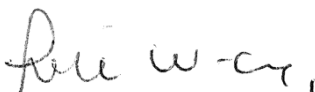


Date of issue: Tuesday, 6 October 2020

MEETING	PLANNING COMMITTEE (Councillors Dar (Chair), M Holledge (Vice-Chair), Ajaib, Davis, Gahir, Mann, Minhas, Plenty and Smith)
DATE AND TIME:	WEDNESDAY, 14TH OCTOBER, 2020 AT 6.30 PM
VENUE:	VIRTUAL MEETING
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	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.

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 9th September 2020	3 - 10	-
4.	Human Rights Act Statement - To Note	11 - 12	-
PLANNING APPLICATIONS			
5.	P/00072/097 - AkzoNobel Decorative Paints, Wexham Road, Slough, SL2 5DB <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	13 - 34	Central
6.	P/06964/016 - Beacon House, 50, Stoke Road, Slough, SL2 5AW <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	35 - 78	Central
7.	P/00331/004 - 413, London Road, Slough, SL3 8PS <i>Officer's Recommendation: Delegate to the Planning Manager for Approval</i>	79 - 108	Foxborough
PRE-APPLICATION PRESENTATIONS			
8.	Slough Canal Basin, Stoke Road, Slough	109 - 116	Central
9.	Buckingham Gateway Site, 132-144 High Street, Slough – ITEM WITHDRAWN	-	Central
MISCELLANEOUS REPORTS			
10.	Government White Paper - Planning for the Future	121 - 218	All
11.	Response to Central & Eastern Berkshire Joint Minerals & Waste Proposed Submission Plan (Regulation 19) Consultation	219 - 224	All
MATTERS FOR INFORMATION			
12.	Planning Appeal Decisions	225 - 230	-
13.	Members Attendance Record	231 - 232	-

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

14. Date of Next Meeting - 11th November 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, 9th September, 2020.

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

Also present under Rule 30:- Councillors Bains, Basra, Brooker and R Sandhu

PART I

33. Declarations of Interest

Item 6 (Minute 39 refers) – P/12604/003 14 Lynwood Avenue, Slough: All Committee Members present confirmed that that had received an email about the application. Members stated they all retained open minds and would participate and vote on the application.

Item 7 (Minute 40 refer) – P00437/093 Langley Business Centre, Station Road, Langley: Councillors Minhas and Plenty both declared that the application was in their ward but had open minds and would participate and vote on the item.

Item 7 (Minute 40 refer) – P00437/093 Langley Business Centre, Station Road, Langley: Councillor Mann declared that as the Lead Member for Planning & Regulation she had had some pre-application engagement with the applicant, but none since the application had been submitted. She stated she had an open mind and would participate and vote on the item.

34. Guidance on Predetermination/Predisposition - To Note

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

35. Minutes of the Meetings held on 29th July 2020 and the Extraordinary Meeting held on 26th August 2020

Resolved – That the minutes of the meeting held on 29th July 2020 and the Extraordinary meeting held on 26th August be approved as a correct record.

36. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

37. Planning Applications

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

Planning Committee - 09.09.20

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

Application P/04241/014 – 163 Bath Road, SL1 4AA: the Applicant addressed the committee.

Application P/12604/003 – 14 Lynwood Avenue, SL3 7BH: an Objector, the Applicant, Ward Members Councillors Bains, Basra and R Sandhu and Councillor Brooker addressed the Committee.

Application P/00437/093 – Langley Business Centre, Station Road, SL3 8DS: a written statement from an Objector was read out in accordance with the Council's Remote Meetings Protocol and the Agent addressed the Committee.

Resolved – That the decisions be taken in respect of the planning application 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.

38. P/04241/014 - 163, Bath Road, Slough, SL1 4AA

Application	Decision
<p>Change of use from serviced apartments (C1 use class) to self-contained flats (C3 use class). Removal of existing roof and construction of two-storey extension above existing second floor level to provide 3rd and 4th floors together with a four storey rear extension to create 90 flats (10 x studios, 41 x 1-bed and 39 x 2-bed). External alterations to provide new external finishes, fenestration, balconies and amenity space. Realignment of adjoining public right of way. [Revised Plans].</p>	<p>Delegated to Planning Manager for approval subject to:-</p> <ol style="list-style-type: none">1. the satisfactory completion of a Section 106 Agreement to secure the planning obligations set out in paragraph 19.1 of the report;2. satisfactory parking provision / layout;3. agreement of the pre-commencement conditions with the applicant/agent;4. Finalising conditions; and any other minor changes. <p>Or, refuse the application if the completion of the Section 106 Agreement was not finalised by 30th October 2020 unless a longer period was agreed by the Planning Manager, or Chair of the Planning Committee.</p>

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39. P/12604/003 - 14 Lynwood Avenue, Slough, SL3 7BH

Application	Decision
Construction of 2no 4 bedroom detached dwellings with associated parking and access and alterations to existing dwelling.	Refused for the reasons detailed in the report and the Amendment Sheet.

40. P/00437/093 - Langley Business Centre, Station Road, Slough, SL3 8DS

Application	Decision
<p>Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Demolition and redevelopment to comprise on plot (B) a data centre of up to 93,000 sqm gross, including ancillary offices and sub station; and plot (A) up to 9,650 sqm GEA to comprise one or more land uses comprising: up to 60 dwellings (Use Class C3); additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away) and an energy centre. Development in plot (A) or plot (B) or both may also include: car parking; provision of new plant; creation of servicing areas and provision of associated services, including waste, refuse, cycle storage, and lighting; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; provision of attenuation infrastructure, engineering operations. Development in plot (A) and plot (B) shall be in accordance with the approved Development Parameters Schedule and Plans (as amended).</p>	<p>In the event that the application is determined by the Local Planning Authority, that it be delegated to the Planning Manager for Approval subject to:</p> <ol style="list-style-type: none"> 1. Satisfactory resolution of outstanding matters related to surface water drainage. 2. The satisfactory completion of a Section 106 Agreement to secure On-site: <ul style="list-style-type: none"> - Affordable housing, - Car Club parking and charging space, - public access for improved footpath adjacent to northern boundary, - the Energy Centre site, - any additional provision required towards Energy Centre / other sustainability initiatives in the Langley area, in the event that the data centre is unable to meet the required sustainability criteria, - land to be provided for road widening proposed along the Station Road frontage,

	<ul style="list-style-type: none"> - long term maintenance / management plan for ecological improvements and any residual public realm not included in road widening proposals, - CCTV to be provided in and/or adjacent to the public parts of the site including the proposed northern footpath enhancements, and replacement planting for protected trees to be removed as part of the development. <p>Off site:</p> <p>Financial contributions for</p> <ul style="list-style-type: none"> - urban design consultancy support for review of and input into the Design Code for the development, - any balance replacement tree planting that cannot be provided on-site, - public realm improvements, - public open space and education provision - any sustainable transport improvements including electrical vehicle infrastructure required to mitigate air quality impacts at reserved matters stage, - provision and monitoring of Travel Plan, and - other Section 278 highways and access works. <p>3. Finalising conditions and any other minor changes.</p>
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	Or, Refuse the application if the completion of the Section 106 Agreement was not finalised by 31 December 2020 unless a longer period was agreed by the Planning Manager in consultation with the Chair of the Planning Committee.
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41. Former Montem Leisure Centre, Montem Lane

A pre-application presentation had been withdrawn from the agenda by the applicant.

42. Draft Centre of Slough Regeneration Framework

The Planning Policy Lead Officer introduced a report that informed Members about the draft Centre of Slough Regeneration Framework and masterplan that set out the Council's corporate vision and spatial aspirations for development in the town centre over the next 15 years.

The Framework included 10 objectives which included the development of new Central Business District, revitalising the shopping and leisure offer, delivering a range of new homes and improving connections between the centre and Slough's neighbourhoods. The aim was set out a clear vision that could guide development and promote regeneration. The key aspects of the masterplan were summarised during the course of the presentation. It was noted that the draft Regeneration Framework would be considered for approval by the Cabinet on 14th September.

Members commented on the importance of maximising the potential of the station by ensuring it was accessible by public transport and other modes. It was responded that maintaining access to the station was recognised although greater priority for pedestrian access was envisaged in the future.

At the conclusion of the discussion the recommendations were approved.

Resolved –

- (a) That the content of the draft Centre of Slough Regeneration Framework be noted.
- (b) That the Framework be adopted as an evidence document for the Slough Local Plan.

43. Local Plan Spatial Strategy - Remaining Key Components

The Planning Policy Lead Officer introduced a report that set out the content of the remaining two 'key components' of the Preferred Spatial Strategy which would be subject of public consultation in November 2020. The report covered the proposals for the 'Centre of Slough' and 'Cross border expansion

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of Slough'. The other three 'key components' had been considered by the Committee at the Extraordinary meeting held on 26th August 2020.

It was noted that based on the current standard methodology there was a need for 15,460 houses over the remaining 16 years of the plan period, which was an average of 966 a year. One of the guiding principles of the Spatial Strategy was that development should be in the most accessible locations with the greatest capacity to absorb growth. It was estimated that the centre of Slough could provide 9,000 dwellings over the next 20 years. However, it was not considered that additional housing alone would deliver a step change in terms of regeneration and an employment led strategy was therefore proposed included an expanded Central Business District. It was also recognised there would need to be enhanced leisure and cultural facilities and improved public realm to make the centre of Slough a more vibrant destination which attracted visitors.

In relation to promoting cross border expansion it was noted that the sites identified would not be able to meet Slough's identified housing need with a shortfall of 5,000 and that more family housing was required. The cross border expansion of Slough was therefore being proposed and was a key component of the Spatial Strategy. A Wider Area Growth Study was being undertaken and its report was expected by the end of the year. Whilst the northern expansion of Slough had previously been proposed, in order not to prejudice the Wider Area Growth Study the Committee noted that the Spatial Strategy did not promote any specific form of development in this regard. Members discussed the possible implications of recent government proposals to reform the planning system which could, if implemented, lead to a significant change in Slough's housing requirement.

The Spatial Strategy would be considered by the Overview & Scrutiny Committee on 10th September followed by Cabinet on 12th October at which approval would be sought to commence public consultation in November and December. At the conclusion of the discussion the Committee agreed the final two key components as the basis for the Preferred Spatial Strategy.

Resolved – That the content of the two 'key components' for the 'Centre of Slough' and 'Cross border expansion of Slough' set out in the report be agreed as the basis for the Preferred Spatial Strategy for the Slough Local Plan.

44. 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.

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45. 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.

46. Date of Next Meeting - 14th October 2020

The date of the next scheduled meeting was confirmed as 14th October 2020.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.24 pm)

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

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

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

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

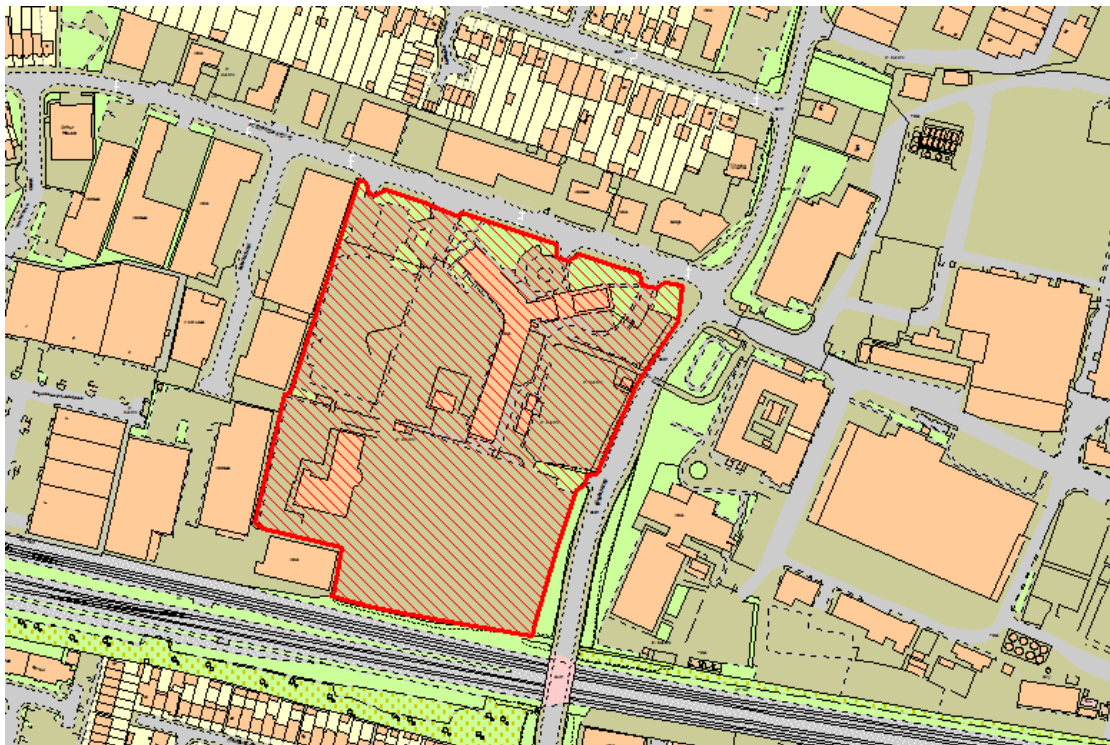
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House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

	OFFICER ABBREVIATIONS
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:	09-Jun-2020	Application No:	P/00072/097
Officer:	Christian Morrone	Ward:	Central
Applicant:	Ms. Fiona McLachlan, AkzoNobel	Application Type:	Major
		13 Week Date:	8 September 2020
Agent:	Mr. Jeff Carter, BAM Design Limited Centrium, Griffiths Way, St Albans, AL1 2RD		
Location:	Akzonobel Decorative Paints, Wexham Road, Slough, SL2 5DB		
Proposal:	Refurbishment of existing building B154 incorporating R&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.		

Recommendation: Delegate to the Planning Manager



1.0 SUMMARY OF RECOMMENDATION

1.1 Having considered the relevant policies and planning considerations set out below, it is recommended the application be delegated to the Planning Manager:

A) For approval subject to:-

- 1) a satisfactory surface water drainage strategy in consultation with the Lead Local Flood Authority;
- 2) agreement of the pre-commencement conditions with the applicant/agent;
- 3) finalising conditions; and any other minor changes.

B) Refuse the application if the above have not been finalised by 14th January 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

1.2 Under the current constitution, this application is being brought to Committee as it is a major planning application due to the site area being over 0.5 hectares

PART A: BACKGROUND

2.0 Proposal

2.1 This application seeks to relocate the research and development which is currently undertaken within the industrial site to the east.

This application seeks planning permission for:

- Construction of a four storey high extension to the southern end of the existing building to serve the accommodate plant for Research and Development purposes.
- Detached store to the western side of the main building and northern side of the existing ammonia plant to accommodate general material storage and consumables for Research and Development purposes. Store would be 4.9 metres in height to the eaves (max) and 7.2 metres in height to the ridge (max).

3.0 Application Site

3.1 The site is located on a corner plot on the western side of Wexham Road and southern side of Petersfield Avenue. The existing site comprises a large part 4 part 5 storey flat roofed building which is Y shaped on plan, used as the AkzoNobel Main Office building.

3.2 Also within the site is existing plant (Ammonia Plant) to the western side of the building, and to the southwest of the site there is a detached building used as a training academy for AkzoNobel. The remaining site comprises surface level car

parking and vehicle access.

- 3.3 The site is located within a defined Business Area, and is urban in its character. Adjoining the site to the south is the Great Western Railway line (south). To the east on the opposite side of Wexham Road is the large industrial site has been used in combination with this application site, which is proposed to be developed for residential in the south and business uses tom the north. To the north and east are mostly one and two storey buildings used for business purposes. To the northwest is a five storey block of flats.

4.0 Site History

- 4.1 The planning permission for the original building pre dates planning records.

