 1HA, Burnham House, 267, Farnham Road, Slough, SL2 1HA, Burnham House, Flat 2, 267, Farnham Road, Slough, SL2 1HA, Rear Of, First And Second Floors, 267, Farnham Road, Slough, SL2 1HA, Rear Of, 267, Farnham Road, SL2 1HA, Burnham House, Flat 1, 267, Farnham Road, Slough, SL2 1HA, 249A, Farnham Road, Slough, SL2 1DE, Peking Cuisine, 249, Farnham Road, Slough, SL2 1DE

1 response has been received (from the adjoining occupier) raising the following objections:

- Same reasons for objection apply as applied to the previous application
- Increased pressure on car parking from additional residential units.
- Vehicles park in a hap-hazard way on the street and driveways end up

- being blocked.
- Concern about composition of dwelling types – and due to the no. of studio units.
- Overcrowding in the flats will be created.
- Anti-social behaviour from tenants.
- Inconsiderate car parking causes danger to pedestrians.
- Unacceptable increase in height.
- Encroachment on privacy at neighbouring property.
- Windows in upper floors will overlook neighbours garden and be invasive.
- If the scheme is approved – family will be displaced.

5.2 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, a site notice was displayed at the site which expired on 3<sup>rd</sup> August 2020 and the application has been advertised in The Slough Express.

5.3 No further comments were received.

## **6.0 Consultation**

### **6.1 Transport and Highways**

#### **Application Description**

The proposed development is for 15 dwelling as follows:

- 3 x Studio flats;
- 5 x 1 Bedroom Flats;
- 7 x 2 Bedroom Flats; and
- 185m<sup>2</sup> Commercial Area.

The site will provide a total of 24 residential flats over 4 floors including 9 flats previously permitted on the first floor through a prior approval application. The 9 flats on the first floor would provide the following accommodation:

- 7 x Studio flats; and
- 2 x 1 bedroom flats.

This proposal equates to the construction of an additional 6 residential flats compared to the existing planning permission (App Ref: P/00226/043). The site will be served via the existing access points, with entry gained from the right of way across the access shared with the petrol station. A separate exit point onto Furnival Avenue is also provided. The access and egress will be the same as per the agreed access arrangements for the 18 unit scheme which had 23 parking spaces, a ratio of 1.27 spaces per dwelling (App Ref: P/00226/043).

A total of 16 parking spaces are proposed which equates to 0.66 spaces per flat. A total of 24 secure and covered cycle parking spaces will be provided



for the residential use in a secure storage area adjacent to the lobby and 8 spaces in the form of 4 cycle stands will be provided for the commercial use in a separate, secure cycle store. The proposed site plan is shown on Drawing No. 20-00-P09.

## **SBC Highways and Transport Comments**

### **Access**

The site will be served via the existing access points, with entry gained from the right of way across the shared petrol station access and a separate exit point onto Furnival Avenue. The access and egress is the same as the consented 18 unit scheme (App Reference: P/00226/043).

A review of publicly available collision data from Crashmap indicates that there is not an existing accident problem in close proximity to the site access which would be exacerbated by additional traffic generated by the proposed development.

No objection is raised to the access for the proposed development by the Highways and Transport Team.

### **Drainage**

The applicant is required to provide details of surface water disposal from the access and car parking area. No surface water from the development should drain onto the public highway. Further details of drainage for surface water should be secured by condition.

### **Trip Generation**

The Transport Assessment for the site presents an assessment of trip generation based on trip rate data from the TRICS database. The trip rates are based on survey sites in Greater London, which are considered incomparable with development sites in Slough. The proposed vehicular trip rates for the site presented in Table 5.1 are considered unrealistically low for this location, particularly given the provision of 16 car parking spaces on-site. The vehicular trip rates and forecast vehicular trip generation are not accepted.

Notwithstanding the car parking impacts, the site is not expected to have an adverse impact on highway capacity in terms of the level of additional trips.

### **Parking**

The proposed layout of parking spaces is the same as that previously agreed, however the previously proposed undercroft parking area is now removed and only 16 spaces are provided. This is significantly below the number of parking spaces proposed for the previously consented scheme and significantly below the number required by the Slough Borough Council

## Parking Standards.

The Slough Developers Guide – Part 3 (2008) sets out parking standards for the Borough. The site is situated outside of the Shopping Centre and Town Centre Zones. Therefore the parking standards for ‘Predominantly Residential’ Areas are considered appropriate. The parking standards require 35 parking spaces or 1.45 spaces per dwelling for the proposed development, as demonstrated in Table 1 below:

**Table 1: Slough Borough Council Parking Requirements (Predominantly Residential Area)**

Dwelling Size	No. of Dwellings	SBC Standard per Unit		Requirement	
		Car Spaces	Cycle Spaces	Cars	Cycles
1 Bed Dwellings	15	1.25	1	19	15
2 Bed Dwellings	9	1.75	1	16	8
<b>Total Parking Requirement</b>				<b>35</b>	<b>24</b>

Source: Slough Borough Council Developers Guide – Part 3 – Highways and Transport (2008).

As demonstrated by the table above, the proposed 16 parking spaces would be a shortfall of 19 parking spaces against the 35 spaces required by the Slough Borough Council Parking Standards.

The documentation submitted by the applicant does not provide suitable evidence for the shortfall in parking provision against the number compared with parking standards. The previously approved development already represented a shortfall in parking provision and the proposals for a parking ratio of 0.66 spaces per dwelling further departs from the parking standards.

The site is not highly accessible by public transport and has a SBC PTAL rating of 2 which is considered low on a scale of 1 – 6b. In comparison, Slough Town Centre has a PTAL rating of 5. The site is situated 2500m from Burnham Railway Station and 3200m from Slough Station which are beyond acceptable walking distance.

Local Car Ownership Data has been considered to understand if local facilities and public transport reduce car ownership in this area of Slough. The local car ownership data is presented in Table 2 below:

**Table 2: Recorded Local Car Ownership**

	Slough 002B	Slough 002
Total Households	547	3462
Total Cars	649	4157
Cars Per Household	1.19	1.20

Source: 2011 Census – QS416EW – Car or Van Availability. ONS Crown Copyright.

As shown in Table 2 above, 1.19 cars per household were recorded in Slough 002B which contains part of the site. 1.20 cars per household were recorded for the wider MSOA of Slough 002.

Therefore the site is unlikely to support low levels of car ownership. The shortfall in parking and proposed parking ratio of 0.66 spaces per dwelling is considered inappropriate and Slough Highways and Transport Team cannot support this application. The shortfall in parking provision is likely to lead to parking overspill onto the surrounding streets causing a highway safety and/or capacity problem.

The applicant should revise the application to provide a number of parking spaces consistent with the Slough Borough Council parking standards or the parking ratio of the previously consented scheme.

### **EV Parking**

Two of the spaces shown on the proposed site plan are marked as 'EV' for installation of Electric Vehicle Charging Points. It is recommended that the specification of Electric Charging Points is agreed in discussion with the Environmental Quality Team.

### **Cycle Parking**

The cycle parking shown on the proposed site plan (Drawing No. 01-01-Rev-P06) does not appear to provide individual, secure storage lockers and the security arrangements for the bicycle storage are not clear from the submitted plans. The applicant is required to submit further details clarifying the security arrangements for the cycle storage including that the cycle store will have a door with keycode access to prevent access from strangers and that CCTV will be provided. It is recommended these details are secured by condition.

The Slough Borough Council Developers Guide – Part 3 – Highways and Transport requires that Cycle Spaces for visitors are needed for blocks of flats of 10 or more units (Major Developments). No visitor cycle parking is provided for the proposed development.

### **Refuse Collection, Servicing and Deliveries**

The location of the bin store would allow refuse collection to take place from the kerbside, without collection operatives entering the site. The proposed bin store appears the same as shown on the previously consented plans. No objection is raised on the basis of refuse collection.

### **Summary and Conclusions**

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.

#### Reason for Refusal

##### Car Parking

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.

#### 6.2 Lead Local Flood Risk Authority Advisors – No objection.

The County Council has reviewed the SPH Structures Surface Water Drainage Design Report FNH/SPH/XX/XX/RP/S/8000/P2, SPH Structures drainage plan/strategy drawings FNH/SPH/XX/B1/DR/S/8000/P2 and Slough Borough Council Surface Water Drainage Pro-Forma. The submitted information addresses our requirements and we have no further comments.

#### 6.3 Environmental Quality – Ground Contamination

No comments received.

#### 6.4 Thames Water – No objection.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

6.6 Crime Prevention Design Advisor - No objection.

The following issues need to be resolved at the detailed design stage:

Private Residential Car Park: I strongly recommend that access to the car park be made secure through the inclusion of electronic gates or shutters (LPS1175 SR2 or equivalent). These measures must incorporate an access control system that allows the driver to operate the system without leaving the vehicle. The layout and design of this facility should also incorporate the safer parking principle of surveillance, lighting and management processes and procedures.

Postal services: Details relating to how the postal service be managed be should be provided.

Bicycle storage facility: The cycle storage proposed facility could be vulnerable to unauthorised intrusion. This in turn can raise the fear of crime among legitimate users residents may feel vulnerable in this area and abandon the bicycle storage facilities preferring to take their bikes into the private space of corridors and stairwells. This in turn could cause conflict between neighbours. Cycle store facility should be secured a dedicated room or secure cycle compound (there should be no windows within integral stores, and doors must meet the standards of <https://www.securedbydesign.com/> Home 2019 guide).

Physical security: Condition is recommended to require the development will achieve the Secured by Design Award shall be submitted to, and approved by the authority.

The following advice should be followed in order to demonstrate Secured by Design 'Silver' standard:

1. External Communal entrances: All external and internal Communal entrance doors meet the requirements of the minimum physical security requirements of LPS1175 Issue 8 B3)
  - i. Developments with more than two floors are required to have a visitor door entry system and access control system.
  - ii. All external and internal Communal entrance doors access will be controlled via an electronic remote release locking systems with audio/ visual intercom links to each apartment. This will allow residents to communicate with their visitors without having to open their front door and speak to them face-to-face as this allows them to filter who is allowed into the building and up into their flat..
  - iii. The system will be required to record and store images for a minimum of 30 days.
  - iv. Tradesperson's release mechanisms are not permitted as they have been proven to be a cause of ASB and unlawful access to residential areas
  - v. Post boxes to be located as shown on plans (outer air lock

lobby of each core)

2. Compartmentalisation: The Access control system must provide compartmentalisation of each floor within the development, and from the parking level, and cover each of the following;
3. Secure communal lobbies: Any internal door sets should meet the same specification as above be access controlled (ground floor and residential floor lobbies)
4. Bin and cycle store doors. Must be robust and secure (meet the minimum physical security standards of LPS 1175 issue 8 B3, with electronic access control. *Please note Double leaf door can be problematic in terms of sustainable operation and security, as the active leaf is required to secure against the passive. alternatively a single leaf door may well be more appropriate and cost effective.*

#### 6.7 Environmental Quality: Air Quality – No objections.

(Comments received in respect of previous scheme P/00226/043) at this site. The same issues apply.

In line with the Slough Low Emission Strategy, the scheme is considered to have a MINOR impact on air quality. The development is not expected to contribute to a worsening of air quality.

The development is close by two roads: Farnham Road is within <30m and Furnival Avenue within 14m of the façade. As Farnham Road has a high traffic flow, there is risk that future occupants of the development could be exposed to poor air quality. It is recommended that exposure is assessed, either through dispersion modelling or diffusion tube monitoring. The development supports cycling infrastructure by providing cycle spaces, which aids to fulfil Slough Borough Council's modal shift objective.

#### Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there is allocated parking for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
- Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report

#### 6.8 Environmental Quality: Noise

(Comments received in respect of previous scheme P/00226/043) at this site.

The same issues apply.

An environmental noise assessment was completed by KP acoustics, based on continuous measurements obtained from 28/05/19-29/05/19. As no weekend monitoring was conducted, it is difficult to tell if these measurements are representative of the external noise climate.

Measurement positions are suitable to determine worst case at the front façade. As expected, the noise levels are highest in NMP1, at 61dB LAeq16h and 58dB LAeq8h. LAm<sub>ax</sub> values have not been presented in the table, however the graph at the end of the report suggests that LAm<sub>ax</sub> levels reach to just below 90dB on a few occasions, for example just before 06:30. It is noted later in the report that glazing performance calculations have taken LAm<sub>ax</sub> values into consideration, and as WHO Guidelines for Community Noise (1999) allow for 45dB LAm<sub>ax</sub> to be exceeded 10-15 times a night, this is considered acceptable.

The plans show that there are balconies which face out to Farnham Road. The suitability of the balconies in terms of environmental noise have not been considered, however due to the nature of the urban environment, it is expected that external noise will be high and their use will be within the occupants discretion.

#### Mitigation Requirements

To ensure that residential amenity is protected once the development is occupied, the following is required:

#### Glazing:

South and East Elevations: Rw 36dB, achieved with 6/12/10mm glazing.

North and West Elevations: Rw 31dB, achievable with 4/12/4mm glazing.

#### Ventilation:

A number of ventilation options have been provided within the noise impact report. It is recommended that mechanical ventilation is installed to reduce external noise ingress and ensure risk of overheating is minimised. However, it also states in the report that once a preferred option is chosen, a full assessment would be required by KP Acoustics to ensure a compliant internal noise level can be achieved. This must be completed.

Recommendation: The report states that all glazed and non-glazed element calculations would need to be finalised once all design proposals are finalised, therefore a final noise assessment must be submitted to SBC once the design is confirmed, which also includes an assessment to determine the chosen ventilation does not hinder compliance with internal noise levels. This must be submitted to and approved by SBC prior to commencement.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

7.1 The following policies are considered most relevant to the assessment of this application:

#### The National Planning Policy Framework (NPPF) 2019

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or  
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

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

Core Policy 1 – Spatial Strategy

Core Policy 3 – Housing Distribution

Core Policy 4 – Type of Housing

Core Policy 5 – Employment (inc “Areas for Major Change”)

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 8 – Natural and Built Environment

Core Policy 9 – Natural and Built Environment

Core Policy 11 – Social Cohesiveness

Core Policy 12 – Community Safety

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

Policy H10 – Minimum Density

Policy H14 – Amenity Space



Policy EN1 – Standard of Design  
Policy EN3 - Landscaping  
Policy EN5 – Design and Crime Prevention  
Policy T2 – Parking Restraint  
Policy T8 – Cycling Network and Facilities

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

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

The revised version of the National Planning Policy Framework (NPPF) was published upon July 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Other relevant documents

- Slough Local Development Framework, Site Allocations, Development Plan Document (adopted November 2010)
- Slough Local Development Framework Proposals Map 2010
- Slough Borough Council Developer's Guide Parts 1-4
- Guidelines for the Provision of Amenity Space Around Residential Properties (January 1990)

7.2 The principal planning considerations for this proposal are:

- Principle of development and status of the PD Approval
- Design and Impact on Streetscene and Local Townscape
- Housing Mix and Standard of Accommodation
- Highways Impacts, Transport and Car Parking Matters
- Impacts on Residential Amenity
- Environmental Impacts

## 8.0 **Principle of Development**

8.1 **Policy Designations:** The site is located within a residential area adjacent to the Farnham Road District Shopping Centre which is located to the east of the site. The site is not within a conservation area or located within any specific current planning designations.

8.2 **Loss of Nursery (Class D1) Floor space & Re-provision for Class E (Commercial/Business):** The proposal results in the change of use of the ground floor nursery (Class D1) which results in the net loss of 260 sqm floor space with 185 sqm re-provided as Class E (Commercial/Business/Retail) floor space. Local Plan Policy OSC17 (Loss of Community, Leisure and Religious Facilities) states that development proposals which would result in the loss of a community, leisure, or religious facility will not be permitted unless it can be shown that:

- a) the facility is no longer required for alternative religious, leisure or community use;
- b) an acceptable alternative facility can be provided which would serve the existing users; or
- c) it would be economically unviable to repair or alter the building for an alternative community use.

8.3 The ground floor use formerly comprised of a private nursery therefore it is considered that the facility would not fall within the category of being a community facility for the purposes of this policy restriction to be applied. As such, the loss of the Class D1 floor space is considered to be acceptable in principle. It is noted that the proposals re-provide 185 sqm of Class E floor space within the ground floor which is considered acceptable in light of the location on the edge of the Farnham Road Shopping Centre.

8.4 **Residential Use:** Local Plan Policy H11 (Change of Use to Residential) states that proposals for the conversion and change of use of existing commercial properties to residential use will be permitted subject to their meeting all of the following criteria:

- a) a satisfactory independent access is provided;
- b) any parking provision meet the aims of the integrated transport strategy;
- c) satisfactory minimum room sizes and internal layouts are achieved; and
- d) satisfactory sound insulation measures are taken between each residential unit and adjoining properties.

8.5 The policy also recommends that proposals should also provide appropriate amenity area which can take the form of roof gardens, balconies, or more traditional forms of amenity space such as ground level gardens.

8.6 This policy mainly is concerned with encouraging residential use within upper floors above commercial uses so it is considered that it is not strictly

applicable to the proposals. However, the proposed floorplan indicates that satisfactory independent accesses could be provided for the ground level flats, and the minimum room and flat sizes (in accordance with the Nationally Described Space Standards) and sound insulation could be secured by condition. In addition, some external amenity spaces are provided with the ground floor units and upper floor units. In conclusion, it is considered that adequate residential amenity for the converted ground floor flats could be secured by the proposals. The proposal would result in a positive re-use of the existing building including a mixture of land uses.

- 8.7 The principle of residential use on the site is considered to be established through the (PD) Approval (P/00226/040) for use of the first floor as 9 flats and the former planning approval for 9 flats (P/00226/043). Therefore, in planning terms subject to the PD approval works being completed, it is considered additional residential uses would be acceptable in land use terms.
- 8.8 **Prior Approval Status:** The description of development confirms that the proposals would involve the change of use of the ground floor Class D1 Nursery (to provide 185 sqm Class E floor space), minor extensions to the western façade of the building to facilitate a new zig-zag building line and erection of a two storey extension above the first floor level former offices. The proposed works facilitate the provision of 3 x self contained flats at the ground floor, minor enlargement of the prior approval consented flats at first floor level and 12 x self contained flats within the new second and third floor levels. The development results in a total residential provision of 15 new dwellings.
- 8.9 There would be a total 24 residential dwellings within the whole building once the first floor units approved under F/00226/040 are taken into account. Notwithstanding this, as the change of use of the first floor has not been completed, the prior approval has not been implemented under Part 1(b) of Section 56 of the Town and Country Planning Act 1990 (as amended) which states:
- “Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated, (b) if the development consists of a change in use, at the time when the new use is instituted*
- 8.10 As the new use approved under the Prior Approval consents F/00226/039 or F/00226/040 (ie: residential) within the first floor has not been instituted, it is considered that the prior approval has not been implemented. Therefore, officers need to consider whether the proposed works specified in this planning application could be carried out with or without the prior approval development.
- 8.11 Officers have also considered whether the proposed works should be considered cumulatively with the residential units in the prior approval permissions (ie: as a major development comprising 24 dwellings).

- 8.12 In coming to a view of the status of the prior approval consent, officers consider that there is a strong possibility of these works being carried out as part of one development project noting that the applicant is the same on both the planning application and the prior approval application. Nonetheless, the applicant has obtained prior approval and has commenced works on implementation of the development (which details are verified by the Building Control Inspection). The applicant has also confirmed that works on implementing the prior approval have been paused to allow for this planning application to be determined. If planning permission is not given, the applicant retains the option of implementing the prior approval on the basis of the previous application (where SBC has no further control on the use). This would result in the provision of windows at first floor level which could overlook the adjoining gardens at 2 and 4 Furnival Avenue and further cycle, bin store and car parking provisions which the Council has limited further controls over. If this planning permission is given (for the works described in the application description), the applicant has the option of implementation of the internal works consented in the Prior Approval (as a separate building project) followed by occupation, before implementing either the current or previously approved application as a follow up building project. Sequentially, the applicant could arrive at the same end result if implementing both Prior Approval followed by the development permitted by the Planning Permission (as separate building projects). However, the applicant has indicated that they intend to carry out works under the same construction programme and as the proposals include alterations to the first floor flats, it is understood that occupation of the units will not occur in advance of the other building works.
- 8.13 The description of development confirms that the applicant is seeking planning permission for additional residential units on the ground, second and third floors (by way of the extension). The applicant confirms that this application does not seek planning permission for the change of use on the first floor which they contend will be completed under the prior approval (F/00226/040). The first floor plans have been included as part of the approved plans to ensure appropriate stacking of the units (bedrooms over bedrooms) and as these works have already commenced via the prior approval consent, this approach is considered to be acceptable with regards to the fall back position.
- 8.14 On this basis, it is acknowledged by officers that the proposed development (as per the description of development) could theoretically occur as a standalone development with the offices (or nil uses) being reinstated on the first floor (although this remains unlikely in our view). The resulting juxtaposition of uses would at this scenario create shared accesses, car parking and the need for potential sound attenuation to mitigate noise between the floors with the offices not being subject to any planning controls (in terms of hours of operation, ventilation and plant machinery operations). It is considered that there would be potential conflicts from an unregulated office use being sandwiched between two floors of residential use as the planning permission could not impose further restrictions on the office use. As such, it is considered there is limited scope within the current application to secure conditions to protect living conditions within the proposed flats on

the ground and second floors, beyond sound insulation measures (if the first floor reverted to an office use).

- 8.15 Notwithstanding this, the proposed change of use of the ground floor (to residential) and extension to provide residential flats above first floor could be an acceptable use (in principle) in combination with the more recent prior approvals (ref: F/00226/039 or F/00226/040). Officers consider that the residential uses would be compromised if the offices were retained at the first floor (if the PD schemes are not fully implemented).
- 8.16 Notwithstanding the concerns, were the offices to be reinstated, it is established that planning permission should not be refused where a concern or impact can be overcome by means of imposing a planning condition. Given the first floor is within the red line of the application site and the developer has control over this building, a planning condition could ensure the proposed development is only carried out in combination with the residential use permitted under the prior approval F/00226/040 granted on 10 September 2018. It is considered that this condition would be necessary, relevant, enforceable, precise and reasonable (in accordance with sections 70 & 72 of the Planning Act 1990). The developer has agreed to this condition under the previous application and the principle of the development is considered to be acceptable in land use terms.
- 8.17 It is considered in land use terms, and subject to a condition which requires the implementation of the prior approval scheme on the first floor, that residential use within the ground, second and third floors would be acceptable subject to a detailed consideration of the planning merits.

## 9.0 **Design and Impact on the Street Scene**

- 9.1 The thrust of Policy EN1 of the Adopted Local Plan for Slough and Core Policy 8 of the Core Strategy is that the design of proposed residential development should be of a high standard of design and reflect the character and appearance of the surrounding area.
- 9.2 **Scale, Height & Bulk:** The proposed external works as listed in the application description include the erection at roof level of two new residential floors which increase the height of the existing building by circa 6m (excluding the lift overrun). The surrounding environment to the east comprises a more urban context with buildings of predominantly 3 storeys on Farnham Road which is a District Shopping Centre. There are instances of where the building heights extend above 3 storeys on Farnham Road such as the Cash and Carry building to the east of the BP Petrol Station on the opposite side of the Furnival Avenue/Farnham Rd crossroads) but the predominant height is at 3 storeys. To the west, and including the application site – the scale is predominantly two storey and suburban in character.
- 9.3 It is considered the additional height would not relate well to the suburban context and scale of buildings to the west on Furnival Avenue and the building would also appear substantially higher than the immediate buildings

on Farnham Road to the north, including the petrol station. The proposed development site sits back from Farnham Road behind the BP Petrol Station and lies within a more residential setting on Furnival Avenue. Notwithstanding the setting, the existing building character is of a more commercial form and this would be viewed at a prominent location within the local townscape when viewed from the south at the cross roads with Farnham Road and Furnival Avenue at the rear of the Petrol Station. The commercial character and proportions of the existing building differs from the residential and domestic character of the buildings on Furnival Avenue. Officers consider that the additional third floor (above the consented single storey extension) results in a building of excessive height and scale in the current context. The resulting relationship with the two storey semi-detached dwellings to the west on Furnival Avenue with appear awkward with the height of the development looming over the roofs of the suburban housing. In this context, the proposals are viewed to be unacceptable and would result in demonstrable harm to the street scene.

- 9.4 It is also considered the additional residential uses on the proposed third floor would present some constraints were the adjoining petrol station building and open courtyard to come forward for redevelopment. The additional height above the approved second floor would cause a further potential obstruction if the adjacent Petrol Station site came forward for development with a second aspect at the rear. Therefore, on balance it is considered the proposals would add a significant constraint should this site come forward in the future. The additional height is symptomatic of the proposed over-development of the site. The approved development (of a lower height) that preceded this application was viewed on the basis that it did not unduly restrict the adjoining site.
- 9.5 Officers consider that irrespective of the design and the quality of finished facades that proposed height of the development would not be acceptable and would not sympathetically relate to the surrounding environment. The inappropriate and excessive height of the resulting building would in the officer's view, constitute significant harm to the residential character of the area and of the street scene in Farnham Road.
- 9.6 **Design and Appearance:** The proposed re-cladding of the building would accentuate the elevational features of articulated brick panels and farmed bays. The proposals also include the replacement of the existing window framing system, including replacing all windows and doors, and the masonry brickwork in the south, eastern and western elevations. The existing masonry brick on the northern elevation will be retained and cleaned. New EWI white render treatment to the existing concrete frame of the building will be applied.
- 9.7 A combination of these elevational works will potentially improve the appearance of the existing structure. Conditions would have been recommended to require submission and approval of detailed sections and elevations to ensure the detailed junctions of the extensions with the existing building are as seamless as possible. However, it is considered compliance with these conditions would not overcome the fundamental issue of the

unacceptable height of the proposals.

- 9.8 **Landscaping:** The applicant confirms that no high hedges will be planted where opportunity for hiding places exists, and the proposed greenery will not obstruct the natural surveillance at ground floor level. There is limited scope for landscaping at ground level, but the line of trees and planting at the Furnival Avenue frontage and ground floor residential units adjacent to the service road is welcomed. The applicant has confirmed that they would accept a condition which requires detailed planting schedules and the submission of a new landscape masterplan for the scheme.
- 9.9 Policy EN5 of the adopted Local Plan states all development schemes should be designed so as to reduce the potential for criminal activity and anti-social behaviour. No objections have been raised by the Crime Prevention Design Advisor subject to condition requiring Secure by Design compliance (silver standard).
- 9.10 Based on the above, due to the excessive height of two storey rooftop extension, and the resulting poor relationship with the adjoining suburban housing in Furnival Avenue and Farnham Road, the proposal would not have an acceptable impact on the character and visual amenity of the area and would fail to comply with Policy EN1 of the Local Plan for Slough March 2004 (Saved Policies), Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy 2019.

## **10.0 Housing and Standard of Accommodation**

- 10.1 The National Planning Policy Framework seeks to deliver a variety of homes to meet the needs of different groups in the community. This is largely reflected in local planning policy in Core Strategy Strategic Objective D and Core Policy 4. The National Planning Policy Framework states that planning should create places with a high standard of amenity for existing and future users. Core policy 4 of Council's Core Strategy seeks high density residential development to achieve "a high standard of design which creates attractive living conditions." Policy H14 of the Adopted Local Plan seeks an appropriate amount of private amenity space with due consideration given for type and size of the dwelling, quality of the proposed amenity space, character of the surrounding area in terms of type and size of amenity space and the proximity to existing public open space and play facilities.
- 10.2 The proposals comprise 3 x Studio units, 5 x 1bed 2 person units, 3 x 2bed 3 person units and 4 x 2bed 4 person units (15 units in total). The proposals provide a mix of homes appropriate for the location (close to a district/local shopping centre) that would help achieve sustainable, inclusive and mixed communities. Given the scale of development, positive weight would be carried forward in the Planning Balance.
- 10.3 The proximity of residential uses in close proximity to the petrol station has been considered and due to the potential for noise from passing cars and the

limited external amenity space, the site is unsuitable for family accommodation. The area to the east is characterized by residential uses above commercial uses and so, residential use would be acceptable for a flatted development.

- 10.4 The proposed 15x flats (subject to this application) subject to consideration of this planning application would have acceptably sized internal spaces that would broadly comply with the Nationally Described Space Standards with the exception of the second and third floor studio units which only falls marginally under the minimum size for a 1 bed 2 person flat by 0.44 sqm. The Proposed Flats are sized as follows:

Floor	Flat No.	No. of Bedrooms	Size (sqm)
Ground	1	2 Bed	61.42 sqm
Ground	2	1 Bed	55.11 sqm
Ground	3	1 Bed (Studio)	39.12 sqm
First*	4	1 Bed (Studio)	41.31 sqm
First*	5	1 Bed (Studio)	43.05 sqm
First*	6	1 Bed	50.75 sqm
First*	7	1 Bed (Studio)	45.09 sqm
First*	8	1 Bed (Studio)	37.85 sqm
First*	9	1 Bed (Studio)	40.00 sqm
First*	10	1 Bed (Studio)	39.19 sqm
First*	11	1 Bed	45.73 sqm
First*	12	1 Bed (Studio)	35.09 sqm
Second	13	2 Bed	65.27 sqm
Second	14	1 Bed	50.75 sqm
Second	15	1 Bed (Studio)	49.56 sqm
Second	16	2 Bed	72.91 sqm
Second	17	2 Bed	73.20 sqm
Second	18	1 Bed	50.00 sqm
Third	19	2 Bed	65.27 sqm
Third	20	1 Bed	50.75 sqm
Third	21	1 Bed (Studio)	49.56 sqm
Third	22	2 Bed	72.91 sqm
Third	23	2 Bed	73.20 sqm
Third	24	1 Bed	50.00 sqm

*\*First floor apartments extended (but use approved under Prior Approval Ref: F/00226/040)*

- 10.5 Most of the proposed flats would be served by windows that provide a suitable degree of aspect, outlook and privacy. However, given the constrained shape of the site and the proximity to adjoining and adjacent buildings, there is limited further scope to improve on the aspect with the majority of dwellings being single aspect.
- 10.6 6 flats on the extended first, new second and third floors at the western façade contain floor to ceiling height windows which have the potential to directly overlook the garden space at the neighbouring property at 2 Furnival



Avenue. The 9 other windows on the western elevation have opaque views towards the garden area but these windows do not overlook any habitable room windows within 2 Furnival Avenue. The previous application proposed the insertion of obscure or opaque glazing to windows on the first and second floors to prevent direct overlooking of no.2 Furnival Avenue. The obscured glazed windows served flats which benefitted from other windows generating a reasonable aspect.

10.7 The current proposals would require similar measures to reduce direct views west. However, the provisions would potentially compromise at least 3 flats. It is considered that these measures could overcome the potential for overlooking of neighbouring gardens but would compromise residential quality further. The impact of the increased height of the building is considered in more detail below.

10.8 The proposed development contains some useable external space to the ground floor units and there are recessed balconies provided at second and third floors. 12 of the 14 new apartments will have some form of private external amenity space which is welcomed. As there is an overall shortfall of amenity space and no communal provisions it is considered that planning contributions could be secured for open space and recreation purposes in accordance with the Developer Guide. The level of amenity provision for the development is therefore considered to be satisfactory given the applicant has agreed to make appropriate contributions towards open space and recreation improvements.

#### **11.0 Relationship With and Potential Impact on Neighbouring Properties**

11.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Polies EN1 and EN2.

11.2 The guidelines set out in The Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document regarding generally acceptable separation distances within a residential context are considered to be of relevance.

11.3 The proposals have been assessed with regards to the potential impacts on daylight and sunlight levels in the adjoining residential properties, the potential for increased overlooking of existing private amenity space and towards existing windows in adjacent dwellinghouses and the likelihood of noise disturbances from the increased use of the site.

11.4 2 Furnival Avenue is adjacent to the development to the west. This comprises a semi detached two storey dwelling fronting onto Furnival Avenue which has both north and southern aspects. The flank elevation of No. 2 is adjacent to the western elevation of the proposed extended building at 253-257 Farnham Road. No. 2 Furnival Avenue has been extended at the rear at ground floor with a full width extension. The rear elevation of the

extension contains double doors and a window which faces onto the garden. The property also contains a single storey outbuilding which comprises a garage located approx. 20m from the western elevation of 253-257 Farnham Road. There are also windows in the rear elevations of the upper levels of 261 Farnham Road -269 Farnham Road which have oblique views of the development to the south west. See below image with the arrows signifying the views towards the site and from the site overlooking 2 Furnival Avenue.



- 11.5 The above image also identifies the approximate orientation of potential views from the development (which would overlook the service road and garden of 2 Furnival Avenue). The existing first floor within the building contains high level windows on the western façade adjacent to the rear garden and service yard.
- 11.6 The image below comprises the western elevation of the extended building which identifies 3 x upper floor dwellings with 6 x floor to ceiling height windows on the extended first, new second and third floors which result in the potential to create overlooking of the neighbouring property at 2 Furnival Avenue.



- 11.7 **Overlooking:** The proposals differ from the consented development insofar as the revised scheme extends the overall massing and height of the building which would create additional opportunities for direct overlooking and a further obstruction in terms of daylight and sunlight.
- 11.8 The previous scheme contained 2 windows that required additional mitigation in terms of providing obscure glazing to prevent overlooking. The current proposals require further mitigation to potentially 6 windows which would serve 6x flats in the development. The above elevation indicates 6 windows are to be obscured up to 1.7m in height. Officers consider the need to insert obscure glazing would not overcome the perception that the development would be intrusive to occupiers in the garden space at 2 Furnival Avenue. The increased height would add to the perception of overlooking and would be unneighbourly. In conclusion, it is considered that the proposals would result in a loss of privacy at 2 Furnival Avenue due to the increased level of overlooking and the perception of overlooking by virtue of the intrusive nature of the proposals. This would cause harm to living conditions and amenity of occupiers contrary to Local Plan Policy EN1.
- 11.9 **Daylight & Sunlight:** The daylight and sunlight impacts are set out in the technical BRE report submitted with the previous application alongside an addendum letter from the consultant which considers the impact on no. 2 Furnival Avenue. The combined reports indicate that there will be no material impact on the adjacent windows or rooms within the neighbouring properties at the upper floors at 261-269 Farnham Road or at 2 Furnival Avenue. As such, the proposal would not amount to a significant loss of daylight or sunlight within the closet properties.
- 11.10 **Overshadowing:** The applicant has submitted a sun-path analysis in the Design and Access Statement which demonstrates that the proposals would not cause an unacceptable overshadowing effect on the adjacent external spaces including the gardens along Furnival Avenue.
- 11.11 **Noise:** The Council's Environmental Quality (Noise) team has raised no objections to the proposals but conditions are recommended for the

development to be acceptable in terms of environmental noise, SBC require details of the chosen glazing and ventilation schemes which are able to meet the specifications described above, to be approved in writing prior to construction commences. The internal noise levels stated within BS8233:2014 should be met.

- 11.1 In conclusion, the proposed development would create additional opportunities to overlook the adjoining gardens to the west by virtue of the position and number of bedroom and living room windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon garden space at No. 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

## 12.0 **Parking and Highway Safety**

- 12.1 Core Policy 7 of the Core Strategy sets out the Planning Authority's approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

- 12.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.

- 12.3 The National Planning Policy Framework 2019 requires development to give priority first to pedestrian and cycle movements, and second - so far as possible – to facilitating access to high quality public transport. Development should be designed to create safe and suitable access and layouts which minimise conflicts between traffic and pedestrians. Plans should also address the needs of people with disabilities, allow for the efficient delivery of goods and access by emergency vehicles, and provide facilities for electric vehicle charging. Paragraph 109 of the National Planning Policy Framework states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

- 12.4 The applicant has submitted a Transport Statement (TS) in support of the application. The TS seeks to provide a justification for the reduced car parking whilst assessing the impacts of the development on the local highway.

- 12.5 The Proposed Site Plan identifies 16 parking spaces. Six of the existing parking spaces are located to the east of the building and are accessed through the BP Petrol Station. The applicant has confirmed 14x spaces will

be allocated for the 1 and 2 bed apartments. The 10 studio units will not have any allocated car parking spaces. 2 car spaces will be allocated to the commercial unit.