- P/01493/013 INSTALLATION OF A CENTRALIZED HEATING AND COOLING SYSTEM FOR BUILDING 154 (AKZONOBEL HEADQUARTERSBUILDING).
Approved with Conditions; Informatives; 19-Jun-2014
- P/01493/012 STATIONING OF PORTAKABINS TO BE USED AS STAFF CHANGING ACCOMMODATION
Approved with Conditions; Informatives; 28-Mar-2011
- P/01493/011 INSTALLATION OF CORPORATE BRAND SIGNS (18 NO. TOTAL) COMBINING HIGH LEVEL ILLUMINATED SKYLINES AND GROUND MOUNTED NON-ILLUMINATED DIRECTIONAL SIGN
Approved with Conditions; Informatives; 23-Dec-2008
- P/01493/010 INSTALLATION OF DOORS AND WINDOWS TO BUILDING
Approved with Conditions; Informatives; 14-May-2004
- P/01493/009 INFILLING OF GROUND FLOOR VOID TO PROVIDE ENTRANCE FOYER AND FORMATION OF NEW PARKING SPACES
Approved with Conditions; 29-May-1992
- P/01493/008 ERECTION OF STORAGE ENCLOSURE FOR WATER-BORNE PRODUCTS. (35 SQ M).
Approved with Conditions; 06-Apr-1984
- P/01493/007 ERECTION OF SMALL EXTENSION AS A DEGREASING ENCLOSURE AND CANOPY (45SQM).
Approved with Conditions; 31-Jan-1984
- P/01493/006 ERECTION OF CANOPY OVER AIR HANDLING UNITS
Approved with Conditions; 30-Sep-1982
- P/01493/005 ERECTION OF EXTENSION FOR USE AS STORE FOR PETROLEUM SPIRITS.

Approved with Conditions; 30-Jul-1981

P/01493/004 ERECTION OF EXTENSION FOR USE AS STORE FOR PETROLEUM SPIRITS.

Approved with Conditions; 21-May-1981

P/01493/003 ERECTION OF BUILDING FOR ANCILLARY DIESEL GENERATOR

Approved with Conditions; 21-April-1976

P/01493/002 FORMATION OF CAR PARKING SPACES

Approved with Conditions; 06-Dec-1976

P/01493/000 DISPLAY OF ILLUMINATED DIRECTION SIGN

Approved with Conditions; 20-Aug-1968

The large industrial site to the east on the opposite side of Wexham Road has been combination with this application site has the following live application:

P/00072/096 Outline planning application (to include matter of principal points of access), to be implemented in phases, for mixed use development comprising:

- a) Demolition of existing buildings and structures and preparatory works (including remediation) and access from Wexham Road;
- b) up to 1,000 residential dwellings (Use Class C3); along with flexible commercial uses including all or some of the following use classes A1 (Shops), A2 (Financial and Professional Services), A3 (Food and Drink), D1 (Non-residential Institutions) and D2 (Assembly and Leisure); car parking; new public spaces, landscaping; vehicular and pedestrian access; and
- c) the provision of commercial floorspace including all or some of the following use classes B2 (General Industry), B8 (Storage or Distribution) and sui generis data centre (including ancillary office space and associated plant and infrastructure provision); car parking, landscaping and vehicular and pedestrian access.

(Matters of Scale, Layout, Appearance, and Landscaping to be dealt with by reserved matters).

The following application relates to the neighbouring site to the west:

P/00072/093 Creation of new 'trans shipping' area replacing part existing visitor car park and ground floor slab of previously demolished building. Widening of existing vehicular junction with Petersfield Avenue to enable articulated lorries and 12 tonnes lorries to access and egress. Tarmac vehicular accessible areas of site to falls connecting into existing on site and adjacent soakaways. Construction of ancillary buildings comprising; Portakabin office, Portakabin washrooms, Storage unit for vehicle maintenance, open sided canopy for temporary goods storage and small 1m³ Cat 5

water supply tank.

Approved with Conditions; Informatives; 10-Jul-2020

5.0 Neighbour Notification

5.1 In accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) site notices were displayed outside the site on 29/06/2020. The application was advertised in the 31/07/2020 edition of The Slough Express.

No letters of representation have been received.

6.0 Consultations

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

6.1 Local Highway Authority

Access

No objection is raised to the vehicular access arrangements for the proposals. The site benefits from existing access junctions on Petersfield Avenue which benefit from good visibility. A review of publicly available accident information suggests there are no accident clusters in proximity to these junctions.

Footways are provided along both sides of Petersfield Avenue, which benefit from street lighting and connect to footways on Wexham Road. Cycle lanes are present along Wexham Road. Therefore the site can be said to benefit from a good level of accessibility for pedestrians and cyclists.

Highway Capacity

The proposed development is not expected to have a detrimental impact on highway capacity given the proposals see the relocation of staff from the east side of Wexham Road to the west. As a result, employees are not expected to change their route to work and traffic patterns on the surrounding highway network will be unchanged by the proposed development.

Parking

No objection is raised to the proposed parking arrangements. A Design and Access Statement has been submitted which contains a 'Transport Statement' section which details the parking arrangements. No change in parking provision is proposed. There are 440 spaces on site, with 50 currently occupied by the temporary XPO Operation. The Design and Access Statement and the application forms state that the site currently has 390 parking spaces and no increase is proposed. The documents submitted state that currently 350 vehicles park for the Research and Development facility, but the relocation of the R&D facility will reduce commuter traffic by approximately 40 cars. The applicant has confirmed

there are 5 motorcycle parking spaces on site.

Refuse Collection Arrangements

No change is proposed to the refuse collection arrangements for the existing site. The site benefits from a wide bellmouth access junction and a large car parking area where vehicles can circulate internally. This would enable a refuse vehicle to draw clear of the public highway, collect and then turn within the site before departing.

Cycle Parking

The agent has demonstrated that cycle parking is provided on site for employees which will facilitate sustainable journeys to the site. Therefore the cycle parking arrangements are accepted.

Summary and Conclusions

The applicant has provided confirmation regarding the number of parking spaces in use on site, accessible parking, cycle parking, motorcycle parking and has provided vehicle tracking for vehicles accessing the site.

I confirm that I have no objection to this application from a transport and highway perspective. Please include the following condition(s)/informative(s) as part of any consent that you may issue.

Construction Management Plan

No demolition or development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the local planning authority, which shall include details of the provision to be made to accommodate all site operatives, visitors and construction vehicles loading (to a minimum Euro 6/VI Standard), off-loading, parking and turning within the site and wheel cleaning facilities during the construction period and machinery to comply with the emission standards in Table 10 in the Low Emission Strategy Guidance. The plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.

REASON: In the interest of minimising danger and inconvenience to highway users and in the interests of Air Quality and to ensure minimal disruption is caused to existing businesses in the shopping Centre in accordance with Policies 7 and 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework

Gates

No vehicle access gates, roller shutters doors or other vehicle entry barriers or control systems shall be installed without first obtaining permission in writing from the Local Planning Authority

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

Informatives

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.

6.2 Thames Water

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.

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.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses

6.3 Lead Local Flood Authority:

In order for us to provide a substantive response, the following information is required:

- 1) Confirmation is required that the existing surface water soakaways are functioning and that no historical flood events have occurred on site.
- 2) Existing soakaways to be clearly identified upon the drawings.
- 3) No new surface water drainage is shown for the, 'Construction of a four storey plant addition

Case Officer Note: The applicant is in the process of addressing these issues and the Lead Local Flood Authority will be re consulted once the information is submitted

6.4 Contaminated Land Officer:

No comments received.

6.5 Environmental Quality (noise):

The noise assessment is based on a survey undertaken 8th Nov. 2018 (no need to worry about covid representativeness etc).

Plant associated with the development may operate day and night, so noise limits must take this into account.

Typical background noise levels are 50dB, 48dB and 46dB during the day, evening and night, respectively. The noise limit is suggested as 10dB below background levels, met with all plant running simultaneously. Taking this into account along with plant information, the following sound pressure level limits are given for each plant to ensure this background limit is achieved:

Table 5.5. Plant Noise Emission Limits for each Plant Item as a Sound Pressure Level at 1m from each External Termination

External Plant Termination	Sound Pressure Level at 1m from the Façade at Octave Band Frequency Centres (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
AHU Exhaust	56	65	64	64	60	58	54	49	66
AHU Intake	62	67	66	61	48	49	44	37	62
AHU Breakout	72	74	70	59	48	50	45	30	64
LEV Exhaust	70	66	58	58	58	54	48	46	62
LEV Breakout	79	71	61	52	43	39	41	35	59
GF LEV Exhaust	78	74	66	66	66	62	56	54	70
GF LEV Breakout	82	74	64	55	46	42	44	38	62
Compressors	71	67	64	60	56	49	40	39	62

- The report states that these limits will be reviewed once specific plant selection has been undertaken, therefore I am expecting submission of a new assessment at a later date.
- It is stated in the report that the nearest noise sensitive receptors are 151m and 161m away.

There is not any consideration of noise generated by use of the new store and I am not clear on the proposed operational activities of the store. If it will be containing plant, the same noise limits will apply.

6.6 Environment Agency:

Limited information has been provided with this application however historical maps show this area was mainly allotments and recreational areas and something called Petersfield Avenue Camp prior to development as the current building in the

1960s as a paint manufacturing R&D lab. While we might not expect gross contamination, it is possible that some pollution has occurred over the history of the site. We accept that much of the current site will remain in its current form, however we would expect that some site investigation is carried out particularly in areas where intrusive works will occur in the vicinity of the new store and the CUB building. Therefore we are requesting the following planning conditions

- The previous use of the proposed development site as a paint R&D
- laboratory presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 3 located upon a principal aquifer and a secondary aquifer A.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

Case Officer Note: The applicant is in the process of addressing these issues and the Environment Agency will be re consulted once the information is submitted.

PART B: PLANNING APPRAISAL

7.0 Policy Background

7.1 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. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

The relevant Local Development Plan Policies in relation to determining this application are considered to be in compliance with the National Planning Policy Framework 2019.

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

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

Slough Local Development Framework Core Strategy 2006-2026 Development

Plan Document policies:

Core Policy 1 – Spatial Strategy

Core Policy 5 – Employment

Core Policy 7 – Transport

Core Policy 8 – Sustainability and the Environment

The Adopted Local Plan for Slough 2004 (Saved Policies)

Policy EN1 Standards of Design

EN2 – Extensions

EMP2 - Criteria for Business Developments

EMP12 - Remaining Existing Business Areas

EN1 – Standard of Design

T2 – Parking

T8 - Cycling Network and Facilities

Supplementary Planning Documents and Guidance

National Planning Practice Guidance

Slough Borough Council Developer's Guide

Proposals Map

7.2 The planning considerations for this proposal are:

- Planning history
- Land use
- Design & impact on the character and appearance of the area
- Impact on neighbouring uses/occupiers
- Economic impact
- Impact on highways and parking
- Contaminated land
- Surface water drainage
- Equalities Considerations
- Decision Making

8.0 Planning History

8.1 The planning permission for the original building appears to pre date planning records and there are no conditions limiting the use of the site.

9.0 Land Use

9.1 The planning permission for the original building pre dates planning records, and therefore there are no planning conditions restricting the use of the building. The existing building is used as commercial offices which fall within the B1 Use class. The proposal to incorporate an element of Research and Development within the building would not lead to a change in its B1 use.

9.2 Based on the above, the proposal would be an acceptable use of the land. A condition is included to ensure the store is used for purposes ancillary to the existing use only.

10.0 Design and impact on the character and appearance of the area:

10.1 The National Planning Policy Framework encourages new development 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, EN2, and EMP2.

10.2 *Extension:*

The proposed extension would continue the height and width of the existing southern wing of the building by approximately 10.15 metres southwards. The scale and form of the extension is considered in proportion with the existing building and its site. The extension would be finished in perforated metal cladding with the only opening being an access door in the west elevation at ground floor. The purpose of this perforated metal design is to allow for air flow into the extension to provide ventilation for the plant it would accommodate. A concrete finished lift overrun is included above the roof.

10.3 The provision of perforated metal cladding with no windows would not coordinate with the style and appearance building and there would be views of this from the surrounding area, particularly from Wexham Road. However, it is acknowledged that this is a defined business area where the particular requirements of a building may not always lend to traditional building forms, and this is such an example. While the extension would not visually coordinate with the existing building, it would be set back from the street and within a site large enough to enable its own character to be created with a degree more freedom compared to smaller sites in closer proximity to the public realm and neighbouring buildings. The cladding material is proposed to be metallic silver aluminium which is of an appropriate quality. The texture, depth, and exact colours can be secured by condition. Given the setting is within an existing business area, and given the material is a suitable quality, the proposed extension would not have unacceptable visual impacts.

10.4 *Store:*

The detached store would be sited to the western side of the main building and northern side of the existing ammonia plant and incorporate a pitched at 4.9 metres in height to the eaves (max) and 7.2 metres in height to the ridge (max).

10.5 The scale and form of the store is considered in proportion with the existing building and its site. The store would be finished in a profiled aluminium roof and aluminium cladding panels in a colour to coordinate with the proposed extension to the existing building. Although the store would be set well within the site and screened from Wexham Road by the existing building, there would be fleeting views of the store from Petersfield Avenue. Given this is an existing business area; such a building would not appear incongruous and given the materials would be a suitable quality, the proposed store would not have unacceptable visual impacts.

10.6 Based on the above, the proposal would have an acceptable impact on the character of the surrounding area and would comply with Policies EN1, EN2, and

EMP2 of the Local Plan for Slough 2004, Core Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework.

11.0 Impact on neighbouring uses/occupiers:

- 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 Policies EN1, EN2, and EMP2.
- 11.2 To the south beyond the railway in Richmond Crescent there are existing residential properties over 130 metres from the proposed extension. To the northwest there is an existing block of flats approximately 80 meters from the proposed store. To the east is the existing industrial site that may come forward for residential development (ref. P/00072/097), with outline plans showing the residential zones positioned approximately 70 metres from the proposed extension. All of these distances are considered to provide enough separation space to mitigate any overbearing impact or significant daylight and sunlight issues.
- 11.3 A noise report has been submitted with the proposal which asserts the plant noise from within the extension would be well below the night time background noise levels at existing residential occupiers. No assessment has been carried in relation to the potential future residential development to the east (ref. P/00072/097) which may come forward. The noise report states there may be a variation in the plant selection before it is installed and in this scenario further assessment would be required. The Council Environmental Quality Officer agreed that both the assessment on the potential future residential scheme to east (ref. P/00072/097) and any changes to plant selection can be secured by condition.
- 11.4 It is noted that the provision of an ancillary store would result in some noise generation through potential HGVs accessing the site, and loading / unloading. However this would not be is not a standalone warehouse where a high number of HGV movement would likely occur, but an ancillary storage building to support the B1 use of the site. In addition, high levels of HGV movements have not been observed in relation to the existing research and development facility. As such the proposed store is not considered to result in significant noise and disturbance issues within this business area.
- 11.5 Although the construction phase would result in some noise and disturbance for the neighbouring occupiers, this is expected to be for a limited period and given the separation distances from residential neighbours which are well separated from the site. A construction management plan can be secured by condition to ensure working hours are do not take place during times that would cause unacceptable noise and disturbance issues for nearby residents.
- 11.6 Based on the above, the proposal would have an acceptable impact on the neighbouring Uses/Occupiers and would comply with Policies EN1, EN2, and EMP2 of the Local Plan for Slough 2004, Core Policy 8 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework.

12.0 Economic Impact:

- 12.1 The site is located within a defined Business Area (Mill Street-Petersfield Avenue-ICI) as identified on the Proposals Map (2010). Core Strategy policy 5 (employment) requires there to be no loss of existing business areas to non-employment uses. Local Plan Policy EMP12 seeks a range of business developments within this Business Area to encourage its regeneration to replace any businesses that are lost.
- 12.2 The existing research and development facility would likely be lost due to the redevelopment of the industrial site to the east (ref. P/00072/097) where the justification for such a loss has been assessed within the associated planning application. This application before us proposes to relocate the research and development within this application site.
- 12.3 The application site currently accommodates 246 staff, while the existing research and development facility currently accommodates an additional 160 employees. The transfer to the application site would see as many staff as possible from the existing research and development facility join the 246 members of staff within the application site.
- 12.4 Accommodating the research and development facility within the application would result in the retention of valuable employment within the borough that could otherwise be relocated elsewhere. This therefore weighs in favour of the application.
- 12.5 Based on the above, the proposal would have a positive economic impact on the and would comply with Policy EMP12 of the Local Plan for Slough 2004, Core Policy 5 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework..

13.0 Impact on highways and parking:

- 13.1 The National Planning Policy Framework 2019 requires development 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. This is reflected in Policies EMP2 and T2 of the Local Plan for Slough 2004, Core Policy 7 of the Core Strategy 2008. Paragraph 109 of the National Planning Policy Framework 2019 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'.
- 13.2 The parking standard set within Local Plan Policy T2 as updated by the Developer's Guide requires no overall increase in parking spaces for B1 uses within existing business areas.
- 13.3 The site in total accommodates 440 parking spaces; however 50 of these have not

been in use due to temporary operations on the site. As a result of the proposal, there would be 390 car parking spaces due to the store being sited on parking spaces. The application site currently accommodates 246 staff site and also provides parking for the existing 196 employees at the research and development facility within the industrial site on the east side of Wexham Road.

- 13.4 The proposal would comply with Policy T2 of the local plan by not increasing in parking spaces on the site, and the loss of 50 parking spaces would be mitigated by the highly accessible location of the site.
- 13.5 The local highway authority has assessed the application and has raised no objection on terms of highway function and safety.
- 13.6 The cycle provision on the site already over provides and as such in agreement with the Local Highway Authority, there would be enough cycle parking for the intensification.
- 13.7 Based on the above, the proposal would have an acceptable impact on highways and parking would comply with Policies EMP2, T2, and T8 of the Local Plan for Slough 2004, Core Policy 7 of the Core Strategy 2008, and the requirements of the National Planning Policy Framework.

14.0 Contaminated Land

- 14.1 Paragraphs 170 and 178 of the National Planning Policy Framework require a site to be decontaminated so that it is suitable for its proposed use. This is reflected in Core Policy 8 of the Core Strategy.
- 14.2 The site is identified as being potential contaminated. The Environment Agency has recommended conditions to ensure there would be no unacceptable risk from, or be adversely affected by high levels of water pollution. Since receiving the recommended conditions, the applicant has been working with the Environment Agency to design an appropriate strategy to address the water pollution risks.
- 14.3 Given the strategy has not been agreed yet, the recommended Environment Agency conditions will be applied, however this may change with the agreement from the Environment Agency. It is considered however that through appropriate conditions any issues relating to contamination can be mitigated and no conflict with the framework would occur as a result.

15.0 Surface Water Drainage

- 15.1 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.
- 15.2 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.

- 15.3 The Lead Local Flood Authority has requested further information in relation to surface water drainage. The applicant is currently working to address the issues raised through a revised drainage strategy. Once this is completed, the Lead Local Flood Authority will be further consulted. Planning permission should not be granted until the Lead Local Flood Authority is satisfied with the drainage strategy. Planning Officers are therefore request this matter be delegated back to the Planning Manger to resolve.

16.0 Equalities Considerations

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

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

- 16.2 The proposal would provide an extended area and new building to relocate employees from an existing facility that would otherwise be lost. Planning officers are content the proposal contains sufficient wheelchair accessible parking spaces.

- 16.3 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 can be incorporated into the construction management plan to mitigate the impact and minimise the extent of the effects. This is secured by condition.

- 16.4 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.

20.0 Decision Making

20.1 The application has been evaluated against the Development Plan and the NPPF and it is found the proposal would comply with such relevant policies and the application is therefore recommended for approval.

21.0 PART C: RECOMMENDATION

21.1 Having considered the relevant policies and planning considerations set out below, it is recommended the application be delegated to the Planning Manager:

A) For approval subject to:-

- 1) a satisfactory surface water drainage strategy in consultation with the Lead Local Flood Authority;
- 2) agreement of the pre-commencement conditions with the applicant/agent;
- 3) finalising conditions; and any other minor changes.

B) Refuse the application if the above have not been finalised by 14th January 2021 unless a longer period is agreed by the Planning Manager, or Chair of the Planning Committee.

PART D: DRAFT LIST CONDITIONS AND INFORMATIVES

1. Time Limit

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. Approved plans

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 ref. AKZ-BMD-Z1-00-DR-A-11000 P05; Dated 03/07/2020; Rec'd 01/10/2020
- b) Drawing ref. AKZ-BMD-Z1-01-DR-A-11001 Rev P03; Dated 02/06/2020; Rec'd 09/06/2020
- c) Drawing ref. AKZ-BMD-Z1-00-DR-A-11002 P05; Dated 25/09/2020; Rec'd 25/09/2020
- d) Drawing ref. AKZ-BMD-Z1-02-DR-A-10002 Rev P03; Dated 02/06/2020; Rec'd 09/06/2020
- e) Drawing ref. AKZ-BMD-Z1-03-DR-A-10003 Rev P01; Dated 02/06/2020; Rec'd 09/06/2020
- f) Drawing ref. AKZ-BMD-XX-XX-DR-A-10003 Rev P03; Dated 25/09/2020; Rec'd 25/09/2020
- g) Drawing ref. AKZ-BMD-Z1-RF-DR-A-10003 11004 Rev P01; Dated 02/06/2020; Rec'd 09/06/2020
- h) Drawing ref. AKZ-BMD-Z2-1-00-DR-A-11005 Rev P07; Dated 02/06/2020; Rec'd 09/06/2020
- i) Drawing ref. AKZ-BMD-Z2-1-XX-DR-A-12001 Rev P05; Dated 02/06/2020; Rec'd 09/06/2020
- j) Drawing ref. AKZ-BMD-Z2-1-XX-DR-A-13001 Rev P02; Dated 02/06/2020; Rec'd 09/06/2020

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 and to comply with the Policies in the Development Plan.

3. Samples of Materials

Prior to any of development above ground floor slab of the extension and / or store hereby approved, details of external materials (including, reference to manufacturer, specification details, positioning, colour, texture, depths) to be used in the construction of external envelope of the development hereby

approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site 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 Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and EN2 of the Adopted Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework 2019.

3. Contaminated Land Remediation Strategy

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. The site has had potential contaminative uses which could impact controlled waters.

4. Contaminated Land Verification Report

Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

5. Surface Water Drainage

TBC

6. Noise assessment

Prior to the installation any plant or machinery with the extension hereby approved, a noise assessment and mitigation in accordance with ProPG: Planning and Noise Guidance and British Standard 8233:2014 to address the potential noise impacts on the nearby residential occupiers and the likely future residential occupiers to the east proposed in planning application P/00072/097 shall be submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried in accordance with these details and shall be retained as such at all times in the future.

REASON To protect the amenity of nearby residents meet the objectives of Policies EN1, EMP2, and EMP2 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, December 2008 and the requirements of the National Planning Policy Framework

7. Warehouse / storage building to be ancillary

The warehouse / storage building hereby permitted is used for ancillary purposes to the main use of site.

REASON: In order protect the amenities of the area and the impact on highways and parking, in accordance with Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1, EN2, EMP2, and T2 of the Local Plan for Slough 2004, and the requirements of the National Planning Policy Framework

8. Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in

accordance with the approved details.

REASON: To ensure that the proposed piling does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement of the 'The Environment Agency's approach to groundwater protection'. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

INFORMATIVES:

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:

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 . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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 recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses

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Registration Date:	03-Feb-2020	Application No:	P/06964/016
Officer:	Alex Harrison	Ward:	Central
Applicant:	London & Quadrant	Application Type:	Major
		13 Week Date:	4 May 2020
Agent:	Miss Lucy Howes, Icen Projects Da Vinci House, 44, Saffron Hill, Farringdon, London, EC1N 8FH		
Location:	Beacon House, 50, Stoke Road, Slough, SL2 5AW		
Proposal:	Demolition of existing building and redevelopment of the site to provide 116 residential dwellings with associated amenity space, access and parking.		

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 highways issue 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, open space and the monitoring of Travel Plan, securing affordable housing and Section 278 highways/access works; OR

B. 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 11th February 2021 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

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 This report relates to the submission of a full planning application for the following:

- Demolition of existing buildings on site.
- Redevelopment to provide a single building of between 5 and 8 storeys to provide 116 residential flats with the following mix:

Unit Type	No.	% of accommodation
1-bed flat	48	42%
2-bed flat	63	54%
3-bed flat	5	4%

- Affordable housing provided as 34% of the development, amounting to 40 units.
- Upgrade of the existing access that runs north/south off Mill Road to provide access to the proposed parking, on street parking provision and access to sites to the north of the application site.
- Surface parking providing 51 spaces, of which 41 would be allocated on

plot for resident parking while 10 located as part of the upgraded access road which is intended to be adopted.

- The provision of a secure cycle parking facility within the building.
- Secure bin store at ground level within the proposed building.
- Soft Landscaping to the site edges and within the car parking area.

2.2 The application is accompanied by the following documents:

- Site location plan
- Existing plans, sections and elevations
- Proposed plans, sections and elevations
- Planning Statement and addendums
- Design and Access Statement
- Schedule of Accommodation
- Arboricultural Report and Tree Survey
- Daylight/sunlight Assessment
- Transport Statement and Framework Travel Plan
- Employment Report
- Noise Impact Assessment
- Air Quality Assessment
- Sustainability & Energy Reports
- Flood Risk Assessment;
- SUDs Strategy
- Utilities Statement
- Ecological Appraisal,
- Statement of Community Involvement.

2.3 During the course of the application the plans have been amended on two occasions to address comments from the case officer and technical consultees.

3.0 **Application Site**

3.1 The application is located on the corner of Stoke Road and Mill Street and comprises an existing office building and the 'Foyer Facility', a former homeless shelter which ceased use in 2016. The office building is vacant aside from occupation on the ground floor.

3.2 At the corner of Mill Street the existing building is a four storey structure with the northern part of the site housing a 6 storey building. While they are separate buildings they are linked via a single storey entrance foyer.

3.3 The eastern part of the site accommodates an access road off Mill Street which serves the parking area for the site and provides access to the north including the adjacent Lady Haig building.

3.4 The site provides a number of parking spaces at surface level which includes a large proportion of the ground floor area of the buildings on site. The rear of the site is open from the public realm and number of trees and

shrubs are planted in this area.

- 3.5 In terms of the immediate surroundings, to the north is the site of the Lady Haig Club, the site currently has an extant planning permission to be redeveloped to provide 39 flats (P/00106/012) and is also subject to a revised scheme which is being considered by Officers (P/00106/013).
- 3.6 To the south is the newly developed site on the other side of Mill Street known as Vanburgh court which provides 117 units (P/00731/032).
- 3.7 To the west, on the other side of Stoke Road, is the existing Salvation Army Maths and English centre and the Littledown School and to the east are a number of industrial units.
- 3.8 The site does not lie within a Conservation Area and is not identified as a designated or non-designated heritage asset. The nearest listed building to the site is the Train Station, approximately 250m to the South
- 3.9 The site is not within, and not close to, and Air Quality Management Area.

4.0 **Relevant Site History**

4.1 The most relevant planning history for the site is presented below:

P/06964/006	Erection of a residential Foyer building comprising 64 bedsits, 2no. wardens flats and ancillary office, reception, training conference, restaurant, bar and retail areas, plus a 3 storey headquarters office building.	Approved 7th November 1995
P/06964/009	Retention of fascia sign.	Approved 13th August 1997
P/06964/011	Erection of dog-leg type staircase.	Approved 20th April 2000
P/06964/013	Construction of a glazed extension, to form new entrance lobby and installation of addition door.	Approved 5th October 2006.
P/06964/014	Installation of a non-illuminated advertisement banner.	Approved 8th February 2007.
P/06964/015	Erection of a metal security gate and metal screen.	Approved 8th February 2007.

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) a site notice was displayed outside the site on 24/02/2020. The application was advertised as a major application in the 28/02/2020 edition of The Slough Express. Neighbour letters were sent out on 21/02/2020 to the following addresses:

- 11A, Mill Street, Slough, SL2 5DH,
- Thames Pathology Services, 12, Mill Street, Slough, SL2 5DH,
- Mill West, 139, Mill Street, Slough, SL2 5AD,
- Mill West, 138, Mill Street, Slough, SL2 5AD,
- Mill West, 133, Mill Street, Slough, SL2 5AD,
- 16, Mill Street, Slough, SL2 5DH, Reliance Auto Test,
- 11, Mill Street, Slough, SL2 5DH, Mill West,
- 131, Mill Street, Slough, SL2 5AD, Mill West,
- 13, Mill Street, Mill West,
- 137, Mill Street, Slough, SL2 5AD,
- Mill West, 136, Mill Street, Slough, SL2 5AD,
- Mill West, 135, Mill Street, Slough, SL2 5AD,
- Stratstone Of Mayfair, 23, Mill Street, Slough, SL2 5AD,

- 18, Queens Court, Slough, SL1 3QR,
- 12, Queens Court, Slough, SL1 3QR,
- 13, Queens Court, Slough, SL1 3QR

- Lady Haig Club, 70, Stoke Road, Slough, SL2 5AP,
- 51A, Stoke Road, Slough, SL2 5AH,
- 51, Stoke Road, Slough, SL2 5AH,
- 47, Stoke Road, Slough, SL2 5AH,
- Basement Flat, 47, Stoke Road, Slough, SL2 5AH
- Top Flat, 47, Stoke Road, Slough, SL2 5AH,
- Ground Floor Flat, 47, Stoke Road, Slough, SL2 5AH,
- Coral, 70A, Stoke Road, Slough, SL2 5AP,
- Managers Accommodation, 70, Stoke Road, Slough, SL2 5AP,
- Studio Flat, 70, Stoke Road, Slough, SL2 5AP,
- 67A, Stoke Road, Slough, SL2 5BJ,
- 67B, Stoke Road, Slough, SL2 5BJ,
- Novello House, Stoke Road, SL2 5BW,
- Novello House, Flat 10, Stoke Road, Slough, SL2 5BW,
- Novello House, Flat 12, Stoke Road, Slough, SL2 5BW,
- Novello House, Flat 11, Stoke Road, Slough, SL2 5BW,
- Novello House, Flat 2, Stoke Road, Slough, SL2 5BW,
- Novello House, Flat 9, Stoke Road, Slough, SL2 5BW,

- Novello House, Flat 17, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 1, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 18, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 19, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 3, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 4, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 16, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 14, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 20, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 6, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 7, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 8, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 5, Stoke Road, Slough, SL2 5BW,
 - Novello House, Flat 15, Stoke Road, Slough, SL2 5BW,
 - Littledown School, Stoke Road, Slough, SL1 3QW,
 - Laces, 53, Stoke Road, Slough, SL2 5BW,
 - The Salvation Army, Stoke Road, Slough, SL2 5BW,
 - The Salvation Army, Flat, Stoke Road, Slough, SL2 5BW,
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- Slough And Thames Valley Foyer, Room 28, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 37, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 52, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 4, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 15, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 64, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 35, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 11, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 49, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 59, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 45, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 3, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 5, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 9, 52, Stoke Road, Slough,

- SL2 5AW,
- Slough And Thames Valley Foyer, Room 63, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 29, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 43, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 47, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 50, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Part Lower Ground Floor, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 26, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 32, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 34, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 48, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 1, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Ground Floor, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 39, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 46, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 10, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 60, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 61, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 24, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 25, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 6, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 31, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 33, 52, Stoke Road, Slough, SL2 5AW,
 - Slough And Thames Valley Foyer, Room 57, 52, Stoke Road,

- Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 21, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 13, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 18, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 8, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 17, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 19, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 42, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 53, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 55, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 12, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 56, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 51, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 44, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 20, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 38, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 58, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 36, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 7, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 14, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 27, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 41, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 62, 52, Stoke Road,

- Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 23, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 30, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 40, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 54, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 16, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 22, 52, Stoke Road, Slough, SL2 5AW,
- Slough And Thames Valley Foyer, Room 2, 52, Stoke Road, Slough, SL2 5AW,
- Hand Car Wash, 18, Mill Street, Slough, SL2 5DH,
- 49, Stoke Road, Slough, SL2 5AH

5.2 Under all procedures for publicity, one letter has been received which neither objected nor supported but raised queries as to the timeframe for demolition.

6.0 **Consultations**

6.1 Local Highway Authority:

Car Parking Provision

The proposed parking ratio is cause for significant concern. The 41 allocated parking spaces gives an allocated parking ratio of 0.35 spaces per dwelling. It should be noted that the proposed level of parking falls significantly below the borough's approved parking standards which would require 171 car parking spaces however given the highly sustainable location of this site, a parking ratio of 0.45 spaces per dwelling was agreed upon. Whilst this is considerably below Local Plan requirements I am mindful that the site is close to the edge of the Town Centre, where we have permitted reduced levels of parking for other developments.

The parking ratio proposed is below the parking ratio of 0.45 spaces per dwelling agreed at pre-application stage, given 10 parking spaces on the service road will be unallocated parking spaces, non-exclusive to the development and therefore cannot count towards the allocation.