- 12.6 If the proposed 9 consented flats within the first floor are accounted for (in addition to the 15 additional units applied for in this application), 34 x parking spaces would be required based on the SBC Parking Standards (for 24 flats including the 9 permitted development flats), which require the provision of 1.25 spaces for each 1 bedroom flat (1.25 x 17) one bed flats = 21.25 parking spaces) and 1.75 parking spaces for each two-bed flat (1.75 x 7 flats = 12.25 parking spaces).
- 12.7 There is a parking shortfall (overall for both developments including the permitted development flats) and this is considered to be unacceptable as the parking provision equates to an average of 0.67 spaces per flat which Officers deem unsatisfactory in this location on the edge of a District Shopping / Commercial Area which is only moderately sustainable. Local Car Ownership Data has been considered to understand if local facilities and public transport reduce car ownership in this area of Slough. This is highlighted in the Transport Officer comments section of this report. 1.19 cars per household were recorded in Slough 002B which contains part of the site. 1.20 cars per household were recorded for the wider MSOA of Slough 002. Therefore the site is unlikely to support low levels of car ownership. The shortfall in parking provision is likely to lead to parking overspill onto the surrounding streets causing a highway safety and/or capacity problem.
- 12.8 The applicant has confirmed that a right of way exists across the Petrol Station land to access car spaces 1-6 (which are existing). The red line site plan has been amended accordingly. Notwithstanding this, should the Petrol Station site come forward for the development, or the owners of this land apply to use the land adjacent to the parking spaces for another purpose, car parking spaces 1-6 would be compromised and this could result in reducing the parking available on the site including the 2 EV spaces. Transport Officers previously advised that the area would only be able to accommodate 2 car parking spaces in tandem and would reduce the number of usable spaces on the site to 12 spaces which would result in further car parking demand in the area. It is considered that the further modifications to the parking area could not be addressed by condition or other controls through this planning application.
- 12.9 The applicant confirms that 2 x active electric charging points are proposed (to car spaces 1 and 2 in front of the commercial unit adjacent to the Petrol Station). Passive charging infrastructure is also required within the remaining bays. A condition could be imposed in order to secure these provisions but this could be compromised if the scenario outlined in para 12.8 occurred.
- 12.10 24 x secure cycle spaces are proposed on site in a separate bike store located close to the communal entrance at ground floor level. These comprise 12 x two tier bike stands. The cycle store is accessed internally at the ground floor via the entrance lobby which makes it a secure location.

Secure cycle parking of (at least) one bicycle per flat is provided.

- 12.11 The bin store has been relocated adjacent to the communal entrance adjacent to Furnival Avenue. The residential bin store would accord with the maximum drag distance of 10m for Eurobins (MfS Para 6.8.11). The proposed bin store has the capacity to contain 2x 1100l Eurobins for recycling and 2 x 1100L Eurobins for residual waste which is considered to be acceptable.
- 12.12 The proposed development would comply with some policies and guidelines as described above in respect of the access, refuse provisions, cycle parking provision and traffic impact, subject to conditions. However, on balance the proposals would provide an unacceptable level of car and cycle parking which would result in significant additional parking demand in the local area and this could lead to additional conflicts in the highway. For the above reasons, the proposals would not comply with Core Policy 7 or Local Plan Policies T2 and T8 or the NPPF.

### 13.1 **Ecology**

- 13.2 Paragraph 170 of the NPPF requires new development to minimize impacts on biodiversity and provide net gains in biodiversity. Core Policy 9 relates to the natural environment and requires new development to preserve and enhance natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features.
- 13.3 The application property does not fall within a designated Special Protection Areas, Special Areas of Conservation or Site of Special Scientific Interest. It is not within 200m of ancient woodland, and is not an agricultural building or barn. The building was previously used as an office and nursery. Since the building was vacated the building has been stripped out and is currently undergoing internal conversion works at first floor level to implement the residential flats approved through the prior approval. Following a site visit there did not appear to be any signs of any protected habitats and the developer asserts there are none. Officers are satisfied there would be no likely significant harm on protected species or ecology resulting from the proposed development.
- 13.4 Some new landscaping is proposed within the amenity areas adjacent to the ground floor residential units and along the southern boundary adjacent to Furnival Avenue. New trees will be planted on the Furnival Avenue frontage. A detailed landscaping scheme would be recommended and this should contain a planting schedule. This could be conditioned along with a method statement to ensure that the proposed trees would survive (and be replaced within 5 years). This therefore gives opportunity to provide planting that would attract ecological habitats. Given the quantity of landscaping, together with ecologically focused planting; the proposal is considered to result in a potential minor net gain for biodiversity.
- 13.5 Based on the above, the proposal would satisfy Core Policy 9 of the Core

Strategy and the National Planning Policy Framework.

14.1 **Surface Water Drainage and Flooding**

14.2 Paragraph 165 of the National Planning Policy Framework requires Major developments to incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. Core Policy 8 of the Core Strategy requires development to manage surface water arising from the site in a sustainable manner. The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

14.3 The application includes a drainage strategy which has been assessed by the Lead Local Flood Authority and found to be acceptable in principle, but further details are required. The Lead Local Flood Authority are recommending this can be dealt with by condition.

14.4 The site falls within Flood Zone 1 and Flood Risk Assessment has been provided with the application. The site lies outside a flood warning zone and therefore no issues are identified. The Slough Strategic Flood Risk Assessment (2009) has not identified the site as having critical drainage issues.

14.5 No objections have been raised from Council's Highways and Transport team or the Lead Local Flood Authority regarding potential flooding impacts and having regard to the National Planning Policy Framework, the proposal is considered to be acceptable in terms of flood risk.

15.0 **Contamination risks on the site**

15.1 With regard to contamination, the Local Planning Authority must assess whether, as a result of the proposed change of use, taking into account any proposed mitigation; the site would still constitute Contaminated Land.

15.2 No comments have been received from the contaminated land officer. However, comments were received in relation to the previous prior approval application which would still apply. These comments confirmed that the risk of potential contamination on site would be low and no objections were raised on land contamination grounds.

16 **Air Quality**

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

- 16.2 The Council has adopted Low Emission Strategy on a corporate basis, which is a local air quality action plan incorporating initiatives to be delivered by the Council and will set the context for revising the Local Development Plan Policies. Measures in the Low Emission Strategy include reducing traffic and requiring electric charging points within new developments.
- 16.3 The development is close by two roads: Farnham Road is within <30m and Furnival Avenue within 14m of the façade. As Farnham Road has a high traffic flow, there is risk that future occupants of the development could be exposed to poor air quality. The development supports cycling infrastructure by providing cycle spaces, which aids to fulfil Slough Borough Council's modal shift objective.
- 16.4 The Council's Air Quality Officer advises that the scheme is considered to have a MINOR impact on air quality. The development is not expected to contribute to a worsening of air quality subject to the following mitigation measures being secured by condition:
- 16.5
- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. As there is allocated parking for the residential dwellings, the LES requires that all of the parking spaces should have access to electric vehicle recharging facilities.
  - Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works. The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report and that All construction vehicles shall meet a minimum Euro 6/VI Emission Standard.
- 16.6 Based on the above and subject to conditions, the proposal would satisfy Core Policy 8 of the Core Strategy and the National Planning Policy Framework.
17. **Section 106 Contributions**
- 17.1 Core Policy 10 states that where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.
- 17.2 The proposed development relates to the provision of 15 new dwellings, in addition to small extensions to 9 consented dwellings under construction. Officers have considered whether affordable housing should be provided in light of overall provision of housing in the altered and extended building would comprise a total of 24 dwellings (including 9 x units on the converted first floor). If both developments were considered cumulatively, the Council would normally require an affordable housing contribution of **£310,625 (approx.)** in accordance with Table 3 of the Developer Guide.
- 17.3 In coming to a view on this matter, officers have had regard to the approved



prior approval application which could be implemented without the planning application and could comprise a separate building project. As such, although the development works are undoubtedly linked by virtue of the altered elevations comprising the cladding and fenestration enhancements, the use of the first floor is not subject to consideration in this application and only the net increase in dwellings should be considered.

17.4 Notwithstanding the Prior Approval scheme, as 15 units are proposed as part of the current application, the proposals would trigger the threshold for which an affordable housing, open space and education contributions could be secured. The applicant has proposed affordable, education or open space contributions in accordance with the Developer Guide as follows:

- Affordable Housing Contribution - **£47,738.08** (for 15 dwellings)
- Open Space/Recreation Contribution - **£4,200** (based on £300 per dwelling in Developer Guide)
- Education Contribution - **£44,042** (based on Page 6 Table of the Developer Guide)

17.6 Based on the information assessed to date, such obligations would be considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The above provisions could be secured through a Section 106 Agreement and the applicant has agreed to make these contributions.

#### 18.0 **Presumption in Favour of Sustainable Development**

18.1 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.” The Local Planning Authority can not demonstrate a Five Year Land Supply and therefore the presumption in favour of sustainable development tilted in favour of the supply of housing as set out in Paragraph 11 of the National Planning Policy Framework 2019 and refined in case law should be applied.

18.2 The report identifies that the proposal complies with some of the relevant saved policies in the Local Plan and Core Strategy, but identifies where there are some conflicts with the Development Plan, namely the harmful impact on the visual amenity and character of the surrounding area, additional adverse impact on highway safety by virtue of the increased demand for car parking spaces on surrounding streets, harm to the living conditions of the adjacent occupiers and the prejudicial impact on the development potential of the adjoining site.

18.3 In coming to a conclusion, officers have given due consideration to the benefits of the proposal in providing 15 new flats (and affordable housing contributions) towards the defined housing need at a time where there is not a Five Year Land Supply within the Borough and the re-use of a previously developed brownfield site. The Local Planning Authority considers therefore that the adverse impacts of the development, on the local character of the area, streetscene, highways safety and car parking stress and on residential amenity would significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework 2019 taken as a whole. On balance, the application is recommended for refusal.

## 19.0 **Summary**

19.1 The proposal has been considered against relevant development plan policies and the NPPF, and regard has been had to the comments received, and all other relevant material considerations.

19.2 Having considered the relevant policies set out, the representations received from consultees and all other relevant material considerations, it is recommended that the application is refused.

## **PART C: RECOMMENDATION**

### 21.0 **Recommendation**

21.1 Refuse Planning Permission for the following grounds:

#### Reason 1

The proposed development by reason of the excessive height of the building would result in a harmful impact upon the character and appearance of the Furnival Avenue and the residential areas to the west and upon the parade of buildings on Farnham Road. The additional third floor (above the consented second floor) would comprise an unacceptable height and form of development which constitutes an over-development of the site which would prejudice the development potential of adjoining sites and comprise an un-neighbourly and over-bearing design that would fail to comply with Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

#### Reason 2:

The proposed development would create additional opportunities to overlook the adjoining gardens to the west by virtue of the position and number of bedroom and living room windows on the western elevation of the first, second and third floors which are in close proximity to the site boundaries. The consequence of this is that the proposals would have an unneighbourly and visually intrusive effect upon garden space at 2 Furnival Avenue by virtue of the loss of privacy for occupiers resulting in demonstrable harm. The development is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the

NPPF (2019).

Reason 3:

The proposed development would create additional opportunities to overlook the adjoining site to the east by virtue of the position and number of bedroom and living room windows on the eastern elevations of the second and third floors which are in close proximity to the BP Petrol Station and Budgens site boundary. The consequence of this is that the proposals would have an unneighbourly effect upon the potential siting of windows (within a new development) which would unreasonably prejudice the development potential of the adjoining BP Petrol Station site should this site come forward for development or redevelopment in the future. The proposals result in an unacceptable piecemeal over-development of the site and is therefore contrary to Policy EN1 of the Slough Local Plan (March 2004) and Policies 8 and 12 of the Core Strategy (2008) and the NPPF (2019).

Reason 4:

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.

Reason 5:

In absence of either a Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act 1990, the impacts of the development on affordable housing, education and open space would have an unacceptable impact on infrastructure, social and community cohesion. The development is contrary to Policies 4 and 10 of the Core Strategy and the Developer's Guide, and the NPPF.

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Registration Date:	26-Aug-2020	Application No:	P/10211/004
Officer:	Michael Scott	Ward:	Colnbrook with Poyle
Applicant:	MBS Equipment Company Ltd	Application Type:	Major
		13 Week Date:	25 Nov 2020
Agent:	Arrow Planning Limited, Clarks Barn, Bassetsbury Lane, HIGH WYCOMBE, HP11 1QX		
Location:	Crossdock, 60, Lakeside Industrial Estate, Slough, Lakeside Road, Slough, Colnbrook, SL3 0EL		
Proposal:	Installation of a new mezzanine floor, a security hut, cycle store and security barrier.		

**Recommendation:** Delegate to the Planning Manager for Approval



## **P/10211/004**

### 1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies set out below, it is recommended the application be delegated to the Planning Manager for approval; in order to finalise conditions; and any other minor changes.
- 1.2 This application is to be determined at Planning Committee as it is a major application due to the site area being over 0.5 hectares and the amount of floorspace proposed is greater than 1000 sq.m.

### **PART A: BACKGROUND**

#### 2.0 **Proposal**

- 2.1 This is a full planning application for:
- Internal works entailing the introduction of a mezzanine floor comprising some 2639 sq.m. of floorspace, in conjunction with the installation of three goods lifts
  - Installation of a security cabin measuring 2.4m. x 2.4m. with an overall height of 2.5m. and an 8m. long entrance barrier with a height of one metre
  - The provision of a cycle parking store measuring 3.5m. x 2.2m. with an overall height of 2.1m. providing 5no. Sheffield stands enabling up to 10 cycles to be secured by employees and visitors
- 2.2 The applicant, MBS, supply lighting systems in the film and television industry.

#### 3.0 **Application Site**

- 3.1 The site comprises the former *Hellmann* warehouse situated at the western end and on the north side of Lakeside Road. The existing premises consist of a large warehouse, with ancillary offices, which has loading bays on both sides. There is on-site car parking for staff, employees and visitors. There is a vehicle access from Lakeside Road at the western end of the frontage and an egress at the eastern end of

the site onto Lakeside Road, with a one-way circulatory system within the site.

- 3.2 To the north and west lies the Colne Brook water channel within a heavily wooded margin, which provides a boundary and barrier to open countryside beyond.
- 3.3 To the east lies the western part of Grundon Waste Management site complex, consisting of a large building on the common boundary with servicing, loading/unloading, parking and the main incinerator building beyond to the east.
- 3.4 To the south is a strip of heavily wooded land between Lakeside Road and the Colnbrook By-pass (A4). Both Lakeside Road and the A4 are adopted highways. There are no road-widening schemes affecting the site.
- 3.5 Almost the entirety of the site lies in Flood Zone 2, where any extension of the existing premises or any redevelopment of the site would require a full Flood Risk Assessment, including the Sequential Test.
- 3.6 The entire site and surrounding lands lie in the Green Belt.
- 3.7 For completeness, it should be noted: the site lies within an area outside of the Town Centre on the Proposals Plan; the site is not in a Conservation Area; there are neither heritage assets nor trees under a Tree Preservation Order in close proximity. Specifically, it is noted that this site does not lie in the part of Lakeside Road that is designated as an Existing Business Area.

#### 4.0 **Relevant Site History**

- 4.1 Planning approval was granted by South Bucks DC under their ref: SBD/786/89 dated 23<sup>rd</sup> February 1990 relating to a scheme comprising “Demolition of the existing and erection of B8 warehouse with ancillary offices, car parking and landscaping”- to which there was a legal agreement under s.106 of the 1990 Act as set out in Informative 1 to the planning permission decision notice that “prohibits further increases in floorspace, required the completion of highway works and maintenance of landscaping”.

- 4.2 A subsequent planning approval was granted by South Bucks DC under their ref: S/90/1150/FF dated 31<sup>st</sup> October 1991 relating to a scheme comprising “Redevelopment to provide B8 warehouse with ancillary office content and car parking”- to which there was a legal agreement under s.106 of the 1990 Act as set out in Informative 1 to the planning permission decision notice that “prohibits further increases in floorspace, required the completion of highway works and maintenance of landscaping”.
- 4.3 A planning application for “Construction of landscaping work to site frontage in accordance with Condition 8 of planning ref: SBD/786/89 issued on 23rd February 1990” was approved on 11<sup>th</sup> November 1998 – SBC ref: P/10211/001. This permission was granted subject to the following conditions which remain in force:
- (1) At all times the area forward of the visibility sight lines of 9m by 215m shall be kept free of all obstructions exceeding 1m above carriageway level, at the junction of Lakeside service road and the Colnbrook-by-Pass.*
  - (2) The landscaping scheme hereby approved shall be maintained at all times. In the event of the loss by death or other means, any such planting shall be replaced and thereafter permanently maintained.*
- 4.4 Whilst the description of the proposal attributes the scheme to the discharge of Condition 8 of SBD/786/89, the application form does not specify either that approval or Condition 8 of S/90/1150/FF. A covering letter on the file does, however, attribute the application to the later referenced approval.
- 4.5 A full planning application for a “Proposed mezzanine floor for additional office space” was approved on 24<sup>th</sup> April 2001 – SBC ref: P/10211/002. File records indicate that this only related to that part of the premises which was then occupied by HPL Kensington Ltd. This proposal amounted to some 106 sq.m. of additional floorspace. The planning documents state that there was a concern regarding the need for additional car parking that may arise from the scheme. The applicant was able to satisfy the Council and approval was granted.
- 4.6 A further full planning application for the “Installation of a mezzanine floor to provide additional office accommodation and installation of first floor windows” was approved on 25<sup>th</sup> April 2005 – SBC ref: P/10211/003. File records show that this too related to that part of the premises which was then occupied by HPL Kensington Ltd. This proposal amounted to some 74 sq.m. of additional floorspace.



4.7 Pre-application advice was sought on the firstly the need for formal planning approval surrounding the proposed introduction of a mezzanine floor and secondly if formal planning approval was required whether the officers would be minded to recommend approval of such a proposal.

4.8 The Pre-application advice dated 12<sup>th</sup> June 2020 concluded:

*“that formal approval of the Local Planning Authority would be required. However, it is considered that the introduction of a mezzanine floor system rather than reliance on high stacks of storage shelving would not lead to an unacceptable degree of intensification of the use of the site. Any application submitted would need to ensure that the intensity of use is clearly set out with reference to the existing scenario as a comparator.”*

4.9 For completeness, it is noted that a full planning application for the “Installation of temporary building” was approved on 14<sup>th</sup> March 1997 – SBC ref: P/10211/000.

#### 5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 a site notice was displayed at the entrance to the site on 21/09/2020. The application was advertised as a major application in the 02/10/2020 edition of The Slough Express. Neighbour *letters* were sent out on 23/09/2020 to the following addresses:

Tantric Blue, Colnbrook By Pass, Slough, Colnbrook, Slough, SL3 0EH, Chequers Filling Station, Colnbrook By Pass, Colnbrook, Slough, SL3 0EH, Tanhouse Waste Recycling Plant, Lakeside Road, Colnbrook, Slough, SL3 0ED, Leada Acrow Limited, Colnbrook By Pass, Colnbrook, Slough, SL3 0ET

5.2 No representations have been received.

#### 6.0 **Consultations**

6.1 Local Highway Authority:

No comments received. Any comments received will be reported on the

## Amendment Sheet.

### 6.2 Thames Water:

#### Waste Comments

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

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

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

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

#### Water Comments

There are water mains crossing or close to your development. Thames

Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

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

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

- 6.3 Poyle Parish Council  
No objection.

## **PART B: PLANNING APPRAISAL**

### 7.0 **Policy Background**

- 7.1 National Planning Policy Framework and National Planning Policy Guidance:  
Section 2: Achieving sustainable development  
Section 6: Building a strong, competitive economy  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change

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

Core Policy 1 - Spatial Strategy  
Core Policy 2 - Green Belt and Open Spaces  
Core Policy 5 - Employment

Core Policy 7 - Transport  
Core Policy 8 - Sustainability and the Environment  
Core Policy 9 - Natural, built and historic environment

The Adopted Local Plan for Slough 2004 (Saved Policies)

EMP2 – Criteria for Business Developments  
EMP4 – Development Outside of the Existing Business Areas  
EN1 – Standards of Design  
EN3 – Landscaping Requirements  
EN5 – Design and Crime Prevention  
EN11 – Advertisements on Commercial Buildings  
T2 – Parking Restraint  
T8 – Cycling Network and Facilities

Other Relevant Documents/Guidance

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

Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published on 19th June 2019.

The National Planning Policy Framework 2019 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning Officers have considered the revised National Planning Policy Framework 2019 which has been used together with other material planning considerations to assess this planning application.

7.2 The planning considerations for this proposal are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Crime prevention

- Highways and parking
- Flooding & Drainage
- Green Belt

## 8.0 **Principle of development**

- 8.1 It is clear from the planning history of the site that the lawful use of the premises would be for B8 Storage or Distribution as set out in the 1987 Use Classes Order.
- 8.2 The submission documentation demonstrates that the intended use complies with the definition of B8.
- 8.3 Formal planning approval is required due to the terms of s.106 Agreement requiring written approval of the LPA for the inclusion of a mezzanine.
- 8.4 The National Planning Policy Framework 2019 encourages the effective and efficient use of land. As these proposals involve the re-use of a vacant warehouse for a viable purpose, such as the lawful use, the proposals comply with the overall thrust of the NPPF.
- 8.5 Each of the two planning approvals cited above - namely SBD/786/89 and S/90/1150/FF – refer to an accompanying legal agreement which, inter alia, sets out that “at no time shall any mezzanine floorspace be created within the Building unless otherwise approved of in advance in writing by the Council”.
- 8.6 The rationale for the inclusion of a restriction on any mezzanine without prior approval by the LPA would appear to relate to a consideration of whether there would be a need for further on-site parking.
- 8.7 The applicant has set out that their overriding intention is based on the need to provide “safer and more efficient storage. As opposed to having large tall racks, the mezzanine would enable two levels of storage which is more accessible and suitable for the applicant’s business needs”.
- 8.8 Modern warehousing can entail high racking systems without the need for a mezzanine. It is considered that this leads to a similar, if not identical, volume of storage and as such does not imply a greater intensity of an operation nor of the number of employed operatives.
- 8.9 The applicant was based at Pinewood Studios, where they employed some 70 staff. In their submission they state that there would be no increase in their current staffing levels, of which circa 65 employees have relocated to the application premises.

8.10 Having regard to the National Planning Policy Framework 2019 and the Local Development Plan, there are no objections to the principle of the inclusion of a mezzanine floor within the principal building on this site, subject to the assessment of the transport implications of such a scheme. This is set out under the Transport and Parking heading below.

#### 9.0 **Impact on the character and appearance of the area**

9.1 The National Planning Policy Framework encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2.

9.2 The proposals would be not out-of-keeping with the general character of the area, in that a security hut would be typical of the form, use and activity locally.

9.3 Based on the above, the proposals would have an acceptable impact on the character and visual amenity of the area. The proposals therefore comply with Core Policy 9 of the Core Strategy and the requirement of the National Planning Policy Framework, as such the scheme is considered to therefore comply with Policies EN1 and EN2 of the Local Plan for Slough March 2004 (Saved Policies), Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the National Planning Policy Framework 2019.

#### 10.0 **Impact on amenity of neighbouring occupiers**

10.1 The National Planning Policy Framework 2019 encourages new developments to be of a high-quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policies EN1 and EN2.

10.2 The siting of the security hut would have no impact on neighbouring occupiers.

10.3 The introduction of a mezzanine floor does not lead to a material intensification of the use of the site and therefore it is considered that this would not have any harmful impact on the neighbours' amenities.

10.4 In conclusion, it is considered that there would be no adverse harm for

neighbouring properties and the proposal is considered to be consistent with Core Policy 8 of the Local Development Framework Core Strategy and Policy EN1 of the Adopted Local Plan, and the requirements of the National Planning Policy Framework 2019.

11.0 **Crime Prevention**

11.1 Policy EN5 of the adopted Local Plan states all development schemes should be designed; so, as to reduce the potential for criminal activity and anti-social behaviour.

11.2 It is considered that the inclusion of a security hut and cycle storage would assist in the reduction and prevention criminal activity.

12.0 **Highways and Parking**

12.1 The National Planning Policy Framework states that planning should seek to promote development that is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians and where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 109 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

12.2 The proposals do not affect the existing access/egress arrangement which entails a one-way arrangement through the site from the access on the south-west point of the site on Lakeside Road to a point due east on lakeside Road.

12.3 The proposals do not entail any change in the existing car parking arrangements which provides some 84 spaces.

12.4 The Council's car parking standards require some 15 car parking spaces and some 6 cycle parking spaces.

12.5 The applicant's Transport Statement concludes that "Any additional vehicle movements as a result of the proposals are not considered to have a detrimental impact on the operation of the local highway or

transport networks or highway safety and therefore the proposed mezzanine development would not result in a severe residual impact.”

12.6 Given the inclusion of a mezzanine floor in the storage area does not entail further non-B8 floorspace and thus no intensification of employment, which may lead to an increased need for parking and/or an increased trip generation, it is considered that the proposals are acceptable subject to a condition that the space is used only for B8 use, unless agreed in writing by the LPA.

12.7 Based on the above, and subject to the condition set out below, it is considered that the proposals would not lead to severe harm to highways users and thus are considered to be in accordance with the requirements of Policies T2 and T8 of the adopted Local Plan, as well as the provisions of the NPPF.

### 13.0 **Flooding & Drainage**

13.1 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document states that development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding and improve water quality.

13.2 According to the EA flood maps, the much of the site is located in Flood Zone 2; whilst the remaining is in Flood Zone 1, where proposals do not require a Flood Risk Assessment.

13.3 However, the nature of the proposals do not entail a material change in the site circumstances in relation to flood risk, as the footprint of the security hut and the cycle store are modest and the significant change is internal, with no alterations to the external envelope of the principal building. As such, a Flood Risk Assessment has not been requested.

### 14.0 **Green Belt**

14.1 The introduction of a mezzanine floor would have no external impacts on the design and appearance of the building and the scale of the security hut and cycle store are negligible. As such, there would be no material change in the openness of the Green Belt.

### 15.0 **PART C: RECOMMENDATION**



- 15.1 Having considered the relevant policies set out above, it is recommended the application be delegated to the Planning Manager for approval in order to finalise conditions and any other minor changes.

16.0 **PART D: LIST CONDITIONS AND INFORMATIVES**

1. Commence within three years

The proposed works hereby approved shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

- (a) Site Location Plan ref: TQRQM20232144028684, Dated 19 Aug 2020, Recd On 26/08/2020
- (b) Undated/unnumbered Site Plan 1:1000 @ A3, Recd On 26/08/2020
- (c) Drawing No. P18134 Rev. B, Dated 09/07/2020, Recd On 26/08/2020
- (d) Undated/unnumbered brochure by Perfect Kiosks, Recd On 26/08/2020
- (e) Undated/unnumbered brochure for a Gated EcoShelter by Urban Street Products, Recd On 26/08/2020
- (f) Drawing No. 105/3/37368 Issue A Sheet 1/1, Dated 15/02/2013, Recd On 26/08/2020
- (g) Transport Statement by Evoke ref: R-20-0069-01A, Dated 21 August 2020, Recd On 26/08/2020
- (h) Planning Statement by Arrow Planning Ltd ref: APL-228 Crossdock, Dated August 2020, Recd On 26/08/2020

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

3. Restriction on the use of the mezzanine floorspace

The additional 2639 square metres of mezzanine floorspace hereby approved shall be used for Class B8 and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order unless and agreed in writing by the LPA.

Reason To retain control over the intensification of the use of the site, particularly having regard to the provision of on-site parking.

4. Cycles storage

The cycle parking provision hereby approved shall be provided prior to the use of the mezzanine floor and shall be retained for this purpose.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy T8 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework 2019.

5. Car parking provision

The parking spaces and turning areas shown on the approved plans shall be retained at all times in the future for the parking of motor vehicles.

REASON To ensure that adequate on-site parking provision is available to serve the development and to protect the amenities of the area in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy T2 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework 2019.

INFORMATIVE(S):

1. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
2. Thames Water  
Waste Comments  
A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution

under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade\\_effluent@thameswater.co.uk](mailto:trade_effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15 metres of our underground waste water assets. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### Water Comments

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

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair

or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

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

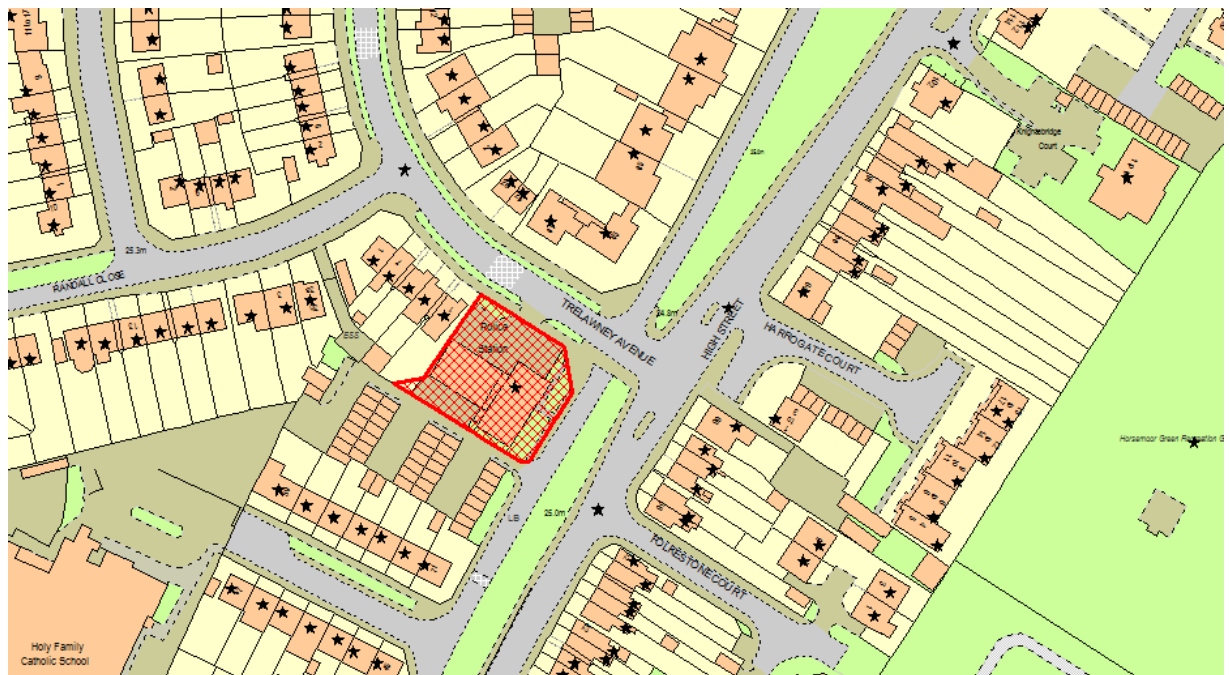
The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Registration Date:	26-Aug-2020	Application No:	P/08979/002
Officer:	David Hall	Ward:	Langley St. Marys
Applicant:	Slough Borough Council c/o 33, Margaret Street, London WG1 0JD	Application Type:	Major
		13 Week Date:	25 November 2020
Agent:	Ms Enya MacLiam Roberts. Savills, Margaret Street, London WG1 0JD		
Location:	Langley Police Station, High Street, Langley, SL3 8MF		
Proposal:	Demolition of the existing garages, alterations to the existing entrance/egress from Trelawney Avenue and redevelopment of the site to include – conversion of the former police station (sui generis) to residential accommodation (10 x studio units) construction of 2 x 3 bedroom and 1 x 2 bedroom units a 6 x 1 bedrooms HMO unit with associated car parking, cycle parking, refuse store and landscaping.		

**Recommendation:** Delegate to the Planning Manager



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, and comments that have been received from consultees and a local interested party, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for:

A. Approval subject to:

(i) The resolution of outstanding highway, drainage, noise, contamination, energy and designing out crime and the satisfactory completion of a Section 106 Agreement to secure financial contributions towards sustainable transport improvements including electrical vehicle infrastructure, financial contributions towards education, and a Section 278 highways/access works; OR

1.2 B. Refuse the application if the highways matter is not satisfactorily concluded (Members to be updated on Amendment Sheet) or the completion of the Section 106 Agreement is not finalised by 11<sup>th</sup> February 2021 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

The proposals comprise a major planning application, submitted by the Council's Housing Services, therefore the development is required to be determined by Slough Borough Council Planning Committee.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 The application proposes the comprehensive redevelopment of the former Langley Police Station with the conversion of the "station building" to provide 10 studio flats (set over three floors). The attached garages to the east would be demolished and replaced with 3 terraced houses (2 x 3-bedroom and 1 x 2-bedroom) and the garages to the south-west would be demolished and replaced with a house providing 6 house in multiple occupation (HMO) units for young adults who are progressing towards living independently in non-self-contained units and self-contained units which will be managed by Slough's Children Services Trust Team. Accordingly the entire development would provide affordable housing to meet an identified need within the Borough.

2.2 In total 40 garages would be demolished, two of which are in current use. There are 8 garages which still have active licences however negotiations have been ongoing between the Council and the tenants to arrange for a relocation, or surrender of their licence.

2.3 The Police Station and garages fall within ownership of Slough Borough Council (SBC). The proposed use of the converted Police Station and the provision of the HMO facility would provide accommodation for the Slough Children's Services Trust (The Trust and the replacement the garages would accommodate existing families on the Council's housing register.

2.4 Access to the site would be from Trelawney Avenue, at a location slightly west of the existing access. This access will serve car parking areas associated with the studio-units and HMO unit. The remaining units will obtain access from the side road in Langley High Street.

2.5 The applicant intends that 14 car parking spaces will be provided on site, with 9 parking spaces provided for the proposed studio flats in the former Police Station and the HMO accommodation. This equates to a ratio of 0.6. An additional 5 car parking spaces will be provided along the Langley High Street frontage for the terraced accommodation, which will be accessed via crossovers. The level of EV requirement has been set out as part of the Environmental Protection consultation.

2.6 In terms of cycle parking, the proposed town houses include their own private rear gardens, within which cycle parking is to be provided. For the proposed studio units, a secure and sheltered cycle parking facility will be provided, accommodating 10 spaces. For the proposed HMO unit, it is anticipated that a pair of Sheffield stands located adjacent to the building.

2.7 Bin storage areas are provided on site in dedicated store areas.

2.8 The full list of documents that accompanies the application is as follows:

- Design and Access Statement
- Transport Statement
- Daylight and Sunlight Report
- Arboricultural Assessment and Tree Survey
- Ecological Assessment
- Ecological Sustainability Report
- Drainage Strategy
- Energy and Sustainability Report

### 3.0 **Application Site**

3.1 Langley Police Station is a three-storey building located on the corner of High Street Langley and Trelawney Avenue. The Police Station has a row of single-storey garages attached to the north-east, which were previously used as cells. To the south-west of the Police Station are three blocks of single-storey garages.

3.2 The Police Station is vacant (having been vacated in July 2018) following the relocation of the Thames Valley Police to the main Police headquarter building in Slough Town Centre. There are no statutory listed buildings on, or in proximity to the site nor does it situate within a designated Conservation Area. The site is located in Flood Zone 1 meaning there is no threat of flooding to the site.

3.3 The site is located along the B470 on the western side of the High Street, more specifically, the site is located at the junction with Trelawney Avenue. The site is





- Too much housing in Langley
- GP's surgeries under strain
- The Police Station should remain

## 6.0 **Consultations**

### 6.1 **Thames Water**

Comments received from Thames Water in relation to waste, the applicant to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

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

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. *“No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.”* Reason: *The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure*

### 6.2 **Lead Local Flood Authority**

#### **Flood zone 1, major development, less than 1 hectare**

The proposed development is:

- Located within flood zone 1.
- Less than 1 hectare in size.
- Classified as "major" development, as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (<http://www.legislation.gov.uk/ukSI/2015/595/part/1/made>).

#### **Flood Risk Assessment**

In accordance with National Planning Policy Framework paragraph 163, footnote 50, a site-specific flood risk assessment should be provided for development in flood zone 1 where the land may be subject to other sources of flooding, where its development would introduce a more vulnerable use. As identified in the Drainage Strategy, the surface water flood risk to the site is low and it appears it is caused by inadequate drainage on site. In this instance, the drainage strategy is

considered sufficient as it has demonstrated that the existing low surface water flood risk is addressed by the new drainage proposal.

### **Drainage Strategy**

Slough Borough Council requires the drainage strategy includes the following contents:

- Details of any contamination on the site and how this has been taken into account in the design.
- Layout of the proposed drainage system including post development site levels and clearly labelled showing the pipe networks, node numbers and any SuDS features referred to within the drainage calculations.
- Demonstration that the SuDS hierarchy has been followed. Developer to explain why soakaway is not provided for the police station building and in areas outside of the sewer easement and instead those areas are connected to the surface water system.
- Based on Slough SuDS guidance each development should provide interception for the first 5mm. Developer to explain why soakaway is not provided for the police station building and in areas outside (access road) of the sewer easement to comply with this requirements and instead those areas are connected to the surface water system.

### **Infiltration**

- As infiltration to ground is proposed, designs at the full planning stage will not be approved if existing ground water levels have not been investigated and the appropriate soakage tests have not been carried out. Developer to provide evidence of the infiltration tests in accordance with British Research Establishment (BRE) Digest 365 - Soakaway Design.
- Conventional porous pavement for the parking bays connecting to Porous Car Park Manhole: S7, DS/PN: S1.002 is shown in the calculation to allow infiltration. Developer to confirm that 5 m clearance from the building is considered. Part H of the Building Regs states that infiltration devices should not be built within 5 of a building / road / unstable land or an appropriate mitigation measure should be put in place.

### **Exceedance Flows**

- Development plans must consider up to the 1 in 100 year storm event plus climate change and must show what will happen if the drainage system were to over flow. The developer need to provide Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change rainfall event that minimise the risk to people and property; this plan also need to show finished floor levels of the properties and the adjacent land.

### **Building Over Sewer**

- TW should be consulted regarding building over sewers and the suitable construction methods

## Maintenance

- Details of how the management and maintenance of the drainage system will be secured for the lifetime of the development.

### 6.3

## Air Quality

In line with the Slough Low Emission Strategy, the scheme is considered to have a MINOR impact on air quality. The scheme requires an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> and the integration of Type 1 Mitigation measures, contained in the LES Planning Guidance.

Monitoring on Langley High Street recorded NO<sub>2</sub> concentrations close to the Air Quality Objective (40ug/3) during 2019, therefore there is risk that future residents will be exposed to poor air quality. Although the development is ~20m away from road, there are planned works to widen this section of the High Street, therefore an exposure assessment must be conducted, taking this work into consideration.

Mitigation requirements:

- Electric vehicle re-charging infrastructure should be provided for each parking space, in line with table 7 of the LES Technical Report.
- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works.
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report.
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard.
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report.

Case Officer Note – The Environmental Protection Officer has, since the initial consultation response confirmed that an Air Quality Assessment will not be required, and has provided the following additional comments:

2 x 3-bedroom townhouses - **2 x 2 spaces (2 EV chargers to serve all 4 parking spaces, specifically fast (7kW -16amp) charger)**

1 x 2-bedroom townhouse – **1 x 1 Spaces (Middle unit) (1 parking space with EV charging provision, specifically fast (7kW -16am) charger)**

1 x 6-bedroom House in Multiple Occupation (HMO) unit – **4 Spaces (1 parking space with EV charging provision)**

10 x self-contained studio units – **4 Spaces (1 parking space with EV charging provision)**

Required parking spaces with access to EV charging = 5

Alternatively, the developer could provide 1 space with EV charging facilities for the HMO unit and self-contained studio units, and provide a contribution towards a public charger installed close to the site. If this option is preferred, a minimum

contribution of £10,000 is required. Further details on this contribution and will be reported to Committee.

#### 6.4 **Environmental Noise**

Due to the proximity of the development to Langley High Street, it is requested that an environmental noise assessment is completed in line with ProPG: Planning and Noise Guidance. The assessment will indicate the likely risk of adverse effects from:

- Noise arising from current traffic sources e.g. road traffic, rail and aviation, on future residents of the development
- Increase in traffic noise to existing residents in the area and future residents of the development
- Construction and demolition traffic noise and construction activities on site

The assessment will indicate the likely risk of adverse effect from noise, which will determine the level of mitigation required for the development. This may include:

- Consideration of development orientation and internal layout to locate bedrooms facing away from noise sources, to ensure an internal noise level of LAeq 35 dB is not exceeded during the day or LAeq 30 dB during the night.
- Application of good acoustic design principles such as acoustic glazing for windows, and potential for air ventilation systems, details of which shall be submitted as part of the noise impact assessment.

#### 6.5 **Police Liaison Officer**

##### **Access to Existing Garages 59 to 71 High Street**

There are a number of private garages included within the applicants 'red line' site area of At this stage it is unclear if access rights to these rear garden garages/buildings will be maintained as this could have a negatively impact on the privacy and security if the HMO's. Given the potential vulnerability of future occupants of the HMO, conflicting access be clarified prior to planning permission being granted.

##### *Officer response:*

Access rights to the rear garages will be maintained and the layout of the scheme has been designed with this in mind. Security gates are proposed within the site, in the interest of protecting future occupants of the HMO and also ensuring continued access for the garage occupiers. This includes separate pedestrian and vehicular accesses and the managing agent/operator will be responsible for monitoring activity around the HMO.

## **Defensible Space**

No setback or defensible space between public realm and the private ground floor windows of the studio flats has been provided, if the set back or defensible space is insufficient residents may feel vulnerable to casual visual intrusion and simply close their blinds or curtain, reducing surveillance opportunity and residential interaction with the public realm. setbacks should be 1.5m in depth with appropriate boundary (identifying ownership). This should be seen as a minimum to ensure that residents are offered appropriate levels of privacy and that windows do not open into the public realm. I ask that defensible space be included within the final approved plans

### *Officer response:*

As shown on the revised plan, flowerbeds are proposed directly to the front of the private ground floor units within the former Police Station building to provide defensible space/a buffer between the windows and existing public realm. In addition, individual paths will provide access to the two entry points, rather than one continued route as originally proposed, in order to keep movement away from the building.

## **Vehicular Gate Access**

The plans provided show a vehicle access gate, but I have been unable to identify if these will be an electronic access controlled or manually operated, in reality manual gates are likely to be left open and therefore will not provide the security they are intended for.

I ask that the vehicle access gates be electronic access controlled – please see Secured by Design condition below.

### *Officer response:*

An additional gate has been added at the front of the site and will be automatic as requested. The applicant acknowledges the comments made above and agrees to the condition in order to secure the provision of further details. The set back of the gates from the highway will be nearly 24 metres which is considered to be an acceptable distance.

## **Bin Storage**

I can see from the submitted documents that bin storage is located to the north of this site. I ask the applicant to consider using a robust hit and miss structure for the bin storage, increasing natural surveillance and reducing opportunity for anti-social behaviour.

### *Officer response:*

This above is acknowledged and the principle of a robust structure for the bin storage is agreed, the applicant would welcome a pre-occupation condition to

secure these details.

### **Postal Deliveries**

I have been unable to identify how post is delivered to both the studio flats and the HMO. For both the studio flats and the HMO. In the absence of secure ground floor lobbies external, wall mounted post boxes located in an area with natural surveillance are recommended. It is important to note that the delivery system should not compromise the security of either the studio flats or the HMO.

Tradesman's buttons must not be fitted as these allow unauthorised access – please see Secured by Design condition.

#### *Officer response:*

This is noted and external, wall mounted post boxes located in an area with natural surveillance will be accommodated where it is not to be provided within a secure ground floor lobby. The applicant is happy to agree to the proposed SBD condition to secure these details.

### **Lighting**

I have been unable to locate a lighting plan for this development. I can, however, see from the proposed ground floor site plan (drawing no. 19/0723-100) that bollard lighting is proposed. From a crime prevention perspective, bollard lighting is not recommended as it can be easily obscured, damaged, and does not assist with recognising facial features. Therefore I recommend the inclusion of column lighting for this development.

I ask the applicant to submit detailed lighting plans to be approved prior to planning permission being granted.

#### *Officer response:*

The revised plan now shows the provision of directional column lighting as recommended and the applicant agrees to the principle of this, with the details, to include a detailed lighting plan, to be secured through a planning condition. We would welcome draft wording on a proposed condition for agreement.

### **Physical security**

For developments such as this it is critical that the design and layout of each block supports the implementation of robust access control). To ensure that the opportunity to create a safe and sustainable community is not missed I respectfully request that the following (or a similarly worded) condition be placed upon any approval for this application. Such a condition will help to ensure that the development achieves the highest standards of design in terms of safety and security, safe guarding future residents. Creating 'Safe and accessible environments where crime and disorder, and the fear of crime will not undermine quality of life or community cohesion'.

I ask that the following condition be applied:

*Officer response:*

The applicant agrees to the below planning condition and recognises the requirement for it.

**Condition:**

*Prior to commencement of works above slab level, written details as to how the development will achieve the Secured by Design Award shall be submitted to, and approved by the authority. The development (and subsequent access control system) shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of that said details has been received by the authority.*

To aid the applicant I have provided the following as an aid to achieving this condition; Ref Secured by Design:

For the HMO and block of flats; The Access control strategy / system must provide compartmentalisation of each floor within the development, Parking areas that aren't secure, are extremely vulnerable to criminal activities. They can attract anti-social behaviour, criminality and ASB. I strongly recommend that access to the HMO car park be made secure through the inclusion of electronic gates (LPS1175 SR1 or 2 or equivalent). These measures must incorporate an access control system that allows the driver to operate the system without leaving the vehicle.

Postal delivery system should not compromise the security of either the studio flats or the HMO. Tradesman's buttons must not be fitted as these allow unauthorised access

6.6 **Education**

Contribution required of £35,117 (£85,646 on the basis of a review of the level of contributions) to meet education costs for the 1 x 2 bed unit and the 2 x 3 bed units.

6.7 **Local Highway Authority**

Detail of tracking for parking spaces to be provided, parking to be based on demand, operational and occupational statement required, one extra car parking space required (plan to be amended accordingly), access to mid terrace units for cycle parking to be revisited, contribution for traffic regulation order (TRO) to address parking, cycle parking to be roofed, light columns and light spillage to be addressed by condition. The overall comment was that the proposed development would have limited impact on the Highway Network, and there was no highway objection subject to conditions. The comments took into account the setback of the gates of over 20 metres.

6.8 **Libraries**

No comments to make.

6.9 **Trees**

The Tree Office has confirmed that the site has no trees of any merit within the site boundary. In fact the area around the development is also lacking significantly in quality trees and amenity spaces.

There are trees of some stature located close to the rear boundary of properties on Randall Close and Trelawney Avenue, however they do not constrain the development and as the arboricultural report identifies the existing boundary fencing provides adequate protection.

The proposed plans indicate soft landscape around the new buildings and car parking area however the exact details of this must be secured by way of condition.

As mentioned above the trees growing along the High Street are poor quality and the building a greater scale than currently. Therefore a Section 106 contribution to new street tree planting should be made for trees in Trelawney Avenue and the High Street. 20 new trees would add significantly to the existing trees and provide additional, vital visual amenity in the local area. These trees will be planted by Slough Borough Council and maintained the cost of this would be £600.00/ tree for the first three years, total value £12,000.

6.10 **Ecology**

The buildings have negligible bat roosting potential. There is a risk that birds may



be nesting and as such the Applicant's Ecological Assessment sets out in Section 7- Mitigation Measures in respect thereof. The consultation response requires that Mitigation Measures must be fully adhered to. These relate to the protection of Bats and nesting birds and hedgehogs.

Section 8 Enhancement Recommendations of the Applicant's Ecology report makes recommendations for ecological enhancements as required by the NPPF. The recommendations set out within section 8 of this report, the Ecology Officer has requested that that these recommendation are fully adhered to and must be full implemented must be fully implemented.

These recommendations have been accepted and are addressed Section 15 of this report.

## 6.11 **Housing Services – Neighbourhood**

### **Demolition/Construction Phase**

Control of environmental effects

As there are residential properties nearby this site I would suggest attaching the following condition:

*No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:*

- (i) control of noise*
- (ii) control of dust*
- (iii) control of surface water run-off*
- (iv) site security arrangements including hoardings*
- (v) proposed method of piling for foundations*
- (vi) construction and demolition working hours, hours during the construction and demolition phase, when delivery vehicles taking materials are allowed to enter or leave the site.*

*The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.*

Reason: In the interests of the amenities of the area.

### **Hours of demolition and construction**

As there is a need to protect persons living and working in the vicinity of the construction/demolition site from the effects of noise, the following conditions should be strictly adhered to:

*All works and ancillary operations during demolition and construction phases*

*which are audible at the site boundary, which affect persons working and living in the locality shall only be carried out between the hours of 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Bank Holidays.*

*Works outside these hours only by written agreement with the Borough Environmental Health Officer. Should complaints arise, this Authority will exercise its powers under Section 60 of the Control of Pollution Act 1974 to impose these times, or other times as considered appropriate.*

*The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.*

*All plant and machinery in use shall be properly silenced and maintained in accordance with manufacturer's instructions.*

*Reason: In the interests of the amenities of the area.*

### **New Dwellings**

#### Noise

Occupiers of the development may be adversely affected by external noise. The site is at a busy junction of a main road and excess road noise will be generated by the stop/start nature of the traffic.

I suggest the following planning conditions are attached to any planning permission granted to minimise effects of external noise on new occupants:

*The development shall not begin until a scheme for protecting the proposed dwellings / from noise from external sources has been submitted to and approved by the Local Planning Authority. Any works, that form part of the scheme approved by the Local Planning Authority, shall be completed before any permitted dwelling is occupied, unless an alternative period is agreed in writing by the Local Planning Authority.*

*REASON: To ensure that the amenities of the future residents is not adversely affected by noise.*

#### 6.12 **Contamination**

Reviewed the information submitted with this application, together with our database of Potentially Contaminated Land sites.

The proposed development is not located on a priority site identified as part of the Council's Prioritisation Procedure. However, considering the previous use of the site as a garage and police station, and the proposal to introduce a more sensitive end user, I recommend that additional investigation, monitoring and risk

assessment is carried out and phase 1 – 3 and remediation validation.

6.13 **Energy/Sustainability**

Consultation response awaited, any comments received will be reported to the Committee via the Amendment Sheet.

**PART B: PLANNING APPRAISAL**

7.0 **Policy Background**

7.1 **National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance**

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which, for decision-taking, means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting

permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document (2008) policies:

- Core Policy 1 – Spatial Strategy
- Core Policy 3 – Housing Distribution
- Core Policy 4 – Type of Housing
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 10 – Infrastructure
- Core Policy 12 – Community Safety

Local Plan for Slough March 2004 (Saved Policies):

- H11– Change of Use to Residential
- H14 – Amenity Space
- H19 – Flat conversions
- H20 - Houses in Multiple Occupation
- EN1 – Standard of Design
- EN3 – Landscaping
- EN5 – Design and Crime Prevention
- T2 – Parking
- T8 – (Cycling Network and facilities)

Supplementary Planning Documents and Guidance

- National Planning Practice Guidance
- Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010
- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer’s Guide Parts 1-4
- Proposals Map 2010
- Nationally Described Space Standards
- Slough Borough Council’s Draft Low Emission Strategy (LES 2017-25)
- ProPG: Planning & Noise: Professional Practice Guidance on Planning & Noise. New Residential Development. May 2017

7.2

**Composite Local Plan – Slough Local Development Plan and the NPPF -**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the

development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). It should be noted the NPPF was updated in June 2019.

### 7.3 **Emerging Preferred Spatial Strategy for the Local Plan for Slough**

One of the principles of the Emerging Preferred Spatial Strategy is to deliver major comprehensive redevelopment within the “Centre of Slough”. The emerging Spatial Strategy has then been developed using some basic guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable.

The Local Plan Spatial Strategy Key Components report was considered by the Planning Committee at the extraordinary meeting of 26th August. The three key themes for the Spatial Strategy which are derived from the Local Plan Vision and analysis of the most important issues that are facing Slough. These are:

- To make Slough a place where people want to “work rest, play and stay”, by making sure that people who have prospered in Slough have the opportunity to “stay” in the Borough
- By making sure that we have “inclusive growth” in Slough by ensuring that more of the wealth that is generated in Slough stays in Slough, by enabling residents to participate in more of the well paid employment opportunities in the town and providing more facilities in the Borough for people to use and enjoy.
- Making Slough a place where residents can meet all of their needs and be able to “live locally” in their own community, which will help to develop local communities and reduce the need for people to travel.

### 7.4 **Planning Obligations**

Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.

The developer has indicated that they are willing to commit to carrying out various specified required provisions, as planning obligations, on a unilateral basis,

including the following:

- Delivery of 14 Affordable Homes at Slough Children's Services Trust (11 units) and Affordable Rent Tenure (3 units);
- The provision of 5 electric vehicle charging points;
- Section 278 Agreement obligations for the satisfactory implementation of the highways improvements to Trelawney Avenue;
- Contribution to the full costs of a Traffic Regulation Order.

Based on the information assessed to date, such obligations would be considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

7.5 The planning considerations for this proposal are:

- Principle of Development
- Layout and Design
- Housing Need
- Impact of Development
- Amenity Space
- Sustainability
- Trees
- Ecology
- Highways
- Refuse Storage
- Drainage
- Utilities
- Air Quality
- Noise
- Third Party Representations

## 8.0 **Principle of development**

8.1 The application site comprises the former Langley Police station which was vacated in July 2018, following relocation to the Town Centre Police Station. The site is currently occupied by a three storey building and 40 single garages. The proposals involve the a change of use of the former police station building into 10 x studio flats, and the redevelopment of the remainder of the site to provided 2 x 3 bedroom and 1 x 2 bedroom affordable residential units (use class C3) and 1 x 6 bedroom HMO (use class C4) units.

8.2 An Operational/Occupational Statement has been prepared on behalf of Slough Children's Services Trust to accompany the application. The Trust looks after the

welfare and protection of the most vulnerable Children and Young People in Slough Borough. The underlying foundation of any intervention lies in the commitment to ensuring that Children and Young People remain within the families wherever possible.

- 8.3 The proposed accommodation at Langley Police Station, whilst not of a physically specialist nature per se, will take into consideration the needs of a specific cohort, i.e. 16-18 year olds, that are leaving the formal care system (“Care Leavers”).
- 8.4 The accommodation is a form of specialised supported housing as described in The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016. “specialised supported housing” means supported housing —
- (a) which is designed, structurally altered, refurbished or designated for occupation by, and made available to, residents who require specialised services or support in order to enable them to live, or to adjust to living, independently within the community.*
- 8.5 The proposed accommodation will cater for both short (a few weeks) and longer term (up to 6 months) tenancies. Provision may also be made for the very short term use of rooms as “crash pads” which will be on an ad hoc basis to meet a particular need at that point in time. The use of the HMO and the studio flats will offer “crash pad” accommodation.
- 8.6 Emphasis has been placed on the design of the accommodation to ensure it will be suitable for the age group. Special emphasis will be given to safeguarding and security. The Trust aims to work with providers in the region to create standards to work within to ensure all settings are suitable for young people.
- 8.7 The report states that there is an identified need for accommodation for care leavers within the Slough Borough and the United Kingdom (UK) more generally. The younger population is growing at a notable rate, however, there is insufficient fit for purpose accommodation with care services to respond to this population. The need for accommodation with care services for younger people is reflected in policy and guidance at a national and local level.
- 8.8 Deprivation is more than just a poverty of income, it can be a lack of access to adequate education, skills and training, healthcare, housing and essential services. There are pockets of high deprivation in Slough which may also mean exposure higher rates of crime, a poor environment and many other negative factors.
- 8.9 The NPPF sets out in Section 5 – Delivering a Sufficient supply of homes, that “*it is important that a sufficient amount and variety of land can come forward where it is needed, that needs of groups with specific housing requirements are addressed and that land with permission is developed without delay*” (para 59).
- 8.10 The NPPF also emphasises the importance of optimising existing brownfield sites

in Section 11. Paragraph 117 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes. Paragraph 118 of the NPPF also states that planning policies and decisions should,

*“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs...promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.”*

- 8.11 It is a priority of Slough Borough Council’s Housing Strategy to enable children living in care to access a range of suitable accommodation. As set out in Slough’s Children’s Services Trust Sufficiency Strategy (2019-2022), there is an identified need for this type of accommodation within the Borough and currently not enough provision available.
- 8.12 The Council has therefore identified a number of assets which are empty and could be converted to provide suitable accommodation, this includes the application site. The ability to optimise such brownfield sites which are currently underutilised provides SCST with a means of maintaining the necessary services and control in-house. It will prevent the Council from having to spend on sourcing this type of provision elsewhere and will enable SCST to deliver targeted support effectively.
- 8.13 The Trust has a need for accommodation that would be suitable for Care Leavers to pursue independent living in a safe manageable environment, developing the skills necessary to eventually become fully independent. The concept of the Langley Police Station project will allow for a graded progress through differing supported housing options.
- 8.14 Supported housing offers a level of greater independence for the young person. Pressure on the housing stock in the Borough and the difficulty of finding feasible accommodation within the Private Rental Sector (PRS) means that it is very difficult to provide suitable placements for Care Leavers who are in need of some form of independent living arrangement.
- Having a facility where the blend of individual requirements can be provided in a manner that takes into account the best living arrangements for all tenants in proximity would be a very desirable facility and the proposed development at the site presents an opportunity for this need to be met.
- 8.15 As set out above the proposed scheme will provide fourteen units on a site which is previously developed land in a sustainable location. Paragraph 11 d) states:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*



*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.16 Core Policy 1 of the Core Strategy although pre-dating the NPPF, states in similar vein, *“All development will take place within the built up area, predominantly on previously develop land.*

8.17 The development of the land for residential purposes will result in an effective use of land in an urban area. The existing site is redundant underused brownfield land the proposed development would, therefore be consistent with Paragraph 118 of the NPPF which both promotes and supports the development of underutilised land, accordingly the development of this site, in providing new residential accommodation, will make more effective use of the application site.

8.18 On the basis of the foregoing it is considered that the proposed development is consistent with paragraphs 117 and 118 of the NPPF and Core Policy 1 of the Adopted Core Strategy.

## 9.0 **Layout and design**

9.1 The NPPF in section 12 – Achieving well designed places in paragraph 124 states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

9.2 Core Strategy Core Policy 4 supports limited infill development within existing suburban residential areas that is at a density commensurate with the surrounding area having regard to the accessibility of the location and availability of surrounding local facilities. The application site has been identified as being located within a suitable brownfield location that benefits from reasonable accessibility levels and access to surrounding

9.3 In terms of density Core Strategy Core Policy 4 requires a general standard of 40 dph with higher densities directed to Slough Town Centre. Outside of the Town Centre, new residential development will predominantly consist of family housing at a density related to the character of the surrounding areas. As well as having regard to the guidance of paragraph 122 of the NPPF.

9.4 The proposal intends the provision of 14 units, with a mix of two and three bedroom units, a HMO unit and 10 studios which equates to 70 units per hectare. Given the densities of the surrounding sites, it is considered that the proposed density of the scheme will sit comfortably within the character of the area. On this

basis, the proposed scheme is considered to comply with Core Strategy Core Policy 4 and the guidance of Paragraph 122 of will promote a density that is suitable for the brownfield, accessible site consistent with the pre-application advice from officers.

- 9.5 Turning now to the matter of design. Policy EN1, a saved policy, in the adopted Local Plan and requires 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:
- a) scale;
  - b) height;
  - c) massing/Bulk;
  - d) layout;
  - e) siting;
  - f) building form and design;
  - g) architectural style;
  - h) materials;
  - i) access points and servicing;
  - j) visual impact;
  - k) relationship to nearby properties;
  - l) relationship to mature trees; and
  - m) relationship to water courses.
- 9.6 The policy requires that these factors are to be assessed in the context of each site and their immediate surroundings. In so far as the layout is concerned, the proposal involves the conversion of the former Police Station, which occupies the corner site, mainly fronting Langley High Street. Adjacent to the police station there would be a terrace of 3 houses (2 storeys in height) is proposed also fronting High Street Langley in alignment with the existing Police Station building. This arrangement would continue the established frontage.
- 9.7 A single 6 bedroom detached house, 2 storeys is proposed to the rear of the site to maximise efficient land use whilst retaining rear accesses and avoiding the existing drainage way leave. The development of the site and the layout are dictated by the presence of a mains sewer which passes across the site on its north west boundary.
- 9.8 It is proposed to alter the existing access, which will now be from Trelawney Avenue. Parking provision for the former Police Station building will be provided on the left hand of the site entrance. Pedestrian access is to the front terrace of three dwellings via Langley High Street. Parking for these dwellings is to be accessed via the Langley High Street slip road and is to be situated in front of each of the dwellings.
- 9.9 The detached dwelling to the rear of the site would be accessed via the proposed new entrance from Trelawney Avenue and parking is provided immediately adjacent to and either side of the dwelling. Bicycle storage is provided for all of the

dwellings within dedicated garden sheds in the private gardens. Refuse collection for the dwellings will be on plot for the terrace of three on Langley High Street and from a bin collection point for the detached dwelling at the rear.

- 9.10 In terms of specific design the development has been designed having regard to the existing scale and height of the residential properties in the local area which are predominantly 2 storey houses with pitched roofs.
- 9.11 The scale of the houses has been dictated following the first pre-application advice. As a consequence the early concept plans were amended to take in to account some single-storey elements of construction that would conform to a 15 meter rule from the rear of adjacent properties fronting Langley High Street to the south. This detail is reflected in the proposed built form to the side of plot 1 and to the rear of plot 4; elsewhere the new houses are two storeys, all with pitched roofs.
- 9.12 In so far as the fenestration is concerned the intention is to use a contemporary style with a traditional pitched roof formation. The brickwork to be used would be similar to that of the Police Station and by utilising the same weather boarding in feature panels for both the houses and conversion work the net effect is to provide visual continuity in the overall appearance of the development. It is intended that the replacement of the windows, as part of the refurbishment of the former Police Station will also match that of the new dwellings. Where possible the scheme seeks to provide natural light into the habitable rooms, to this end some full height glazing is proposed.
- 9.13 Turning now to the matter of unit sizes plots 1, 2, 3 and 4 are compliant with the Nationally Described Space Standards. In terms of the Studio flats in the former Police Station building the applicant recognises that some of the studio units (no's. 3 (-6 sq.m), 4 (-2 sq.m), 5 (-2 sq.m), and 8 (-3 sq.m)) are below the nationally described space standards. There are two points which fall to be considered in the context of the current application.
- 9.14 Firstly the Studio Flats the Applicant makes it clear that studio flats are very much critically important specialist type of accommodation for young vulnerable adults, whose needs are not met on the open market, the use of which will be tied by virtue of a Section 106 obligation. Secondly, There is an overwhelming need for this type of accommodation, which as set out in paragraphs 8.13 & 8.14 above.
- 9.15 The applicant considers that these units will provide a living space that can accommodate standard sized furniture (beds, sofas, TVs etc.) which are shown on the plans and demonstrate the areas would be functional and useable. The difficulty in providing such accommodation, and the identified need by the Housing Service
- 9.16 On the basis of the foregoing it is considered that the proposed development is consistent with guidance of the NPPF and saved Policy Policy EN1.

10.0 **Housing - Need**

- 10.1 The planning application has been submitted on behalf of the Council's Housing Service. The Applicant has advised that the proposed HMO unit is to be used by the Slough's Children Services Trust for emergency housing for young adults before they move on to more permanent accommodation either within this site or elsewhere within the Borough.
- 10.2 Tenants of this accommodation are anticipated to stay in this accommodation between 7 nights and up to 6 months maximum. This selection will be done on a case by case basis and on the availability of further accommodation being readily accessible. It is not proposed to include on site care or staff facilities with all rooms being occupied by young adults at a nominal social rent that is between the tenant and the Children's Services Trust.
- 10.3 The 10 studio units located within the former police are to be used as temporary self-contained studio units ranging from 31 sqm to 54 sqm. As set out above these units are below the nationally described space standards. However, this accommodation is for young vulnerable adults whose needs are not met in the traditional housing market. The unit is provided in a secure compound for security. Reference has been made in paragraph 8.21 above to the need for such accommodation, and as a matter of planning judgement it is considered that an exception may be made, give the demonstrable need.
- 10.4 It is not proposed to have staff based on site for overnight stays or providing any care to tenants. These units are proposed to be used by young adults who require a small level of assistance with job searches etc. and a member of staff will be on site during what is described as regular office hours to assist with this service. There will be a member of staff on site during office hours but this will be more of an administrative role rather than care.
- 10.5 The proposal is therefore considered to comply with the NPPF, Council's draft Housing Strategy, Core Strategy Core Policy 3 and meets an identified need within the Borough as identified in the latest SHMA.
- 10.6 Three of the proposed units will be affordable rent tenure which will be owned and managed by Slough Borough Council. These three family homes will provide an important contribution towards the target of 600 affordable homes per year required by the Council's own policies
- 10.7 The proposed scheme, in providing 3 new affordable rent units will therefore assist in meeting an identified affordable housing need within the Borough and assist in meeting some of the demand from those on the Council's housing register. The units will be secured in perpetuity and that nomination rights will be retained by Slough Borough Council.
- 10.8 On this the proposed development would be in accordance with the guidance of the NPPF, paragraphs 26, 122 and 124, Policy CP1, CP3 and Saved Policy HP13

of the Local Plan for Slough

11.0 **Impact of Development**

- 11.1 As part of the pre-app process the Applicant's attention was drawn to the impact of the development on the surrounding residential properties. The terraced properties will have their principal windows to the front and rear elevations that serve the main habitable rooms, while the location of the windows on the HMO unit have been located to ensure there is no overlooking with the properties to the rear.
- 11.2 In so far as the HMO is concerned the habitable windows would be set back some 12 metres from the existing properties to the south of the site. The proposed units within the former police station would be over 18m distance from the flank wall of the nearest property on Trelawney Avenue.
- 11.3 These separation distances are considered acceptable in ensuring that there would be no material loss of privacy nor would there be any overlooking. These distances are commensurate with the existing separation distances of surrounding streets within the local area.
- 11.4 On the basis of the proposed and the relationship with properties within and without the site it is not considered that the development would result in a loss of amenity for existing residents. The proposed height of the terraced properties and HMO unit is consistent with the norm in the locality.
- 11.5 The proposed buildings, owing to their aspects and the sun path, will have no material impact on the existing daylight and sunlight enjoyed by adjacent residents of 1 Trelawney Avenue, 3a & 3b Randall Close and 59, 61, 63, 65, 67, 69 & 71 High Street Langley. The applicant has provided a Sunlight and Daylight Study, which concludes *"In summary, the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties."*
- 11.6 In terms of boundary treatment there is an existing garage block fronting on to Trelawney Avenue, and whilst in use as Police Station there would have been vehicle movements 24/7. The proposed use would be likely to result in less movement. . In order to safeguard the amenities of the residents of no 1 and 3 Trelawney Avenue an acoustic fence is required. A boundary condition is proposed in this respect. The proposed scheme is therefore considered to comply with Saved Policy EN1.

12.0 **Amenity Space**

- 12.1 Saved Local Plan Policy H14 sets out that the appropriate level of amenity space will be considered against 5 criteria. The said criteria fall to be considered against

the type of household likely to occupy the dwelling, quality of proposed amenity space principally in the context privacy attractiveness and usefulness, character of the surrounding area and proximity to existing public open space.

- 12.2 Each town house and the HMO unit will benefit from both front and rear gardens. The studio units will have access to open space to the rear of the site. In the context of the criteria of Policy H14, and the said criteria, the level of amenity space proposed for the future residents of the dwellings is considered to be sufficient, particularly given the site's proximity to nearby public open space.
- 12.3 On the basis that the proposed development is providing both private communal amenity space, making existing outdoor amenity space more enjoyable and useable and is in close proximity to high quality public open space, it is considered that the scheme complies with Saved Policy H14.
- 13.0 **Energy and sustainability**
- 13.1 The applicant has provided an energy statement, on which comments are awaited and if received will be reported on the Amendment Sheet. Paragraph 148 and 149 of the NPPF requires that the planning system should support the transition to a low carbon future to reductions in greenhouse gas emissions. This is consistent with the Council's approach to reducing carbon emissions.
- 13.2 Core Strategy Core Policy 8 requires all development to be constructed to address the impact of climate change, using sustainable design and construction. All development is required, where feasible, to minimise the consumption and unnecessary use of energy especially from non-renewable sources. This will require also recycling waste, energy from renewable resources, energy from renewable resources, reduced water consumption and sustainable design and construction techniques.
- 13.3 The proposed development incorporates low energy features, and the Energy Statement concludes that as a consequence of the "fabric first approach" this will lead to a sustainable development. Additionally the baseline energy demand will meet building regulations and improve on the standards set out in Part L1a 7 L1b.
- 13.4 The Applicant has made reference to undertaking a sustainable construction phase and this can be addressed as a condition to the grant of any planning permission.
- 13.5 On this basis, it is considered that the proposed scheme will accord with the requirements of the NPPF Section 14 supporting the transition to a low carbon future and would thus be consistent with the Council's Core Policy 8.
- 14.0 **Trees**
- 14.1 Core Strategy Core Policy 9 states that development will not be permitted unless it enhances, respects and protects the Borough's natural and built environment.

- 14.2 The Council's Tree Officer has advised that there are no trees of any merit within the site boundary. In fact the area around the development is also lacking significantly in quality trees and amenity spaces. The only trees of note are located close to the rear boundary of properties on Randall Close and Trelawney Avenue, however they do not constrain the development and as the arboricultural report identifies the existing boundary fencing provides adequate protection.
- 14.3 The proposed plans indicate soft landscape around the new buildings and car parking area however the exact details of this must be secured by way of condition.
- 14.4 The Tree Officer has identified the trees growing along the High street as poor quality. Given that the building is of a greater scale than currently a Section 106 contribution to new street tree planting should be made for trees in Trelawney Avenue and the High Street. It is suggested that 20 new trees would add significantly to the existing trees and provide additional, vital visual amenity in the local area. These trees would be planted by the Slough Council and maintained the cost of this would be £600.00 per tree for the first three years, total value £12,000.
- 14.5 The Council's contribution SPD recognises that there will occasions when other Section 106 requirements will be necessary. An example of this Enhancement of adjacent public spaces (public realm). However Regulation 122 of the Community and Infrastructure Levy Regulations 2010 (as Amended) requires that a planning obligation may only constitute a reason for granting planning permission only if it is:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development"

On the basis of the requirement of Regulation 122 and the fact that such a contribution would appear not to comply with all of the requirements of Regulation 122, namely that it is not considered that criteria (a), (b) and (c) are not met. On this basis the requirement for this payment cannot be justified.

15.0 **Ecology**

- 15.1 The Council's Ecologist has advised that buildings have negligible bat roosting potential. However, there is a risk that birds may be nesting and as such the recommendations contained in Section 7 Mitigation Measures of the Ecological Assessment must be fully adhered to. To this end it is proposed to provide nesting boxes and a condition is suggested to make such provision.
- 15.2 Section 8 of the same report, titled Enhancement Recommendations provides for ecological enhancements as required by the NPPF. The recommendations set out within section 8, require re of this report must be fully implemented.

- 15.3 The recommendations relate to the protection of habitat, and the recommendations for bird boxes, hedgehog mitigation and invertebrate protection are addressed by conditions.
- 15.4 The proposals would be consistent with Core Strategy Core Policy 9 and the requirements of the NPPF. Subject to the proposed enhancement measures being the subject of a condition there is no objection in this respect

16.0 **Highways**

- 16.1 The Applicant has provided a Transport Statement, to accompany the application details. The Highway Engineer has commented that the proposed development would have limited impact on the Highway Network, and there was no highway objection subject to conditions.