A parking ratio of 0.45 allocated parking spaces per dwelling was agreed in line with the parking ratio for other town centre residential developments such as the 0.47 spaces at 23 – 25 Mill Street (P/05806/007) and 94 – 102 Stoke Road and taking into account the sustainable location.

The deviation from the agreed ratio is of particular concern given the proposed number of 2-bedroom and 3-bedroom dwellings within the development.

Although the larger units are welcomed, these generally have a higher parking demand as they are more likely to be occupied by couples or small families who require a car and therefore we feel it is important that the 0.45 parking ratio is maintained as a minimum.

It is acknowledged that the site benefits from an accessible location via walking and cycling due to its location in close proximity to the Town Centre, Slough Railway Station and Slough Bus Station and that this creates the potential for some residents to live without a car. However, SBC are also concerned that the development will potentially result in the overspill of parked vehicles onto the surrounding highway network which would likely cause an on-street parking problem for existing residents of the area and therefore a minimum of 0.45 allocated parking spaces for residents is deemed to be the correct balance in addition to a contribution towards the Council's car club scheme to provide an alternative option to residents and discourage them from owning a vehicle when they don't necessarily need to.

It is unlikely that on-street parking capacity exists to safely accommodate any overspill or visitors, on the surrounding road network without disadvantaging existing residents or posing highway safety issues and therefore in order to protect the interests of existing residents and the safe operation of the highway network the developer should make a TRO contribution for the Local Highway Authority to investigate and amend or implement suitable measures on nearby streets such as Littledown Road, Queens Road, Grays Road, Belgrave Road, St Paul's Avenue and Mill Street.

Parking Layout and Dimensions

A pair of parking spaces are shown directly off the service road close to its junction with Mill Street. These spaces are of a poor design/layout due to the proximity of them to Mill Street and it also appears unlikely that they will be able to achieve the minimum required visibility splays which increases the risk of collision both with motor vehicles and pedestrians whilst also leading to a poor user experience for pedestrians, especially those with limited mobility. If the applicant wishes for these bays to be considered, they must demonstrate adequate visibility splays and stopping sight distances for these bays.

A further parking bay is shown towards the northern end of the site, again it appears that this bay will not be able to achieve the required visibility for its safe operation, partly due the chance that the visibility splays will partly lie within the neighboring development site over which the applicant has no control. The applicant must demonstrate visibility splays for this bay if they wish for it to be considered. If redesigned, this bay may be able to work as a loading/unloading bay if required.

It should be noted that if these bays cannot achieve the visibility required, we would not be able to approve them therefore the scheme would be short by a further 3 parking spaces.

SBC are concerned that the parking spaces displayed on the proposed site plan (Drawing No.1518 P-02-Rev A) are of insufficient dimensions and that not all parking spaces will be accessible. This will reduce the number of useable parking

spaces even further.

The applicant is required to provide parking spaces which measure an additional 0.3m in width on each side bounded by a physical feature such as a wall, fence or hedge. Spaces bounded on one side by a physical feature should measure 2.7m x 4.8m and spaces bounded on two sides by a physical feature should measure 3.0m x 4.8m. A number of spaces shown on the proposed site layout (Drawing No.1518 P-02-Rev A) are bounded by hedges, walls or planters and are no wider than a standard parking space.

There appear to be a number of trees sited within narrow landscaped strips between the parking bays which could also potentially limit access to the spaces. The strips appear to be no more than 0.5m wide and therefore it is not possible for any trees or planting to be viable in these locations once the kerbing has been installed with its concrete haunching especially when considering the fact that any vertical obstructions must be 450mm from the kerbface..

The applicant is required to complete swept path analysis of each parking space using the specification for a Large Car contained within DB32 which measures 5.1m long. Swept path analysis has been provided which is intended to demonstrate the end parking spaces can be accessed with a medium size car, although this car only measures 4.312m long and many modern cars are longer than 4.312m and therefore should be tracked using the DB32 large car. The central aisle has not been dimensioned however it must be ensured that this measures an absolute minimum of 6m in width between the parking spaces.

Electric Vehicle Charging

No Electric Vehicle Charging points appear to be detailed within the application proposal. The applicant is required to provide Electric Vehicle Charging Points in accordance with the Slough Low Emissions Strategy (2018 – 2025). The Slough Low Emissions Strategy requires the provision of 1 Charging point per unit where dwellings have dedicated/allocated parking spaces. For unallocated parking spaces, 1 charger per 10 spaces is required. These EV charging spaces would need to be detailed and secured.

Car Clubs

One way of reducing car ownership is to provide a car club or make a contribution towards one. This has been taken into account within our comments and as per our discussions at earlier stages, a car club contribution would be expected in order to accept the 0.45 spaces per dwelling parking provision detailed within this report.

Cycle Parking

The applicant has proposed cycle parking across 6 cycle stores, 3 internally accessed via the service road and a further 3 accessed externally from Stoke Road. We have discussed our concerns on security and crime with the applicant in the past and have suggested that all stores should be accessed internally for the purposes of security. The cycle parking to the 3no stores to the rear of the development consist of individual cycle lockers which we confirm is acceptable. The cycle stores accessed off Stoke Road utilise semi-vertical bike stands, these are not easily usable by all, furthermore we do not appear to have detailed,

dimensioned drawings and specifications for the cycle storage therefore require further information before we can support this proposal.

In previous advice we had asked for a mix of individual cycle lockers and Sheffield stands with the Sheffield stands being compartmentalized to limit access and maximize security, the information supplied does not appear to fully follow this advice therefore we would need more detailed information and drawings. There are also an additional 8no Sheffield stands proposed on the Stoke Road frontage to accommodate up to 16no bikes for short stay/visitors. In terms of numbers, I can confirm that we accept the number of cycle spaces proposed (120+16) as they exceed our standards.

Refuse Collection

The Transport Assessment includes swept path analysis for a large refuse vehicle measuring 2.5m x 11.997m. The tracking shows the vehicle entering the site from the Western arm of Mill Street and exiting via the eastern arm of Mill Street. This is larger than the refuse vehicle currently used in Slough and is therefore an acceptable design vehicle; however the applicant is required to track the vehicles entry and exit from both directions as this may vary during operation, furthermore it must be demonstrated that the vehicle can turn on site so that it both enters and exits in forward gear as this will be necessary until such a time when the service road has been completely constructed by other neighbouring parties. We also suggest that the applicant provides this vehicle tracking using Slough's refuse truck as this will require a smaller space to manoeuvre.

Deliveries / Servicing

The applicant is required to consider whether a dedicated unloading bay for delivery vans can be provided on site. The trip generation exercise forecasts a net increase of 50 two-way servicing trips over daily 12-hour period, which is 25 one-way trips over 12 hours and the equivalent of two vehicles arriving and departing during each hour. However, no dedicated provision is made for delivery vehicles and the number of expected delivery vehicles may interfere with safe operation of the access road therefore the applicant should demonstrate how they intend on servicing the site. As per our comments on the refuse vehicle, until such a time when the service road is completed, all service vehicles will be required to enter and leave the site in forward gear. Reversing on/off Mill Street is not deemed acceptable and therefore the applicant must provide swept paths to demonstrate this can be achieved using suitable service vehicles. A delivery and servicing management plan would need to be secured via condition.

Bin Stores

The location of the bin stores to the rear of the proposed development was accepted at pre-application stage.

The applicant has shown 19no bins within the 3 bins stores. The applicant is required to clarify the size of the bins shown on the proposed Site Plan and how many bins will be provided for waste and how many will be provided for recycling as in accordance with SBC's refuse standards. In accordance with Slough's standards 11,446L of residual waste (@97L per dwelling) and 6,254L of recycling (@55L per dwelling) must be accommodated within 17no 1100L Eurobins (11- residual waste, 6 recycling) in order to meet the waste and recycling requirements

of the proposed development. It is unclear the size of bins provided for however we assume the bins shown are 1100L Eurobins in which case this is acceptable.

The applicant is required to amend the proposed site layout to show dropped kerbs in front of the bin stores to ensure that waste collection operatives can safely manoeuvre the large eurobins in/out of the bin stores.

Although the bin store doors open outwards which isn't normally acceptable close to the highway, I confirm that the bin stores are sufficiently set back from the proposed adoptable highway for this to not be an issue. The bin stores are accessed internally by residents and externally for the purposes of collection and therefore we confirm this is acceptable. Means of securing the doors and access for the refuse collectors will need to be agreed prior to occupation in order to prevent any misuse or antisocial behaviour within the bin stores.

Pedestrian Access

The layout of the current service road and development does not lend itself well to ensuring safe pedestrian movements along the service road. The applicant has not detailed any measures along the service road however changes to the footway layout would be required as part of the proposal and to allow the service road to be adopted.

Service Road

The applicant is required to enter into a s38 agreement with the Local Highway Authority for the adoption of the service road to the rear of the development. The applicant has confirmed that they will be doing so however this must be secured via the s106 agreement.

In order to adopt the road, the road will need to be constructed to an adoptable standard, this will include (but is not limited to), redesign and reconstruction of the footway to provide a safe provision for pedestrians, installation of new kerbing where required, installation of tactile paving at crossing points, installation of dropped crossings for bin collections, streetlighting installed to the Council's current adoptable standards, alteration of radii on junctions with parking areas, removal of the build-outs from the service road parking bays to ensure each bay is a minimum of 6m long, installation/refreshing of road markings within adoptable areas, trial holes and any other tests deemed necessary to ascertain the condition of the service road to agree the extent of reconstruction works required to bring it up to an adoptable standard (resurfacing will most likely be required as a minimum). We would suggest that the works required are agreed within the s38 detailed design drawings and secured via a s106 agreement.

Highway Widening – Stoke Road

A small part of the development sits within the road widening line on Stoke Road. The applicant is aware of this and has confirmed that the proposal has been adjusted to ensure it sits outside of this line and that the land within the developer's control and within the widening line will be dedicated as public highway, to the Local Highway Authority at no cost to the Council. The works required will involve constructing any areas within the widening line as adoptable

footway construction. This must be secured by condition.

The development should not commence unless the road widening line has been set out and approved by Slough Borough Council. Please ensure this requirement is secured by the s106 agreement or condition.

Travel Plan Statement

There are no additional measures to encourage sustainable travel proposed within the Travel Plan Statement which are not already proposed within the Transport Assessment. No travel mode targets have been set out and there is no monitoring strategy to monitor travel patterns amongst residents.

The applicant is required to amend the Travel Plan Statement to a Full Travel Plan.

The applicant is required to include travel mode targets, a monitoring strategy and to consider inclusion of additional measures such as:

A Welcome Pack for each dwelling containing travel information leaflets;
Vouchers for local cycle stores; Dr Bike sessions to support bike maintenance for residents; and/or Trial/introductory vouchers for bus travel.

Whilst SBC agree a low parking ratio is appropriate at this location, the development must be supported by sustainable travel measures and a monitoring strategy to support low levels of car use.

The SBC Developer's Guide Transport and Highway Guidance – Part 3 requires the provision of a Travel Plan for developments greater than 80 Units. A Travel Plan Statement is only considered appropriate for developments of 50 – 80 Units therefore a travel plan must be submitted as a part of this application and a travel plan monitoring fee need to be secured.

Summary

Mindful of the above, there are a number of points which the applicant must address before we could support the application therefore I am satisfied that this proposal will have a detrimental affect on the operation of the local highway network and as such I would recommend refusal of this application based on the reasons detailed in this report.

Following the submission of additional highways information by the applicant the following additional comments were made:

Introduction

Comments were previously provided on Transport and Highways on 07/07/2020. A Technical Note dated 6th August 2020 has been provided in response to these comments by RPS, who are the Transport Consultant for the application. This document provides further comments from SBC on Highways and Transport Matters, with comments only provided on outstanding matters.

SBC Highways and Transport Comments

Parking Allocation and Ratio

SBC Comment (07/07/20) raised concern about the proposed parking ratio of 0.35 spaces falling below the agreed ratio of 0.45 spaces per dwelling and that the development would lead to the overspill of parked vehicles onto the surrounding roads from both residents and visitors. **RPS Response (06/08/20)** states that the provision of 51 parking spaces with 41 allocated and 10 on the service road was agreed and refers to a pre-application response dated 05.08.2019 at a meeting on 10th June 2019, although it was recognized that this did not equal a parking ratio of 0.45 spaces per dwelling.

SBC Comment (15/09/20): SBC Highways and Transport do not accept that the provision of 0.35 spaces per dwelling in the form of 41 allocated spaces and 10 permit controlled spaces on the service road was agreed at the meeting dated 10th June 2019. It is not possible to create a permit system on the service road which ensures the spaces would be available to residents of the proposed development for 'exclusive use by future residents' as stated in Paragraph 1.6 of RPS response. Permits are granted on a first come first serve basis. In addition the RPS response does not detail if the surrounding roads have capacity to accommodate visitor parking

SBC Highways and Transport cannot accept the proposed parking provision on the basis it will cause parking overspill onto the surrounding streets.

Parking Layout and Dimensions

RPS Response (06/08/20) states that 18m visibility can be achieved from the two spaces adjacent to the junction with Mill Street which is suitable for vehicles travelling at 15.33mph and that this will be suitable for vehicles turning left of Mill Street. From the space at the northern end of the service road, 2x23m of visibility can be provided which is suitable for vehicle speeds of 20mph. RPS states that they have widened the end spaces by 0.3m and the tracking drawing (Drawing No. JNY9970-02-Rev-C) has been updated to show an amended layout and a large car measuring 4.988m in length. The drawing states that the end spaces have been increased to 3m in width.

SBC Response (15/09/20): SBC Highways and Transport cannot accept the vehicle tracking shown in Viewports 1, 2, 3 and 4 on Drawing No. JNY9970-02-Rev C. Viewports 1 and 3 show a large car cannot ingress the spaces without conflicting with the wall and or crossing the adjacent space. The car in the adjacent space has been shown on the edge of the space to allow the large car to ingress the end space. All plots show a significant amount of dry steering.

Electric Vehicle Charging

SBC welcome the commitment to providing EVCP charging on-site and are content for EVCP charging to be secured by condition. The Electric Vehicle charging points should be provided in accordance with the requirements set out by the Environmental Team

Car Clubs

SBC welcome the commitment to make a contribution towards a car club which would be secured by condition as part of the s106 agreement. The contribution should be made in accordance with the requirements set out by the Environmental Team.

Cycle Parking

SBC are satisfied that the details and arrangement of the cycle parking can be secured by condition as part of the s106 agreement.

Refuse Collection

SBC welcome the submission of vehicle tracking which also displays the egress of the refuse vehicle from the site. Highways and Transport are content that a refuse vehicle can safely ingress and egress the site in a forward gear.

Deliveries / Servicing

RPS Response (06/08/20): In response to concerns raised over provision for deliveries and servicing, RPS have outlined the existing approach is for delivery vehicles to reverse into the car park, where residents could collect their delivery from the rear doors of the development. The delivery vehicle would then exit onto Mill Street and has highlighted that the provision of a delivery bay would result in the loss of parking spaces.

SBC Comment (15/09/20): The proposed servicing strategy is considered acceptable by SBC Highways and Transport.

Bin Stores

Response (06/08/2020): RPS have stated that the details of the size, quantity and kerbs for bin stores can be secured by condition and have confirmed that 1100L Eurobins will be provided.

SBC Comment (15/09/20): SBC are satisfied that further details of the bin store provision can be secured by condition.

Pedestrian Access

Response (06/08/20): RPS acknowledges that the service road will need to be adopted as part of a S38 agreement and that the proposal for the S38 agreement will include an pedestrian footway improvements (if required).

SBC Comment (15/09/20): SBC welcome the commitment for the service road to be adopted as part of the Section 38 agreement.

Service Road

Response (06/08/20): RPS acknowledges that the service road will need to

be adopted and the process for adopting the service road will form part of a S38 agreement.

SBC Comment (15/09/20): SBC welcome the commitment to adopt the service road.

Highway Widening – Stoke Road

RPS Response (06/08/20): RPS acknowledge and the applicant accepts that any land within the widening line will be dedicated as public highway, to the Local Highway Authority at no cost to the council. The adoptable public highway will be secured as a condition as part of the S106 agreement. The road widening line will be set out and agreed with SBC prior to the development commencement.