**Vehicular and cycle parking**

- 16.2 Paragraph 104 of the NPPF states that planning policies should support sustainable transport measures including promoting walking and cycling networks and associated facilities. Paragraph 105 and 106 of the NPPF deal with the local parking standards for residential and non-residential development. The Highway Engineer has requested an additional parking space to be provided. Subject to this addition there were no objections on parking grounds.
- 16.3 The Standards in the Transport and Highways Guidance SPD require as a minimum for 1 bed flats a parking provision of 1.25 spaces per unit (all spaces communal) and 1 cycle space per unit. For a 2-bedroom or 3-bedroom House (communal) Minimum 1.75 spaces per unit and 1 cycle space per unit
- 16.4 Assessing the accommodation to be provided, against the standard. The proposed 10 studio apartments and 6-bedroom HMO block will share 9 on-site parking spaces. In terms of compliance with parking standards, there are no specific standards associated with studio apartments, the standards commencing at one-bedroom units. Additionally there is no specific requirement for an HMO.
- 16.5 The applicant has assessed that the likely level of requirement for the HMO and the studio flats on the basis of census data. This assessment results in the likely hood of a requirement of 0.56 cars per unit. On this basis the level of provision for the studio flats and HMO facility would be acceptable.
- 16.6 There is also no specific standard associated with an HMO unit that is offering emergency accommodation and it is anticipated that this specialist accommodation will be occupied by residents with car ownership characteristics different to that of traditional housing. In short they are unlikely to provide the level of traffic normally associated with this type of accommodation.
- 16.7 The level of parking proposed for the three terraced units would result in a



shortfall of 0.25 of a space.

- 16.8 Having regard to the foregoing matters, in particular the type of accommodation to be provided, the close proximity of the site to facilities, e.g. Parlaunt Road Shopping facility (500 metres) as well as medical facilities, community facilities and education facilities being on average 15 minutes walking distance, means that the site is located in close proximity to a variety of facilities, as well as being located in close proximity to the public transport network, both bus and rail links.
- 16.9 The level of car parking and cycle provision will reflect the anticipated demand generated by the proposed type and scale of development and on balance it is considered that the proposed will not result in any parking displacement that cannot be accommodated on-street.
- 16.10 Given the nature and manner of occupation it is considered that the proposed development is consistent with Policy CP7, Saved Policies T2 and T8 and the Council's Transport and Highways Guidance document, and the proposed cycle parking provision is consistent with Saved Local Plan Policy T8.
- 16.11 It is considered that the loss of the existing garages is acceptable in principle as all the tenants who occupy garage space (8 garages in occupation; 32 garages vacant) are currently in the process of being relocated to appropriate sites nearby or are surrendering their licences. On this basis and given the need for the accommodation it is considered that the loss of the garages can be justified.
- 17.0 **Refuse storage**
- 17.1 Policy CP8 requires all developments to make provision of recycling waste and it is also expected that the provision of suitable storage for refuse is provided for all new residential dwellings.
- 17.2 Further guidance is set out in The Council's Refuse and recycling storage for new dwellings planning guidance (2013, updated 2017), which provides details of the operational criteria The Council operates an "edge of curtilage" refuse and recycling collection policy. Provision for flats should be made for 97 litres per flat for residual waste and 53 litres per flat for recycling.
- 17.3 The scheme proposed by the Applicant's will include two secure bin stores within the boundary of each property and future occupant of each property will leave the bin outside the dwelling for collection by the refuse lorry. The stores are advised as being located within the Council's 10m drag distance requirement for collection services and within 30m dwelling to store distance requirement.
- 17.4 The Highway Engineer has advised the Applicant of the specification of the Council's refuse vehicles which has rear wheel steer. On the basis of the tracking provided and given the rear wheel a refuse vehicle can enter the site, turn within the site and subsequently exit in a forward gear. The proposed location and provision of refuse and recycling storage facilities is therefore considered

acceptable and therefore consistent with Core Policy 8.

18.0 **Drainage**

18.1 In so far as drainage is concerned the Council's Lead Flood Authority, and Surface Water Drainage Authority have requested further details and this is in the course of preparation. This will be reported to Members at the Committee Meeting.

19.0 **Utilities**

19.1 Policy CP 10 – Infrastructure states “*That development will only be allowed where there is sufficient existing, planned or committed infrastructure.*” Infrastructure is identified as including utilities (water, sewerage and drainage).

The applicant has indicated in their Planning Statement that a desktop utility record survey has been undertaken by MK Surveys. The Survey has reviewed the local supply of electricity, gas, telecommunications, water, CATV, communications, new installations, transport, tunnels and pipelines.

In terms of the water network and water treatment infrastructure, Thames Water have no objections to the proposed development.

There is a public sewer crossing the site and a safeguarding zone is indicated on the site layout, no building is proposed in the safeguarding zone.

20.0 **Air Quality**

20.1 The consultation response from the Environmental Protection advised that the scheme was considered to have a minor impact on air quality. Whist Monitoring on Langley High Street recorded NO<sub>2</sub> concentrations close to the Air Quality Objective (40ug/3) during 2019, therefore there is risk that future residents will be exposed to poor air quality. Although the development is ~20m away from road, there are planned works to widen this section of the High Street, therefore an exposure assessment must be conducted, taking this work into consideration.

20.2 The applicant has been requested to provide an exposure assessment and the outcome of the Assessment, the EP comments will be reported to Members at the Committee Meeting.

20.3 The consultation response requires mitigation measures are set out in paragraph 6.4 above. The matters raised can be addressed by condition.

21.0 **Noise**

21.1 An environmental noise assessment has been requested from the Applicant on the basis of the proximity to Langley High Street. The Environmental Protection

comments will be reported to Members at the Committee meeting via the Amendment Sheet.

22.0 **Third Party Representations**

22.1 In response to the posting of the site notices there has been one letter of objection, which raises the following points:

- 1) Overcrowding of an already over populated area.
- 2) Pollution of an area under environmental concern.
- 3) Parking difficulties for residents, already spaces are limited for those of us with no private parking.
- 4) Langley has seen more than it's fair share of housing being built in the last 15 years.
- 5) GP's surgeries already under strain.
- 6) Sewage problems from an outdated system unable to cope with the extra volume of housing.
- 7) Langley needs a police station with the increase of crime.

In so far as the matters raised, some of the points raised are addressed in the preceding analysis (2, 3 and 6).

Item 1 - The proposed development is of a design and at a density which is commensurate with both National and Local policy guidance. The site is sustainably located within an existing urban area and would utilise previously developed land. Development of the site is in character with the pattern of development and the proposed development would meet a real need for Local people.

Item 2) – Comments have been received from the Environmental Protection Team in respect of air quality and an appropriate condition has been included

Item 3) – Local Highway Authority have been consulted and raised no objection – please refer to their comments in Section 17.0 of this report

Item 4 – The Council has a duty to consider development proposals for development in the context of both national and local plan policy. In this context some sites are identified, some are not, in this instance the application site has become available, being no longer required for its previous use, and there is an opportunity to provide affordable housing and to meet other identified housing needs. Housing development occurs as and when opportunities arise.

Item 5) – The future occupiers of the proposed development will be resident within the Borough, and will therefore be on local Doctor's Patient lists.

Item 6) - Thames Water have raised no objection and appropriate conditions have been attached.

Item 7) – The decision to vacate Langley Police Station was the decision of Thames Valley Police.

## 23.0 **Equalities Considerations**

23.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (e.g.: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:

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

The proposal would be required to meet with Part M of the Building Regulations in relation to space standards and occupation by that needing wheelchair access.

23.2 It is considered that there will be temporary (but limited) adverse impacts upon all individuals, with protected characteristics, whilst the development is under construction, by virtue of the construction works taking place. People with the following characteristics have the potential to be disadvantaged as a result of the construction works associated with the development e.g.: people with disabilities, maternity and pregnancy and younger children, older children and elderly residents/visitors. It is also considered that noise and dust from construction has the potential to cause nuisances to people sensitive to noise or dust. However, measures under other legislation covering environmental health should be exercised as and when required.

23.3 However when completed It is considered that the proposed development will provide the best support for younger people and will result in considerable planning benefit for Slough to meet identified specialised housing needs to meet the needs of a disadvantaged youngsters and thereby meeting the three tests set out above (paragraph 32.1)

In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority.

## 24.0 **Conclusions**

24.1 It is considered that there are significant benefits from the provision of 14

residential units in a sustainable location. All of the units will be affordable housing which is a benefit that should be afforded significant weight.

- 24.2 In terms of car parking and cycle provision, it is considered that the Highway Engineer's acceptance of the parking provision together with the site's sustainable location and the type of accommodation to be provided and the fact that it is to be occupied by residents with car ownership characteristics different to that of traditional housing. It is considered on balance that the parking arrangements proposed are acceptable.

The application will secure contributions through a S106 agreement which will improve infrastructure in the area by the use of previously developed land which is also a benefit, particularly the provision of charging points and the impact of the development on air quality.

It is recommended that planning permission should be granted in this case as the proposed development will provide benefits to the locality, and the proposals are consistent with the policies of the Development Plan and the NPPF.

25.0 **PART C: RECOMMENDATION**

- 25.1 Having considered the relevant policies set out below, and comments that have been received from consultees and a local interested party, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager for approval subject to:

(i) The satisfactory completion of a Section 106 Agreement to secure financial contributions towards sustainable transport improvements including electrical vehicle infrastructure, financial contributions towards education, securing affordable housing and Section 278 highways/ access works. And to finalise any planning conditions and to allow compliance with the advertisement period.

OR

(ii) Refuse the application if the highways matter is not satisfactorily concluded (Members to be updated prior to discussions) or the completion of the Section 106 Agreement is not finalised by 11<sup>th</sup> February 2021 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

26.0 **PART D: LIST CONDITIONS AND INFORMATIVES**

The Applicant's Agent has agreed to the imposing of the pre-commencement condition in writing

1. The development hereby permitted shall be commenced within three years from

the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- a) Existing Site and Location Plan - Drawing reference: 19-0723 50 Rev A
- b) Existing Ground Floor - Drawing reference: 19-0723 70
- c) Existing First Floor and Second Floor - Drawing reference: 19-072371
- d) Existing Elevations 1 Drawing reference: 19-0723 72
- e) Existing Elevations 2 Drawing reference: 19-0723 73
- f) Site Plan Ground Floor - Drawing reference: 19-0723 100 E
- g) Site Plan First Floor Drawing reference: 19-0723 101 B
- h) Site Plan Second Floor Drawing reference: 19-0723 102 B
- i) Proposed Ground Floor and First Floor Drawing reference: 19-0723 120 B
- j) Proposed Roof Plan and 3D Perspectives – Terraces Drawing reference: 19-0723 121 A
- k) Proposed Elevations – Terraces Drawing reference: 19-0723 122 B
- l) Indicative Site Massing (View 1) Drawing reference: 19-0723 123 A
- m) Indicative Site Massing (View 2) Drawing reference: 19-0723 142 B
- n) Proposed Floor Plans, Roof Plans and 3D Perspectives – Detached Unit Drawing reference: 19-0723 140 A
- o) Proposed Elevations – Detached Unit Drawing reference: 19-0723 141 A
- p) Proposed Ground Floor and First Floor Drawing reference: 19-0723 160 A
- q) Proposed Second Floor Drawing reference: 19-0723 161 A
- r) Proposed Elevations 1 Drawing reference: 19-0723 162 A
- s) Proposed Elevations 2 Drawing reference: 19-0723 163 A
- t) Proposed Site Sections Drawing reference: 19-0723 180
- u) Topographical and Utility Survey Drawing reference: 27358

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

- 3 Prior to the commencement of any above ground works, details of the facing materials, including brick work, weather cladding, roof tiles and paint colours, glazed facades, and UPVC framing to be used on the relevant dwelling blocks on all external facades and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: To ensure a satisfactory external appearance of the development and to respect the setting of nearby listed buildings in accordance with Policies EN1 of the Local Adopted Plan for Slough 2004, Core Policies 8 and 9 of

the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 4 (2008) and the National Planning Policy Framework (2019).

4. Prior to the commencement of any above ground works, samples of external materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details approved.

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

5. None of the residential units hereby approved shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

REASON In the interests of the amenities of the area and to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, December 2008.

6. None of the residential units hereby approved shall be occupied until full details of hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004

7. None of the residential units hereby approved shall be occupied until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This management plan shall set out the long term objectives, management responsibilities and maintenance schedule for the landscape areas shown on the approved landscape plan, and should include a time scale for the implementation and be carried out in accordance with the approved details.

REASON To ensure the long term retention of landscaping within the development to meet the objectives of Policy EN3 of The Adopted Local Plan for Slough 2004.

8. None of the residential units hereby approved shall be occupied until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to and approved by the Local Planning Authority. Before the development hereby permitted is occupied, a suitable means of his boundary treatment (including the provisions of an acoustic fence along the common boundary with nos 1 and 3 Trelawney Avenue shall be implemented on site prior to the first occupation of the development and retained at all time on the future.

REASON In the interests of the visual amenity of the area and accordance with Policy EN3 of The Local Plan for Slough 2004.

9. Prior to the commencement of any above ground works , written details as to how the development will achieve the Secured by Design Award shall be submitted to, and approved by the authority. The development (and subsequent access control system) shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of that said details has been received by the authority.

REASON In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and to reflect the guidance contained in The National Planning Policy Framework, 2012.

10. The cycle parking racks and storage facilities within the development shall be provided in accordance with the approved plans. The cycle facilities shall be implemented prior to the occupation of the relevant part of the development and shall be retained thereafter at all times in the future for this purpose.

REASON To ensure that there is adequate cycle parking available at the site in accordance with Policy T8 of The Adopted Local Plan for Slough 2004, to meet the objectives of the Slough Integrated Transport Strategy, Core Policy 7 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance contained in the Council's Developer's Guide Part 3 (2008) and the National Planning Policy Framework (2019).

11. No development shall begin until details of a scheme (Construction and Environmental Management Plan) to control the environmental effects of construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) control of noise
  - (ii) control of dust, smell and other effluvia
  - (iii) control of surface water run off
  - (iv) site security arrangements including hoardings
  - (v) proposed method of piling for foundations



The development shall be carried out in accordance with the approved scheme or otherwise, as agreed by the Local Planning Authority.

REASON: In the interests of the amenities of the area in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the guidance set out in the National Planning Policy Framework (2019).

12. Development works shall not commence until a Phase 1 Desk Study (DS) has been submitted to and approved in writing by the Local Planning Authority. The Phase 1 Desk Study shall be carried out by a competent person in accordance with Government, Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA) guidance and approved Codes of practices, including but not limited to, the Environment Agency model procedure for Land Contamination: Risk Management, and Contaminated Land Exposure Assessment (CLEA) framework, and CIRIA Contaminated Land Risk Assessment Guide to Good Practice C552. The Phase 1 Desk Study shall incorporate a desk study (including a site walkover) to identify all potential sources of contamination at the site, potential receptors and potential pollutant linkages (PPLs) to inform the site preliminary Conceptual Site Model (CSM) and Preliminary Risk Assessment (PRA).

REASON To ensure that the site is adequately risk assessed for the proposed development, this is in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

13. Should the findings of the Phase 1 Desk Study approved pursuant to the Phase 1 Desk Study condition identify the potential for contamination, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the Local Planning Authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA C665 & C552 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.

REASON To ensure that the type, nature and extent of contamination present, and the risks to receptors are adequately characterised, and to inform any remediation strategy proposal and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

14. Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Land

Contamination: Risk Management (LCRM) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008

- 15 No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site-Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

- 16 Notwithstanding the details in the approved plans, no development shall take place until a revised noise assessment that provides full details of the glazing and ventilation strategy, and more robust mitigation for external plant noise has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved plans.

REASON: To ensure future residents are not subjected to unacceptable noise levels once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026,

Development Plan Document, December 2008.

17. Notwithstanding the details in the approved plans, no development shall take place until details of the proposed energy demand systems (heating and hot water) has been submitted to and approved in writing by the Local Planning Authority. The details will need to demonstrate how the systems meet a minimum of 10% renewable energy requirement and how they meet the low emissions standards as outlined in the Council's Low Emission Strategy. The works shall then be carried out in accordance with the approved plans.

REASON: To ensure future residents are not subjected to unacceptable noise levels once the development is inhabited, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

18. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

REASON - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

19. No construction shall take place within 5m of the water main (drawing 19/0723 – 100E). Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water before any groundworks take place. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

REASON: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. In line with paragraph 170 of the National Planning Policy Framework

20. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in

consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure in line with paragraph 170 of the National Planning Policy Framework

21. Prior to occupation of any part of the development, details of a scheme for Bird Boxes shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the location, design, size and material of the bird boxes and elevations and plans shall be provided to identify the bird boxes to the satisfaction of the local planning authority. The development shall be carried out in accordance with the scheme prior to any occupation of the development and shall be permanently retained and maintained thereafter.

REASON: To safeguard habitats for birds and to deliver net gains in biodiversity in accordance with the National Planning Policy Framework (2019).

22. Prior to occupation of any part of the development, details of a scheme for an Invertebrate Box Insect towers shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the location, design, size and material of the Invertebrate boxes and elevations and plans shall be provided to identify the bird boxes to the satisfaction of the local planning authority. The development shall be carried out in accordance with the scheme prior to any occupation of the development and shall be permanently retained and maintained thereafter.

REASON: To safeguard habitats for birds and to deliver net gains in biodiversity in accordance with the National Planning Policy Framework (2019).

23. No works shall commence until a detailed mitigation method statement to demonstrate impacts on protected and priority species (including amphibians and hedgehog) will be avoided has been submitted and approved in writing by in consultation with their ecological advisors. The approved method statement shall be implemented in full.

REASON: To safeguard habitats and to deliver net gains in biodiversity in accordance with the National Planning Policy Framework (2019).

INFORMATIVE(S):

1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.

2. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the Piling Method Statement. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-yourdevelopment/Working-near-or-diverting-our-pipe>
3. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Waters' guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-ordiverting-our-pipes..>  
Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
4. The development must be so designed and constructed to ensure that surface water from the development does not drain onto the highway or into the highway drainage system.
5. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding, skip or any other device or apparatus for which a licence must be sought from the Highway Authority.
6. The applicant must apply to the Highway Authority for the implementation of the works in the existing highway. The Council at the expense of the applicant will carry out the required works.
7. The applicant will need to take the appropriate protective measures to ensure the highway and statutory undertakers apparatus are not damaged during the construction of the new unit/s.
8. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 / Minor Highway Works Agreement with Slough Borough Council for the implementation of the works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
9. The applicant must obtain a license from Slough Borough Council for maintaining the highway verge (once dedicated) fronting the application site under Section 142 of the Highways Act 1980.
10. The applicant is reminded that an Agreement under Section 106 of the

Town and Country Planning Act 1990 has been entered into with regards to the application hereby approved.

11. Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult Natural England (0845 6003078).

12. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

13. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.

14 All works and ancillary operations during demolition and construction phases which are audible at the site boundary, which affect persons working and living in the locality shall only be carried out between the hours of 0800 hours and 1800 hours on Mondays to Fridays and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Bank Holidays.

Works outside these hours only by written agreement with the Borough Environmental Health Officer. Should complaints arise, this Authority will exercise its powers under Section 60 of the Control of Pollution Act 1974 to impose these times, or other times as considered appropriate.

The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

All plant and machinery in use shall be properly silenced and maintained in accordance with manufacturer's instructions.

Registration Date:	4 <sup>th</sup> September 2020	Application No:	P/10482/012
Officer:	Neil Button	Ward:	Upton
Applicant:	Department for Education (DFE)	Application Type:	Major
		13 Week Date:	4 <sup>th</sup> December 2020
Agent:	Tom Lamshead, Jones Lang LaSalle Ltd, 30 Warwick Street, London, W1B 5NH		
Location:	Slough Hockey Club, Stambury, Slough Cricket Club, Upton Court Road, Slough, SL3 7LT		
Proposal:	Change of use of a clubhouse, artificial hockey pitch and car park (Use Class F.2), between 7.30am and 5.00pm Monday to Friday only, to educational use (Use Class F.1) for a temporary period as required until 28th February 2021. Use Class F.2 to operate outside of these hours. (Revised Description of Development and Additional Documents submitted 25.09.2020).		

**Recommendation: Delegate to the Planning Manager for Approval**



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the **Planning Manager for Approval** subject to finalising conditions and any other minor changes.

1.2 The proposals comprise a major planning application therefore the development is required to be determined by Slough Borough Council Planning Committee.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 The proposed development comprises the change of use of the Slough Hockey clubhouse, artificial hockey pitch and car park (Use Class F.2), between 7.30am and 5.00pm Monday to Friday only, to educational use (Use Class F.1) for a temporary period as required until 28<sup>th</sup> February 2021. The existing Use Class F.2 will continue to operate outside of these hours. The school has been operational at the site since the start of Autumn 2020/21 term.

2.2 Department for Education (“DfE”, “the applicant”) has submitted a full planning application for the educational use (Use Class F1) of the site at Slough Hockey Club. The educational establishment occupying the site is Grove Academy, Slough which comprises an all-through school. The school proposes to occupy the site on a temporary basis for six months until 28<sup>th</sup> February 2021.

2.3 Wates Construction Ltd/Department for Education submitted an application to Slough Borough Council for an all-through school for 1,940 pupils for Grove Academy in Chalvey (LPA ref: P/03968). The permanent site is currently under construction but due to the global pandemic of Covid-19 has experienced construction delays for its targeted opening of September 2020 impacting on the start date for the 2020/21 academic school year.

2.4 The use of the Slough Hockey Club site for educational purposes is sought to enable Grove Academy to operate from the site on a temporary basis whilst construction works to their permanent accommodation are completed. The school is catering for an additional intake of pupils from September 2020, who cannot be accommodated within the existing floor space provided at the school’s Wellington Street site. Temporary facilities at Slough Hockey Club are proposed to ensure all pupils can be accommodated and disruption to the school’s operations and teaching are minimised.

2.5 As well as the above proposals, a full planning application for a second temporary school site is proposed at Arbour Park. Currently Grove Academy is occupying temporary premises on Wellington Street, Slough SL1 1YG. This is subject to application Ref: P/19067/000.

2.6 For the six month’s temporary permission sought, there will be a maximum



of 120 pupils on the site at any one time and six full-time staff. It is proposed that students will attend in their 'year group bubble' as a result of Covid-19 guidance and remain at the site throughout the teaching day. A set number of assigned teachers (up to 6 full-time staff) will remain at the site all-day to teach the students. The school operates from the site Monday-Friday between the hours of 7.30am and 5pm inclusive. Classes start at 09.55am and finish at 15.20pm each day. Pupils will be permitted to use the external artificial grass pitch at lunchtime (for sports purposes only) which will run from 11.35am-12.05pm. The artificial grass pitch will be used for PE lessons between 9am until 2.30pm.

- 2.7 8 car parking spaces are available within the land adjacent to the Cricket Club. Vehicular and pedestrian access to the site will be taken from the access track which links to King's Reach to the north-west of the hockey club.
- 2.8 Grove Academy have arranged for two school coaches to take students from the school's site at Wellington Street to the Slough Hockey Club site on a daily basis. Students will register as normal at the start of the day at the Wellington Street site, before being transferred by coach to the temporary site (Slough Hockey Club) (approximately arriving for 09.00am at the site). At the end of the school day, pupils will be transferred by coach back to the Wellington Street site, where they will be registered and subsequently permitted to finish school for the day (approximately departing the site at 15.20pm).
- 2.9 The proposed educational use of the pavilion covers the whole building which comprises 2 x first floor teaching areas (for 2 classes) and ground floor spaces for break time usage. Officers attended a site visit and observed the managed movement of pupils between classes and the external area throughout the day. Further staff are present at the pavilion and sports pitches to ensure pupils remain on site.
- 2.10 The following documents have been submitted as part of the application:
- Transport Statement (Velocity, September 2020, ref. no. 2550/1240, doc. no. D002, version 0.2);
  - Travel Plan (Velocity, September 2020, ref. no. 2550/1240, doc. no. D003, version 0.2);
  - Flood Risk Assessment (BWB, October 2020, ref. no. GAS-BWB-ZZ-XX-RP-YE- 0001\_FRA, rev P03);
  - Completed revised application forms;
  - Revised site location plan (LocatED, drawing number LC0034-2/FS0343, dated 18/09/20)
  - Plan showing coach set down area/tracking (drawing number 2550-1240-T-002 rev A, Velocity).
  - Schedule for Artificial Grass Pitch Maintenance;
  - Existing and Proposed Block Plans
  - Existing and Proposed Elevations
  - Existing and Proposed General Arrangements
  - Planning Statement by JLL
  - Cover Letter by JLL dated 25th September 2020

### **3.0 Application Site**

- 3.1 The application site comprises land occupied by Slough Hockey Club, the access from Kings Reach and the car park adjacent to Slough Cricket Club. The application site comprises an area of approximately 1.15 ha to include an artificial hockey pitch, a two-storey clubhouse and an access track. The clubhouse currently comprises a series of changing rooms and toilets on the ground floor and a single open space on the first floor with toilet facilities. A temporary marquee has been erected to the west of the pavilion but this does not form part of the planning application site area.
- 3.2 Access to the site is via Kings Reach followed by an asphalt road which runs for a length of 450m. The application site is located approximately 1.8 miles from Slough Railway Station and adjacent bus station. The nearest bus route to the site is around a 15-minute walk away with services running along London Road to the north of the site.
- 3.3 Environment Agency Flood Map data indicates that the pitch and clubhouse are in Flood Zone 1 and the access track is within Flood Zone 3. The site is located 400m away from Grade II Listed Ditton Park and is within the designated Green Belt. Upton Court Park is located to the north west of the Cricket Club.
- 3.4 The site is located on the edge of a built-up area with Ditton Park Academy and the early 20<sup>th</sup> major housing development to the north; to the east lies further residential with farmland further east. To the south are playing fields and to the west is Slough Cricket Club comprising a car park and clubhouse.
- 3.5 The residential properties on Oxlade Drive to the north are approx. 22m from the Pavilion. The residential properties on Boxall Way to the east are approx. 75m from the Pavilion building. The Sports pitch is located approx. 35m (from its eastern boundary fence) from the Boxall Way dwellinghouses and approx.. 40m (from its northern boundary fence) from the dwellinghouses on Oxlade Drive. The Eastern boundary contains a landscaped buffer and a boundary fence. The northern boundary contains a boundary timber (2m high) fence.

### **4.0 Relevant Site History**

- 4.1 The relevant planning history for the site is set out below (planning history that has been excluded involves invalid submissions and minor applications relating to the Cricket Club on the adjacent land which are of no relevance to the proposals).

**P/10482/011:** Construction of a temporary marquee from 01/10/2019 until 28/10/2019

Withdrawn by Applicant

**P/10482/010:** Construction of a car park

Decision Pending

**P/10482/006:** Retention of access road and formation and layout of car

park.

Refused 19/09/2003. Appeal Dismissed

**P/10482/004**: Development comprising the laying out of an artificial playing pitch, the installation of floodlighting and the erection of a pavilion building. (amended plans 01/05/02)

Approved 17/06/2020

**P/10482/002**: Change of use to recreational cricket and football facility and construction of new pavilion

Approved 26/02/199

**P/10482/000**: Change of use to recreational cricket facility

Approved 26/05/1998

## 5.0 **Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) site notices was displayed outside the site at (1) Kings Reach Access Road, (2) Slough Cricket Club & Hockey Club entrance, (3) Oxlade Drive and (4) Boxall Way (4x Site Notices) and the application was advertised as a major application in the Slough Express.

No responses have been received

## 6.0 **Consultations**

6.1 Sport England: No objections subject to adherence with Sports Pitch Maintenance Strategy

6.2 Environment Agency: No objections subject to compliance with Flood Risk Assessment

6.3 Planning Policy: No comments

6.4 Environmental Quality: No objections in terms of noise or air quality issues

6.5 Asset Management (Education): No objections. SBC worked with the DfE for months trying to find a suitable alternative site once it was known that completion of the new school in Chalvey would be delayed. After use of the Curve fell through, it looked for a time like pupils may have to change schools or stay at home, both very undesirable options for all parties. Use of Arbour Park and Slough Hockey Club emerged at the very last minute, the proposals were supported by Education and both sites are working well.

The construction of the new school will be ready for handover mid-December and it is anticipated that pupils will start the Spring Term (January) in their new building. I appreciate that the application runs until February to cover contingencies and colleagues will need to bear this in

mind but the DfE are currently paying rent on 3 sites and will not stay a minute longer than necessary when their new building is ready for occupation.

- 6.6 Transport & Highways: Comments incorporated into the assessment
- 6.7 Neighbourhood Enforcement Team: No comments
- 6.8 Leisure Services: No objections. Happy with current arrangements.

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### 7.1 National Planning Policy Framework 2019 and National Planning Policy Guidance:

Chapter 2: Achieving Sustainable Development  
Chapter 4: Decision making  
Chapter 6: Building a Strong Competitive Economy  
Chapter 7: Ensuring the vitality of town centres  
Chapter 8: Promoting healthy and safe communities  
Chapter 9: Promoting sustainable transport  
Chapter 11: Making effective use of land  
Chapter 12: Achieving well-designed places  
Chapter 14: Meeting the challenge of climate change, flooding and coastal change  
Chapter 15: Conserving and enhancing the natural environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or  
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

Paragraph 94 states that “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities... should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 121 states that “local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to... **make more effective use of sites that provide community services such as schools** and hospitals, provided this maintains or improves the quality of service provision and access to open space.”

## 7.2 Ministry of Housing Communities and Local Government Policy Statement - Planning for Schools Development (August 2011)

In August 2011, the DCLG published a policy statement on the role of the planning system in supporting schools. This statement indicates that the Government is firmly committed to ensuring that there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards.

The statement identifies that it will be expected that all parties will work together proactively from an early stage to help plan for state school developments and to shape strong planning applications.

The document sets out the Government’s strong policy support for improving state education. It identifies that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of development of state-funded schools, as expressed in the NPPF.
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions.
- Local Authorities should make full use of their planning powers to support state-funded schools applications.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.

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

Core Policy 1 - Spatial Vision and Strategic Objectives for Slough  
Core Policy 2 – Green Belt and Open Spaces  
Core Policy 6 – Retail, Leisure and Community Facilities  
Core Policy 7 – Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 9 – Natural and Built Environment  
Core Policy 11 - Social Cohesiveness

7.4 The Adopted Local Plan for Slough 2004 (Saved Policies)

Policy EN5 – Design and Crime Prevention  
Policy EN34 - Utility Infrastructure  
Policy T2 - Parking Restraint  
Policy T8 – Cycling Network and Facilities  
Policy T9 – Bus Network and Facilities

7.5 Other Relevant Documents/Guidance

Local Development Framework Site Allocations Development Plan Document Proposals Map 2010

7.6 Planning and Compulsory Purchase Act 2004

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

The revised version of the National Planning Policy Framework (NPPF) was published upon July 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage

relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals. This planning report identifies the possible equality impacts on the protected groups within the following sections.

## **8.0 Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of Temporary Use
- Impact on the Green Belt
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Highways/Transport and parking
- Flood Risk

## **9.0 Principle of Temporary Use**

9.1 The planning application seeks the temporary change of use of Slough Hockey Club to educational use (Use Class F.1) for a temporary period of c.6 months until 28 February 2021. This is to enable Grove Academy to continue to operate whilst their permanent accommodation is completed, which has been delayed due to the recent COVID-19 pandemic.

9.2 The proposed (continued) use of the pavilion, access road and car park and land associated with the Slough Hockey Club on a temporary basis ensures that the school caters for the additional intake of pupils from September 2020, who would not have been accommodated within the existing floor space provided at the school's Wellington Street site.

9.3 Officers have given due consideration of the impact that COVID-19 is having upon current education provision within Slough. As such, the site is providing a contingency measure to enable the school to continue to operate on a temporary basis until their permanent accommodation is completed.

9.4 The continued use of a site by Grove Academy is intended to minimise disruption to the school and for its pupils and staff. This is of particular importance at a time where is significant disruption to the education of pupils within Slough as a result of the COVID-19 pandemic.

9.5 NPPF paragraph 94 states that local planning authorities should “give great weight to the need to create, expand and alter schools through the preparation of plans and decisions on applications”. Paragraph 121 of the NPPF also makes clear that local planning authorities “should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to... make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.”

- 9.6 For the above reasons, significant weight in the planning assessment is given to the pressing and urgent need to accommodate the Grove Academy's school pupils on a temporary basis to ensure they are able to benefit from education in the current challenging climate.
- 9.7 The development and expansion of schools is further supported by the MHCLG Planning for Schools Development Statement (August 2011) which makes clear that there should be a presumption in favour of development of state-funded schools.
- 9.8 The submitted plans for the temporary use of the Slough Hockey Club pavilion, artificial pitches and associated land indicate that there is sufficient space within the site to accommodate a year group comprising up to 120 pupils. Officers attended an accompanied site visit at the school and confirmed that sufficient internal and external spaces are available on the site to accommodate the proposed educational use at the capacity which permission is sought for. The applicant confirms that the daytime school use would not interfere with the Hockey Club or Cricket Club activities which generally take place after school hours and on weekends. No objections are raised by the Council's Education or Leisure Services officers to the proposals. The comments of the Education Officer are noted in that a Borough wide search for suitable sites was undertaken by the Council, the School and Department of Education (DoE) and this search culminated in the selection of the Slough Hockey Club and Arbour Park which were considered to be suitable and fit for the purpose of accommodating up to 120-150 pupils each day. Officers have given due regards to this process in addition to the national guidance set out in this report, and from the activities observed on site during the inspection.
- 9.9 The use of the sports pitches was queried by Sport England and the School subsequently provided a Sports Pitch Maintenance Scheme for looking after the pitches which was accepted by Sport England who raise no objections. A condition is recommended to ensure the pitch is maintained in accordance with this scheme. In conclusion, it is considered a satisfactory environment is provided for pupils and that the site is suitable for a temporary educational use in principle.
- 9.10 It is also considered that the principle of the development is justified given the exceptional circumstances associated with the COVID-19 pandemic. Given the changing circumstances and uncertainty regarding COVID-19 and the delivery of the school's permanent accommodation, it is considered that the grant of temporary planning permission would be acceptable in principle in accordance with the Local Plan and national planning guidelines.

## **10.0 Impact on the Green Belt**

- 10.1 The entire site falls within the designated Green Belt. The NPPF outlines that most forms of development are considered as inappropriate, as they are harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 144). Paragraph 146 makes clear that "certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it".



These include:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

10.2 The proposed development seeks the material change of use of land for a temporary period of c.6 months until 28 February 2021 in line with paragraph 146(e) of the NPPF. The proposed development will also be seeking to re-use existing permanent buildings to facilitate the temporary use by Grove Academy, in accordance with paragraph 146(d) of the NPPF.

10.3 It is therefore considered that as no new operational works are proposed and this application seeks a change of use for a temporary period, the proposed development is not inappropriate under NPPF Green Belt policy and there is no requirement to demonstrate a 'very special circumstances' case.

10.4 It is also considered, as outlined above, that the proposed development is essential to ensure disruption to students is minimised, particularly given the negative impact that COVID-19 has already had on teaching in England. It is therefore considered that the proposed development is in accordance with SBC Core Policy 2 and Core Policy 11.

#### **11.0 Impact on the character and appearance of the area**

11.1 The site is currently used for outdoor sports and recreation by Slough Hockey Club and therefore, this will not change over the temporary period that planning permission is sought. Although usage of the pavilion and external areas may increase in daytimes (during weekdays), the overall uses and operations on site would not result in any change to the character or appearance of the area. It is therefore considered that the proposed development is in accordance with SBC Core Policy 8.

#### **12.0 Impact on amenity of neighbouring occupiers**

12.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.