SBC Comment (15/09/20): SBC welcome the commitment to offer any part of the highway being widened for adoption.

Travel Plan Statement / Travel Plan

RPS Response (06/08/20):

Para 1.13 of the response states that the applicant has provided an updated Travel Plan, addressed in RPS Response 12 which will also be conditioned with a full Travel Plan, proposed measures and monitoring, included in the S106 agreement. Para 1.14 requests that SBC outline what the quantity of a TRO contribution is that they deem to be acceptable and appropriate. A full Travel Plan has been provided as Appendix F, instead of the Travel Plan Statement previously submitted.

SBC Comment (15/09/20): SBC can confirm 100% of the TRO Contribution should be paid by the applicant as part of the s106 agreement.

SBC welcome the submission of a full Travel Plan rather than a Travel Plan Statement. The overall objectives are accepted. SBC welcome the modal split targets for 45% and 40% car travel within years 3 and 5 of the development's occupation.

SBC welcome the commitment to appoint a Travel Plan Coordinator, provide a Travel Information Pack and completion TRICS compliant surveys at years 3 and five of the development's occupation. The results will be submitted to SBC for

Summary and Conclusions

Mindful of the above comments on parking ratio and layout, I am satisfied that this proposal will have a detrimental affect on the operation of the local highway network. I would therefore recommend refusal of this application for the reason(s) given.

Reason(s) 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.

Poor Layout

The layout as submitted is unacceptable and as such would result in an unsatisfactory form of development. The development is contrary to Slough Borough Council's Core Strategy 2006-2026 Core Policy 7.

6.2 Crime Prevention Design Advisor, Local Policing:

No comments received. Any comments received will be reported into the Amendment Sheet.

6.3 Thames Water:

In summary

No objections raised in respect of the impact on the waste water infrastructure in respect of both foul water sewerage and surface water capacity.

The existing water network is not capable of accommodating this development and therefore a condition is recommended to address this.

The development is located within 5 metres of a strategic water main and a number of conditions and Informatives are proposed aimed at safeguarding the water infrastructure.

6.4 SBC Building Control

No comments to make

6.5 Sustainable Design and Construction:

Energy Statement for Planning For Beacon House, 50 Stoke Road, Slough
Oct 19 MLM

The supporting information indicates it is practical to achieve the Council's policy re minimising carbon emissions through energy efficiency measures plus some low or zero carbon heating on site. However the review of low carbon technologies etc. does not cover photovoltaics. The applicant should revise the statement to include this in the review. A condition should be applied to secure either submission of a policy compliant carbon emission minimisation scheme prior to start of construction. Or build in accordance with the submitted scheme (subject to revision requested) if the applicant is prepared to commit to the statement at this stage. Plus implementation prior to first occupation.

Re 5.5 related to noise attenuation and ventilation please seek proposals for ensuring will not overheat as a result of residents keeping windows closed to achieve satisfactory interior noise levels on hot/sunny days. Noise attenuation calculations assume windows are closed. Ventilation standards in current Building Regs. rely on trickle vents and opening windows. They do not factor solar gain nor security considerations. Trickle vents are rarely adequate on not/sunny days. MVHR systems need to be designed to ventilate rooms that overheat on hot/sunny days and where for noise attenuation or security reasons opening window is not practical.

6.6 Lead Local Flood Authority

The submitted information is acceptable and we have no further comments.

6.7 Air Quality Officer

In line with the Slough Low Emission Strategy, the scheme is considered to have a MAJOR impact on air quality. As such, a detailed air quality assessment has been submitted which assesses potential exposure to future residents. The assessment must include the integration of Type 1, 2 and 3 Mitigation measures, in line with details contained in the LES Planning Guidance.

As demonstrated in the modelling results, the development is unlikely to introduce receptors to an area of poor air quality exposure, as NO₂ concentrations are predicted to be in the region of 31ug/m³.

The site is located circa 200 metres from an Air Quality Management Area (AQMA 4). The site includes 41 parking spaces (reduction of 2 from last proposal) and it is likely that trip rates will impact the AQMA, as residents of the development will travel through AQMA 4 to reach Slough town centre. This is supported by the transport assessment which indicates that the net change in multi-modal trips shows an increase of 283 two-way person trips over the daily period.

The construction phase has been assessed in terms of dust and soiling impact to the receptors surrounding the site and the vehicle haul routes. The impact of vehicle emissions and plant during the construction phase, on levels of NO₂ and PM_{2.5} and PM₁₀ has not been considered despite it being requested in previous comments. The impact of emissions arising from heating systems, once the scheme is operational, on levels of NO₂ and PM_{2.5} and PM₁₀ has also not been considered.

For these reasons, it is recommended that the following mitigation is implemented, to ensure impact to the AQMA is reduced as much as possible. It is noted that during previous discussions, the applicant has already committed to providing a financial contribution to the operation of a car club in Slough.

Mitigation Requirements

- 1) Electric vehicle re-charging infrastructure should be provided in line with

table 7 of the LES Technical Report. As there are no dedicated spaces for the residential dwellings (41 spaces), the LES requires that a minimum of 10% of the parking spaces should have access to electric vehicle recharging facilities, therefore installation of four Type 2 Mode 2 EV charging points in the proposed development is required.

- 2) Installation of 2 dedicated Car Club Bays within the site as part of the 41 bay car park with a Type 2 Mode 3 EV charger to service the bay.
- 3) £59,000 (contribution of £500 per dwelling) towards the operation of a Slough dedicated car club that is to operate 2 cars on the site within the dedicated accessible car club bays, one of which will be an EV.
- 4) The car club will be accessible to all future occupiers of the development and all existing and future members of the Slough Car Club Network.
- 5) Details of the energy demand systems (heating and hot water) to be used on site, which must meet a minimum of 10% renewable energy requirement. This is a core planning policy requirement.
- 6) The heating systems must meet low emissions standards as outlined within Table 7 of the Low Emission Strategy.
- 7) A Construction Environmental Management Plan (CEMP) will need to be developed for the scheme and will need to be submitted to the Local Planning Authority for approval in writing, prior to commencement of works. The CEMP should include details regarding air quality, dust, odour, fumes, land contamination, noise and vibration impacts, and suitable mitigation Details shall be submitted to the Local Planning Authority and approved in writing before commencement.
- 8) Non-road mobile machinery (NRMM) standards will be applied to site construction equipment as outlined within Table 10 of the Low Emission Strategy Technical Report.

6.8 Environmental Noise

The noise assessment was conducted between 29th and 31st July 2019 to determine baseline noise at the development site. The dominant noise sources included road traffic on Stoke Road and Mill Street, and aviation noise.

The monitoring results suggest that road traffic noise can be adequately mitigated with a glazing and ventilation strategy, such as the following:

- 6/16/6.4mm thermal double glazing with Rw 31dB
- Passivent AL-dB 450 in-frame trickle ventilator with Dnew 40dB

However, this assessment was conducted with windows closed, when guidance suggests that internal noise limits should be met with windows open. It is expected that an additional noise assessment is conducted and submitted to the Local Planning Authority for approval once at the detailed design stage, to ensure that internal noise levels in line with BS8233 can be met.

At that stage, the suitability of trickle ventilation can also be assessed. If it occurs that a future occupant would rely on open windows for ventilation which would impact internal noise levels, mechanical ventilation may be more suitable. This must be addressed in the new assessment.

Due to the nature of the urban environment in which this development is situated, it is not expected that external amenity limits of 55dB can be met. The balconies can be used at the occupant's discretion.

It is noted that some of the bedrooms are orientated to face onto Stoke Road and Mill Street. It is recommended that internal room layout is redesigned to ensure that bedrooms are furthest from the roads.

In regards to the external plant noise (air source heat pumps), it has been suggested that the plant is enclosed with acoustic screening and the operation of the pumps are restricted. This would bring down the noise level by 4-5dB to 37dB and 44dB on the 6th and 7th floors, respectively. However, this is still 4dB above background, therefore additional mitigation is required to reduce the impact further.

Full details of the glazing and ventilation strategy, and more robust mitigation for external plant noise must be submitted in the form of a new noise assessment to the Local Planning Authority prior to commencement. This is 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.

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 5: Delivering a sufficient supply of homes

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

Section 15: Conserving and enhancing the natural environment

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 7 - Transport

Core Policy 8 – Sustainability and the Environment

Core Policy 9 – Natural, built and historic environment

Core Policy 10 – Infrastructure
Core Policy 11 - Social cohesiveness
Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design
EN 2 - Extensions
EN3 – Landscaping Requirements
EN5 – Design and Crime Prevention
H11 – Change of Use to Residential
H14 – Amenity Space
T2 – Parking Restraint
T8 – Cycle Network and Facilities

Other Relevant Documents/Guidance

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

Draft Centre of Slough Regeneration Framework

This document was presented to Members at the Planning Committee meeting of 9 September and was subsequently determined to be adopted as an evidence document for the forthcoming Slough Local Plan.

The application site forms part of an identified regeneration site known as Mill Street sites which is identified as an opportunity to create a new residential neighbourhood.

While this is an evidence document intended to inform the production of the new Slough Local Plan, The fact that it has been resolved to be adopted by the Council means that it is a material planning consideration and appropriate weight can be given to its content.

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.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2019, the Local Planning Authority

cannot demonstrate a Five Year Land Supply. Therefore, when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless 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.

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
- Housing mix
- Impact on the character and appearance of the area and heritage assets
- Impact on amenity of neighbouring occupiers
- Living conditions for future occupiers of the development
- Crime prevention
- Highways and parking
- Flooding & Drainage
- Trees & Landscaping
- Land contamination
- Air Quality
- S.106 Contributions

8.0 **Principle of development**

8.1 The current proposals result in the loss of non residential floorspace in the form of office space and the space formerly used as a homeless shelter and the redevelopment of the site to provide 118 residential units.

8.2 The National Planning Policy Framework 2019 encourages the effective and efficient use of land. These proposals involve the enlargement of the premises and the formation of additional residential accommodation. As such, the proposals comply with the overall thrust of the NPPF.

8.3 The loss of the non-residential floorspace in this case does not raise any policy issues, as the site lies within an existing allocated area referred to as the 'Stoke Road and Mill Street Selected Key Location for Comprehensive Regeneration'. This area is identified as being suitable for residential development and is further supported within the Council's emerging Local Plan which directs growth to this area.

The site lies immediately north of the designated Town Centre Boundary

although it is located within an area that is proposed as an extension to the town centre boundary as included within the Council's Emerging Preferred Spatial Strategy for the Town which highlights its sustainable location. The site also forms part of an identified regeneration opportunity in the Centre of Slough Regeneration Framework.

- 8.4 Core Policies 1 and 4 seek high-density, non-family type housing to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is expected to be predominantly family housing. At the time of considering this application, the site lies outside of the Town Centre but is regarded as being in a sustainable location. While the policy interpretation suggests that there is a presumption in favour of family housing, it is noted that the sites immediately north and south of the site were consented to be redeveloped to provide flats. Further north (and further from the town centre) there is a recently completed flatted development at 73 Stoke Road.
- 8.5 Whilst the site is located outside of the Town Centre, it is considered that flatted accommodation is more appropriate in this case, as it reflects the existing flatted developments in the area.
- 8.6 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes which should be considered in the context of the presumption in favour of sustainable development. The site is considered to be located in a sustainable location as it benefits from access to public transport, education, retail, leisure, employment and community facilities.
- 8.7 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three over arching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.8 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 8.9 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.10 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.11 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes. The impact of the current proposals is considered in section 10.0 below.
- 8.12 Having regard to the National Planning Policy Framework 2019 and the Local Development Plan, there are no objections to the principle of further

residential development on this site.

9.0 **Mix of housing**

- 9.1 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 C and Core Policy 4.
- 9.2 The proposal would provide a mix of 1, 2 and 3 bed flats, with the greater concentration forming 2-bed units. For a central location such as this the housing mix proposed is considered to be acceptable and reflects those of neighbouring developments.
- 9.3 Of the housing proposed 34% of the units are proposed as affordable housing which amounts to 40 units, The tenure mix is proposed to be within the Council's requirements. The provision of affordable housing in this location is considered to be a benefit that should be afforded significant weight.
- 9.4 On the basis of the information above the housing mix and the delivery of affordable housing on site are considered to be acceptable and can be supported.

10.0 **Impact on the character and appearance of the area**

- 10.1 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, EN2 and H13.
- 10.2 This is carried forward in Core Policy 9 of the Core Strategy, (2006 – 2026) Development Plan Document December 2008, which states that development will not be permitted unless it:
- Enhances and protects the historic environment
 - Respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations
- 10.3 The proposed redevelopment of the site will increase the scale, bulk and massing of built form on the site. The site is in a prominent location and has public realm views from all directions. The new building is proposed with a principal façade that faces west, fronting Stoke Road. Off the principal element are three wings which creates an 'E' shaped footprint for the building.

- 10.4 The principal façade sits closer to the footway on Stoke Road than the existing building and is more consistent in establishing a building line compared to the existing which is broken up by the entrance lobby. The proposed building is more imposing on the street and marks a significant increase in bulk from this public realm location. It is however, a form that is more in keeping with the character of buildings on the east side of Stoke Road and as a result it is considered that it would sit comfortably in the streetscene and be reflective of the character of the area.
- 10.5 In terms of the scale of the proposal the building is designed to rise in height as it runs from the north to the south of the site with the three projecting wings reflecting the scale of the principal element where it meets. At its lowest point the building sits at a height of 5 storeys and rises in a stepped manner to a maximum 8 storeys at the corner of Stoke Road and Mill Street. This scale is proposed as an amendment to the originally submitted scheme which proposed a larger extent of 8 storeys centrally on the building. Concerns were raised with the applicant over the scale of the development as neighbouring developments in the area do not exceed 7 storeys and a further storey would not be in keeping with the area. The 8th storey on the scheme for consideration is focused on the corner to make a feature of this prominent street scene location following discussions with the case officer.
- 10.6 The scale of the building is considered to be acceptable. The stepped nature of the building means that it is a comparable height to neighbouring sites. At the northern extent the scale is the same as the height of the consented redevelopment scheme at the Lady Haig Club. At the southern point the height reflects that of the adjacent Vanburgh Court with the 8th storey exceeding the neighbouring height at the corner. It is considered that the scale of the scheme is such that it would sit comfortably in the streetscene as part of the numerous redevelopment projects in this area. The stepped nature links the sites north and south of the application site helping to establish a holistic streetscene on Stoke Road. The 8th storey is considered to be acceptable in this instance as it occupies a small proportion of the footprint and can be constructed to sit as a lightweight element of the building that is a secondary element. A condition requiring materials details to be approved is included to ensure that this would be the case.
- 10.7 In respect of detailed design the proposed development incorporates a modern design. The positioning and design of window openings create a vertical and horizontal rhythm to the Stoke Road elevation which is considered to be good design. The massing of the façade is broken up by including step backs in 3 parts which create 4 sections of elevation that still read as a single building. The balconies on the Stoke Road elevation project from the building and are not integrated as shown in other parts of the building. It is considered that the balconies could be revised to improve the front elevation. Screens were added to improve privacy between balconies but otherwise they remain as submitted. The balcony arrangement on the

Stoke Road façade is unfortunate as they do not read as an integrated part of the scheme. While it is considered that they could be amended to improve the design, it is also noted that the form and arrangement as proposed does not cause significantly adverse harm

- 10.8 The design of the building is such that it is successful in creating an active elevation that addresses the corner of Stoke Road and Mill Street before continuing onto the latter. The elevation to Mill Street is also prominent and considered to be of high quality. The rhythm of opening is retained but the balconies revert to integrated spaces. The rear of the building is prominent from the east, particularly from Mill Street and the access road within the site itself. Amended plans were received as part of the application process to improve the design at ground floor level. The overall design of the building is one that acknowledges that there are 3 prominent elevations and recognises the importance of activity and high quality to these areas.
- 10.9 The indicative materials palette shown in the application documents shows that the building will be principally constructed in brick which is considered to be in keeping with the character of the area. The introduction of a darker coloured brick type will aid the integration of the proposed into its surrounding and sit as a more sympathetic facing material than the bold yellow and orange bricks on the existing building.
- 10.10 The proposed development also includes the introduction of soft landscaping at the boundaries of the site to compliment the built form which is considered to be acceptable.
- 10.11 Based on the above, the proposals would have an acceptable impact on the character and visual amenity of the area. The design is considered to be of high quality and will enhance the streetscene.. The proposal therefore complies 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, EN2 and H13 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.