12.2 As noted above, the site is used for outdoor sports and recreation by Slough Hockey Club and therefore, by its nature, generates some noise impact upon the immediate vicinity of the site. The closest residential dwellings are located to the north on Oxlade Drive and east on Boxall Way approx. 22m and 75m away from the pavilion building and approx. 35-40m away from the sports pitch. The application site contains a boundary fence to the east which has a landscape buffer with trees and shrubbery which prevents noise and visual impacts. The northern boundary is located further from the sports pitch (40m+) and is abounded by the timber fence on the site boundary.

12.3 The use of the site for a temporary period by Grove Academy is not anticipated to create a substantial increase in noise levels beyond those levels intended for the authorised recreation and sports use. The noise levels associated with the temporary use are considered to be typical of the levels of noise produced by the existing users of the site. Furthermore, it was noted on the officer site visit that the noise from the external areas on the site did not unacceptably combine with the other noise generating uses in the proximity of the site which included the Ditton Park Academy School. It is therefore considered that the proposed development will not result in significant or noticeable additional noise impacts.

12.4 Subject to a condition controlling the hours of operation, and a condition capping the capacity of the site for pupils and staff it is considered that the proposals would not result in demonstrable harm to the amenity of occupiers within the residential dwellinghouses in Oxlade Drive or Boxall Way which back onto the site.

### **13. Highways/transport and parking**

13.1 Paragraph 108 states that in assessing specific applications for development, it should be ensured that:

- A) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- B) Safe and suitable access to the site can be achieved for all users; and
- C) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

13.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13.3 The applicant has submitted a Transport Statement (TS) to review the proposed transport arrangements for the school and assess the potential impacts of the proposed development upon the local highway network. In addition, a Travel Plan has been submitted for both temporary school sites which identifies the accessibility of each site and recommends a set of objectives and measures required to ensure sustainable travel patterns associated with both sites. The Travel Plan (TP) sets a number of targets and actions in order to measure the effectiveness of the strategy and proposes monitoring to ensure the safe on-going management of the sites. In the case of Slough Hockey Club, additional management measures have been identified in the TP at the entrance of the slip road to the site off Kings Reach which is adjacent to the Ditton Park Academy to ensure the coaches are able to safely access the temporary school site.

13.4 The TS confirms that the Grove Academy school have arranged for two school coaches to take students from the school's site at Wellington Street to the Slough Hockey Club site on a daily basis. Students will register as normal at the start of the day at the Wellington Street site, before being transferred by coach to the temporary site (Slough Hockey Club) (approximately arriving for 09.00am at the site). At the end of the school

day, pupils will be transferred by coach back to the Wellington Street site, where they will be registered and subsequently permitted to finish school for the day (approximately departing the site at 15.20pm).

- 13.5 In regard to car parking, the school have access to up to eight existing car parking spaces at the site. These will primary be required for staff and visitor parking. These spaces are located within the 56 space car park adjacent to the cricket club to the west of the Slough Hockey Club Pavilion. The current demand for parking generated by Slough Hockey Club was observed to be very low during the school peak hours. As such the space within the car park will be used to accommodate short-term coaches and minibus parking. The applicant has submitted a tracking plan to indicate there is sufficient space within the site for coach and minibus parking and drop off.
- 13.6 The TS confirms that two deliveries per day associated with food and non-food supplies are expected at the site. No on-site catering is proposed at the site. A daily supply of hot meals/lunch items will be delivered to the site for student lunchtimes. It is considered that the deliveries will cause no disruption to existing access/parking arrangements at the site which is observed to be low during term time weekdays. Approximately two refuse/recycling collection is expected at the site per week.
- 13.7 The TS confirms that the school is expected to generate a maximum of two coach trips, one minibus trip and five car trips by staff per day. The level of traffic generation anticipated to result from the proposed temporary school accommodation will result in non-material impact on the local area.
- 13.8 The TS notes that mitigation measures are proposed in the form of a School Travel Plan. These measures comprise access management at the Wellington Street site, school timetable and parking management measures in order to manage travel to the school amongst staff and pupils and ensure efficient operation during this temporary arrangement.
- 13.9 It is considered that the proposals are in compliance with national transport policy in the NPPF and the Adopted Slough LDF Core Strategy 2006-26 Core Policy 7.

#### **14.0 Flood Risk**

- 14.1 A Ministerial Statement from December 2014 confirms the Governments commitment to protecting people from flood risk. This statement was as a result of an independent review into the causes of the 2007 flood which concluded that sustainable drainage systems (SuDS) were an effective way to reduce the risk of "flash flooding". Such flooding occurs then rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back up of water to the surface.
- 14.2 Both Core Strategy Policy 8 and paragraphs 155 and 163 of the NPPF 2019 require development to be directed away from areas at highest risk off flooding and to ensure flood risk is not increased elsewhere. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for

ongoing maintenance over the lifetime of the development.

- 14.3 A Flood Risk Assessment has been submitted with the application. This report demonstrates that the proposed development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented.
- 14.4 The existing Pavilion is utilised as temporary teaching accommodation, is shown to be located entirely within Flood Zone 1 of the Datchet Common Brook. The private access road is shown to be partially located within Flood Zone 2 (Medium Probability) and Flood Zone 3a (High Probability).
- 14.5 In the event of a flood preventing access/egress via the main access road, the FRA confirms that safe pedestrian access/egress can be taken via the fields to the south east of the Pavilion and into the residential development (at Boxhall Way). Officers consider this presents an acceptable escape route in the event of a major flood.
- 14.6 The FRA confirms that the site is thought to be at a medium risk of flooding from groundwater sources. The impermeable surfaces associated with the existing building would act as a barrier to any groundwater emergence. The FRA confirms that the elevated nature of the building will help mitigate the risk of groundwater emergence. The existing Pavilion and access road will be retained and therefore no construction works are expected as part of the proposals, limiting the likelihood of groundwater disturbance.
- 14.7 The FRA also confirms that the proposed development has also been assessed against a further range of potential flood risk sources including canals, reservoirs, surface water and sewers. None of these flood sources have been found to represent a potential barrier to development. The application has been reviewed by the Environment Agency who raises no objections to the proposals subject to condition requiring adherence to the mitigation measures set out in the FRA.
- 14.8 As there are no external changes proposed at the site, the development will not increase flood risk to the wider catchment area. Subject to the mitigation measures proposed, it is considered that the development would not result in significant flood risk and would be in compliance with the requirements of the NPPF and Core Policy 8.

## **15.0 Equalities Considerations**

- 15.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either working in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;

- Take steps to meet the needs of people with certain protected characteristics; and;
  - Encourage people with protected characteristics to participate in public life (et al).
- 15.2 Conditions have been recommended to ensure the temporary educational floor space and external areas are laid out to be accessible to all protected groups using the site which in this case comprise teachers and pupils.
- 15.3 There is provision for level accesses and thresholds to the pavilion and there is lift access to the upper floor classroom. Adequate car parking spaces are provided close to the pavilion although it is noted that pupils would access the site by coach and/or minibus which would require provisions for disabled pupils/users. This is set out in the Travel Plan submitted with the application and would be managed by the School accordingly.
- 15.4 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the local planning authority exercising its public duty of care, in accordance with the 2010 Equality Act.
- 16.0 Planning Conclusion**
- 16.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 16.2 Notwithstanding the above, officers have considered whether there are any other material circumstances that need to be taken into account, notwithstanding the development plan provisions.
- 16.3 The application has been evaluated against the Development Plan and the NPPF and the Authority has assessed the application against the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”
- 16.4 The report identifies that the proposal complies the relevant saved policies in the Local Plan and Core Strategy.
- 16.5 The development would make a positive contribution to the provision of educational facilities in the Borough at a time where there is an urgent need due to the on-going global pandemic.
- 16.6 Weighing all of the factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies in the Core Strategy and Local Plan, the proposals would constitute sustainable development due to the significant temporary educational and community benefits. In applying paragraph 11 of the NPPF, it is considered that the benefits of the proposals outweigh any minor adverse impacts.
- 16.7 As the proposals are in accordance with the Development Plan and there are no other material considerations that would lead to an alternative determination of the planning application, the proposals would be in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

## **PART C: RECOMMENDATION**

- 17.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for Approval subject to finalising conditions and any other minor changes.

## **PART D: CONDITIONS**

### 1. Temporary permission

The educational Class F.1 use hereby permitted shall be discontinued on or no later than 28<sup>th</sup> February 2021.

**REASON:** To ensure the temporary use is discontinued in accordance Core Policies 1, 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026 and to reflect the guidance contained in the National Planning Policy Framework (2019).

### 2. Approved Plans

The development hereby approved shall be implemented only in accordance with the following Plans, Technical Statements and Drawings hereby approved by the Local Planning Authority.

- LC0034-2/FS0343: Site Location Plan
- LC0034-2/FS0343: Proposed Plans & Elevations
- LC0034-2/FS0343: Proposed Block Plan
- Schedule for Artificial Grass Pitch Maintenance
- Transport Statement (Velocity, September 2020, ref. no. 2550/1240, doc. no. D002, version 0.2);
- Travel Plan (Velocity, September 2020, ref. no. 2550/1240, doc. no. D003, version 0.2);
- Flood Risk Assessment (BWB, October 2020, ref. no. GAS-BWB-ZZ-XX-RP-YE- 0001\_FRA, rev P03);
- Plan showing coach set down area/tracking (drawing number 2550-1240-T-002 rev A, Velocity).

**REASON:** For the avoidance of doubt, to ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area to comply Policy EN1 of The Local Adopted Plan for Slough 2004, Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026 and the National Planning Policy Framework (2019).

### 3. Hours of Operation

The uses hereby permitted shall operate only between 07:30 hours and 17:00 hours, on weekdays only.

**REASON:** To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Core Policies 1 and 8 of the Slough Local Development Framework Core

Strategy 2006-2026, and the National Planning Policy Framework (2019).

#### 4. Maximum Capacity

The maximum capacity of the site when in Class F.2 Educational use shall not exceed 120 pupils (and up to 6 full-time staff) on site any any one time.

REASON: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework (2019).

#### INFORMATIVE(S):

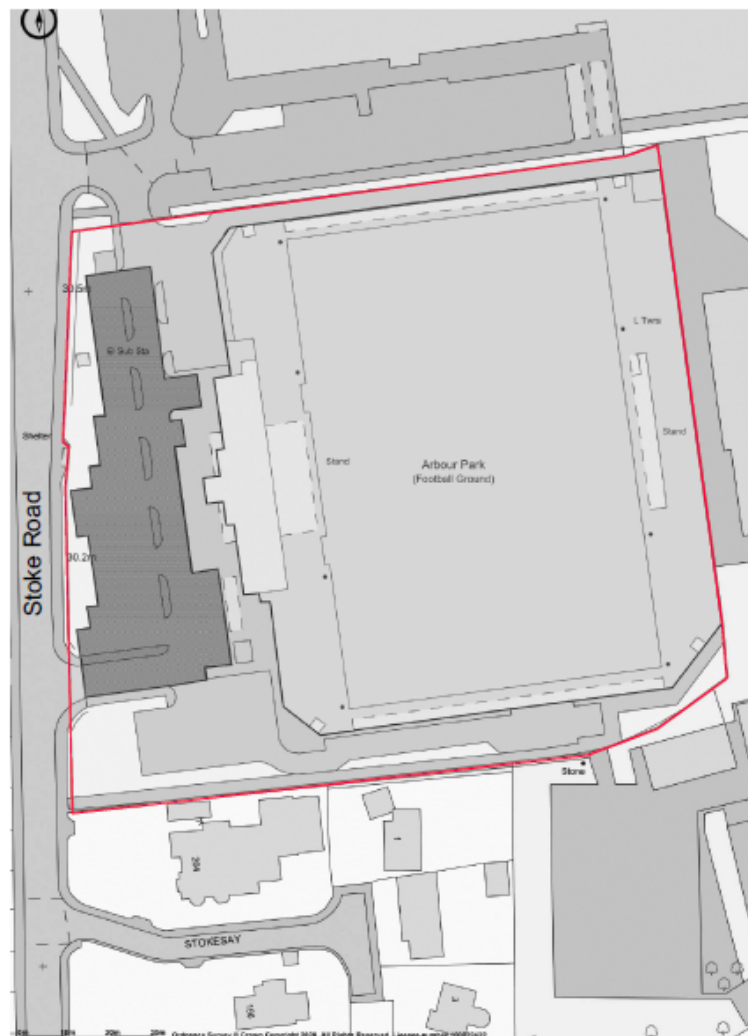
1. In accordance with paragraphs 38 and 39 of the National Planning Policy Framework (2019), Slough Borough Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Slough Borough Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant was informed of the issues arising from the proposal and given the opportunity to submit amendments or provide additional information in order to address those issues prior to determination. The applicant responded by submitting revised plans and additional technical information which was considered to be acceptable.

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Registration Date:	4 <sup>th</sup> September 2020	Application No:	P/19067/000
Officer:	Neil Button	Ward:	Elliman
Applicant:	Department for Education (DFE)	Application Type:	Major
		13 Week Date:	4 <sup>th</sup> December 2020
Agent:	Tom Lamshead, Jones Lang LaSalle Ltd, 30 Warwick Street, London, W1B 5NH		
Location:	Arbour Park, Stoke Road, Slough, SL2 5AY		
Proposal:	Change of use of community facility, clubhouse, car park and football pitch (Use Class F.2), between 7.30am and 5.00pm Monday to Friday only, to educational use (Use Class F.1) for a temporary period as required until 28th February 2021. Use Class F.2 to operate outside of these hours (Revised Description of Development and Additional Documents submitted 25.09.2020).		

**Recommendation: Delegate to the Planning Manager for Approval**



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the **Planning Manager for Approval** subject to finalising conditions and any other minor changes.

1.2 The proposals comprise a major planning application therefore the development is required to be determined by Slough Borough Council Planning Committee.

**PART A: BACKGROUND**

2.0 **Proposal**

2.1 The proposed development comprises the change of use of community facility, clubhouse, car park and football pitch (Use Class F.2) at the Arbour Park facility, between 7.30am and 5.00pm Monday to Friday only, to educational use (Use Class F.1) for a temporary period as required until 28<sup>th</sup> February 2021. The existing Use Class F.2 will continue to operate outside of these hours. The school has been operational at the site since the start of Autumn 2020/21 term.

2.2 Department for Education (“DfE”, “the applicant”) has submitted a full planning application for the educational use (Use Class F1) of the site at Arbour Park, Stoke Road in Slough. The educational establishment occupying the site is Grove Academy, which comprises an all-through school. The school proposes to occupy the site on a temporary basis for six months until 28<sup>th</sup> February 2021.

2.3 Wates Construction Ltd/Department for Education submitted an application to Slough Borough Council for an all-through school for 1,940 pupils for Grove Academy in Chalvey (LPA ref: P/03968). The permanent site is currently under construction but due to the global pandemic of Covid-19 has experienced construction delays for its targeted opening of September 2020 impacting on the start date for the 2020/21 academic school year.

2.4 The use of the Arbour Park site for educational purposes is sought to enable Grove Academy to operate from the site on a temporary basis whilst construction works to their permanent accommodation are completed. The school is catering for an additional intake of pupils from September 2020, who cannot be accommodated within the existing floor space provided at the school’s Wellington Street site. Temporary facilities at Arbour Park are proposed to ensure all pupils can be accommodated and disruption to the school’s operations and teaching are minimised.

2.5 As well as the above proposals, a full planning application for a second temporary school site is proposed at Slough Hockey Club off Kings Reach. Currently Grove Academy is occupying temporary premises on Wellington Street, Slough SL1 1YG. The second application is subject to application Ref: P/10482/012 which is due for consideration at the same planning committee.

2.6 For the six month’s temporary permission sought, there will be a maximum of 150 pupils on the site at any one time and up to 8 full-time staff. It is proposed that students will attend in their ‘year group bubble’ as a result of Covid-19 guidance and remain at the site throughout the teaching day. A

set number of assigned teachers (up to 8 full-time staff) will remain at the site all-day to teach the students. The school operates from the site Monday-Friday between the hours of 7.30am and 5pm inclusive. Classes for pupils at the Arbour Park site will start at 09.10am and finish at 13.55pm. Pupils will only be permitted to use the external artificial grass football pitch for sports purposes as part of the PE lessons. The artificial grass pitch will be used for PE lessons between school hours and during after school clubs (ran by the Grove Academy) up to 1700.

- 2.7 8 car parking spaces are available within the car parking area at the site frontage. Vehicular and pedestrian access will be retained from Stoke Road.
- 2.8 Grove Academy have arranged for two school coaches to take students from the school's site at Wellington Street to the Arbour Park site on a daily basis. Students will register as normal at the start of the day at the Wellington Street site, before being transferred by coach to the temporary site (approximately arriving for 9.00am at the site). At the end of the school day, pupils will be transferred by coach back to the Wellington Street site, where they will be registered and subsequently permitted to finish school for the day (approximately departing the site at 14.35pm).
- 2.9 The proposed educational use of the clubhouse covers the whole building which comprises 2 x large first floor teaching areas (for 2 classes) on either side of a foyer/cafeteria, a ground floor classroom, breakout areas at ground and first floors. Officers attended a site visit and observed the managed movement of pupils between classes and the external area throughout the day. There is only one way into the Clubhouse and access is strictly controlled.
- 2.10 The following documents have been submitted as part of the application:
- Planning Application fee and relevant forms (JLL)
  - Site Location Plan LC0034-2/FS0343
  - Proposed and Existing Elevations LC0034-2/FS0343
  - Proposed and Existing Floorplans LC0034-2/FS0343
  - Travel Plan by Velocity
  - Transport Technical Note by Velocity
  - Flood Risk Assessment by BWB
  - Planning Statement (JLL) including site photos (Appendix A)
  - Cover Letter by JLL dated 25th September 2020
  - Plan showing coach set down area/tracking 2550-1240-T-001
  - Sports Pitches Maintenance Strategy by Grove Academy

### **3.0 Application Site**

- 3.1 The application site comprises the Arbour Park Community Complex which comprises the home of Slough Football Club. The application site comprises an area of approximately 1.75 ha and includes a club house, car park and football pitch with a synthetic surface. The clubhouse currently comprises a club room, changing rooms and medical room on the ground floor and two classrooms and a bar on the upper floor.
- 3.2 There are two access points from the site to Stoke Road with footways on both sides. The application site is located approximately 800m from Slough Railway Station. There is a bus stop immediately outside the site with frequent bus services along Stoke Road.
- 3.3 Environment Agency Flood Map data indicates that the site is in flood

zone 1 which means that the land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is located 600m away from Grade II Listed Stoke Place and is within the designated Green Belt. The site is subject to allocation SSA18 which is for proposed community, residential and recreational use.

3.4 To the north of the site is Lynch Hill Enterprise Academy; to the east is a sports hall and playing fields associated with St Joseph's Catholic High School; to the south is residential uses on Stokesay including Oxford House nursing home; to the west is Stoke Road which contains low rise residential dwellings.

3.5 The Clubhouse is located approx. 45-50m from the Oxford House Nursing Home and residential dwelling at 1 Stokesay which are located to the south of the site and comprise the closest properties. The sports pitch is approx. 25m to the north of the dwellinghouse and Nursing Home.

#### **4.0 Relevant Site History**

4.1 There are a number of minor applications for advertisement consent, telecommunications equipment and signage on the site which are of no relevance to the current proposals.

4.2 **S/00587/005:** Application for full planning permission for the erection of a community stadium together with ancillary accommodation (Use Class D2) four court sports hall, all weather sports pitch and associated parking and landscaping.

Approved 27/11/2015

4.3 **S/00587/003:** Application for a prior approval of proposed demolition of former teaching facilities at former Arbour Vale School.

Approved 04/04/2012

#### **5.0 Neighbour Notification**

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) site notices was displayed outside the site on Stoke Road and Stokesay (4x Site Notices) and the application was advertised as a major application in the Slough Express.

No responses have been received.

#### **6.0 Consultations**

6.1 Sport England: No objections subject to adherence with Sports Pitch Maintenance Strategy.

6.2 Leisure Services: No objections, happy with current arrangements.

6.3 Environmental Quality: No objections on air quality or noise grounds.

6.4 Asset Management (Education): No objections. SBC worked with the DfE for months trying to find a suitable alternative site once it was known that completion of the new school in Chalvey would be delayed. After use of the Curve fell through, it looked for a time like pupils may have to change schools or stay at home, both very undesirable options for all parties. Use

of Arbour Park and Slough Hockey Club emerged at the very last minute, the proposals were supported by Education and both sites are working well.

The construction of the new school will be ready for handover mid-December and it is anticipated that pupils will start the Spring Term (January) in their new building. I appreciate that the application runs until February to cover contingencies and colleagues will need to bear this in mind but the DfE are currently paying rent on 3 sites and will not stay a minute longer than necessary when their new building is ready for occupation.

6.5 Transport & Highways: Comments incorporated into Planning Assessment

6.6 Neighbourhood Enforcement Team: No comments

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

7.1 National Planning Policy Framework 2019 and National Planning Policy Guidance:

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision making

Chapter 6: Building a Strong Competitive Economy

Chapter 7: Ensuring the vitality of town centres

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 6); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 6 notes that the policies referred to are those in the NPPF (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated

heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

Paragraph 94 states that “it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities... should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 121 states that “local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to... **make more effective use of sites that provide community services such as schools** and hospitals, provided this maintains or improves the quality of service provision and access to open space.”

## 7.2 Ministry of Housing Communities and Local Government Policy Statement - Planning for Schools Development (August 2011)

In August 2011, the DCLG published a policy statement on the role of the planning system in supporting schools. This statement indicates that the Government is firmly committed to ensuring that there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards.

The statement identifies that it will be expected that all parties will work together proactively from an early stage to help plan for state school developments and to shape strong planning applications.

The document sets out the Government’s strong policy support for improving state education. It identifies that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of development of state-funded schools, as expressed in the NPPF.
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions.
- Local Authorities should make full use of their planning powers to support state-funded schools applications.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.

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

Core Policy 1 - Spatial Vision and Strategic Objectives for Slough  
Core Policy 2 – Green Belt and Open Spaces  
Core Policy 6 – Retail, Leisure and Community Facilities  
Core Policy 7 – Transport  
Core Policy 8 – Sustainability and the Environment  
Core Policy 9 – Natural and Built Environment  
Core Policy 11 - Social Cohesiveness

7.4 The Adopted Local Plan for Slough 2004 (Saved Policies)

Policy EN5 – Design and Crime Prevention  
Policy EN34 - Utility Infrastructure  
Policy T2 - Parking Restraint  
Policy T8 – Cycling Network and Facilities  
Policy T9 – Bus Network and Facilities

7.5 Other Relevant Documents/Guidance

Local Development Framework Site Allocations Development Plan Document Proposals Map 2010

7.6 Planning and Compulsory Purchase Act 2004

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

The revised version of the National Planning Policy Framework (NPPF) was published upon July 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.7 Equality Act

In addition, Section 149 of the Equality Act (2010) which sets a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. In coming to a recommendation, officers have considered the equalities impacts on protected groups in the context of the development proposals. This planning report identifies the possible equality impacts on the protected

groups within the following sections.

## **8.0 Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of Temporary Use
- Impact on the Green Belt
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring occupiers
- Highways/Transport and parking
- Flood Risk

## **9.0 Principle of Temporary Use**

9.1 The planning application seeks the temporary change of use of the Arbour Park clubhouse, sports pitches and community facility to educational use (Use Class F.1) for a temporary period of 6 months until 28 February 2021. This is to enable Grove Academy to continue to operate whilst their permanent accommodation is completed, which has been delayed due to the recent COVID-19 pandemic.

9.2 The proposed (continued) use of the site for educational purposes on a temporary basis ensures that the school caters for the additional intake of pupils from September 2020, who could not have been accommodated within the existing floor space provided at the school's Wellington Street site.

9.3 Officers have given due consideration of the impact that COVID-19 is having upon current education provision within Slough. As such, the site is providing a contingency measure to enable the school to continue to operate on a temporary basis until their permanent accommodation is completed.

9.4 The continued use of a site by Grove Academy is intended to minimise disruption to the school and for its pupils and staff. This is of particular importance at a time where is significant disruption to the education of pupils within Slough as a result of the COVID-19 pandemic.

9.5 NPPF paragraph 94 states that local planning authorities should “give great weight to the need to create, expand and alter schools through the preparation of plans and decisions on applications”. Paragraph 121 of the NPPF also makes clear that local planning authorities “should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.”

9.6 For the above reasons, significant weight in the planning assessment is given to the pressing and urgent need to accommodate the Grove Academy's school pupils on a temporary basis to ensure they are able to benefit from education in the current challenging climate.

9.7 The development and expansion of schools is further supported by the MHCLG Planning for Schools Development Statement (August 2011) which makes clear that there should be a presumption in favour of



development of state-funded schools.

- 9.8 The submitted plans for the temporary use of the Arbour Park complex, artificial football pitch and associated land indicate that there is sufficient space within the site to accommodate a year group comprising up to 150 pupils. Officers attended an accompanied site visit at the school and confirmed that good quality modern internal and external spaces are available on the site to accommodate the proposed educational use at the capacity which permission is sought for. The applicant confirms that the daytime school use would not interfere with the football club, sports pitch usage or community facility activities. The Planning Statement confirms It has been agreed that Slough Football Academy Under 23 years will have their normal weekly training sessions moved to after 14.30pm Monday-Friday to accommodate the school's requirements on a temporary basis. It has been agreed that all other community activities (Disability football and Walking football) will be moved to other sport facilities which Slough Borough Council operate. It is therefore considered that the proposed development will not have any detrimental impact on the current community use of the site for sport.
- 9.9 No objections are raised by the Council's Education or Leisure Services officers to the proposals. The comments of the Education Officer are noted in that a Borough wide search for suitable sites was undertaken by the Council, the School and Department of Education (DoE) and this search culminated in the selection of the Slough Hockey Club and Arbour Park which were considered to be suitable and fit for the purpose of accommodating up to 120-150 pupils each day. Officers have given due regards to this process in addition to the national guidance set out in this report, and from the activities observed on site during the inspection.
- 9.10 The use of the artificial football pitch was queried by Sport England with concern specifically mentioned about whether damage could be caused which would impact upon the use of the pitch by the football club (Slough Town FC), which is an affiliated club and therefore needs to maintain the pitch to a good standard. The School subsequently provided a Sports Pitch Maintenance Scheme for looking after the pitch which was accepted by Sport England. A condition is recommended to ensure the pitch is maintained in accordance with this Scheme, refer to condition 2. In conclusion, it is considered a good quality modern environment is provided for pupils and that the site is suitable for a temporary educational use in principle.
- 9.11 It is also considered that the principle of the development at Arbour Park is justified given the exceptional circumstances associated with the COVID-19 pandemic. Given the changing circumstances and uncertainty regarding COVID-19 and the delivery of the school's permanent accommodation, it is considered that the grant of temporary planning permission would be acceptable in principle in accordance with the Local Plan and national planning guidelines.

## **10.0 Impact on the Green Belt**

- 10.1 The entire site falls within the designated Green Belt. The NPPF outlines that most forms of development are considered as inappropriate, as they are harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 144). Paragraph 146 makes clear that "certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including it".

These include:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

10.2 The proposed development seeks the material change of use of land for a temporary period of 6 months until 28 February 2021 in line with paragraph 146(e) of the NPPF. The proposed development will also be seeking to re-use existing permanent buildings to facilitate the temporary use by Grove Academy, in accordance with paragraph 146(d) of the NPPF.

10.3 It is therefore considered that as no new operational works are proposed and this application seeks a change of use for a temporary period, the proposed development is not inappropriate under NPPF Green Belt policy and there is no requirement to demonstrate a 'very special circumstances' case.

10.4 It is also considered, as outlined above, that the proposed development is essential to ensure disruption to students is minimised, particularly given the negative impact that COVID-19 has already had on teaching in England. It is therefore considered that the proposed development is in accordance with SBC Core Policy 2 and Core Policy 11

#### **11.0 Impact on the character and appearance of the area**

11.1 The site is currently used for outdoor sports and recreation and community centre. The physical appearance will not change over the temporary period that planning permission is sought. Although usage of the clubhouse, community facility and external areas may increase during the daytime (during weekdays), the overall uses and operations on site would not result in any change to the character or appearance of the area which is characterised by adjacent school buildings and grounds at Lynch Hill and St Joseph's. It is therefore considered that the proposed development is in-keeping with the character of the area in accordance with SBC Core Policy 8.

#### **12.0 Impact on amenity of neighbouring occupiers**

12.1 The National Planning Policy Framework encourages new developments to be of a high quality design that should provide a high quality of amenity for all existing and future occupiers of land and buildings. This is reflected in Core Policy 8 of the Core Strategy and Local Plan Policy EN1.

12.2 As noted above, the site is used for outdoor sports and recreation, and as a community facility located 800m from Slough Rail Station and walking distance of the Town Centre on the urban fringe of the town. The existing uses would generate some noise impact upon the immediate vicinity of the site. The Clubhouse is located approx. 45-50m from the Oxford House Nursing Home and residential dwelling at 1 Stokesay which are located to the south of the site and comprise the closest properties. The sports pitch is approx. 25m to the north of the dwellinghouse and Nursing Home.

12.3 Use of the site for a temporary period by Grove Academy is not anticipated to create a substantial increase in noise levels beyond those levels intended for the authorised community, sports and recreation uses. The noise levels associated with the temporary use are considered to be typical of the levels of noise produced by the existing users of the site.

Furthermore, it was noted on the officer site visit that the noise from the external areas on the site did not unacceptably combine with the other noise generating uses in the proximity of the site which included the St Joseph's Catholic School and Lynch Hill. It is therefore considered that the proposed development will not result in significant or noticeable additional noise impacts. The Council's Environmental Quality Officer raises no objections in regards to noise or air quality issues.

- 12.4 Subject to a condition controlling the hours of operation, it is considered that the proposals would not result in demonstrable harm to the amenity of occupiers within the residential dwellinghouses on Stoke Road (to the west) or Stokesay (to the south) or within the Oxford House Nursing Home also located on Stokesay.

### **13. Highways/transport and parking**

- 13.1 Paragraph 108 states that in assessing specific applications for development, it should be ensured that:

- A) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- B) Safe and suitable access to the site can be achieved for all users; and
- C) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

- 13.2 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 13.3 The applicant has submitted a Transport Statement (TS) to review the proposed transport arrangements for the school and assess the potential impacts of the proposed development upon the local highway network. In addition, a Travel Plan has been submitted for both temporary school sites which identifies the accessibility of each site and recommends a set of objectives and measures required to ensure sustainable travel patterns associated with both sites. The Travel Plan sets a number of targets and actions in order to measure the effectiveness of the strategy and proposes monitoring to ensure the safe on-going management of the sites. The operation of the Travel Plan does not affect the on-going operations of the Football Club and Community Use Travel Plan which operate outside the school hours.

- 13.4 The site is situated on a major road on the urban fringe of Slough with good access to the Town Centre. The pedestrian and cycle network are comprehensive and of a good quality, providing good facilities such as dropped kerbs, crossing points and cycle lanes. The closest bus stops are located on Stoke Road, which is some 89m away. This provides frequent bus service with 10 buses in the AM peak hour and 13 buses in the PM peak hour. Some services provide access to Slough station.

- 13.5 The TS confirms that the Grove Academy school have arranged for two school coaches to take students from the school's site at Wellington Street to the Arbour Park site on a daily basis. Students will register as normal at the start of the day at the Wellington Street site, before being transferred by coach to the temporary site (approximately arriving between 9.00-9.10am at the site). At the end of the school day, pupils will be transferred

by coach back to the Wellington Street site, where they will be registered and subsequently permitted to finish school for the day (approximately departing the site between 13.55 and 14.35pm). The applicant has submitted a tracking plan to indicate there is sufficient space within the site for coach and minibus parking and drop off.

- 13.6 In regard to car parking, the school have access to up to eight existing car parking spaces at the site. These will primary be required for staff and visitor parking. These spaces are located within the existing car park at the site frontage.
- 13.6 The TS confirms that two deliveries per day associated with food and non-food supplies are expected at the site. No on-site catering is proposed at the site. A daily supply of hot meals/lunch items will be delivered to the site for student lunchtimes. It is considered that the deliveries will cause no disruption to existing access/parking arrangements at the site which is observed to be low during term time weekdays. Approximately two refuse/recycling collection is expected at the site per week.
- 13.7 The TS confirms that the school is expected to generate a maximum of two coach trips, one minibus trip and five car trips by staff per day. The site car park is used for student drop-off to and from Lynch Hill Enterprise Academy and St Joseph Catholic High School, in addition to the daytime sports use at Arbour Park. The sports uses at Arbour Park will not operate during daytime when the school is in operation. The TS considers that there is a high level of demand for use of the car park for drop-off and pick-up associated with the adjacent Lynch Hill Enterprise Academy and St Joseph's School which start earlier than Grove Academy. Grove Academy starts classes at 09:10, therefore coach, minibus drop-off is expected to occur between 09:00 and 09:10. This is outside of the peak periods for Lynch Hill Enterprise School and St Joseph Catholic High School, therefore coaches and minibus drop-off will not result in a cumulative impact with the current drop-off at the local school.
- 13.8 In terms of afternoon collection, the buses run between 13.55 and 14.35 between the site and the Wellington Street campus which would be before the end of the school day at the adjacent schools. The TS provides a timetable with the various movements and collection times of all schools.
- 13.9 The TS considers that due to the current use of the site, it is unlikely that the temporary uses will cause major conflicts at school opening and closing times at weekdays. The existing operations at the Football Club and sports club will operate outside of the times that the school is in operation therefore, there will be no cumulative effects or further conflicts on the local highways. Officers concur with this assessment and note that the proposed additional trips to the site (at morning and afternoon drop offs) would not increase the levels of highway interactions given the normal sports use bookings are to be accommodated at different times or on different sites. The level of traffic generation anticipated to result from the proposed temporary school accommodation will result in non-material impact on the local area.
- 13.8 The TS notes that mitigation measures are proposed in the form of a School Travel Plan. The Travel Plan includes measures such as access management at the Wellington Street site, school timetable and parking management measures in order to manage travel to the school amongst staff and pupils and ensure efficient operation during this temporary arrangement. The Travel Plan has been prepared by the School to cover both temporary sites and Wellington Street Campus and will be operational

alongside the Travel Plan for the football club and sports/community use which operate outside of the school hours.

- 13.9 It is considered that the proposals are in compliance with national transport policy in the NPPF and the Adopted Slough LDF Core Strategy 2006-26 Core Policy 7.

#### **14.0 Flood Risk**

- 14.1 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This statement was as a result of an independent review into the causes of the 2007 flood which concluded that sustainable drainage systems (SuDS) were an effective way to reduce the risk of "flash flooding". Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back up of water to the surface.

- 14.2 Both Core Strategy Policy 8 and paragraphs 155 and 163 of the NPPF 2019 require development to be directed away from areas at highest risk of flooding and to ensure flood risk is not increased elsewhere. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

- 14.3 A Flood Risk Assessment has been submitted with the application. This report demonstrates that the proposed development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented.

- 14.4 The site is located entirely in Flood Zone 1 and is located approximately 1.1km and 1.3km from the Salthill Stream to the west and Datchet Common Brook to the east, respectively.

- 14.5 The FRA confirms that the site is predominately at very low risk of flooding from surface water sources. The FRA indicates there are isolated areas of low risk to the south and low to medium risk adjacent to the northern boundary. Alternative access/egress is available within the southern portion of the site in the event of surface water flooding preventing use of the northern route.

- 14.6 The proposed development has also been assessed against a further range of potential flood risk sources including canals, reservoirs, surface water and sewers. None of these flood sources have been found to represent a potential barrier to development.

- 14.8 As there are no external changes proposed at the site, the development will not increase flood risk to the wider catchment area. Subject to the mitigation measures proposed, it is considered that the development would not result in significant flood risk and would be in compliance with the requirements of the NPPF and Core Policy 8.

#### **15.0 Equalities Considerations**

- 15.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either working in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care,

the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation). In particular, regard has been had with regards to the need to meet these three tests:

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

15.2 Conditions have been recommended to ensure the temporary educational floor space and external areas are laid out to be accessible to all protected groups using the site which in this case comprise teachers and pupils.