11.0 **Impact on amenity of neighbouring occupiers**

- 11.1 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.
- 11.2 The proposals, as more fully described above, result in an entirely new building on the plot with multiple outlooks. In terms of neighbouring uses

there is an approved development to the north which is yet to be implemented and a recently completed development to the south.

- 11.3 In respect of the redevelopment of the Lady Haig club to the north, it is noted that the proposed development does not show any windows serving habitable rooms looking into this site. There are open areas that serve the walkways to units but these areas are not going to give rise to dwelling time for residents and do not form part of the accommodation of the building. Additionally the application was accompanied with a daylight/sunlight assessment that considered the impacts of the approved scheme at the Lady Haig Club site. The assessment showed that there would not be significant and demonstrable harm caused to future occupiers through a loss of light of overshadowing.
- 11.4 To the south there is a separation distance of approximately 17 metres between the windows of the application proposal and those at the recently completed Vanburgh Court which is considered to be an acceptable separation distance between the two given the urban location.
- 11.5 There are no residential properties to the east or west of the site and other units in the area are sited a suitable distance from the application site that ensures there would be no adverse impact on planning terms.
- 11.6 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.

12.0 **Living conditions for future occupiers of the development**

- 12.1 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.
- 12.2 All of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards 2015.
- 12.3 In terms of the levels of daylight, aspect, and outlook, it is noted that the majority of residential units are proposed with dual aspects that would enhance the light levels received to units and give suitable outlooks as well.
- 12.4 Independent accesses are provided at street level from different entrance points which spread people movement throughout the site. Staircases and lifts would then enable future residents to reach each floor giving

appropriate levels of accessibility.

12.5 There is no shared amenity space proposed but each unit has access to private space in the form of balconies which are either projecting or integrated. The plans were amended to ensure privacy screens were included to achieve privacy for all occupiers. At ground floor level the units have terraces rather than balconies.

12.6 Based on the above the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H11 of the Adopted Local Plan.

13.0 **Crime Prevention**

13.1 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.

13.2 There would be a single access from the frontage on Upton Park and a separate secure access point at the rear giving direct access to the cycle storage facilities and then to the circulation core of the building. Each access would have a good level of natural surveillance within the public realm.

13.3 Cycle storage would comprise dedicated rooms on the ground floor and some spaces are provided in secure lockers. Subject to a condition below, the facilities would be private and the external access doors would be secure, so no objections are raised in respect of the prevention of crime.

14.0 **Highways and Parking**

14.1 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*'.

14.2 The initial submission drew a number of comments from Highways relating to parking and access as set out in para 6.1 of this report. Principal concerns relate to the proposed parking ratio and the ability of vehicles to

access spaces that are shown on the submitted plans.

- 14.3 Additional information has been submitted to address the comments including a transport note and full travel plan. Following consideration by Highways Officers the concerns regarding the parking ratio are maintained. The applicant has sought to justify their proposal on the basis of the parking provision proposed and therefore the merits of the highway impacts have to be considered on the basis of the scheme as submitted.
- 14.4 Parking Provision.
The application proposes 41 parking spaces on site and an additional 10 next to the proposed adopted road. The applicant regards the parking provision at 51 in total. The Highways Officer disagrees with this, observing that the 10 on street spaces cannot be allocated to the development as they will be within the public highway. The applicant further states that the 10 on street spaces can be subject to residential parking permits, therefore making them available for the development. The Highways Officer notes that a permit scheme cannot be used to allocate spaces to a specific development and therefore the spaces would not be guaranteed for this scheme.
- 14.5 It is considered that the 10 on street parking spaces cannot be counted as part of the allocated parking for the scheme. Their provision is considered to be a benefit but for the purposes of parking provision they should be disregarded as it is not possible to ring-fence public highway parking spaces to a single development under a permit scheme.
- 14.6 Therefore the parking provision for this scheme sits at 41 which gives a parking ratio of 0.35 spaces per dwelling. The Highways Officer is seeking 0.45 spaces per dwelling although it is observed from previous pre-application advice that the Council would seek a ratio of 0.4. The required parking provision at a ratio of 0.45 is 53 spaces, meaning this scheme has a shortfall of 12 on site parking spaces. The requirement at a ratio of 0.4 (as stated in the Council's pre-app advice gives a requirement of 47 spaces, making a shortfall of 6 spaces. Consideration therefore falls as to whether or not the shortfall or parking spaces results in significant adverse harm that would warrant a justified reason to refuse planning permission.
- 14.7 As stated in para 8.3 the site currently sits adjacent to the northern extent of the Town Centre but is proposed to be included as part of an extension to the Centre. The Highways Officer has acknowledged, in the initial comments, that the site is in a highly sustainable location and it is considered that this therefore makes the principle of providing lesser car parking acceptable in principle. This approach is not contested by the Highways Officer and the matter is therefore the extent of shortfall is considered acceptable.
- 14.8 The application site lies less than 500 metres from both the rail and bus station which lie to the south. Its closeness to the town centre means that

the site has a close relationship to a host of services and employment opportunities which emphasises the highly sustainable location. Furthermore there are bus stops close to the site with a northern running stop located adjacent the site on Stoke Road and a southern route stop located approximately 70 metres to the south.

14.9 It is acknowledged that the applicant has failed to provide the required number of on site parking spaces and the argument to include on-street parking spaces as part of the allocation is weak and should be given no weight. The lack of parking should be considered to be an adverse impact of the scheme. However, given the highly sustainable location of the site it is considered that the shortfall of a maximum of 12 parking spaces is not going to result in a highways impact that would be significantly adverse to the extent that it would warrant a sustainable reason to refuse in planning terms. Furthermore, the scheme has to be considered in the planning balance and the adverse impact have to be weighed against the perceived benefits. This is addressed in greater detail at para 20.0 of this report but, as will be demonstrated, this application provides significant benefits, including the provision of affordable housing, car club spaces and infrastructure contributions.

14.10 Additionally, it is noted that, at the committee meeting of 9 September 2002, Members acknowledged the content of two of the key components for the Council's Spatial Planning Strategy relating to the future of development in the centre of Slough and the cross border expansion as forming the basis for the preferred Spatial Strategy for the forthcoming Slough Local Plan. Additionally, Members also noted the content of the third draft of the Centre of Slough Regeneration Framework. The draft Framework continues to include the site and surrounding area as a regeneration opportunity and the Spatial Strategy continues to propose the site as part of a town centre expansion. The report to Members at the previous committee advised that sites within the town centre would be developed with a parking ratio of 0.2 spaces per dwelling to emphasise movements other than the private car. Therefore it is likely that this application site would form part of the town centre and be subject to an even lower parking ratio than is proposed here. The reports from the previous committee can be given some weight as material considerations on this case; it is considered that some weight should be applied given that the references are to emerging policies and strategies.

14.11 Addressing other highways matters it is noted that there are no objections in respect of the provision of electric vehicle charging points, arrangements for refuse collection, arrangements for deliveries and servicing and bin store proposals and conditions can address outstanding matters and secure implementation. Concerns are raised over the layout of the parking and the ability of vehicles to access all the spaces. It is considered that this matter can be dealt with by condition if not resolved by the time the meeting takes place.

- 14.12 It is noted that the applicant is committed to a contribution towards the car club which is considered to be a benefit of the scheme. The Environmental Quality team has recognised this site as an opportunity to provide car club spaces as well as the contribution and have advised that 2 spaces should be provided. It is considered that 2 spaces can be provide as part of the 10 on street parking bays proposed which would enable the requirement to be met without compromising on site allocated parking spaces. The provision of car club spaces and the contribution to their implementation is regarded as a benefit to this application.
- 14.13 It is acknowledged that the access road will need to be adopted under a S38 agreement and that a pedestrian footway will need to be included. The applicant has agreed to this and the need to enter into a S38 agreement for this part of the development can be secured as part of the S106 agreement. It is noted that the provision of this access road aligns with the indicative e masterplan for this Mill Road development opportunity as set out in the draft Centre of Slough Regeneration Framework.
- 14.14 The applicant acknowledges that part of the site sits within the road widening line on Stoke Road and the plans show that no built form is within this small section. The applicant acknowledges that the affected area will be dedicated as public highway and that this can be secured through obligation in the S106 agreement.
- 14.15 As part of the additional information the applicant submitted a full travel plan for the site which is considered to be acceptable. The applicants will be required to pay a monitoring fee contribution in accordance with the provisions of the Developers Guide and this can be secured through S106 agreement.
- 14.16 In highways terms it is acknowledged that there is an objection to the lack of parking provision. However, given the highly sustainable location and the intention for this site to sit within the designated Town Centre, it is considered that the shortfall will not result in significant harm to highway safety and therefore para 109 of the NPPF states that permission should not be refused. While the under provision is considered an adverse impact it is considered that this scheme demonstrates a number of benefits that would outweigh the impact from the under provision.
- 15.0 **Flooding & Drainage**
- 15.1 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.

- 15.2 According to the EA flood maps, the site is located in Flood Zone 1. It is at low risk of tidal, fluvial, groundwater flooding, surface water flooding and flooding from artificial sources. A Flood Risk Assessment and Drainage Strategy was submitted as part of the application.
- 15.3 Changes in government legislation from April 2015, require major developments to provide measures that will form a Sustainable Drainage System. Sustainable Drainage Systems (SuDS) are an effective way to reduce the impact of urbanisation on watercourse flows, ensure the protection and enhancement of water quality and encourage the recharge of groundwater in a natural way. The National Planning Policy Framework states that the surface run-off from site cannot lead to an increase from that existing. Slough's Strategic Flood Risk Assessment states that surface water should be attenuated to Greenfield run-off rates. In the scenario where infiltration techniques are not possible, attenuation will be required in order to reduce surface water run-off.
- 15.4 Following additional information, Hampshire County Council, as Lead Local Flood Authority, have no objections to the proposals as set out. Thames Water have also raised no objection subject to conditions and Informatives being included aimed at protecting and safeguarding water infrastructure in the area. The applicant has confirmed that no built development will take place within 5 metres of any mains water route.
- 15.5 On the basis of the comments received the proposed development is considered to be acceptable in light of drainage proposals and the impacts on flooding.
- 16.0 **Trees & Landscaping**
- 16.1 The existing site has soft landscaping at the frontage and the rear of the site. The proposed development would see the removal of existing landscaping but space is provided for new structural landscaping as replacement. The indicative plans are considered to be acceptable as it shows a net gain in soft landscaping and details of planting and boundary treatments shall be subject to conditions.
- 17.0 **Land Contamination**
- 17.1 Core Policy 8 (Sustainability and the Environment) of the SBC's Core Strategy Document states that development shall not 'cause contamination or deterioration in land, soil or water quality' nor shall development occur on polluted land unless appropriate mitigation measures are employed.
- 17.2 The pre-application process identified that the site is potentially contaminated. No Phase 1 assessment was submitted with the application and therefore this matter remains outstanding. As a result conditions are

proposed to address this.

18.0 **Air Quality**

18.1 The application site is not situated within an Air Quality Management Area (AQMA). Therefore, there will not be an unacceptable exposure to air pollution for future occupiers of the development or the users of the surrounding facilities. In the interest of not worsening air quality problems in other parts of the town it will be important, if the proposal is approved, to minimise emissions from travel demand through encouraging non-car modes of travel, which would be enhanced by the scheme's compliance with the Council's requirements for cycle storage facilities and infrastructure for Electric Vehicles..

18.2 The comments of the Environmental Quality Officer include a number of factors that will need to be included as part of any approved and implemented scheme. The requirement for 4 EV charging points can be achieved and secured by condition on any approval notice.

18.3 Mitigation requirements also include the provision of 2 car club bays within the site with another EV charger as part of this. The applicant's have been previously advised that a lesser parking provision would be considered if the scheme included car club provision and this is therefore considered to be necessary.

18.4 To ensure air quality impacts are mitigated against the energy systems installed with the scheme must be compliant with the Council's Low Emission Strategy. No details of the heating and hot water systems are provided and therefore a condition will be applied to submit details for approval prior to installation.

18.5 The requirement for construction management can be accommodated through condition and therefore it is considered that the impact on Air Quality can be reasonably mitigated against in line with the above.

19.0 **Noise Impacts**

19.1 The comments received acknowledge potential noise impacts from vehicular traffic on Stoke Road and Mill Street. It is noted that Stoke Road is already subject to a number of residential properties and this is not an uncommon scenario in this area. The comments also note that the impacts can be mitigated against through the installation of appropriate windows.

19.2 Comments are also noted in respect of the need to enclose external plant to limit noise outputs to residents and the comments conclude by requiring a revised noise assessment, required by condition, to demonstrate the noise matters raised would be addressed in the scheme's implementation.

Conditions are considered necessary and will be included.

- 19.3 As a result is it considered that appropriate conditions can ensure identified noise impacts are mitigated against and the scheme does not therefore result in any significant adverse impact to residents.

20.0 **Infrastructure Requirements/S.106 Contributions**

- 20.1 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.

- 20.2 The proposal includes the provision of 40 units for affordable housing which comprises 34% of the development. This provision will be secured via a S106 agreement.

- 20.3 In accordance with the Slough Developer's Guide the quantum of development triggers a requirement for the following financial contributions:

Education

Contributions in accordance with the Developer's Guide:

	Early Years	Primary	Secondary	Post-16	SEN
1-Beds	£7,920	£31,104	-	-	£4,320
2- & 3-Beds	£18,360	£187,204	£51,544	£51,544	£19,584
Totals	£26,280	£218,308	£51,544	£51,544	£23,904

Recreation

A contribution of £300 per dwelling for enhancement of nearby public open space.

Total: £34,800 to be used towards the upgrading of tennis and netball courts at Salt Hill Park or the extension of the skate and parkour park in the teen zone.

Travel Plan monitoring fee

A contribution in accordance with the Developer's Guide.

Total: £6,000

Car Club

Contribution of £500 per dwelling towards the establishment and operation of 2no dedicated car club spaces on the site. It would be suggested that, notwithstanding the current highways position, the spaces are provided in the tandem bays on the adopted access road. The exact location of spaces can be secured through S106 clause.

Total: £58,000

- 20.4 The S106 agreement will also include an obligation for the applicant to enter into a S38 Highways agreement to enable alterations to be made to the highway to implement the scheme and to enable parking restrictions on Mill Street to ensure there is no overspill that would harm highway safety and convenience as well as an obligation to dedicate part of the site as public highway where it sits within the Stoke Road widening area.
- 20.5 At the point of drafting this report the applicant has made no comments in respect of the listed contributions and it is therefore considered no concerns are raised. The contributions listed above are all considered to meet the tests of paragraph 56 of the NPPF in that they are necessary to make the scheme acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development proposed.
- 20.6 On this basis the contributions and obligations that would be secured through the Section 106 agreement are considered to be benefits of this application that can be given significant weight in the planning balance.

21.0 **Conclusion relating to Planning Balance**

- 21.1 In the application of the appropriate balance, it is considered that there are significant benefits from the provision of 116 residential units in a sustainable location. Of these units, 40 will be affordable housing which is a benefit that should be afforded significant weight. Furthermore the application will secure a number of contributions through a S106 agreement which will improve infrastructure in the area which is also a benefit, particularly the provision of dedicated car club parking bays.

The inclusion of an 8th storey element is unfortunate but its inclusion would contribute towards the level of affordable housing proposed. The shortfall of parking is noted and it is an adverse impact, but as stated , it is not considered to be one that is, of itself, significantly adverse.

On balance it is recommended that planning permission should be granted in this case as the benefits significantly and demonstrably outweigh any adverse impacts and conflicts with specific policies in the NPPF.

22.0 Equalities Considerations

22.1 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).

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

22.3 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.

22.4 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.

23.0 PART C: RECOMMENDATION

23.1 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 resolution of outstanding highways issue 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, open space and the monitoring of Travel Plan, securing affordable housing and Section 278 highways/access works;

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 11th February 2021 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.