15.3 There is provision for level accesses and thresholds to the clubhouse and there is lift access to the upper floor classrooms. Adequate car parking spaces are provided close to the clubhouse although it is noted that pupils would access the site by coach and/or minibus which would require provisions for disabled pupils/users. This is set out in the Travel Plan submitted with the application and would be managed by the School accordingly.

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

## **16.0 Planning Conclusion**

16.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.

16.2 Notwithstanding the above, officers have considered whether there are any other material circumstances that need to be taken into account, notwithstanding the development plan provisions.

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

16.4 The report identifies that the proposal complies the relevant saved policies in the Local Plan and Core Strategy.

16.5 The development would make a positive contribution to the provision of educational facilities in the Borough at a time where there is an urgent need due to the on-going global pandemic.

16.6 Weighing all of the factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies in the Core Strategy and Local Plan, the proposals would constitute sustainable development due to the significant temporary educational and community benefits. In applying paragraph 11 of the NPPF, it is considered that the benefits of the proposals outweigh any adverse impacts

- 16.7 As the proposals are in accordance with the Development Plan and there are no other material considerations that would lead to an alternative determination of the planning application, the proposals would be in accordance with S38 of the Planning and Compulsory Purchase Act 2004.

### **PART C: RECOMMENDATION**

- 17.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for Approval subject to finalising conditions and any other minor changes.

### **PART D: CONDITIONS**

#### 1. Temporary permission

The educational Class F.1 use hereby permitted shall be discontinued on or no later than 28<sup>th</sup> February 2021.

REASON: To ensure the temporary use is discontinued in accordance Core Policies 1, 8 and 9 of the Slough Local Development Framework Core Strategy 2006-2026 and to reflect the guidance contained in the National Planning Policy Framework (2019).

#### 2. Approved Plans

The development hereby approved shall be implemented only in accordance with the following Plans, Technical Statements and Drawings hereby approved by the Local Planning Authority.

- Site Location Plan LC0034-2/FS0343
- Proposed Elevations LC0034-2/FS0343;
- Proposed Floorplans LC0034-2/FS0343 ;
- Travel Plan by Velocity:
- Transport Technical Note by Velocity;
- Flood Risk Assessment by BWB
- Planning Statement (JLL) including site photos (Appendix A)
- Cover Letter by JLL dated 25th September 2020;
- Plan showing coach set down area/tracking 2550-1240-T-001
- Sports Pitches Maintenance Strategy by Grove Academy

REASON: For the avoidance of doubt, to ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area to comply Policy EN1 of The Local Adopted Plan for Slough 2004, Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026 and the National Planning Policy Framework (2019).

#### 3. Hours of Operation

The uses hereby permitted shall operate only between 07:30 hours and 17:00 hours, on weekdays only.

REASON: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework (2019).

#### 4. Maximum Capacity

The maximum capacity of the site when in Class F.2 Educational use shall not exceed 150 pupils (and up to 8 full-time staff) on site any any one time.

REASON: To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Core Policies 1 and 8 of the Slough Local Development Framework Core Strategy 2006-2026, and the National Planning Policy Framework (2019).

#### INFORMATIVE(S):

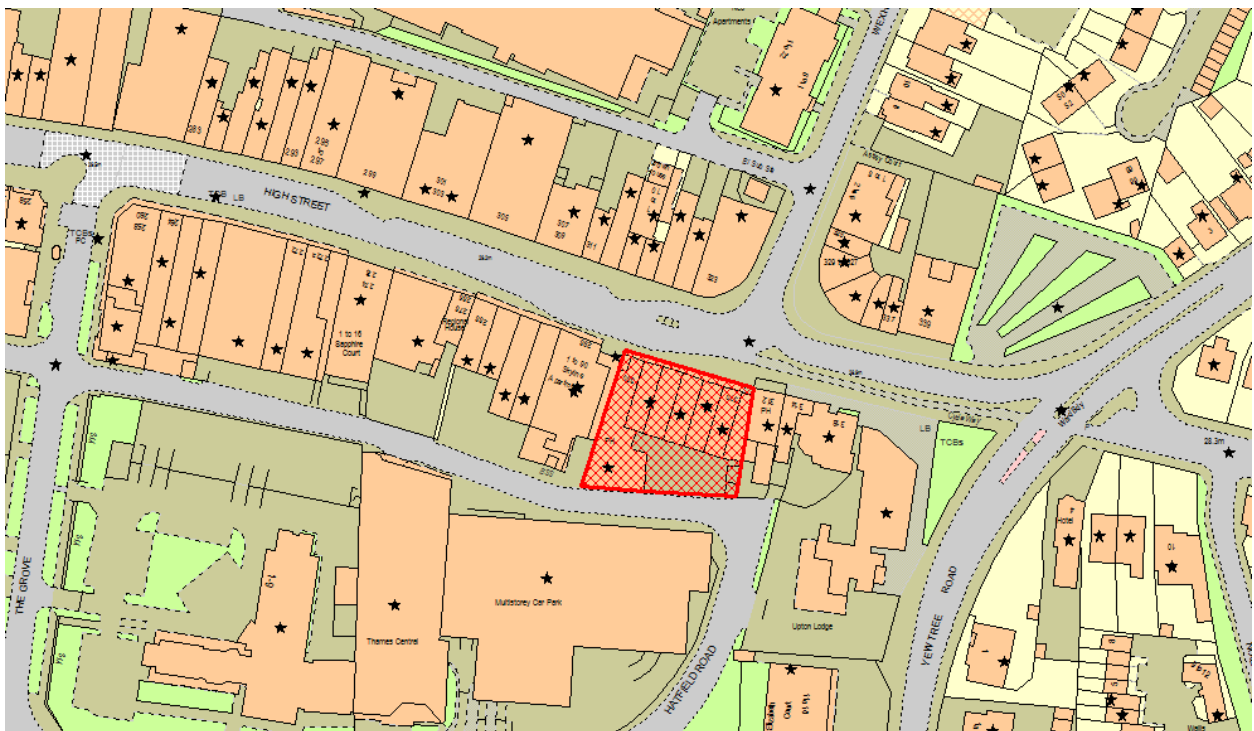
1. In accordance with paragraphs 38 and 39 of the National Planning Policy Framework (2019), Slough Borough Council takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. Slough Borough Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the applicant was informed of the issues arising from the proposal and given the opportunity to submit amendments or provide additional information in order to address those issues prior to determination. The applicant responded by submitting revised plans and additional technical information which was considered to be acceptable.



**PLANNING APPLICATION REPORT**

Registration Date:	10th June 2020	Application No:	P/08145/007
Officer:	Alistair de Joux	Ward:	Central
Applicant:	Kulwinder Dhaliwal, Assetlink Limited	Application Type:	Major
		13 Week Date:	
Agent:	Amar Sidhu, GAA Design		
Location:	Salisbury House, 300 - 310 High Street, Slough		
Proposal:	Creation of an additional 3 storeys on top of existing ground floor, to create 11 new units. Alterations to 3 existing units. Ground Floor change of use from Public house (class A4 use) to Retail (class A1 use) facing High Street and Offices (Class B1a use) facing Hatfield Road. New residential units will have associated cycle storage in the basement and bin storage on the ground floor.		

Recommendation: Delegate to Planning Manager to Refuse



## 1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended that the application be delegated to the Planning Manager to REFUSE, for the following reasons:

1. As a result of proximity to apartments at the neighbouring Skyline Apartments building of external terraces to serve two of the proposed flats, the proposal would have a detrimental impact on the privacy and amenities of the occupiers of the adjacent neighbouring flats, contrary to the principles of good design and to National Planning Policy Framework 2019 Chapter 12, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 - 2026) Development Plan Document, December 2008, Policy EN1 of the Adopted Local Plan for Slough (2004) and the *Residential Extensions Guidelines* Supplementary Planning Document (2010).
2. The proximity of the flank wall of the proposed extension to habitable room windows apartments at the neighbouring Skyline Apartments building would be overbearing and oppressive and would result in a loss of outlook for the occupiers of those flats. In addition, several single aspect flats served only by windows on the east elevation of the Skyline Apartments building would experience an unacceptable loss of natural light. As such, the application is contrary to the principles of good design and to National Planning Policy Framework 2019 Chapter 12, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policy EN1 of the Adopted Local Plan for Slough (2004) and the *Residential Extensions Guidelines* Supplementary Planning Document (2010).
3. Changes to the internal layout of existing flats would result in their reduced number of habitable rooms having poor outlook towards and in close proximity to a high wall within the proposed extension while adjacent existing flats while less severely affected would also suffer from poor outlook, resulting in poor living conditions for the occupiers of these existing flats. Views between existing flats at fourth floor level and a roof terrace at the same level in the extension would also impact on mutual privacy, further eroding living conditions at both existing and proposed flats affected by this design issue. As such, the application is contrary to National Planning Policy Framework 2019 Chapter 12, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policy EN1 of the Adopted Local Plan for Slough (2004) and the *Residential Extensions Guidelines* Supplementary Planning Document (2010).
4. Taking into account the above design shortcomings regarding impacts on outlook for existing residential occupiers at Salisbury House and Skyline apartments to high featureless walls that form part of the proposals along with the poor access to cycle storage for future

occupiers, the proposal is contrary to the principles of good design and therefore contrary to National Planning Policy Framework 2019 Chapter 12, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policies EN1 and T8 of the Adopted Local Plan for Slough (2004) and the *Residential Extensions Guidelines* Supplementary Planning Document (2010).

5. The proposal would result in impacts on local infrastructure which are not mitigated through the mechanism of a section 106 agreement towards education and recreation / open space provision made necessary by the development. As such, the application is contrary to guidance given in the National Planning Policy Framework (paragraphs 34 and 122), Core Policies 1, 4 and 10 of the Slough Local Development Framework, Core Strategy (2006 - 2026) Development Plan Document and Slough Borough Council Developers Guide Part 2 “Developer Contributions and Affordable Housing (Section 106)” updated September 2017.

- 1.2 The proposal is a major planning application, therefore the development is required to be determined by Slough Borough Council Planning Committee.

### **PART A: BACKGROUND**

#### **2.0 Proposal**

- 2.1 This report relates to the proposed redevelopment of part of the application site by altering and extending an existing part-single, part-two storey building located adjacent to Hatfield Road. The proposal would link this building to Salisbury House and provide a part two-, part four- and part five-storey building to accommodate 11 residential units, with associated parking and amenity provision. The proposals will also require alterations to three existing units at Salisbury House, as part of the extension that would link it to the extended building to the rear to provide access between the two at each level. In addition, the proposals provide for changes of use of two parts of the existing premises. These are, within part of the existing ground floor premises within Salisbury House facing High Street, from public house (class A4 use) to retail (class A1 use), and within the existing single storey building facing Hatfield Road from public house to Offices (Class B1a use). Bicycle storage would be provided for the new residential units in an existing basement, with bin storage on the ground floor, and four units would be provided with a balcony or terrace.

- 2.2 The proposed building would step in from the main building footprint at second and fourth floor levels. However while the ground level width of the extended building would remain the same as existing adjacent to the Hatfield Road frontage, allowing the retention of two “stacked” car parking spaces in this part of the site, it would be increased in width above this, as first to third floor levels.

- 2.3 The main pedestrian access and servicing would be from a pedestrian link between the High Street and Hatfield Road.

#### **3.0 Application Site**

- 3.1 There are two existing buildings at the application site. The principle building is five storeys high, with a single storey rear extension that appears to be clad in sheet metal. This building has direct frontage to the High Street, and accommodates 30 flats from first to fourth floor levels, with their main entrance taken from the High Street, made up of 26no. 1-bedroom flats and 4no. 2-bedroom flats. This is physically linked at ground and first floor levels to a part single-, part two-storey building with a flat roof which is located in the south-western part of the site and has frontage to Hatfield Road. This provides an additional two-bedroom flat on the first floor. The remainder of the property consists of hard-standing at the rear of the site that is utilised mainly as car parking bin storage for both the ground floor and residential uses, with access also from Hatfield Road.
- 3.2 The site is within the Town Centre, with close proximity a range of local services. The Hatfield Road car park is located directly opposite the site. A Grade II listed building, The Rose and Crown Public House, adjoins the application site's eastern boundary although it is located approximately 30m to the north and east of the building that would be extended.
- 3.3 The site is not within a Conservation Area and is in Flood Zone 1, where there is a low risk of flooding.

#### **4.0 Relevant Site History**

- 4.1 The relevant planning history for the site is set out below:

F/08145/004 Prior approval for a change of use from offices (Class B1a) to residential (Class C3) (1st - 3rd floors- 24no.flats). Prior approval not required; informatives, 17 December 2014.

P/08145/005 Construction of an additional floor and change of use of upper floors to residential accommodation comprising a total of 30 flats (25no x 1 bed and 5no x 2 bed), fenestration changes and rear fire escape. Approved with conditions and informatives, 5 October 2015.

P/08145/006 Submission of details pursuant to Condition 3 (samples of external materials), condition 4 (details of cycle storage), condition 5 (details of the controlled entry to the residential scheme), condition 6 (details of refuse and recycling storage), condition 7 (strategy for the management of construction traffic details of parking/waiting), condition 9 (details of working method statement), condition 10 (details of measures to minimise (a) re-use/recycling waste, (b) pollution of unavoidable waste and (c) disposal of waste), and condition 12 (details of external site lighting including details of the lighting units levels of illumination) of planning permission P/08145/005 for construction of an additional floor and change of use of upper floors to residential accommodation comprising a total of 30 flats (25 no. x 1bed, and 5 no. x 2 bed) fenestration changes and rear fire escape. Conditions complied with, 23 February 2016.

## 5.0 **Neighbour Notification**

5.1 A site notice was posted, dated 28 June 2020.

No responses had been received from members of the public or other interested parties. However, following the receipt of amended plans to illustrate the relationship of the proposal to adjacent Skyline Apartments building, letters were sent to the neighbouring occupiers at that address on 19<sup>th</sup> October 2020. Any representations received as a result of these consultation letters will be reported in the amendment sheet.

## 6.0 **Consultations**

6.1 Heritage Advisor (BEAMS)

Salisbury House is a modern 4-storey building fronting the south side of High Street, Slough. It adjoins a grade II listed building comprising The Rose and Crown P.H. (312 High Street) and Tony's Grill Cafe (314 High St). The listed building is rendered with tile roof part concealed by a parapet, with sash windows and early 19th century detailing (it is likely the 19th century frontage conceals an older structure); it stands out due to its modest scale and is clearly an older building surrounded by more recent development. Its rear elevation and modern tile roof (over a later rear extension) is visible from Hatfield Road, this elevation is of lesser interest.

The application proposes extending upon the existing building by splitting the existing ground floor into 2 commercial units, 1 facing the high street (class A1 use) and the other to the rear facing Hatfield Road (class B1 use). The creation of an additional 3 floors above the rear part of the existing building to accommodate 11 new residential units (class C3 use) is also proposed. It is the upwards extension of the rear part of the property which has the potential to impact upon the setting of listed 312 and 314 High Street adjacent.

In accordance with NPPF, para. 189 the application has been accompanied by a Heritage Statement which assesses the significance of the designated heritage asset (the listed building) and considers any impacts there may be upon the significance of the asset through development within its setting.

The rear extension to Salisbury House will not be visible from the High Street so would not be seen in context with relation to the primary front elevation of the grade II listed property. The extension will be visible from Hatfield Road but as the rearwards extension is to the western end of Salisbury House, and away from the site boundary of the listed 312 and 314 High Street the proposal will not alter or impede views of the rear elevation.

The proposed development will increase the bulk and massing of Salisbury House as viewed from Hatfield Road however the extension is reasonably proportionate and is considered to preserve the setting (and significance) of the grade II listed property adjacent. No objection.

6.2 Housing Services

No objections; conditions requested in the event that planning permission is granted.

6.3 SBC Technical Officer - Air Quality

In line with the Slough Low Emission Strategy (LES), the scheme is considered to have a MINOR impact on air quality. The scheme requires an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> and the integration of Type 1 Mitigation measures, contained in the LES Planning Guidance. However, due to the low traffic volume on the High Street, exposure to poor air quality is expected to be low.

#### Mitigation Requirements

- Electric vehicle re-charging infrastructure should be provided for 2 parking spaces, in line with table 7 of the LES Technical Report.
- A Construction Environmental Management Plan (CEMP) shall be produced and submitted to SBC for approval prior to commencement of works
- The CEMP shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report

#### 6.4 SBC Technical Officer - Noise

The noise assessment was completed during Covid restrictions (26/03/18 - 27/03/18), therefore a desktop assessment was undertaken based on existing noise data from nearby sites, followed by on site verification measurements to determine additional noise sources and confirm background noise. The noise climate was dominated by road traffic to east, rather than the High Street. It is noted that there may be additional noise sources, such as the commercial and residential properties to the west and the car park in south. Although these sources have not been mentioned in the report, it is not clear if they have been considered.

Results indicate glazing capable of achieving 31dB Rw (such as 4/12/4) on all elevations, with trickle vents providing a minimum performance of 29dB Dnew and intermittent extract fans are required. Details of such must be submitted to the Council for approval, once confirmed.

In addition, an overheating assessment must be completed, to determine if the recommended ventilation strategy is suitable.

#### 6.5 SBC Transport and Highways

No comments received at the time of writing. Any response will be provided in the amendment sheet.

#### 6.6 Surface water drainage

No comments received at the time of writing. Any response will be provided in the amendment sheet.

#### 6.7 Thames Water

- Waste comments

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement

infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- Surface water drainage

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

- Water Comments

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

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

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during



and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

## **PART B: PLANNING APPRAISAL**

### **7.0 Policy Background**

#### **7.1 National Planning Policy Framework 2019:**

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

Paragraph 11 of the NPPF states that decisions should apply the presumption in favour of sustainable development which means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### **7.2 The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008**

- Core Policy 1 – Spatial Vision and Strategic Objectives for Slough
- Core Policy 4 – Type of Housing
- Core Policy 5 – Employment
- Core Policy 6 – Retail, Leisure and Community Facilities
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 10 – Infrastructure
- Core Policy 11 – Social Cohesiveness
- Core Policy 12 – Community safety

#### **7.3 The Adopted Local Plan for Slough 2004 (Saved Policies)**

- Policy EN1 - Standard of Design



Policy EN3 – Landscaping Requirements  
Policy EN5 – Design and Crime Prevention  
Policy EMP2 – Criteria for Business Developments  
Policy H14 – Amenity Space  
Policy T2 – Parking Restraint  
Policy T8 – Cycling Network and Facilities

#### 7.4 Other Relevant Documents/Guidance

- Slough Borough Council Developer's Guide Parts 1-4
- SBC *Residential Extensions Guidelines* Supplementary Planning Document (2010)
- SBC Proposals Map (2010)

#### 7.5 Planning and Compulsory Purchase Act 2004

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

The revised version of the National Planning Policy Framework (NPPF) was published in February 2019. Planning Officers have considered the proposed development against the revised NPPF which has been used together with other material planning considerations to assess this planning application.

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### 7.6 Emerging Preferred Spatial Strategy for the Local Plan for Slough

One of the principles of the Emerging Preferred Spatial Strategy is to deliver major comprehensive redevelopment within the "Centre of Slough". The emerging Spatial Strategy has been developed using basic guiding principles which include locating development in the most accessible location, regenerating previously developed land, minimising the impact upon the environment and ensuring that development is both sustainable and deliverable.

It is important that key sites within the town centre or on the edge are developed in a comprehensive manner and that all of the necessary linkages and infrastructure are provided. The *Local Plan Spatial Strategy Key Components* report was considered by the Planning Committee at the extraordinary meeting of 26<sup>th</sup> August. The three key themes for the Spatial Strategy which are derived from the Local Plan Vision and analysis

of the most important issues that are facing Slough. These are:

- To make Slough a place where people want to “work rest, play and stay”, by making sure that people who have prospered in Slough have the opportunity to “stay” in the Borough
- By making sure that we have “inclusive growth” in Slough by ensuring that more of the wealth that is generated in Slough stays in Slough, by enabling residents to participate in more of the well paid employment opportunities in the town and providing more facilities in the Borough for people to use and enjoy.
- Making Slough a place where residents can meet all of their needs and be able to “live locally” in their own community, which will help to develop local communities and reduce the need for people to travel.

## **8.0 Planning Assessment**

8.1 The planning considerations for this proposal are:

- Principle of development
- Design quality and impact on the character and appearance of the area
- Impact on the amenities of neighbouring occupiers
- Impact on the amenities of residents in existing flats at Salisbury House
- The amenities of the development for future occupiers within the development
- Highways and transport
- Impact on heritage assets
- Air quality
- Noise
- Flood risk and surface water drainage
- Sustainable design and construction
- Ecology
- Infrastructure and Section 106 requirements

## **9.0 Principle of development**

9.1 The site is currently occupied by the existing building, which is understood to have been used as part of the former public house and includes a flat above although it is understood that this is currently unoccupied. It is sited within the Town Centre, and no objection is raised in principle to the provision of additional flat development in this location. Creation of additional employment space would also be appropriate in the Town Centre.

9.2 The Borough does not currently have a five year housing land supply as required by the National Planning Policy Framework. The site is in a sustainable location with good public transport use and a range of retail and other amenities within walking distance. The principle of development

is therefore acceptable, subject however to establishing that all other material planning considerations can be satisfied and in particular that acceptable levels of amenity for existing and future residents can be maintained and provided.

## **10.0 Design quality and impact on character and appearance of the area**

10.1 The National Planning Policy Framework 2019 encourages new buildings to be of a high quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and Local Plan Policies EN1 and EN2.

10.2 The proposed extension while structurally an addition to Salisbury House would remain as a distinct element that would retain the appearance of a standalone building as viewed from the Hatfield Road frontage. The building is designed to accommodate the differing alignments of the Hatfield Road boundary with the side boundary, which is set perpendicular to the High Street and parallel to the flank walls at Salisbury House. This would result in an acutely angled south-western corner to the building on the Hatfield Road frontage. A first floor apartment on this level would feature a recessed balcony on this frontage, and above this a larger set-back at second floor level would provide an open terrace for a flat at this level. A further set-back at fourth floor level would be provided on the front elevation and on both sides, adjacent to the street frontage, to provide terraces for two flats at this level. The result would be a largely asymmetrical building of some design interest as viewed from the street frontage. However a northern exterior wall would present a blank face to the existing apartments at Salisbury House while the west-facing flank wall would face the adjacent Skyline Apartments (298 High Street). No proposals have come forward that would provide any design interest to what it appears would be flat and featureless facades.

10.3 The addition of greenery is proposed within each of the set-backs noted above. If well maintained, this would add to the design interest of the development. However, while the west-facing flank wall could be appropriate in a town centre situation if it was to be built in close proximity to another windowless flank wall or to a future development site (where development up to or close to the common boundary is envisaged), the wall would be in full view of the occupiers of neighbouring apartments at Skyline Apartments and in very close proximity to the windows of these flats. Similarly, views from some of the existing flats at Salisbury House to the extended building would be to the similarly featureless north facing wall. As such, the design of the building would be unacceptably bland in these views.

10.4 Internally, the layout of the building also does not meet the full range of criteria that need to be considered in a well-designed building. These points are expanded upon in the following sections of this report. Overall, it must be concluded that the proposal is contrary to the principles of good design, and therefore contrary to Core Policy 8, saved Local Plan policy EN1 and to advice in NPPF Chapter 12.

## **11.0 Impact on the amenities of neighbouring occupiers**

11.1 The featureless flank wall noted above would result in a loss of outlook and amenity for residential neighbours at the adjacent Skyline Apartments.

Distances from habitable room windows at first to fourth floor levels to the new flank wall would be approximately 4.9m in the worst case, increasing in steps due to the angled arrangement of the proposal's flank wall at the southern end of the building only, to about 7.5m at second and third floor levels, and to a maximum of 12m at fourth floor level. The result would be a very significant loss of amenity for apartments in both buildings.

- 11.2 The impacted flats include both single and dual aspect units at the Skyline Apartments development. The single aspect apartments there are at second floor level and above, and are served by windows which are almost in line with the existing rear wall at the rear of Salisbury House. As such already those from have restricted outlook towards the existing flank wall at the application site. However they would currently have long angled views across the existing space at the rear of Salisbury House, which will be severely compromised by the proposed extension. For the dual aspect apartments which currently have outlook from their flank wall across the building to be extended, that outlook will be interrupted at first floor level by the main flank wall at a distance of 4.9m (existing separation is approximately 7.4 to 7.9m) while at second and third floor levels (where outlook to the east is currently uninterrupted) these separation distances would vary from 4.9m increasing to 8.0m at the southern end of both buildings, where the proposed extension would be set in from the main side building line. At fourth floor level the corresponding separation would increase to between 6 and 12m. While clearly the impacts are less for flats at fourth floor than for the lower level flats, even this lesser degree of restricted outlook would be detrimental to occupiers of the adjacent dual-aspect flats. For the single-aspect flats, the impacts would be severe.
- 11.3 Impacts on privacy of the neighbouring apartments will also result from overlooking between neighbouring windows and the adjacent second and fourth floor terraces, at distances of under 8 metres at second floor level and less than 12m at fourth floor level. While only four flats would be directly impacted - two at Skyline, two at the application site - the result would be an unacceptable mutual loss of privacy.
- 11.4 The application includes a Sunlight and Daylight Report which assesses impacts on neighbouring flats at both Salisbury House and at Skyline Apartments. This models pre-development direct sunlight and daylight levels reaching habitable room windows prior to development and for the corresponding post-development situation, using BRE guidelines. The assessments were carried out in accordance with two accepted methodologies, Vertical Sky Component (VSC) and Daylight Distribution (DD). While the majority of habitable room windows assessed will meet the BRE guidelines as assessed by the two methodologies, the single aspect flats at Skyline would fail to achieve the minimum Daylight Distribution standard. The assessment seeks to justify the shortfall in the case of the Skyline flats by reference to the "mirror image" principle which is outlined within the BRE guidance, and is cited in the report as follows:

*It states, "to ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for those windows could be set to those for a "mirror-image" building of the same height and size, an equal distance away from the boundary."*

*To put it another way, "the mirror image of the subject building (Skyline*

*Apartments) becomes the existing scenario, and the proposed development is then assessed against that.*

11.5 In this case, the new development has not been designed to match the height and proportions of existing buildings, so the applicability of this principle must be questioned. However, regardless of whether this principle applies or not in this situation, the impacts on Skyline Apartments is not limited to loss of light, as discussed above at paragraphs 11.1 - 11.3; the extension would also be oppressively overbearing and over-dominant, and outlook and privacy would be compromised by the development. In combination with any significant loss of light, the extent of these impacts would be even more detrimental.

## **12.0 Impact on the amenities of residents in existing flats at Salisbury House**

12.1 The return wall of the main element of the extension would be north facing. While this wall would have no windows and would therefore not result in any loss of privacy to any of the existing south-facing flats at Salisbury House, the new wall would result in a loss of outlook for seven existing flats, to varying degrees. The extent of these impacts must be assessed with reference to the existing situation at first floor level: The existing structure is separated from the principal building across a width of approximately 10m, with separation from habitable room windows serving two existing flats being a minimum of approximately 3.5m and maximum of about 8.8m. The closest element will largely be incorporated into the link with the principal building, (a small portion of it, about a metre wide, will be demolished as part of the proposals). In the proposed extension, the height will increase from two to five storeys, with the facing wall to be approximately 8.0m wide from first to third floor levels, reducing over the full-height portion of the wall to 4m in width at fourth floor level. This would result in three existing residential units having all of their windows facing this adjacent wall (Flats 4, 12 and 20), while another three would be similarly affected for the majority of their windows (Flats 3, 11 and 19). In addition, Flats 4, 12 and 20 would be significantly enclosed due to their proximity to the link between the principal building and the extension which would bridge the gap between the two at first, second and third floor levels. The link would reduce the number of windows in each of these flats, and the remaining windows would face out into what would effectively be a light well surrounded by high walls on three sides. The existing Flat 27 at fourth floor level would also be affected by the proximity of the north-facing wall. This is a larger unit than those below due to its significantly greater width. The differing fourth floor layout of the proposed extension would result in Flat 27 facing the adjacent wall for most of its 10m width, with separation distances for the most part of 7.5 or 8.8m. The remaining windows would face a terrace at the same level, resulting in a detrimental impact on privacy as well as loss of outlook. Loss of privacy from future occupiers using the roof terrace in the existing would be likely to extend to other flats at this level.

12.2 The Sunlight and Daylight Report also reveals impacts on existing flats using the Daylight Distribution (DD), and Average Daylight Factor (ADF) methodologies. This shows that the three existing units that would be most significantly enclosed by the extension, Flats 4, 12 and 20, would fail to achieve the minimum ADF score.

12.3 These three apartments would be also be reduced in size. While they are currently one bedroom apartments, they are identified on the proposed plans as studio apartments. With internal floor areas of slightly over 40 sq.m. they would continue to of acceptable area; however the shortfall in natural light levels must count against the acceptability of the proposed alterations for these flats.

12.4 Overall, it is clear that the proposals would result in a very significant loss of amenity for the impacted flats at the existing development.

### **13.0 The amenities of future occupiers within the development**

13.1 Mutual impacts on privacy of the proposed apartments and neighbours at Skyline Apartments are discussed above at 11.3, with overlooking between neighbouring windows and the second and fourth floor terraces. As noted there, separation distances are insufficient to avoid a mutual loss of privacy, and as already identified in relation to the neighboring occupiers, this is an unacceptable aspect of this proposal.

13.2 The Sunlight and Daylight Report appears to demonstrate that all but one of the habitable rooms will have access to acceptable levels of daylight. Clarification is being sought from the applicant on some of the figures within the study to ensure that all other habitable rooms within the extension do indeed meet the relevant daylight standards. The single non-complying window as identified by Sunlight and Daylight Report would serve one of two bedrooms in the first floor at the south-west corner of the extension, but does not achieve the BRE minimum level for ADF (Average Daylight Factor). This appears to be due to its being onto the enclosed balcony referred to at paragraph 10.2 above. It is noted that the remaining habitable rooms - the second bedroom and a lounge-kitchen-diner - would have acceptable levels of light, and the shortfall in natural light to this one bedroom must be considered alongside the benefits of the private amenity space provided by the balcony, which measures approximately 10.5 sq.m. in area, and against the other amenities within the flat. The affected bedroom is large - while of irregular shape the area is given as 20 sq.m. on the plan being considered - and it has its own en-suite bathroom. The second bedroom and lounge-living-dining room are also well sized - 15 and 22 sq.m. respectively - and the overall internal area of this flat would be 72 sq.m. If the application was acceptable in all other respects, design changes could be sought to improve the poor level of natural light in this flat. Considered against the high standard of accommodation for the flat as a whole, this short fall is not considered to constitute a point of objection in this case.

13.3 The other proposed flats would comply with the internal minimum floor area standards set out in the Council's SBC Developers Guide Part 4 supplement (November 2018) Space standards for residential development. However, the layout of flats within the link between the principal building and the extension is such that three flats, one each at first, second and third floor levels, would face out into what has been described earlier in this assessment as effectively being a light well (paragraph 12.1). While the Daylight and Sunlight Assessment finds that these windows would be provided with sufficient light in terms of BRE minimum standards, the impact of long and high walls is such that this is

onto considered to provide an acceptable standard of amenity.

- 13.4 None of the flats are specifically identified as being designed to disabled standard, and it is noted that access for disabled users would be difficult from the entrance is shown on the proposed plans. However this may be possible from the lift within the existing principal building, and this would be investigated and if possible confirmed if the proposal was acceptable in other respects. Any access from the lift would then need to be secured by as section 106 obligation or other relevant and effective legal agreement.
- 13.6 The majority of flats do not have any external amenity space, and if the application as considered to be acceptable then provision of off-site recreational contribution would be required in accordance with the Developers Guide Part 2.

#### **14.0 Highways and transport**

- 14.1 Paragraph 108 of the NPPF 2019 states that in assessing specific applications for development, it should be ensured that:
- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) Safe and suitable access to the site can be achieved for all users; and
  - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 14.2 Paragraph 110 of the NPPF states development should give priority first to pedestrian and cycle movements and second to facilitating access to high quality public transport and appropriate facilities that encourage public transport use. It also states applications for development should create places that are safe, secure and attractive, minimising conflicts between pedestrians, cyclists and vehicles and allow the efficient delivery of goods and access by service and emergency vehicles.
- 14.3 The proposal does not include provision for car parking. This is acceptable in a town centre location. Cycle storage space is provided, but this is within the basement. Access to the cycle store would be inconvenient even for able-bodied cyclists, and while secure it does not meet the aspirations of the Developers Guide Part 3, which recommends that cycle stores within blocks of flats should be accessible from the entrance foyer.
- 14.4 The access to the site would be via the pedestrian link between the High Street and Hatfield Road. If the development was otherwise acceptable, provision of CCTV could be investigated to improve the safety of occupiers in accessing the development. However this would not overcome the other shortcomings of the proposal.

#### **15.0 Impacts on heritage assets**

- 15.1 Paragraph 189 of the NPPF 2019 advises that applications should include information on the significance of any heritage assets affected by development proposals, including any contribution made by their setting. Appropriate desk-top assessments and where necessary a field

evaluation should be provided where a site includes or has the potential to include heritage assets with archaeological interest.

15.2 Paragraph 190 of the NPPF 2019 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking into account the available evidence and any necessary expertise.

15.3 The closest designated heritage assets is the Grade II listed Rose and Crown pubic house. The application has been assessed by the Council's heritage adviser, who considers that the application would not have a detrimental impact on the setting of this listed building.

## 16.0 **Air quality**

16.1 Paragraph 170 of the NPPF 2019 states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

“...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...”

16.2 The Council's Environmental Quality / Air Quality Officer has commented on the application at Section 6.3 of this report. It is not considered that all of the mitigation measures suggested are reasonable such as the provision of electric vehicle recharging infrastructure for 2 parking spaces in a car free development. However, other issues such as the heating system could be secured by condition.

## 17.0 **Noise**

17.1 Paragraph 170 of the NPPF 2019 states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):

“...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability...”

17.2 A Noise Assessment was submitted with the planning application. This has been reviewed by the Council's Environmental Quality / Noise Officer has commented on the application at Section 6.4 of this report. If the proposal was acceptable, noise related issues could be with by conditions. However, this would not overcome the shortcomings of the proposals.

## 18.0 **Flood Risk and surface water drainage**

18.1 Both Core Strategy Policy 8 and paragraphs 155 and 163 of the NPPF 2019 require development to be directed away from areas at highest risk



off flooding and to ensure flood risk is not increased elsewhere. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.

18.2 The site lies within Flood Zone 1 where there is a less than 0.1% (1 in 1000) chance of tidal and fluvial flooding; however, the site is at a medium risk of surface water flooding.

18.3 The Council's surface drainage consultants have been consulted for the application. No comments have been received at the time of writing, and these will be provided in the amendment sheet.

## **19.0 Sustainable design and construction**

19.1 An Energy Statement and Sustainability Statement was submitted as part of the application. If the proposal was acceptable, these issued could be provided for by appropriate conditions. However, this would not overcome the shortcomings of the proposals.

## **20.0 Ecology**

20.1 Paragraph 17 of the NPPF 2019 states that when determining planning applications, if significant harm to biodiversity cannot be avoided or adequately mitigated or as a last resort compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

20.2 No ecology survey was submitted with the application. For any otherwise acceptable proposal at the site, the potential for ecology and biodiversity improvements would be investigated for the site. However, this would not overcome the other shortcomings of the proposals.

## **21.0 Infrastructure requirements / Section 106**

21.1 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements. In addition to affordable housing provision noted in the previous section, and if the development was otherwise acceptable, section 106 contributions would be required to provided for air quality mitigation, sustainable transport and education. As a section 106 agreement has not been completed, the application is therefore recommended for refusal on grounds of not making provision for infrastructure made necessary by the development.

21.2 For any acceptable application of this scale, financial contributions towards education (£31,677) and recreation (£2100) would need to be secured. The applicant has indicated agreement with these contributions. However, no section 106 agreement has been completed in the course of this

application.

## **22.0 Planning Conclusion**

- 22.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 22.2 Notwithstanding the above, officers have considered whether there are any other material circumstances that need to be taken into account, notwithstanding the development plan provisions.
- 22.3 The application has been evaluated against the Development Plan and the NPPF, including the core planning principles of the NPPF and whether the proposals deliver “sustainable development.”
- 22.4 The report identifies that the proposal fails to comply with the relevant saved policies in the Local Plan and NPPF in a number of areas. The proposal’s scale and layout will have a detrimental impact on the amenities of the occupiers of neighbouring properties and existing occupiers at Salisbury House. This weighs strongly against the benefits of providing 11 additional residential units, and while it is noted that the Borough has a significant shortfall in the delivery of housing completions in all tenures, the impacts both on the amenities of these occupiers significantly and demonstrably outweighs the provision of the additional residential accommodation that would be provided.
- 22.5 In the absence of a completed section 106 planning obligation, the proposal also does not make provision for financial contributions towards infrastructure made necessary by the development.
- 22.6 The proposal is considered therefore to be contrary to guidance given in the National Planning Policy Framework, Core Policies 1, 4, 8 and 10 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Policies EN1 and T8 of the Adopted Local Plan for Slough 2004 and the Slough Local Development Framework, SBC Developers Guide Part 2 “Developer Contributions and Affordable Housing (Section 106)” updated September 2017. The application is therefore recommended to be delegated to the Planning Manager for REFUSAL.

Registration Date:	N/A	Application No:	N/A
Officer:	Neil Button	Ward:	Central
Applicant:	Vistastar Leisure PLC	Application Type:	Major
Agent:	Rolfe Judd Planning	13 Week Date:	N/A
Location:	Buckingham Gateway Site, 132-144 High Street, Slough		
Proposal:	Redevelopment of temporary car park to comprise erection of 4 x buildings ranging from 4-19 storeys to provide approx. 300 residential flats, ground and basement floor health club, ground floor commercial/retail use and associated basement car park, cycle storage, landscaping and access arrangements;		



## PRE-APPLICATION PRESENTATION

### Introduction:

The applicant has entered into pre-application discussions with Slough Borough Council Planning Officers regarding the redevelopment of the land which comprises a temporary car park on Buckingham Gardens including 132-144 High Street. The applicant (Vistastar Leisure Plc) is seeking permission for a residential led mixed use development on the site which comprises the erection of four buildings ranging from 4-19 storeys to provide approx. 300 residential flats, ground and basement floor health club, ground floor commercial/retail use and associated basement car park, cycle storage, landscaping and access arrangements.

To date, three pre-application planning meetings have been held and the latest proposals have been presented to Design South East as part of a Design Review. The applicant has commenced public engagement.

### The Site and Surroundings:

The site is on the south side of the High Street, extending southwards to an access road north of Herschel Street. The site is bounded by Church Street to the east and Buckingham Gardens to the west.

An earlier approved application P/04303/033 (Feb 2008) approved the demolition of the former buildings at 132-144 High Street, with proposed redevelopment of a mixed use scheme for hotel/retail/leisure use along with basement car parking. The demolition work has taken place, along with the installation of piling. However, the proposed redevelopment did not take place, and temporary planning permission was granted for use of the site as a temporary car park with hoardings in 2010. The permission was extended in 2014 and has now expired. This unauthorised car park use remains on site which is currently made up rough ground.

To the north side of the High Street is the Queensmere and Observatory shopping centres. To the south the former Mondrian office block has been converted to a 7 storey residential building (Nova House). To the east are generally low rise 2/3 storey buildings along Church Street, with a part 8 part 9 storey Travelodge building & Budget Gym (with associated car park) and 3-6 storey office buildings to the west on Windsor Road. The 6 storey Brisbane Court building is located to the west on Buckingham Gardens which comprises residential apartments (no's. 1-24).

The buildings to the west on High Street comprise The Village Shopping Centre and offices which range from 3 and 4 storeys. To the north of the site, lies numbers 112-130 High Street which comprise ground floor commercial (A1) retail and office (A2) uses with ancillary upper floor uses. Three of the premises are used as banks (118/120 High Street, 122/124 High Street and 128/130 High Street). 118/120 High Street comprises a part single, part three storey rear projection which extends up to the site boundary. The adjoining High Street buildings extend to the northern site boundary at ground floor only with the upper floors occupying the High Street facing frontages. There are external staircases at the rear elevations of 122/124 High

Street which extend towards the site and there are a number of windows to the upper floors which serve self contained offices and ancillary accommodation to the ground floor commercial properties.

The site falls within the Town Centre boundary and the northern frontage on High Street lies within a designated shopping frontage.

The Interim Planning Framework for the Centre of Slough (2019) identifies the site as a Development Site which is within an Area for Change.

The site also comprises Opportunity Site no.15 within the Draft Slough Regeneration Framework (SRF) which was endorsed by the Planning Committee in August 2020 as forming part of the evidence base for the Emerging Local Plan. A further report was considered by the Planning Committee in September 2020 which considered the draft centre of Slough Regeneration Strategy. This site was included as dense urban scale with building heights 6-8 storeys. Modern retail / leisure space uses would be attracted to space fronting the High Street, with scope for residential or other accommodation forms to be stacked above and to the south of the site. The potential capacity set out in the site appraisal is for 175 residential dwellings, with 1,730 sqm leisure and 376 sqm retail.

The site is also identified on the Council's Brownfield Register.

#### Site History:

The relevant planning history for the site is set out below

P/04303/005: Alterations and extensions and formation of offices and storage and refurbishment. Approved with Conditions 11-Apr-1983

P/04303/009: Redevelopment of existing market with car parking and three office buildings. (outline). (As amended 02/03/86). Approved with Conditions 22-Sep-1988

P/04303/011: Rebuilding of existing covered market to include basement car park and mezzanine storage and office. Approved with Conditions 27-Apr-1988

P/04303/012: Erection of 3300 sq. m. office development with 110 parking spaces. Approved with Conditions 22-Sep-1988

P/04303/020: Demolition of existing centre and erection of office accommodation (outline). Refused 18-Feb-1998

P/04303/023: Use of land as open market (Amended plans dated 11/8/98). Approved with Conditions 13-Oct-1998

P/04303/033: Demolition of existing buildings and redevelopment to provide a mixed use scheme comprising retail, leisure, 141 bedroom hotel and offices in a part three storey part eight storey building together with three levels of basement car parking. Approved with Conditions 04-Feb-2008

P/04303/036: Use of part of the site as a market for a temporary period. - Refused  
12-Jan-2010

P/04303/035: Use of part of the site at Buckingham Gardens as a car park for a temporary period. Approved 14-Jan-2010

P/04303/037: Application for the extension of time to implement planning permission p/04303/033 (as amended by planning permission p/04303/034 dated 9th July 2009) for the demolition of existing buildings and redevelopment to provide a mixed use scheme comprising retail, leisure, 141 bedroom hotel and offices in a part three storey part eight storey building together with three levels of basement parking. Withdrawn 24-Feb-2014

P/04303/039: Use of land as a car park for a temporary period. Approved 14-Jul-2014

P/04303/042: Use of land as a car park for a temporary period. Approved with Conditions; 06-Oct-2014 (*now expired*)

#### The Proposal:

The proposals are for the redevelopment of the temporary car park to comprise erection of 4 x buildings with heights ranging from 4-19 storeys to provide approx. 300 residential flats, ground and basement floor health club, ground floor commercial/retail use and associated basement car park, cycle storage, landscaping and access arrangements;

The development is split into two blocks which include Block A (5-8 storeys) fronting onto the High Street, Block B (4-11 storeys) fronting onto Church Street and Nova House, Blocks C (19 storeys) and Block D (7 storeys) fronting onto Buckingham Gardens.

The ground floor to Block A comprises 2 x retail units and a health club. The health club also extends into the basement level.

The blocks are arranged around a central courtyard at ground floor level. Ground floor level apartments and communal areas face onto the courtyard. The southern blocks (B&C) contain cycle stores, bin stores and plant equipment and access to the basement car park by way of a car lift. 32 car spaces for the health club use are provided within the basement car park. 2 disabled car parking bays for residents are provided adjacent to the central courtyard at the southern end of the site with access from the rear access lane which connects Buckingham Gardens with Church Street.

Subject to Viability testing, the applicant is targeting the provision of 20% Affordable housing (approx. 55 homes) split between 30 homes on-site and 25 homes off-site provision within a nearby Donor Site.

**Developer's briefings to Planning Committee Protocol**

Early member engagement in the planning process is encouraged and supported by the NPPF. Enabling a developer to brief and seek the views of elected Members about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible.

Slough Borough Council proposes to achieve this objective through formal presentations to the Planning Committee in accordance with procedures set out in this Protocol. No decision will be taken at these meetings and if the pre-application submission is followed by a formal planning application, the application will be subject to the normal procedure of a report to a future meeting of the Planning Committee.

1. The purpose of briefings is:

- To enable Members to provide feedback that supports the development of high quality development through the pre- application process, and avoid potential delays at later stages;
- To ensure Members are aware of significant applications prior to them being formally considered by the Planning Committee;
- To make subsequent Planning Committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Members are aware when applications raise issues of corporate or strategic importance.

2. What sort of presentations would be covered in the briefings?

Presentations on proposed large-scale developments of more than 50 dwellings, or 5,000m<sup>2</sup> of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Planning Manager considers early discussion of the issues would be useful; and

Presentations on other significant applications, such as those critical to the Council's regeneration programmes, significant Council developments, or those requested by the Chair of the Committee or deemed appropriate by the Planning Manager.

3. Frequency and timings of meetings

The presentation will coincide with the monthly Planning Committee meetings.

#### 4. Format of the presentations

- The meeting will be chaired by the Chair of the Planning Committee who will ask Members attending to disclose any relevant interests;
- The Developer will supply all presentation materials including any models, and these will be displayed in the meeting room;
- Officers to introduce the proposal (5 minutes);
- The developer and/or agents will be invited to make a presentation (10 minutes);
- Ward Members will have the opportunity to address the Committee (4 minutes each, subject to the discretion of the Chair);
- Question and answer session: Members of the Planning Committee and Ward Members will be able to ask questions to the Developer and officers (15 minutes) Supplementary questions from Ward members to be at the discretion of the Chair);
- A short note of the meeting summarising Members' comments would be made.

#### 5. Other matters

Members questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a member being perceived as taking a fixed position on the proposals. Members should ensure that they are not seen to pre-determine or close their mind to any such proposal as otherwise they may then be precluded from participating in determining the application.



Registration Date:	N/A	Application No:	PREAPP/1213
Officer:	Neil Button	Ward:	Cippenham Green
Applicant:	N/A	Application Type:	Major
Agent:	GAA Design Suite 1, First Floor, Aquasulis, 10-14 Bath Road, Slough, SL1 3SA		
Location:	HSS Tool Hire Shop, 375 Bath Road, Cippenham, SL1 5QA		
Proposal:	Demolition of existing Tool Hire shop and associated structures and erection of a part 4, part 9 part 12 storey residential led mixed use development to provide 119 flats with amenity terraces, ground floor flexible use and car park with creation of new vehicular access from/to Stowe Road.		



## **PRE-APPLICATION PRESENTATION**

### Introduction:

The applicant has entered into pre-application discussions with Slough Borough Council Planning officers regarding the redevelopment of the land which comprises the HSS Tool Hire Shop at 375 Bath Road, Cippenham. The Site is located within the Cippenham Strip Selected Key Location SKL01 in the Local Plan. The applicant is seeking permission for a residential led mixed use development on the site which comprises the erection of a single building ranging from 4-12 storeys to provide approx. 119 residential flats, ground floor commercial/retail use and associated ground and mezzanine level car park, cycle storage, landscaping and access arrangements. The applicant is targeting 20% of the units to be affordable.

To date, a number of pre-application planning meetings have been held and the latest proposals have been amended to take into account officer feedback. The applicant will be commencing work on their public engagement exercise shortly.

It is understood that the owner/agents are in discussion with other landowners/parties of adjoining and adjacent sites on Bath Road in close proximity of the site acknowledging the site's designation Key Location (SKL01) which promotes a comprehensive approach towards redevelopment

### The Site and Surroundings:

The site comprises the HSS Tool Hire shop at 375 Bath Road which consists of a single level warehouse style building set back from Bath Road behind a parking forecourt (served by a vehicular access). Stowe Road is located immediately to the west. The building comprises a flat roofed block at the site frontage with two adjoining parallel pitched corrugated roof structures to the south. The Site is located on the southern side of Bath Road approx. 200m from the junction of Burnham Lane to the west. The rear of the building faces onto a small servicing yard with access gates behind a bricked wall. The eastern block backs onto the northern flank wall of No. 1 Stowe Road which comprises a one and a half storey bungalow which has been recently extended to create additional accommodation within the roof space.

Surrounding the site, on Bath Road are a range of retail or employment uses, the majority of which are occupied by car showrooms (Volvo, Skoda/Seat), or warehouse style retail outlets/showrooms (eg: Better beds, Sports Direct/Dreams, Himalayan Carpets, Halfords etc). The property to the east comprises a Skoda/Seat car showroom which contains a large open parking/display area. The property on the opposite side of Stowe Road to the west is the Sports Direct/Dreams Retail Stores which frontage is perpendicular to Bath Road and fronts onto a car parking area. There is an Esso Petrol Station located to the west of Sports Direct/Dreams with an associated shop. This part of Bath Road comprises two lanes in both directions with the majority of sites accessed by separate vehicular accesses and contain open car parking areas.

The area to the south comprises a predominantly low rise residential area with bungalows and one and a half storey buildings on Stowe Road and Masons Road.

The site is designated in the Council's Core Strategy 2006-2026 as an Existing Business Area and is also located within a Selected Key Location (SKL01) for Comprehensive Regeneration. The Cippenham Bath Road and Elmshot Lane Local Shopping Parades are located a short distance from the site to the west.

Slough Local Development Framework Site Allocations, November 2010:

The site is located within a Selected Key Location (SKL01) for Comprehensive Regeneration. The SKL01 allocation confirms that the loss of existing business area may be permitted in order to allow for residential or mixed use development. It also noted that there is an opportunity for comprehensive redevelopment and regeneration of the area. Any residential or mixed use development should be comprehensively planned in a way which:

- Improves the appearance of this important main road frontage
- Provides some family housing at the rear of the site
- Includes suitable amenity areas or gardens
- Minimises the number of access points onto the A4
- Provides for cycleways where appropriate
- Overcomes all flooding and drainage issues
- Protects the amenities of adjoining residential areas

The site is within a Key Location which is identified as an Area of Major Change in the Core Strategy. If the car sales operation ceases on the various sites there would be the opportunity to comprehensively regenerate this important main road frontage in a way which would improve its appearance and make better use of the land. The site could be redeveloped for residential use, even though it is currently zoned as an Existing Business Area.

The design and layout of any comprehensive development would have to take account of flooding and drainage issues, the juxtaposition of adjoining residential property and the need to create an attractive and distinctive development on this important main road frontage.

Site History:

The relevant planning history for the site is set out below:

P/03444/001: Change Of Use To Depot for Storage Distribution Servicing and Hire of Building and Domestic Equipment together with Alteration to the External Appearance of the building (As Amended 6th March 1989). Approved 19th April 1989.

P/03444002: Installation of two illuminated free standing panel signs and an illuminated heading board (amended plans received on 23.11.89). Approved 13th December 1989.

Site History of adjoining site (to the south) at 1 Stowe Road:

P/10627/001: Construction of side dormers and raising roof to form new bedrooms. Approved 12<sup>th</sup> January 2018. The planning permission comprises no conditions restricting the glazing or opening of the dormer windows within the reconstructed and raised roof.

The Proposal:

The proposals comprise the demolition of existing Tool Hire shop and associated structures and erection of a part 4, part 9 part 12 storey residential led mixed use development to provide 119 flats with amenity terraces, a podium landscaped garden, ground floor flexible commercial use and a ground and mezzanine level car park with creation of new vehicular access from/to Stowe Road.

The proposed dwelling mix comprises 65 units x 1 bed, 14 x 2 bed 3 person dwellings, 38 x 2 bed 4 person dwellings and 3 x 3 bed 5 person apartments (a total of 119 units). The applicant is targeting 20% of the apartments to comprise affordable homes subject to viability. 664 sqm of Ground Floor flexible Commercial Space (Class E) is provided.

The ground and mezzanine level car park will provide space for 74 spaces which comprises a ratio of 0.62 spaces per dwelling. 119 cycle spaces will be provided in the cycle stores.

The maximum height will be at the northern end with ground floor and mezzanine and 11 floors (12 storeys in total) above and the south with ground floor and mezzanine and two floors (3 storeys). The central element is 9 storeys.

The planning submission target date would be first quarter in 2021.

**SLOUGH BOROUGH COUNCIL**

REPORT TO: PLANNING COMMITTEE

DATE: November 2020

**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**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
P/17350/003	<p>28, Shaggy Calf Lane, Slough, SL2 5HH</p> <p>Demolition of existing house and construction of 4no. new two bedroom houses</p> <p>Planning permission was refused 20<sup>th</sup> February 2020, as the proposals were considered to be out-of-character with the street scene.</p> <p>The planning inspector considered the appearance of the street was characterised by the grass verge and tree line frontage, with properties having car parking to the front. Matters of detail in terms of the smaller size and different roof scape were not factors that the Inspector considered were harmful in the street view.</p> <p>Also the addition of four new dwellings would be "significant in helping meet the housing land supply shortfall" given the Council has not met its target.</p>	<p>Appeal Granted</p> <p>30<sup>th</sup> September 2020</p>
P/13310/018	<p>Coln Industrial Estate, Unit 8, Bath Road, Colnbrook, Slough, SL3 0NJ</p> <p>Construction of a single storey side extension to existing building</p> <p>An appeal was made against non-validation within the appropriate time-frame as a result of validation dispute in terms of a discrepancy between the application form and the site and its ownership. This was resolved but as the appeal had been submitted, the LPA were unable to issue the decision. The LPA confirmed via the appeal that had it validated the application and gone on to determine, planning permission would have been granted which the inspector agreed with.</p>	<p>Appeal Granted</p> <p>1<sup>st</sup> October 2020</p>
P/02498/006	<p>32 Langley Road</p> <p>Lawful development certificate for a proposed rear outbuilding as use as a gym and hobby/garden room</p>	<p>Appeal Dismissed</p> <p>1<sup>st</sup> October 2020</p>

P/17754/004	<p>77, Grasmere Avenue, Slough, SL2 5JE</p> <p>Construction of a single storey side and rear extension and a part first floor rear extension.</p> <p>Planning permission was refused 22<sup>nd</sup> June 2020, as the development is considered to represent poor design by reason of the large, unbroken and excessive ground floor flank elevation which relates poorly with the neighbouring dwelling of No. 79 Grasmere Avenue. The 10cm recess does not provide sufficient breathing room to break up the façade and as such is harmful to the character and appearance of the immediate area.</p> <p>The planning inspector considered the proposed extension along the flank wall does not differ in height to the extant scheme and would not lead to a sense of enclosure to No 79. The inclusions of a recess would break up the built form of the proposal and would mean it would not appear as overly dominate or overbearing within this neighbouring property. As such, that the proposal would not harm the living conditions of neighbouring occupiers of No.79 Grasmere Avenue.</p>	<p>Appeal Granted</p> <p>2<sup>nd</sup> October 2020</p>
P/17882/003	<p>1, Dalton Green, Slough, SL3 7GA</p> <p>Construction of a single storey rear extension</p> <p>Planning permission was refused 6<sup>th</sup> April 2020, as the proposed single storey rear extension by reason of its size and scale would result in an unacceptable loss of outdoor amenity space available to the host dwelling, to the detriment of the local character and the amenity of future occupiers.</p> <p>The planning inspector considered the quality of the retained space and close proximity to other outdoor facilities means that the proposal otherwise meets the terms of the development plan when read as a whole. Therefore the retained outdoor amenity space is sufficient to maintain the living conditions of present and future occupiers.</p>	<p>Appeal Granted</p> <p>14<sup>th</sup> October 2020</p>
P/02879/007	<p>32 &amp; 34 Newton Close</p> <p>Construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages</p> <p>Planning permission was refused 9<sup>th</sup> December 2019, as the proposals were considered to be out-of-character with the street scene and harm the neighbours' amenities due to overshadowing and resulting poor outlook.</p> <p>The planning inspector considered the estate layout is not so pristine or architecturally notable that it cannot accommodate acceptable change. The new houses would not prove prominent, as they are deep in a gap between the existing properties. Also, the Inspector considered the impact of overshadowing, if at all, would not be harmful to the neighbours.</p>	<p>Appeal Granted</p> <p>16<sup>th</sup> October 2020</p>

P/08040/021	<p>4 - 10A Alexandra Road, Slough, SL1 2NQ</p> <p>Variation of Condition 6 (Approved Drawings) seeking amendments to the approved drawings comprising the relocation of vehicular access from Alexandra Road to the lower ground floor car park (under 4-10A Alexandra Road), adjustment to the angle of the external wall in the north western corner of the building and associated external works in connection with planning permission (As Amended by Ref: P/08040/004) dated 27th June 1995 for the erection of a supermarket and 9 no. retail shops with a guest house on the first and second floors containing ancillary facilities including 2 no. staff flats, 30 no. bedrooms and offices on the Chalvey Road West/Alexandra Road junction and erection of 10 no. residential units on the Alexandra Road frontage with car parking and servicing on the land at the rear of Alexandra Plaza.</p>	<p>Appeal Dismissed</p> <p>20<sup>th</sup> October 2020</p>
P/12604/002	<p>12-14, Lynwood Avenue, Slough, SL3 7BH</p> <p>Demolition of existing dwelling and construction of 4no. three bedroom dwellings and 2no. four bedroom dwellings with associated access, parking and amenity space</p>	<p>Appeal Dismissed</p> <p>27<sup>th</sup> October 2020</p>



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## Appeal Decision

Site visit made on 18 August 2020

by **J P Longmuir BA (Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> September 2020

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**Appeal Ref: APP/J0350/W/20/3248833**

**28 Shaggy Calf Lane, Slough SL2 5HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr T Macpherson against the decision of Slough Borough Council.
  - The application Ref P/17350/003, dated 15 May 2019, was refused by notice dated 20 February 2020.
  - The development proposed is 4 no two bed houses fronting Shaggy Calf Lane, following demolition of the existing property at 28 Shaggy Calf Lane.
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### Decision

1. The appeal is allowed and planning permission is granted for 4 no two bed houses fronting Shaggy Calf Lane, following demolition of the existing property at 28 Shaggy Calf Lane, Slough SL2 5HH in accordance with the terms of the application, Ref P/17350/003, dated 15 May 2019, and the plans submitted with it, subject to the conditions in the schedule of conditions at the end of this decision.

### Procedural Matters

2. The appellant's appeal statement explains that plans PT/1577/2 Rev A and PT/1577/3 Rev A were submitted as revised plans to the Council on September 2019. However, they were not listed in the informative of considered plans on the decision notice but have now been confirmed as those considered. These plans reduce the footprint of one pair of semi-detached dwellings by 1.2m and I have considered the appeal on this basis.

### Main issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The site is on the corner of Shaggy Calf Lane and Grasmere Avenue. The former is lined by trees and has a grassed open space opposite the site. The lane has a discernible building line whereby the houses are set back allowing parking on the frontage. There is also some consistency in the houses with gables in the eaves, plain tiled and hipped roofs and curved arched doorways. The Council suggest that the area has an arts and crafts influence. Grasmere



- Avenue appears to be more reflective of 1970s style housing and is more varied in house types and form.
5. The site has a single dwelling which is currently vacant and boarded up. The garden has been cleared. The appeal site together with land to the south along Grasmere Avenue was granted planning permission for redevelopment. Two of these houses, on Grasmere Avenue have been built, but a permitted single new house fronting Shaggy Calf Lane has not been built.
  6. The two new houses to the rear, off Grasmere Avenue, have closed off any outward view across the site and similarly the neighbouring dwelling to the east. Consequently, the proposal would not curtail any views.
  7. The proposed 4 houses would front Shaggy Calf Lane, in alignment with the neighbouring houses, thereby maintaining the building line. Car parking would also be on the frontage which is again characteristic of the area. Similarly, the proposed semi-detached dwellings would also be reflective of the area
  8. I observed on my site visit that there is a variety of the sizes of the gaps between the side of dwellings. Moreover, the lane is not overtly characterised by its residential frontage as the open space opposite the site draws the eye away from the buildings and the houses as are also set back so they are not particularly dominant.
  9. The appellant states that there would be a 2.7m gap between the pair of semi-detached buildings. There would be a similar gap to the neighbour to the east. These gaps are sufficiently spacious so that the proposal would not appear cramped. Furthermore, fully hipped roofs would be used which would help the perception of space.
  10. The dwellings would have a narrow frontage, emphasised by being limited to a door and window. Consequently, they would be perceived as small.
  11. The dwellings would have rear gardens commensurately sized with most modern new housing and there would also be adequate space to the front for car parking. These aspects would also indicate that the development is not cramped, and the proposed 4 houses could be accommodated on the site without harming the area.
  12. The proposed detailing of the dwellings would also be significant. Firstly, the fenestration of each semi is orientated towards the centre of the building, which helps break up its form. Secondly the proposal would give a symmetrical arrangement of the doors and windows which would make a simple harmonious appearance. Thirdly, the detailing would reflect the characteristics of the area; curved door arches, and window/wall ratio. The proposed hipped roof and eaves line dormers would also reflect the current building on the appeal site. The proposal would not therefore undermine the coherency of Shaggy Calf Lane.
  13. From Grasmere Avenue the proposal would be prominent. However, the new houses would complete the frontage which would otherwise appear discontinuous for no apparent reason. The proposal helps to provide a logical and discernible frontage.
  14. I therefore conclude that the proposal would not harm the character and appearance of the area. Policy 8 of the Slough Local Development Framework

Core Strategy supports proposals which are respectful to the area, The Local Plan for Slough Policy EN1 provides criteria for general design, whilst Policy H13 allows for small scale residential development which is sympathetic to the area. National Planning Policy Framework (the Framework) paragraphs 127 - 130 promote quality design in conjunction with The National Design Guide. The proposal would not be contrary to these policies.

#### *Other matters*

15. Third parties raise concerns about traffic, but the proposal would not significantly usage of the lane. The site would have good visibility and it would be possible to turn within the site boundary. Privacy is also raised but the dwellings would be within the building line and the new house to the south of Grasmere which backs on to the appeal site has a blank gable. Disturbance during construction has also been raised but the site would be big enough to accommodate building operations and hours of work and noise would be within other controls.

#### *Planning balance*

16. Both parties agree that the Council is not meeting its residential land supply requirements. The shortfall in land supply means that there is no presumption in favour of the Development Plan under section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 11 (d) of the Framework applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
17. The nature of the proposal would accord with the Framework, and the principle of the new housing here and the detailed proposal would not conflict with any Local Plan policy.
18. The 4 houses here would be significant to help ease the housing land supply shortfall. Indeed, the appeal site is an accessible location being close to everyday community facilities, public transport and employment opportunities. The proposal would bring social and economic benefits.

#### *Conditions*

19. The Council recommends conditions which are accepted by the appellant. The Framework at paragraph 55 and Planning Practice Guidance (PPG) provide the tests for conditions. The standard time and approved plans are helpful for clarity. Materials are important to the character of the area and therefore a condition is necessary. Parking and waste provision are important for the functioning of the development. Conditions to remove permitted development for alterations to houses and outbuildings are suggested. However, the proposed dwellings would be within a building line and would have reasonable garden space, which suggests that there should be scope within the parameters for reasonable alterations; the PPG also states that this is only warranted in exceptional circumstances.

**Conclusion**

20. I therefore conclude that the appeal should be allowed.

*John Longmuir*

INSPECTOR

-----Schedule of conditions-----

- 1) The development hereby permitted shall be commenced within three years of the date of this decision.
- 2) The development hereby permitted shall only be implemented in accordance with the following plans and drawings hereby approved: PT/1577/1 rev G, PT/1577/2 Rev A, PT/1577/3 Rev A, PT/1577/4, PT/1577/5.
- 3) Samples of the walling and roofing shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of any external walling. The walling and roofing shall be undertaken in accordance with the approved samples.
- 4) The waste/recycling and parking/turning facilities as shown on the approved plans shall all be provided prior to the occupation of the development and retained as such thereafter.



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## Appeal Decision

Site visit made on 8 September 2020

by **G Rollings BA (Hons) MAUD MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 1 October 2020

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**Appeal Ref: APP/J0350/W/20/3249338**

**Coln Industrial Estate, Unit 8, Bath Road, Colnbrook, Slough, SL3 0NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Raj Jagdev against Slough Borough Council.
  - The application Ref P/13310/018 is dated 5 November 2019.
  - The development proposed is extension of existing industrial unit.
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### Decision

1. The appeal is allowed and planning permission is granted for the extension of an existing industrial unit at Unit 8, Coln Industrial Estate, Bath Road, Colnbrook, Slough, SL3 0NJ in accordance with the terms of the application, Ref P/13310/018, dated 5 November 2019, subject to the conditions listed in the annex to this letter.

### Background and Main Issues

2. This appeal against the Council's failure to give notice of a decision has transpired due to a validation dispute between the main parties. The main issues are therefore whether or not the planning application should have been validated by the Council, and in the event that I find it should have been validated, whether there are any other considerations that would warrant refusal of planning permission and dismissal of the appeal.

### Reasons

3. A site plan was submitted with the application indicating highway land within the 'red line' showing the boundary of the area under consideration. Not all of the land within the red line on this initial plan was owned by the appellant, and the correct procedures to notify the necessary parties of the application had not been carried out by the applicant.
4. Although an amended site plan<sup>1</sup> was submitted during the consideration of the application, the Council did not validate the application. As an appeal has been made against non-validation within the appropriate time-frame, it falls to me to determine the appeal.
5. The Council has confirmed that all of the land within the red line of the amended site plan is within the control of the appellant. As there is no longer a

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<sup>1</sup> Both the original and amended site plans are undated and are identical, with the exception of the position of the red line.

discrepancy between the application form and the site and its ownership, I consider that the application should have been made valid. In arriving at this decision, I am of the opinion that the minor nature of the difference between the original and amended site plans has not resulted in any parties being prejudiced.

6. The Council has indicated that had it validated the application and gone on to determine, planning permission would have been granted. There are no matters in dispute between the main parties, and the Council's evidence indicates that there are no issues of concern. The Council's assessment of the proposal is appropriate, and I see no reason to disagree with any of its findings.
7. I therefore conclude that the appeal should have validated by the Council, and that there are any no considerations that would warrant refusal of planning permission and dismissal of the appeal, including any conflict with the development plan for the area.

### **Conditions**

8. I have assessed the Council's suggested conditions against the tests set out in the Planning Practice Guidance (PPG)<sup>2</sup>. Condition No. 2 is included for the absence of doubt, and Nos. 3 and 7 to ensure that the character and appearance of the area is not harmed. Condition No. 4 is applied to ensure that the land is used as intended and in the interests of highway safety, and Nos. 5 and 6 to ensure that the living conditions of nearby residents are protected.
9. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*G Rollings*

INSPECTOR

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<sup>2</sup> PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

## **ANNEX – LIST OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan received by the Council on 14/06/2020; Proposed Floor Plan, drawing no 04 Rev A received by the Council on 14/06/2019; Proposed Elevations, drawing no 06 received by the Council on 19/11/2019; Proposed Roof Plans, drawing no 05 received by the Council on 19/11/2019.
- 3) All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building at the date of this permission.
- 4) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
- 5) No service delivery vehicles may arrive, depart, be loaded or unloaded nor fork lift trucks operate within the site outside of the hours of 06:00 and 23:00 daily; and not more than four service delivery vehicles may arrive or depart from the site during any hour period between the hours of 18:00 and 23:00.
- 6) The construction of the extension shall be such that must provide adequate sound insulation to ensure that the noise generated inside the units by the operation of the plant machinery, etc. shall not include the background noise levels during day time expresses as LA90 [1 hour] (day time 07:00-2300 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00) at any adjoining noise sensitive locations or premises in separate occupation above the prevailing when the machinery is not operating. Noise measures for the purpose of this condition shall be pursuant to BS 4142:2014+A1:2019.
- 7) Details of the building foundations, which will be designed to avoid negative impact upon the roots of retained trees, shall be submitted to and approved in writing by the Local Planning Authority before the beginning of any building works. The foundations shall only be constructed in accordance with the approved details.



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## Appeal Decision

Site visit made on 2 September 2020

**by AJ Steen BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 October 2020**

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**Appeal Ref: APP/J0350/X/20/3249567**

**32 Langley Road, Slough SL3 7AD**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Dean Jalaf against the decision of Slough Borough Council.
  - The application Ref P/02498/006, dated 12 November 2019, was refused by notice dated 9 January 2020.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is an outbuilding with a flat roof to form a home gym room with a garden furniture store/workshop room and a WC.
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### Decision

1. The appeal is dismissed.

### Background and Main Issue

2. The appellant suggests that the proposed outbuilding would be lawful by reason of the planning permission granted under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This enables the construction of buildings etc. incidental to the enjoyment of a dwellinghouse. I understand that the Council do not dispute that the building would fall within the size criteria of the GPDO, including in relation to its distance from the property boundaries. I see no reason to disagree with their conclusions in this regard. Nevertheless, the Council suggest that, due to the size and proposed use of the building, it would not be incidental to the dwellinghouse as required by the GPDO.
3. Therefore, the main issue in this appeal is whether the Council's decision to refuse to grant an LDC was well-founded, taking account of the use of the outbuilding.

### Reasons

4. Where an LDC is sought the burden of proving relevant facts rests with the appellant and the test of the evidence is on the balance of probability. The evidence to support the application should be precise and unambiguous.
5. The dwelling at 32 Langley Road is a large detached dwelling with an extension to the rear. It has a long rear garden that contains an existing outbuilding used as a garage or store and modest covered area to the rear that is shown as a

BBQ area on the plans. The proposal is for an outbuilding with three rooms including WC. The largest of the rooms is proposed to be used as a gym, with storage and hobby workshop in the adjacent room. Access to the building would be through bifold doors into the gym, with the other room and WC accessed from it.

6. The appellant has submitted details of the equipment intended to be installed in the gym. There is a significant amount of equipment and some of it is of substantial size, but the information submitted suggests the size of this room is not excessive for the purposes proposed. I note that a previous proposal indicated a smaller gym and the reason for the change in size is not clear.
7. The application form and plans suggest that the second room would be used for storage of garden furniture and a hobby workshop. However, in the appeal the appellant has listed a number of other items, such as dry food, to be stored in the second room. In addition, it would be used as a hobby room with space for a table and chairs and play space. Consequently, there is some inconsistency as to what would be stored in the room. As access is through the gym, storage of garden furniture may be impractical.
8. It is not unreasonable to provide WC facilities for users of the gym or hobby workshop, although this room is also quite large for this purpose. I note that the Council suggest that the building would be of a size to comply with the Nationally Described Space Standard for a 1 bedroom 2 person dwelling.
9. Taking account of all of this information, I consider the evidence is not precise and unambiguous. As such, it indicates that the building is more than can be considered as incidental to the dwelling.
10. Taking account of the existing garage or store building and the covered BBQ area, the proposals would result in outbuildings of considerable size in comparison to the main dwelling. As a result, on balance I consider that visually they would not appear ancillary or subordinate to the dwellinghouse. I conclude that, on the balance of probability, the use of the building would not be incidental to the dwellinghouse.
11. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed outbuilding with a flat roof to form a home gym room with a garden furniture store/workshop room and a WC was well-founded and that the appeal should fail. I will exercise the powers transferred to me under section 195(3) of the 1990 Act as amended.