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

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) Drawing No.1518 P-07 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (b) Drawing No. 1518 P-08 Rev A, Dated 16/10/2019, Recd On 19/08/2020
- (c) Drawing No. 1518 P-09 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (d) Drawing No. 1518 P-10 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (e) Drawing No. 1518 P-11 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (f) Drawing No. 1518 P-12 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (g) Drawing No. 1518 P-13 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (h) Drawing No. 1518 P-14 Rev B, Dated 16/10/2019, Recd On 19/08/2020
- (i) Drawing No. 1518 P-15 Rev A, Dated 16/10/2019, Recd On 19/08/2020
- (j) Drawing No. 1518 P-01 Rev A, Dated 16/10/2019, Recd On 21/04/2020
- (k) Drawing No. 1518 P-02 Rev B, Dated 16/10/2019, Recd On 21/04/2020
- (l) Drawing No. 1518 P-03 Rev A, Dated 16/10/2019, Recd On 21/04/2020
- (m) Drawing No. 1518 P-04 Rev A, Dated 16/10/2019, Recd On 21/04/2020
- (n) Drawing No. 1518 P-05 Rev A, Dated 16/10/2019, Recd On 21/04/2020
- (o) Drawing No. 1518 P-06 Rev A, Dated 16/10/2019, Recd On 21/04/2020
- (p) Drawing No. 1518 SLP-01, Dated 16/10/2019, Recd On 04/02/2020

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 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 paint colours, glazed facades, and aluminium framing to be used on the relevant block on all external facades and roofs of the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be displayed on site for inspection prior to works commencing on the relevant part of the development. No part of the development shall be used or occupied prior to the implementation of the approved details. 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 and EN17 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 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. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. The security measures to be implemented in compliance with this condition shall be submitted to and approved in writing by the Local Planning Authority and shall achieve the 'Secured by Design' accreditation awarded by Thames Valley Police. The approved details shall be implemented prior to first occupation of the proposed development.

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 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 the Management of Land Contamination CLR11 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).

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 665 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 has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) 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.

This is 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.

This is 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. 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. 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.

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 water 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 water utility infrastructure and details are required to safeguard the existing infrastructure.

INFORMATIVE(S):

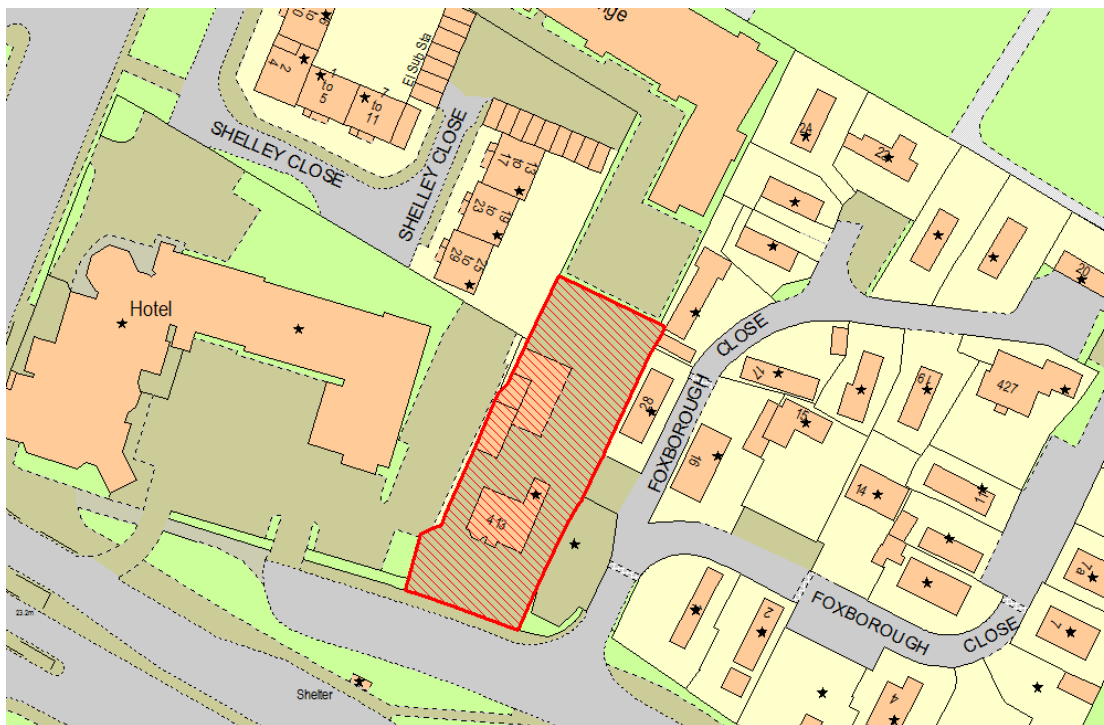
1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to 0350SN&N@slough.gov.uk for street naming and/or numbering of the unit/s.
2. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the Piling Method Statement. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/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 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-ordiverting-our-pipes> Should you require further information please contact Thames Water. Email: 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. 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.

Registration Date:	03-Jul-2020	Application No:	P/00331/004
Officer:	Michael Scott	Ward:	Foxborough
Applicant:	Mappgro Ltd	Application Type:	Major
		13 Week Date:	02 Oct 2020
Agent:	Zyntax Chartered Architects, 8, Arborfield Close, Slough, SL1 2JW		
Location:	413, London Road, Slough, SL3 8PS		
Proposal:	Construction of 14no. flats comprising 13no. 2 bedroom flats and 1no. studio flat with associated parking and amenity.		

Recommendation: Delegate to the Planning Manager



P/00331/004

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 approval subject to: no substantive concerns are raised by the Local Lead Flood Authority; in order to finalise conditions and agree pre-commencement conditions; and any other minor changes.
- 1.2 This application is to be determined at Planning Committee as it is an application for a major development comprising more than 10 dwellings.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 This is a full planning application for:
- Construction of two four-storey buildings – being three-storeys with roof level accommodation.
 - Provision of 14 residential units (seven units in each block).
 - Surface parking providing 14 communal spaces for the proposed residential units. Two of these spaces shall be provided with electric charging facilities.
 - The provision of cycle parking facilities for future residents and visitors.
 - Secure bin and recycling storage facilities.
 - Formation of a new vehicular access to the access road fronting the site leading to London Road.

3.0 **Application Site**

- 3.1 The site, which is now cleared, formerly comprised a detached two-storey property with surrounding yard and was used as the Langley Commercial Centre for light and heavy commercial vehicle sales. It is accessed from the service access road alongside the north side of London Road.

- 3.2 There is no particular undulation within the site but ground levels generally fall consistently from the rear (northern end) towards the front of the site facing London Road. A similar fall from north to south is observed on the adjacent sites; though, there is a difference in levels between the adjacent land at Foxborough Close, where ground levels are some 500mm. higher than the application site across the respective boundary.
- 3.3 To the west lies the Toby Carvery/Travelodge site where the main commercial buildings and the hotel accommodation are two-storeys in height. There is an area of surface level car parking between the nearest part of this complex of buildings and the boundary of the application site.
- 3.4 To the east lies Foxborough Close, an estate of low-rise detached properties in a low-density setting.
- 3.5 To the north-west lies a development of three-storey blocks of flats in Shelley Close with the Telephone Exchange to the rear on the northern boundary of the application site. The structures in each case are set well away from the common boundaries.
- 3.6 A line of tall and mature, deciduous trees lie along the boundary outside the application site within the control of the freeholder at Shelley Close.
- 3.7 To the south across the width of London Road (A4) lies the Marriot Hotel, which is a multi-storey hotel complex set in its own landscaped grounds.
- 3.8 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 no heritage assets in the vicinity; the location lies over 100 metres outside of the M4 corridor Air Quality Management zone; and, it does not lie in Flood Zone requiring a Flood Risk Assessment.

4.0 **Relevant Site History**

- 4.1 Whilst no relevant planning history has been identified for the site, it is noted that an application was received on 19th November 2019 for

Outline planning permission for residential development of 2no. 3 and half storey buildings accommodating 17no. residential flats - comprising 12no. 2 bedroom flats, 4no. 1 bedroom flats and a studio flat with associated car parking spaces for 17 cars, secure storage for 17 cycles and bin store and was registered under SBC ref: P/00331/003. However, that application was withdrawn without a formal determination.

- 4.2 Following officer's comments and concerns with the proposals set out in P/00331/003, the application was withdrawn prior to a formal determination. The applicant's agent then submitted a Pre-application submission for comments.
- 4.3 The Pre-application scheme sought advice on a reduced set of proposals comprising 14 units based on two similar blocks in a revised site layout. Those proposals were the basis of the original form of this current application.
- 4.4 That advice confirmed that the principle of a loss of an employment generating use on the site would be acceptable and that the introduction of flatted residential blocks would be appropriate.

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 three site notices were displayed - on the fencing on the site frontage on London Road, at the entrance to Foxborough Close and on a lamppost in Shelley Close - on 13/07/2020. The application was advertised as a major application in the 04/09/2020 edition of The Slough Express.

6.0 **Consultations**

- 6.1 Local Highway Authority:

Access

The existing access to the site is a crossover, rather than a bellmouth junction. The crossover and junction of Foxborough Close are approximately 1 metre apart, from the end of the dropped kerb to the give-way line for the junction of Foxborough Close.

The existing access appears to benefit from good visibility in both directions and good forward visibility of oncoming traffic for vehicles turning right into the site. However, visibility from the existing crossover can be blocked by vehicles turning out of or into Foxborough Close.

The existing crossover is not compliant with the SBC Vehicular Crossing Guidance. This guidance sets out that crossings at junctions are usually refused as they can potentially cause obstruction to motorists' line of sight and that a vehicular crossing is not allowed within 5 metres of a junction.

Therefore the applicant is required to situate the access on the western boundary of the site frontage to ensure suitable distance from the junction with Foxborough Close and that the two junctions do not interfere with the visibility from either.

A review of publicly available collision data (<https://www.crashmap.co.uk/Search>) indicates that there is no existing accident problem on the service road which would be exacerbated by the increased vehicle numbers.

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.

Trip Generation

No assessment has been provided of the site's trip generation potential. However the potential vehicular trip generation of the site has been assessed by SBC Highways and Transport is not considered a concern given the small scale of development.

Access by Sustainable Travel Modes

The site is situated approximately 50m and 225m from bus stops on the A4 which are served by the No. 4, No. 81, No. 702 and No. 703 bus services which provide services to Slough Town Centre, Bracknell and Maidenhead. The site is situated approximately 1.3km walk from the shopping facilities on Langley High Street. The site is situated approximately 1.0km from Foxborough Primary School and approximately 400m from Holy Family Catholic School.

Parking

14 car parking spaces are proposed which is equivalent to the provision of one space per dwelling. Where all spaces are assigned/allocated, the SBC Parking Standards require the provision of 0.5 visitor spaces per dwelling. 8 visitor parking spaces would be

required by the parking standards.

The applicant is required to confirm whether parking spaces will be allocated or unallocated and to detail where visitor parking will be provided for the development.

The applicant is required to provide swept path analysis which demonstrates a large car (5.1m long to DB32 Specification) can ingress and egress each parking space and has sufficient turning space to ingress and egress the site in a forward gear.

The applicant is required to confirm whether Electric Vehicle Parking will be provided in accordance with the Slough Low Emissions Strategy (2018 – 2025).

Cycle Parking

Two secure cycle store are displayed on the proposed site plan which contains parking for 16 bicycles. The applicant is required to clarify whether visitor cycle parking will be provided in addition in the form of Sheffield stands outside the development. The SBC Developers Guide – Part 3 – Highways and Transport requires that cycle spaces for visitors are needed for blocks of flats of 10 or more units.

Servicing and Deliveries

It is proposed that waste collection will take place directly from the service road from London Road, with the bin store provided at the front western boundary of the site with access for residents from the parking forecourt. 6 x 1100L Euro bins can be accommodated within the enclosure.

It would appear the distance between the rear block and the bin collection store exceeds the maximum carry distances required by the SBC guidance for Refuse and Recycling Storage for new Dwellings (November 2018).

The SBC guidance requires that the bin storage area should be located not more than 30m from the dwelling that it serves and the distance between where a wheeled bin is sited and the nearest practicable position at which the collection vehicle can stop must not exceed 10m for bulk bins such as 1100L euro bins.

Therefore the applicant is required to amend the proposed site plan to ensure that the distance between the proposed bin store and proposed dwellings is compliant with the guidance.

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.

NOTE: The applicant submitted revisions in response to these matters. Highways final comments will be reported on the Amendment Sheet.

6.2 Thames Water:

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 and set out various matters, which are included under Informatives

6.3 Lead Local Flood Authority

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

6.4 SBC Scientific Officer

The report is a brief summary of the main potentially contaminative uses at the site. Based on the most recent use of the site as a vehicle sales yard, the report recommends further intrusive ground investigation, in order to safeguard the more sensitive proposed human health receptor.

Based on the above, I recommend the Conditions [as set out in 23.0 below] are placed on the Decision Notice

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 5: Delivering a sufficient supply of homes

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

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 7 - Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 9 – Natural, built and historic environment
Core Policy 10 – Infrastructure
Core Policy 11 - Social cohesiveness
Core Policy 12 – Community Safety

The Adopted Local Plan for Slough 2004 (Saved Policies)

EN1 – Standard of Design
EN3 – Landscaping Requirements
EN5 – Design and Crime Prevention
H9 – Comprehensive Planning
H11 – Change of Use to Residential
H13 – Backland/Infill Development
H14 – Amenity Space
T2 – Parking Restraint
T8 – Cycle 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.

Following the application of the updated Housing Delivery Test set out in the National Planning Policy Framework 2019, the Local Planning Authority cannot demonstrate a Five Year Land Supply. Therefore,

when applying Development Plan Policies in relation to the development of new housing, the presumption in favour of sustainable development will be applied, which comprises a tilted balance in favour of the development as set out in Paragraph 11(d) (ii) of the National Planning Policy Framework 2019 and refined in case law. The 'tilted balance' as set out in the NPPF paragraph 11 requires local planning authorities to apply the presumption in favour of sustainable development (in applications which relate to the supply of housing) unless 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.

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
- Housing mix
- Living conditions for future occupiers of the development
- Crime prevention
- Highways and parking
- Flooding & Drainage
- Trees & Landscaping
- Land contamination
- S.106 Contributions

8.0 **Principle of development**

8.1 The current proposals entail the change of use of a site formerly in an employment generating use to provide residential accommodation.

8.2 The National Planning Policy Framework 2019 encourages the effective and efficient use of land. These proposals involve the replacement of a redundant use and the formation of new residential accommodation. As such, the proposals comply with the overall thrust of the NPPF.

8.3 The loss of the former employment generating use, as a vehicle sales and repair business, in this case does not raise any policy issues, as the scale and location of the employment generated was not significant or related to a designated Existing Business Area.

8.4 Core Policies 1 and 4 which seek high-density, non-family type housing

to be located in the Town Centre. In the urban areas outside of the town centre, new residential development is expected to be predominantly family housing. The application site lies outside of the Town Centre in a sustainable location and thus there is a presumption in favour of family housing.

- 8.5 Whilst the site is located outside of the Town Centre, it is considered that flatted accommodation is more appropriate in this case, as it reflects the existing flatted residential mix in the wider area comprising Shelley Close, Quantock Close, Cheviot Road and Grampian Way – with the exception being the specific case of the low density homes in Foxborough Close.
- 8.6 Both the National Planning Policy Framework and the Local Development Plan seek a wide choice of high-quality homes which should be considered in the context of the presumption in favour of sustainable development. The site is considered to be located in a sustainable location as it benefits from access to public transport, education, retail, leisure, employment and community facilities.
- 8.7 Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.
- 8.8 Paragraph 9 of the NPPF stresses that sustainable solutions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 8.9 In Core Policy 1 the Council seeks a scale and density of development that will be related to a site's current or proposed accessibility, character and surroundings.
- 8.10 In Core Policy 8 the Council seeks all development to be sustainable, of high-quality design that respects its location and surroundings, in that it should respect the amenities of adjoining occupiers and reflect the street scene and local distinctiveness of the area.
- 8.11 Accordingly, in Core Policy 9 the Council states development will not be permitted where it does not respect the character and distinctiveness of existing townscapes. The impact of the current proposals is considered in section 10.0 below.
- 8.12 As a scheme that entails an infilling of the street scene, attention must be paid to each limb of Policy H13, of which criteria (a), (b), (c), (d) and (f) are relevant. In summary, the issues turn on the scale of any infilling development.
- 8.13 Having regard to the National Planning Policy Framework 2019 and the

Local Development Plan, there are no objections to the principle of flatted residential development on this site.

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, EN2 and H13.