*AJ Steen*

INSPECTOR





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## Appeal Decision

Site visit made on 17 September 2020

by **S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2020

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**Appeal Ref: APP/J0350/D/20/3256850**

**77 Grasmere Avenue, Slough SL2 5JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Aftab Ali against the decision of Slough Borough Council.
  - The application Ref P/17754/004, dated 28 April 2020, was refused by notice dated 26 June 2020.
  - The development proposed is proposed single storey side and rear extension and part first floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extension and part first floor rear extension at 77 Grasmere Avenue, Slough SL2 5JE in accordance with the terms of the application, Ref P/17754/004, dated 28 April 2020, subject to the conditions in the appended schedule.

### Main Issues

2. The main issues are the effect of the proposal on the:
  - character and appearance of the area;
  - living conditions of the neighbouring occupiers of No.79 Grasmere Avenue, having particular regard to outlook.

### Reasons

#### *Character and appearance*

3. The appeal site comprises a semi-detached dwelling located on Grasmere Avenue. The appeal site benefits from a detached garage located at the rear of the site. The appeal proposal is for the construction of a single storey side extension and rear extension, which would extend beyond the length of the house, and replace the existing garage at the rear of the property. A first floor rear extension is also proposed which would provide an additional bedroom.
4. The site benefits from an extant planning consent<sup>1</sup> which is largely identical to the appeal proposal. The extant proposal required a recess to be included on the flank wall of the side extension, which was of a depth of 1.4 metres. The appeal proposal differs from the extant permission as it seeks to replace this

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<sup>1</sup> Reference P/17754/001 dated 15 August 2019

- 1.4 metre deep recess with a much smaller recess measuring approximately 10cm in depth.
5. The Council have confirmed that all elements of the scheme are acceptable in terms of character and appearance, aside from the proposed recess. Based on the evidence before me and observations made on site, I have no reason to disagree.
  6. Turning to the proposed recess, given the proposal extends the full length of the appeal site, it would appear as a solid unbroken elevation along the length of the boundary with the neighbouring dwelling of No.79 Grasmere Avenue. The recess therefore forms an important design element to break up the flank wall of the scheme. However, whilst the proposed recess is much smaller than the extant scheme, I am of the view that it would still achieve the same aim in as much as it provides a visual break within this flank wall of the proposal.
  7. Furthermore, based on the small separation distance between the two properties, the recess would not be readily visible from the public realm. Consequently, I am satisfied that would not harm the character and appearance of the area.
  8. Accordingly, I find that the proposal would not harm the character and appearance of the area. There is no conflict with policy CP8 of the Slough Core Strategy 2006-2026 (CS), and policies EN1, EN2 and H15 of the Local Plan for Slough 2004 (LP). Together these policies seek, amongst other things, that extensions are of a high quality design that are in keeping with both the existing property and the character of the surrounding area.
  9. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal would accord with section 12, which seeks amongst other things, that development is of a good design that is sympathetic to the surrounding built environment. There is no conflict with the Slough Residential Extensions Guidelines Supplementary Planning Document 2010 (SPD) which seeks, amongst other things, that extensions are of a high quality design.

*Living conditions*

10. The Council have raised concerns that the proposal with its depth and height would create a sense of enclosure and be overbearing to the occupiers of the neighbouring property at No.79. I do not find this to be the case. The proposed elevation along the flank wall is a single storey, and does not differ in height to the extant scheme. In any event, the proposal is only single storey in height, and would in my view not lead to a sense of enclosure within this property. The inclusions of a recess would break up the built form of the proposal and would mean it would not appear as overly dominate or overbearing within this neighbouring property.
11. Accordingly, I find that the proposal would not harm the living conditions of neighbouring occupiers of No.79 Grasmere Avenue. There is no conflict with policy CP8 of the CS, and policies EN1, EN2 and H15 of the LP. Together these policies seek, amongst other things, that development is of a high quality design that does not cause a substantial loss of amenity.
12. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal

would accord with section 12, which seeks amongst other things, that development is of a good design that achieves a high standard of amenity for existing and future users. There is no conflict with the Slough Residential Extensions Guidelines Supplementary Planning Document 2010 (SPD) which seeks, amongst other things, that extensions do not adversely impact the amenity of neighbouring residents.

### **Conditions**

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. A condition relating to materials is necessary to safeguard the character and appearance of the area. I have imposed a condition requiring the window of the WC to be obscured glass, this is to ensure adequate privacy for occupiers. It has been necessary to impose a condition restricting the formation of any new additional windows in the flank elevation. This is to ensure adequate privacy of neighbouring occupiers is maintained.

### **Conclusion**

14. For the reasons set out above, I conclude that the appeal should be allowed.

*S Shapland*

INSPECTOR

**SCHEDULE OF CONDITIONS – APP/J0350/D/20/3256850**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan Area 2 HA Scale 1:1250, 1916C/pl/01 Existing Drawings dated 27/04/2020, 1916C/pl/02 Existing Drawings dated 27/04/2020, 1916/pl/03 Proposed Plans dated 27/04/2020, 1916C/pl/04 Proposed Elevations dated 27/04/2020
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building
- 4) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no window(s), other than those hereby approved, shall be formed in the flank elevations of the development.
- 5) The flank window serving the WC at first floor level of the development hereby approved shall be glazed with obscured glass and shall only be top vent openable at a height not less than 1.7m above finished floor level. The window shall not thereafter be altered in any way.



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## Appeal Decision

Site visit made on 29 September 2020

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

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**Appeal Ref: APP/J0350/D/20/3254579**

**1 Dalton Green, Slough, SL3 7GA.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Soni against the decision of Slough Borough Council.
  - The application Ref. P/17882/003, dated 11 February 2020, was refused by notice dated 6 April 2020.
  - The development proposed is the construction of a single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension at 1 Dalton Green, Slough, SL3 7GA, in accordance with the terms of the application, Ref. P/17882/003, dated 11 February 2020 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The external walls of the extension approved shall match those of the existing house.
  - 3) The development hereby permitted shall be carried out in accordance with the approved plan- drawings PA1-196701; 02; 03; and 04.

### Main Issues

2. The main issues are the effect of the proposed addition on the character of the area and on the living conditions of future occupiers of the property.

### Reasons

#### *Background*

3. The appeal site comprises a two storey end-of-terrace house which is situated in a residential area of mainly similar properties. Following the Council's refusal of a 4m long extension, the appellant proposes a 3m single storey rear lean-to extension. This would normally be 'permitted development' (PD) under the GPDO<sup>1</sup> but a condition imposed on the original planning permission for the housing estate removes this provision. The submitted plans indicate that the existing rear garden is 8m long.

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

*Effect on character*

4. The Council is satisfied that the design of the extension will not visually harm the character or appearance of the area; its concern is over the effect of the residual area of garden. The garden is enclosed by a high fence on the three external boundaries of the site and little of the garden area is seen in the public realm. The proposal would also be seen against the presence of an extension of a similar length at the adjoining property although the Council says this is not permitted. In visual and physical terms, the reduced area of garden would not harm the character of the area and there would be no conflict with parts (a), (b), (c), or (d) of Policy H15, or Policy CP8 in terms of securing sustainable development

*Effect on living conditions*

5. The proposed extension would occupy about a third of the existing rear garden and so the 5m depth retained would be deficient compared to the local guidance of 9m set out in the Council's Residential Extensions Guidance SPD. However, this SPD was adopted in 2010 and predates the government's amendments to the GPDO in 2015, which generally sought to increase the scope of PD, and this limits the weight that can be given to it.
6. Local Plan Policy H14 deals with an appropriate level of amenity space for dwellings and criterion (d) indicates that account can be taken of the proximity of existing public open space and play facilities. There is an extensive public park and children play area around Tracy Avenue very close to the appeal site. While such a park and playground will not have the same function as a private garden, the majority of the existing garden space will remain and it can continue to meet the qualitative criteria set out in part (b) of this policy. Overall, I find that the proposal does not conflict with the requirements of the policy when it is read as a whole.

*Planning balance*

7. Although the proposed rear extension would occupy more of the existing garden/outdoor amenity space than indicated by the SPD, in this case the quality of the retained space and close proximity to other outdoor facilities means that the proposal otherwise meets the terms of the development plan when read as a whole. The proposal strikes a reasonable balance between the needs of the appellant to extend his property while retaining sufficient outdoor amenity space to maintain the living conditions of present and future occupiers. This overall accord with the development plan is not outweighed by any other consideration.
8. The Council recommend imposing standard conditions on the commencement of development, external materials, and accord with the approved plans. These are reasonable and necessary and I will impose them with minor variation to reflect the site.

**Conclusion**

9. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR



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# Appeal Decision

Site visit made on 30 September 2020

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 October 2020**

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**Appeal Ref: APP/J0350/W/20/3249519**

**32 & 34 Newton Close, Slough, Berkshire, SL3 8DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr N Dillon of Dillon Homes Ltd against the decision of Slough Borough Council.
  - The application Ref P/02879/007, dated 14 October 2019, was refused by notice dated 9 December 2019.
  - The development proposed is the construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages on land at 32 & 34 Newton Close, Slough, Berkshire, SL3 8DD in accordance with the terms of the application Ref P/02879/007, dated 14 October 2019, subject to the conditions set out in the attached Schedule.

## Preliminary matter

2. Both principal parties refer to the lengthy planning history of the site, including a proposal dismissed on appeal<sup>1</sup>. However, the history, whilst material, is not decisive in my considerations, and the appeal shall be determined on its merits having regard to the development plan and other material considerations.

## Main Issues

3. The main issues are the effect of the proposal on the character and appearance of its surroundings, and on the living conditions of neighbouring residents.

## Reasons

### *Character and appearance*

4. The appeal site is comprised of parts of the combined rear gardens of Nos 32 & 34 Newton Close, and their respective garages. These dwellings sit in the corner of a small estate, which is contained within an L-shaped cul-de-sac. The predominant form of development is semi-detached housing of a fairly standard

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<sup>1</sup> Ref: APP/J0350/W/16/3150400

design typical of the mid to latter part of the last century. The estate layout is relatively standard for its time, although the entrance to the development is marked by landscaping on either side of the estate road which softens the formality of the layout.

5. Unlike the previous proposal refused on appeal, which was bungalow in form, the current proposal is comprised of a pair of semi-detached dwellings. Their siting would be a continuation of the semi-detached development on the northern frontage of the estate's entrance road. The pair would be set back slightly from No 32, but this is not considered objectionable since the existing frontage displays a staggered building line. The pair, however, would be set at right angles to No 34, so that the front elevation would look directly towards No 34's flank elevation, but at a sufficient distance to allow acceptable levels of outlook from the proposed dwellings. The existing garages would be demolished, and replacement garages provided alongside each of the existing dwellings; additional uncovered car spaces would also be provided.
6. The appeal site is large enough to comfortably accommodate the two dwellings and associated car parking. The Council also acknowledges that, having regard to its adopted standards, sufficient space would be provided for external amenity space for future residents of the proposed dwellings, and those of the existing dwellings.
7. The appellant has sought to replicate the predominant form of local development. The pair would not prove prominent in the local scene, being confined to a position relatively deep within the gap between houses. Thus the existing houses would screen the pair from view from many points within the estate. Moreover, the landscaping already referred to on the approach to the site, which includes mature trees, would provide a significant degree of screening from this direction. The removal of the garages, which appear rundown and unsightly, would be a benefit of the scheme. That which could be seen of the development, at relatively close quarters, would not prove objectionable. I consider that it would be perceived, in time, as a matching and appropriate continuation of the built form on the estate's northern frontage.
8. I note the previous Inspector's comments as to what he considered to be the harmful effect of the development proposed then on local character. However, in my view, the estate layout is not so pristine or architecturally notable that it could not accommodate acceptable change, in the context of Local Plan policy H13 criterion (e) of The Local Plan for Slough (LP), a policy directed to Backland/Infill development.
9. I conclude that the development proposed would sit acceptably in its visual and spatial context, without harming the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of Core Policies 8 & 9 of the Slough Local Development Framework: Core Strategy 2006-2026 Development Plan Document and LP policies EN1 & H13 which, in combination, require new development to be of a high quality of design respecting its location and surroundings, in keeping with and compatible with their surroundings having regard to the detailed criteria of LP policy EN1.



*Living conditions*

10. The Council's concerns are centred on the contention that the residents of Nos. 48-52 Munster Way would suffer harmful overshadowing and poor outlook were the proposed development built. These dwellings form part of a terrace sited to the west of the appeal site, and outside the estate. There appears to be a disagreement between the parties as to the degree of separation between the existing and proposed properties in empirical terms. In essence the dwellings in Munster Way have relatively short rear gardens, but these are separated from the appeal site by a lane. Having regard to the submitted plans and the visual evidence of my site visit, I consider that most of the flank wall of the pair would be further from the western boundary of the site than claimed by the Council.
11. The Council does not suggest that the rear windows of the properties in Munster Way would suffer overshadowing. Its concern relates to the alleged overshadowing of their rear gardens '*at different times of the day*'. The dwellings would be sited to the east of the gardens. By mid-day or sooner, such would be the orientation of the sun that overshadowing of the gardens could not occur. The degree of overshadowing, if it occurred, would not be sufficient, to my mind, as to prove harmful, particularly since the gardens would be unaffected by overshadowing from the proposed development at a time when they are likely to be most used. As to visual impact or outlook, I consider that the degree of separation between the houses in Munster Way and the proposed dwellings to be sufficient as not to harmfully impair on the existing levels of outlook.
12. Although not decisive in my considerations, I note that not a single resident of Nos 48-52 Munster Way objected to the proposal, despite being notified of it. The only objection to the scheme by a local resident came from 67 Talbot Avenue, but that was not upheld by the Council, for the reasons set out in the officer report, with which I concur.
13. I therefore conclude that the proposed development would not harm the living conditions of the residents of Nos 48-52 Munster Way and therefore no conflict arises with the provisions of LP policy H13 directed to protect neighbouring residential amenity.

**Conditions**

14. The Council has suggested the imposition of several conditions, all of which shall be imposed subject to some changes in wording. In the interests of certainty a condition identifying the approved plans is imposed. In the interests of visual amenity a condition in respect of proposed external materials is imposed.
15. Conditions will be imposed in the interests of highway safety to ensure that the parking arrangements are in place before the dwellings are used and retained thereafter. Although the Council's draft conditions suggest otherwise, I cannot see any indication that details of refuse/recycling facilities have been shown on the submitted plans. I shall therefore impose a condition on this aspect in the interests of amenity.

16. I agree with the Council that a condition removing certain permitted development rights is clearly justified so as to protect neighbouring privacy in the future. Finally, I consider another condition, over and above those suggested by the Council, relating to drainage to be necessary, in the interests of sustainable development.

### **Conclusions**

17. All other matters raised in the representations have been taken into account, including the references to the *National Planning Policy Framework*. No other matter raised is of sufficient strength or significance as to outweigh the considerations that led me to my conclusions on each of the main issues. Accordingly, for the reasons set out above, the appeal is allowed.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: The Location Plan & Drawing Nos. 4830/2/2/A and 4831/2/1/B.
3. No above ground development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The garages, parking spaces and turning areas shown on the approved plans shall be provided prior to occupation of the development and retained at all times thereafter for the parking and manoeuvring of motor vehicles.
5. Prior to the occupation of the dwellings hereby permitted details of refuse and recycling facilities shall be submitted to the Council for its written approval. The facilities shall be provided in accordance with the approved details prior to the occupation of the dwellings and shall be retained thereafter.
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), no additional windows shall be inserted in the flank elevations or roof slopes of the dwellings hereby permitted.
7. The development hereby permitted shall not commence (excluding any site clearance, demolition or ground investigation works) until details of the design of a sustainable surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.



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## Appeal Decision

Site visit made on 12 October 2020

**by Andrew Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2020**

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### **Appeal Ref: APP/J0350/W/19/3243603**

#### **4-10A Alexandra Road, Slough SL1 2NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by AA & Sons Ltd against Slough Borough Council.
  - The application Ref P/08040/021 is dated 30 April 2019.
  - The application sought planning permission for the consolidation of planning application P/08040/001, and DOE appeal decision ref no T/APP/V0320/A/92/204598/P7, dated 22 October 1992, with minor adjustments to internal alterations, changes to fenestration and infill adjustment to south elevation, together with the relaxation of condition 12 of planning permission P/08040/001 without complying with a condition attached to planning permission Ref P/08040/004, dated 27 June 1995.
  - The condition in dispute is No 6 which states that: the development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority.
    - a) Drawing No 2083/33A Dated May 1995
    - b) Drawing No 2083/34A Dated May 1995
    - c) Drawing No 2083/35A Dated May 1995
    - d) Drawing No 2083/36A Dated May 1995
    - e) Drawing No 2083/37 Dated May 1995
    - f) Drawing No 2083/30 Dated May 1995
    - g) Drawing No 2083/31 Dated May 1995
    - h) Drawing No 2083/32A Dated May 1995
    - i) Drawing No 0961/10 Rev B – relating to car parking
    - j) Drawing No 0961/11 Rev B – relating to car parking
    - k) Drawing No 0961/24 Rev D – relating to car parking
  - The reason given for the condition is: to ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area.
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### **Decision**

1. The appeal is dismissed and planning permission is refused.

### **Application for costs**

2. An application for costs was made by AA & Sons Ltd against Slough Borough Council. This application is the subject of a separate Decision.

### **Procedural Matters and Main Issue**

3. The application seeks to vary the design of a terrace of flats, by amending an approved plans condition imposed on a planning permission approved in 1995. Other parts of that permission, which included the erection of a substantial commercial building, were carried out. The appellant is of the view that the remaining part of the permission can now be implemented. The variation to the design of the flats would not change the number of units or the appearance of the terrace from the road. It would modify the north end of the terrace by cutting back the side wall to align with the existing access road, thereby reducing the floor area of two of the flats and associated external space. The access would be moved to an underground parking area to the rear of the terrace rather than the side.
4. The appellant suggests that this matter could have been dealt with as a non-material amendment under section 96A of the Town and Country Planning Act 1990. However, changing the form of the building by substantially re-aligning an external wall, associated changes to areas of garden and a new location for the car park access are matters that are beyond the scope of a non-material amendment.
5. The Council is of the view that the flats were not included within application P/08040/004 (004) and therefore the proposal cannot proceed on this basis. Accordingly, whether the proposed variation to the condition is reasonable is the main issue of the appeal.

### **Reasons**

6. Application P/08040/001 (001) granted permission for the development of a supermarket, retail units with two storeys of accommodation over and the erection of 10 residential units fronting Alexandra Road (AR) arranged as a terrace.
7. Planning permission 004 sought to consolidate a number of earlier decisions and some further modifications into one permission. The description of the development includes a clear reference to permission 001.
8. The site plan for permission 004 is only before me in black and white. The plan shows two separate outlined areas, with a double line where the two areas meet. The larger area is now occupied by the commercial building and the carpark. The smaller area covers the terrace of existing dwellings and includes 2-12 (even) AR. The smaller area is the area that would be occupied by the 10 flats. It is difficult to see what reasonable explanation there would be for marking two separate areas other than an intention to show the site area, which would have been outlined in red, and a separate area of land also owned by the applicant, which would have been outlined in blue. Given the substantial emphasis in the 004 application on the commercial side of the scheme, the suggestion that the smaller area was marked in blue to identify adjoining land in the applicant's ownership which did not form part of the 004 permission is logical. This accords with the address on the decision notice which refers only to land rear of Nos. 2-12 AR. This differs from the 001 permission which included Nos. 2-10 AR in the address.
9. This view is further confirmed by the fact that this smaller area shown on the site plan of the 004 permission included an additional property to the 001

permission, namely No. 12 AR. Either this was a drawing error, or this property was included in the blue line area as further adjoining land within the applicant's ownership.

10. Article 7.1 (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that a plan which identifies the land to which the application relates is not required for a section 73 application. However, a site plan, drawing No. P/01 Rev A was submitted with the application. This plan does not include No. 12 AR. Even if I took the view that the two outlined areas on the 004 site plan represented the red line area, the difference between the areas covered by the 004 plan and the red line area shown on drawing No. P/01 Rev A are significant. With reference to the Planning Practice Guidance<sup>1</sup> (PPG), the difference of site areas casts further doubt over whether a new permission would be the same development as previously permitted.
11. There are a number of additional significant factors that support the view that the 004 permission did not include the previous permission for the 10 flats. The applicant stated that the existing use of the land/building was commercial under question 11 of the application form submitted with the 004 permission. Furthermore, the applicant did not declare any new residential development under question 20, yet this would not appear to be an oversight as under the following question it was stated that the proposal did involve non-residential building or uses. If the 004 application had included the 001 approval in its entirety the answers to questions 11 and 20 would have been different.
12. Drawings approved by the 004 permission show the 10 flats in outline form only. Where elevation drawings are included they are referred to as approved. As the applicant and agent for both applications was the same it would have been easy to include these details to give the proposal context. It does not however follow that the inclusion of details of the 10 flats, which in some areas appear to be of an indicative nature, should mean that they formed part and parcel of the 004 proposal.
13. Additionally, condition 14 of permission 001, which related solely to the 10 flats, was not imposed on the 004 permission. Correspondence between the parties refers only to commercial development of the site. This includes the report for the 004 application prepared for the planning committee, which only refers to land to the rear of Nos. 2-12 AR and, despite its length and level of detail, makes no mention of the 10 flats.
14. I note that No. 2 AR was demolished and part of No. 4 AR altered to facilitate the development of the adjacent commercial building and in particular access to the parking area. There would appear to be some cross over of the two site areas and it does not look as though it would have been possible to erect the commercial building with its carpark and access without alterations to these dwellings. However, this fact alone does not mean that the demolition of these dwellings and replacement with the block of 10 flats was included within the 004 permission. Additionally, matters relating to whether the 001 permission was lawfully implemented are largely irrelevant, as my consideration of this appeal relates to the 004 permission.

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Paragraph: 015 Reference ID: 17a-015-20140306

15. A legal agreement associated with the 001 permission was referred to in an informative set out on the decision notice for the 004 permission. However, I give this little weight as the Planning Practice Guidance<sup>2</sup> advises that informative notes do not carry any legal weight and the legal agreement clearly relates to the earlier permission.
16. I accept that if I was to have regard to the natural and ordinary meaning<sup>3</sup> of the description of the 004 permission in isolation it would appear that it included the 001 permission in its entirety. However, in light of the substantive evidence to the contrary, which is based on an examination of other documents that are directly related to the application, I find that I cannot agree that permission 001 was included in its entirety within permission 004. It is therefore not now possible to grant a new planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted in the manner proposed, as the subject plans relate to an area of land that was outside the scope of the previous permission.

### **Other Matters**

17. The appellant refers to the Council's 5 year housing land supply position. However, this is an irrelevant matter in a section 73 appeal where an additional number of residential units is not proposed.

### **Conclusion**

18. For the reasons above the appeal should be dismissed, and planning permission refused.

*Andrew Tucker*

INSPECTOR

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<sup>2</sup> Paragraph: 026 Reference ID: 21a-026-20140306

<sup>3</sup> Trump International Golf Club Limited and another v The Scottish Ministers (Scotland) [2015] UKSC 74



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## Appeal Decision

Site visit made on 17 September 2020

by **S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

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**Appeal Ref: APP/J0350/W/20/3246233**

**Land at 12 - 14 Lynwood Avenue, Slough SL3 7BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Matt Taylor (Churchgate Premier Homes) against the decision of Slough Borough Council.
  - The application Ref P/12604/002, dated 30 July 2019, was refused by notice dated 27 January 2020.
  - The development proposed is demolition of the existing dwelling and construction of 4no. three bed dwellings and 2no. four bed dwellings with associated access, parking and amenity space.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The description in the banner heading is taken from the Council's decision notice, and is the same description used by the appellant on the appeal form. I have considered the appeal on this basis.

### Main Issues

3. The main issues are the:
  - effect of the proposal on the character and appearance of the area;
  - effect of the proposal on the living conditions of neighbouring occupiers, having particular regard to outlook and noise.

### Reasons

#### *Character and appearance*

4. The appeal site comprises No.12 and No.14 Lynwood Avenue, which are large detached properties on the eastern side of the road. Both properties benefit from sizeable rear gardens which extend a considerable distance from their respective dwellings. By virtue of its positioning on the bend of the highway, the garden of No.14 splays away from the house which means the rear garden is wider than that of the surrounding properties.
5. Lynwood Avenue is characterised by large detached and semi detached properties set in large plots. It is evident that dwellings in the vicinity of the appeal site all benefit from very long rear gardens stretching away from their

respective dwellings. Development is of a linear fashion, with houses that are set back from the highway with front gardens. The street itself appears as a tree lined avenue, and the presence of grass verges and trees on the edge of the road gives this area of Slough a pleasing verdant appearance. It was apparent from my site visit that whilst individual houses may have individual design features, the street has a uniform appearance which gives it a well established character.

6. The appeal proposal is for the demolition of No.14, and the erection of 6 dwellings. Plot 1 would be located adjacent to Lynwood Avenue in the space created by the demolition of No.14; with the remaining 5 dwellings being built within the rear garden areas. A new access road would be provided between No.12 and Plot 1, with a new simple priority junction with Lynwood Avenue being created.
7. Policy H13 of the Slough Local Plan 2004 (LP) pertains to backland and infill development. It states that proposal for small scale infilling, including backland development will not be permitted unless they comply with several criterion. This includes requiring that the proposal is of a type, design, scale and density of dwellings that are in keeping with the existing residential area.
8. This area of Lynwood Avenue is characterised with properties set in large plots, with long spacious rear gardens. The introduction of 5 new dwellings, with associated hardstanding in this location would introduce considerable built form within two spacious undeveloped residential gardens. The proposal would result in the loss of this verdant space, and would add a significant degree of urbanisation within these gardens. Furthermore, the formation of a new cul-de-sac behind the dwellings on Lynwood Avenue would introduce a form of development which would not be sympathetic to the established linear pattern of development in this area.
9. The large amount of hardstanding required to serve the proposed dwellings, would in this location appear as a significant urbanising effect within these open rear gardens. This would not respect their existing character. Furthermore, the introduction of a new access road to serve the development would also introduce a new feature which is uncommon within this street scene. This would appear as an incongruous addition to the existing tree lined avenue character of Lynwood Avenue.
10. The appellant contends that the development would not be readily visible from the public realm, which would reduce the harm to the character and appearance. I do not find this to be the case. The introduction of a new access would be highly prominent within the street scene, and the new dwellings would be clearly visible from Lynwood Avenue along this road. Furthermore, the proposal would be highly visible to a number of existing dwellings along Lynwood Avenue, including No.12, as well as the neighbouring properties of No.10 and No.16.
11. Whilst I note the appellant's comments that in the wider area there is a variety of residential types and densities, the character of Lynwood Avenue is well established and distinctive. The introduction of new dwellings in this location would appear as an incongruous addition to the rear garden area, as they do not reflect the pattern of development nor the spacious undeveloped nature of these gardens.



12. The appellant has drawn my attention to several backland development sites within the local area, which I visited during my site visit. This includes sites at Whitehouse Way, Mina Way, Sophie Gardens and Hawtrey Close. I note the comments made by the appellant that these sites demonstrate examples of backland development that has integrated well with the character and appearance of their respective area.
13. I have not been provided with the full details of those schemes, so cannot be certain of the circumstances which led to them being found acceptable by the Council. In any case, I do not consider that the examples given by the appellant are directly comparable to the appeal site.
14. With the exception of the site at Whitehouse Way, the examples provided by the appellant are of a much smaller scale than the appeal proposal. Whilst the development at Whitehouse Way is in close proximity to the appeal site, I do not consider that the characteristics are comparable. The development is served from Langley Road, which is a much busier road than Lynwood Avenue, as such the provision of a new access road is much more in keeping with the street scene.
15. The evidence submitted by the appellant indicates that the rear gardens surrounding that location are of a more moderate size than the appeal site, and therefore it appears as a much more densely built up area. This is not directly comparable to the long narrow largely uniform gardens apparent at the appeal site. In any event, every application and appeal must be determined on its own planning merits, which is what I have done in this case.
16. I note the appellant's assertion that paragraph 123 of the National Planning Policy Framework (the Framework) encourages an increase of housing density when a Council is unable to meet its required housing land supply. Furthermore, the Framework seeks to make more effective use of land in sustainable locations. However, this is caveated that any increase in density should not take place if there are strong reasons why this would be inappropriate. In this instance I find that the proposal would introduce significant built form into these open verdant gardens which would significantly harm the character and appearance of the area.
17. Accordingly, I find that the proposal would harm the character and appearance of the area. There is conflict with policies CP1, CP4, CP8 of the Slough Core Strategy 2006-2026 (CS), policies EN1 and H13 of the LP. Together these policies seek, amongst other things, that development is of a high quality design that respects the character and identity of an area. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal would fail to accord with section 12, which seeks amongst other things, that development is of a good design that is sympathetic to the surrounding built environment.

#### *Living conditions*

18. The appeal proposal would position new dwellings along the boundaries of the neighbouring properties gardens on Lynwood Avenue. Most notable are plot 6 which would be in close proximity to the garden for No.16, and plot 2 would be adjacent to No.10. There would be minimal separation distance between the flank walls of these properties and the rear garden space.

19. Whilst I appreciate that the proposed dwellings are situated a fair distance from the neighbouring properties, the small separation distance from the boundary of the gardens and proposed scale and mass of the dwellings means they would appear as dominant and overbearing from within these gardens. This would introduce built form in close proximity to existing gardens which currently benefit from a pleasing open aspects which would harm the outlook.
20. I note the garden of No.16 currently has an outbuilding situated at the rear, and the appellant's contention that the presence of this building lessens the impact on the garden of this property. I do not find this to be the case. The flank of the dwelling in plot 6 would extend beyond the front of this outbuilding by a considerable distance. I find that this would be of a sufficient degree that the proposal would create a sense of enclosure within this rear garden which would harm the outlook enjoyed by occupiers.
21. The new access to serve the proposal would be positioned in close proximity to both No. 12 and No.14 with minimal separation distance from the edge of the road and the flanks of these properties. This would be the only access to the 5 dwellings, and would therefore be used by both pedestrians and vehicles.
22. Given the close proximity of this new access, I find it highly likely that arrival and departure of both vehicles and pedestrians along this access would create considerable noise and disturbance to the occupiers of No.12 and No.14. The evidence provided by the appellant's transport consultants<sup>1</sup> indicate the site would generate in the region of 30 new vehicular trips a day. This is a figure which would, in my view, create a noticeable increase in disturbance for these occupiers.
23. Given the width of the proposed access, cars entering and leaving the site would pass extremely close to No.12. Furthermore, the proposed turning head and two car parking spaces would be located at the bottom of the new reduced garden for No.12 which means the plot would be surrounded on three sides by areas accessible by vehicles. This would introduce a new source of noise in close proximity to this dwelling, which would in my view harm the living conditions of these occupiers.
24. Whilst the Council have raised concerns that vehicles on this access road would harm the living conditions of No.16; I consider that this property is far enough away from the access and turning head that there would not be any harm to the living conditions of these occupiers in respect of noise.
25. The Council have raised concerns that the location of the gardens of plots 2,3,4, 5 and 6 would lead to an intensification of residential use in close proximity to the neighbouring properties on Blandford Road South. It has been put to me that this increase in residential use and associated activity within the gardens would lead to an increase in noise and disturbance. I do not find this to be the case. The gardens for the properties on Blandford Road South are currently adjacent to the existing gardens for No.12 and No.14, and as such it is reasonable to assume that there is currently a degree of disturbance caused from these gardens. This is to be expected within a residential garden, and I do not find that the proposal would lead to any increased harm in this respect.

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<sup>1</sup> Highway Planning Ltd letter reference 19.107.01 dated 18 October 2019

26. I have found that the proposal would not harm the living conditions of occupiers of Nos. 21, 23, 25, 41,43 and 45 Blandford Road South in respect of noise. However, it would harm the living conditions of occupiers No.12 and No.14 having particular regard to noise, and harm to the outlook of occupiers of No.10 and No.16 Lynwood Avenue.
27. There is conflict with policy CP8 of the CS and policies H13 and EN1 of the LP. Together these policies seek, amongst other things, that backland development is of a high quality design that does not cause a substantial loss of amenity. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal would fail to accord with section 12, which seeks amongst other things, that development is of a good design that achieves a high standard of amenity for existing and future users.

### **Other matters**

28. The Council have included a third reason for refusal in their decision notice, which relates to the need for the appellant to provide a financial contribution towards highway measures. This includes walking and cycling measures in the vicinity of the appeal site, as well as a contribution towards a parking study on Lynwood Avenue. A draft Unilateral Undertaking has been provided as part of this appeal, however this has not been signed and therefore no mechanism exists to secure these measures. Given that I am dismissing this appeal for other reasons it is not necessary for me to consider this matter in any further detail.
29. I note that there has been considerable representations made by interested parties in respect of the impact of the proposal on highway safety. This focusses on two key issues. Firstly; the parking on Lynwood Avenue, and secondly the capacity of the highway network and operation of the junctions at either end of Lynwood Avenue.
30. I have been presented with evidence from local residents in respect of the capacity constraints of the junctions at either end of Lynwood Avenue. A key concern appears to be the operation of the priority junction of London Road and Lynwood Avenue. Whilst I did not observe any excess queuing at this junction during my site visit, this was only a single point in time and I recognise this may not be wholly reflective of the situation during busier times.
31. It has been put to me that there are existing safety concerns as a result of traffic congestion in the area. The appellant has provided details of the accidents in the vicinity of the junction of Lynwood Avenue and London Road for a period covering the past 5 years. Whilst this has indicated 3 accidents in this location, this does not demonstrate to me that there is an inherent safety concern in this location. I note that the Highway Authority have not raised any safety concerns in this location. In any event, the small additional amount of vehicular movements from the appeal site would not cause harm to highway safety.
32. Turning to the issue of parking, it was evident from my site visit that there was a considerable amount of on street parking currently experienced on Lynwood Avenue. In places this restricts the width of the road to a single vehicle. The proposal would provide car parking on site which complies fully with the Council's parking standards. I have been presented with no evidence that this

level of parking would result in a need for future occupiers to park on Lynwood avenue. As such I am satisfied therefore that the proposal would not create any additional parking demand which would impact highway safety.

33. It has been put to me that that allowing the development within these rear gardens would set a precedent for other similar proposals in this area. I have not been provided with any examples of specific sites which could be developed on Lynwood Avenue. The appeal site is somewhat unique, as its location on a bend allows for a wider garden than surrounding properties. Furthermore, each appeal and application must be judged on its own merits, and I have not been provided with any compelling evidence to indicate that should the appeal be allowed this would encourage similar development in the area.

### **Planning Balance and Conclusions**

34. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
35. In the context of the development plan, I have found that the proposed development would be contrary to policies CP1, CP4, CP8 of the CS, policies EN1 and H13 of the LP. For this appeal in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
36. The appellant contends that the proposal would deliver a number of benefits. The provision of 5 new dwellings in a relatively sustainable location, would make a small contribution towards the Council's 5 year housing supply. The proposal would also provide minor economic benefits. The construction of the site would likely provide short term employment benefits and new residents would provide limited support to the existing facilities in the area.
37. However, I have found that the proposals would result in significant harm to the character and appearance of the area. Furthermore, the proposal would harm the living conditions of neighbouring occupiers in respect of outlook and noise. Collectively, these are matters to which I afford significant weight in decision making terms. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to achieve well designed places, supportive of health and social well-being by providing a good standard of amenity for all.
38. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
39. For the reasons given above, I conclude that the appeal should be dismissed

*S Shapland*

INSPECTOR

**MEMBERS' ATTENDANCE RECORD 2020/21**  
**PLANNING COMMITTEE**

COUNCILLOR	27/5	24/6	29/7	26/08 Ext.	9/9	14/10	11/11	9/12	13/1	10/2	10/3	14/4
Dar	P	P	P	P	P	P						
M. Holledge	P	P	P	Ap	P	P						
Ajaib						P						
Davis	P	P	Ap	P	P	P						
Gahir	P	P	P	P	P	P						
Mann	P	P	P	P	P	P						
Minhas	P	P	P	P	P	P						
Plenty	P	P	P	P	P	P						
Sabah	P	P	P	P*	P							
Smith	P	P	P	P	P	P						

P = Present for whole meeting  
 Ap = Apologies given

P\* = Present for part of meeting  
 Ab = Absent, no apologies given

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