9.2 As described above, the local area is a somewhat eclectic mix of built forms. The restaurant and motel complex adjacent to the west has a large footprint and is generally of two-stories in height; albeit these are of commercial rather than domestic proportions. Immediately opposite at the junction of Langley High Street and London Road lies the twelve-storey flatted block at Poplar House. The flatted blocks in Shelley Close adjacent to the application site are three-storeys with a high pitched roof and the Telephone Exchange has a large linear footprint and an overall two-storey but non-residential scale. Whilst Foxborough Close is low-rise, the flatted blocks in Grampian Way, which form a significant part of the street scene on London Road to the east, are three-storeys with pitched roofs. On the south side, across the extensive width of the London Road in this location, lies the part three/part four storey bulk of the Marriot Hotel.

9.3 The proposals would be not out-of-keeping with the general massing and scale of the area; albeit of a fresh and different form from any of the existing forms of development in this area. Most importantly in the overall street scene of the north side of London Road in this locality, these proposals would not be prominent or harmful to visual amenity. The three-storey façade of the new blocks would reflect the scale of the three-storey blocks in Grampian Way to the east. Whilst the third floor accommodation would be raked back to avoid the new buildings seeming to be more dominant.

9.4 The local area features a range of building finishes, type of materials and styles of design. All of the existing stock of buildings are 20th century in origin, with most being post-1945. There are mainly brick finishes; though Poplar House and Foxborough Close are not.

9.5 The proposals are for a contemporary design using a palette of materials – a buff facing brick, zinc horizontal cladding with stone coloured render panels on elevations and vertical cladding at roof level, and grey uPVC fenestration and fittings – which would provide a crisp

finish to the proposed buildings and reflect the local brick vernacular character whilst offering a contrast in detailed appearance.

- 9.6 The site would be laid out with soft and hard landscaping to ensure the scheme would complement the general feel and visual amenities of the locality.
- 9.7 The proposals entail railings to the London Road frontage, which would offer views of the scheme and the site, as well as avoid any concerns for inter-visibility between vehicles and pedestrians at the new access.
- 9.8 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, EN2 and H13 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 proposals, as more fully described above, entail two blocks of four-storey accommodation – one to the rear of the other – so that the western flanks are adjacent to the side boundary with the Toby Carvery complex and access road and parking areas of the Shelley Close flats, with a line of trees within that site on this boundary.
- 10.3 The western flank would have a number of window openings. At ground, first and second floor levels these would each be a secondary window to light the sink area of the open plan kitchen part of the living rooms in those units. At third floor level these would be secondary windows, to a bedroom and the living room of the top floor flat. In all cases, these would be conditioned to ensure no overlooking of the neighbouring site for the benefit of existing occupiers and any potential impact should these sites be redeveloped. As there would be balconies to the flats, these would be conditioned to ensure screening on the

west side for the same reason.

- 10.4 There would be flank wall openings on the eastern elevation to provide lighting to the stair and circulation areas within the two blocks. Given the purpose and degree of distance from the boundary with Foxborough Close, it side is considered these opening would not require obscured glazing.
- 10.5 The siting of the two blocks would be close to the western and northern boundaries of the site. In each case the neighbouring sites are laid out as parking and landscaped areas.
- 10.6 The nearest block in Shelley Close lies some 13 metres for the common boundary and there is a line of trees within that site; so, given the siting of the rear block of the two at the application site, there would be an overall degree of separation of some 15 metres. Therefore, it is considered, the proposals would not be overbearing or obtrusive on the outlook for the occupiers of those existing flats.
- 10.7 There would be a significant degree of separation – some nine metres - between the proposed two blocks at the application site and the two lower scale homes in Foxborough Close on the eastern edge of the site. Furthermore, it is noted that there is a high – some two-metre high - close boarded fence on the boundary, immediately at the rear of this pair of Foxborough Close properties; so, their rear facing views are restricted but each benefits from having dual aspect. Therefore, it is considered, the proposals would not be overbearing or obtrusive on the amenities of the occupiers of those existing dwellings.
- 10.8 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 **Mix of housing**

- 11.1 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 C and Core Policy 4.
- 11.2 The proposals would provide a mix of one one bedroom “studio” and 13no. two-bedroom flats. Given the location of the site and its particular

site circumstances, it is considered that the mix would be appropriate and thus acceptable.

12.0 **Living conditions for future occupiers of the development**

12.1 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 Polies EN1 and EN2.

12.2 All of the units would meet the Council's internal space standards, as set out in the Technical Housing Standards 2015.

12.3 In terms of the levels of daylight, aspect, and outlook, it is considered that each unit has satisfactorily levels of amenity. Each flat has its primary windows either facing north or south, while some have secondary windows on the flank, where those facing west would be obscured. There is a distance of over 15 metres between the two blocks; so, it is considered that there would be no loss of privacy for the occupiers of either block and no overbearing of the one building upon the others amenities.

12.4 Each block would be provided with a lift and an independent access from an entrance on the east side of the new building. A condition requires level access at the threshold of the block.

12.5 Each of the residential units would have some private amenity space – either a balcony, roof terrace or at ground floor level, a patio adjacent to the living accommodation. Additionally, the site lies within 750m. of Kederminster Park.

12.6 Based on the above, on balance, the living conditions and amenity space for future occupiers is considered to be in accordance with the requirements of the NPPF, Core policy 4 of Council's Core Strategy, and Policy H11of the Adopted Local Plan.

13.0 **Crime Prevention**

13.1 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.

13.2 As stated above, each block would have its own access. Each access would have a good level of natural surveillance within the public realm. A condition requiring details of the measures to be incorporated to reduce and prevent criminal activity is set out below.

13.3 There would be a separate secure cycle storage facility to serve each block.

14.0 **Highways and Parking**

14.1 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*'.

14.2 The proposed access has been changed to accord to the original concerns expressed by Highways. As such, access would be taken on the western side of the frontage to ensure the greatest degree of separation from the access to Foxboruogh Close. The details of boundary treatment are reserved by condition; though the application shows visibility can be created on the basis of low level means of enclosure.

14.3 A drainage channel has been shown in more detailed drawings to demonstrate no discharge of rain water from the site on to the public highway.

14.4 It is noted that the scale of the scheme would lead to a low level of traffic generation. A comparison with the level of traffic generated by the former use of the site does not raise concerns.

14.5 It is noted that there are various bus services with a wide range of destinations within the immediate and close vicinity of the site. As such, it is considered that the site is in a sustainable location.

14.6 The application has been clarified to satisfy the requirement for an

unallocated on-site parking regime and that car parking spaces are each able to be easily accessed, with swept path diagrams showing the manoeuvring for each and wider spaces adjacent to fences and walls. Furthermore, this is to be conditioned to ensure the availability of the electric charging spaces. Any overspill visitor parking would be readily accommodated in the access road to the front of the site, where there are no restrictions on the kerb side parking areas.

- 14.7 Subject to a condition to ensure the security of the proposed facilities to serve the future occupiers and visitors to the proposed development, cycle parking would be provided in accordance with the Council's standards.
- 14.8 The proposals entail two bin and recycling areas. As one of these is provided beyond the requisite distance laid out by Highways for collections services, there shall need to be a Management Strategy required by a condition to cover the arrangements on site to ensure collection services are satisfactory.
- 14.9 Based on the above, and subject to the conditions 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.

15.0 **Flooding & Drainage**

- 15.1 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.
- 15.2 According to the EA flood maps, the site is located in Flood Zone 1. It is at low risk of tidal, fluvial, groundwater flooding, surface water flooding and flooding from artificial sources. As the site is located in Flood Zone 1, the proposals do not require a Flood Risk Assessment.
- 15.3 Changes in government legislation from April 2015, require major developments to provide measures that will form a Sustainable Drainage System. Sustainable Drainage Systems (SuDS) are an effective way to reduce the impact of urbanisation on watercourse flows, ensure the protection and enhancement of water quality and encourage the recharge of groundwater in a natural way. The National Planning Policy Framework states that the surface run-off from site

cannot lead to an increase from that existing. Slough's Strategic Flood Risk Assessment states that surface water should be attenuated to Greenfield run-off rates. In the scenario where infiltration techniques are not possible, attenuation will be required in order to reduce surface water run-off.

- 15.4 Submission documentation setting out the applicant's drainage strategy has been forwarded to the Council's consultants, Hampshire CC, who act as the Local Lead Flood Authority. A condition is set out below to ensure the scheme meets with appropriate standards. Any update will be provided on the Amendment Sheet.

16.0 **Trees & Landscaping**

- 16.1 The scheme entails two new residential blocks set in hard and soft landscaping, which would provide communal areas and some private amenity space for the ground floor units. There would be limited scope but some trees could be provided, subject to careful consideration of the specific spacing and choice of species. Overall, it is considered that the scheme would enhance the visual amenity of the area.

- 16.2 Details of planting and boundary treatments, as well as, the measures to protect the health of the existing trees adjacent to the site, shall be subject to conditions.

17.0 **Land Contamination**

- 17.1 The submission documentation identified that the site has potentially been contaminated by the historic land uses. As such, the SBC Scientific Officer has recommended conditions requiring appropriate intrusive investigation and subsequent mitigation to ensure no harm to future occupiers.

18.0 **Air Quality**

- 18.1 The application site is not situated within an Air Quality Management

Area (AQMA). Therefore, there will not be an unacceptable exposure to air pollution for future occupiers of the development or the users of the surrounding facilities. In the interest of not worsening air quality problems in other parts of the town it will be important, if the proposal is approved, to minimise emissions from travel demand through encouraging non-car modes of travel, which would be enhanced by the scheme's compliance with the Council's requirements for cycle storage facilities and infrastructure for Electric Vehicles.

- 18.2 Electric charging points have been sought in accordance with the Local Environmental Strategy, which seeks to mitigate air quality concerns from additional traffic and parking, it must be noted that the developer shall be required to include two charging points. The Low Emission Strategy does not form part of the Local Development Plan, the presumption in favour of sustainable development within the National Planning Policy Framework applies. Here it is considered that the any potential harm from the proposals would not result in any harmful impacts that would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Policies in National Planning Policy Framework taken as a whole.

19.0 **s.106 Contributions**

- 19.1 The proposals entail the introduction of 14 new dwellings. As such, the scheme does not trigger either affordable housing or an educational contribution under the Council's policies.

20.0 **Conclusion relating to Planning Balance**

- 20.1 In the application of the appropriate balance, it is considered that there are benefits from the formation of fourteen residential units in a sustainable location; so it is suggested that planning permission should be granted in this case. The benefits of supplying fourteen extra units in a tilted assessment has been shown to significantly and demonstrably outweigh any adverse impacts and conflicts with specific policies in the NPPF.

21.0 **Equalities Considerations**

- 21.1 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).

21.2 The proposal would be required to meet with Part M of the Building Regulations in relation to space standards and occupation by those needing wheelchair access. Furthermore, a condition is set out to ensure level thresholds at the entrance to each block.

21.3 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.

21.4 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.

22.0 **PART C: RECOMMENDATION**

22.1 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: no substantive concerns are raised by the Local Lead Flood Authority; in order to finalise conditions and agree pre-commencement conditions; and any other minor changes.

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

1. Commence within three years

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. 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) Undated drawing No. 12-19-01C, Recd On 28/07/2020
- (b) Undated drawing No. 12-19-02D, Recd On 14/09/2020
- (c) Undated drawing No. 12-19-03C, Recd On 28/07/2020
- (d) Undated drawing No. 12-19-04C, Recd On 28/07/2020
- (e) Undated drawing No. 12-19-05C, Recd On 28/07/2020
- (f) Undated drawing No. 12-19-06C, Recd On 28/07/2020
- (g) Undated drawing No. 12-19-07C, Recd On 28/07/2020
- (h) Undated drawing No. 12-19-08C, Recd On 28/07/2020
- (i) Undated drawing No. 12-19-09C, Recd On 28/07/2020
- (j) Undated drawing No. 12-19-10B, Recd On 22/08/2020
- (k) Undated drawing No. 12-19-11, Recd On 23/09/2020
- (l) Undated drawing No. 12-19-13, Recd On 29/09/2020
- (m) Site Solutions Combined report by Argyll Environmental ref. no. AEL-0016-LSC-960329, Dated Jan. 2019, Recd On 03/07/2020
- (n) SuDSmart Pro (GeoSmart Information) Report Ref: 72248R1, Dated 2019-10-30, Recd On 03/07/2020

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development preserves and/or enhances the character and appearance of a conservation area and does not prejudice the amenity of the area, so as to comply with the Policies in the Development Plan.

3. New finishes to building works

Prior to the commencement of development, samples of new external finishes and materials (including, reference to manufacturer, specification details, positioning, and colour) to be used in the construction of the external envelope of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out

in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as to ensure that the proposed development preserves and/or enhances the character and appearance of a conservation area and does not prejudice the visual amenities of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. New surface treatments

Prior to the commencement of the development hereby approved, the external materials to be used in the construction of the access and circulation roadways, pathways and communal areas within the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as to ensure that the proposed development preserves and/or enhances the character and appearance of a conservation area and does not prejudice the visual amenity of the locality in accordance with Policy EN1 of The Local Adopted Plan for Slough 2004.

5. Tree Protection Measures

Measures to protect the adjacent trees in Shelley Close during the construction of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and thereafter provided and maintained during the period of construction works.

REASON To ensure the satisfactory retention of trees to be maintained as an amenity for the local area.

6. Drainage (SuDS)

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall include:

- a. Full results of the proposed drainage system modelling for the 1 in 1, 1 in 30 and 1 in 100 storm events plus climate change , inclusive of all

- collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep (if applicable);
- b. Further infiltration testing at formation level;
- c. Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe and manhole reference numbers;
- d. Full details of the proposed SuDS features and any flow control measures;
- e. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development

7. Phase 2 Intrusive Investigation Method Statement

The findings of the Phase 1 Desk Study having identified 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 Policy 8 of the Core Strategy 2008

8. Phase 3 Quantitative Risk Assessment and Site-Specific Remediation Strategy

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 Policy 8 of the Core Strategy 2008

9. Remediation Validation

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 Policy 8 of the Core Strategy 2008

10. Landscaping

Construction of the buildings above ground floor level shall not commence on site until details of an arboricultural method statement in conjunction with a detailed bee-friendly landscaping and tree planting scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the trees and shrubs to be retained and/or removed and the type, density, position and planting heights, along with staking/guying, mulching, feeding, watering and soil quality, of new trees and shrubs, and details of hardsurfaces which shall include compliance with the surface water drainage mitigation as approved under condition 6 of this planning permission.

On substantial completion of the development, the approved scheme of hard landscaping shall have been constructed. The approved scheme of soft landscaping 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 and to ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 – 2026.

11. Boundary Treatment

Construction of the buildings above ground floor level shall not commence on site until details of the proposed boundary treatment including position, external appearance, height and materials of all boundary walls, fences and gates have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the approved boundary treatment has been implemented on site. It shall be retained at all time in the future.

REASON: In the interests of the visual amenity of the area and to reduce opportunities for crime and anti-social behaviour in accordance with Policies EN1 and EN3 of The Adopted Local Plan for Slough 2004, Core Policies 1 and 8 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).

12. Bins & Recycling facilities

Construction of the buildings above ground floor level shall not commence on site until details of the proposed bin store (to include siting, design and external materials) shall be submitted to for approval by the Local Planning Authority. The approved stores shall be completed prior to first occupation of the development and retained for this purpose.

REASON In the interests of visual amenity of the site in accordance with Policy EN1 of The Local Plan for Slough 2004.

13. Privacy Screening

No part of the development hereby permitted shall be occupied until a scheme of privacy screening to the sides of the balconies to prevent conflicts of privacy within the proposed development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be installed on site in accordance with the approved details prior to the first occupation of the development and retained at all time on the future.

REASON In the interests of the visual and neighbour amenity, and to ensure no overlooking into the neighbouring sites to help ensure that there would not prejudice wider redevelopment in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policies EN1 and H9 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework 2019.

14. Crime Prevention

No development above ground floor slab shall commence until a secure access strategy and secure letter/parcel drop strategy in line with the principles of Secured by Design and in consultation with Thames Valley Police has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall not be occupied or used until written confirmation of Secured by Design accreditation has been submitted to the Local Planning Authority. The approved security measures shall be retained thereafter.

REASON In order to minimise opportunities for crime and anti-social behavior in accordance with Policy EN5 of The Adopted Local Plan for Slough 2004 (saved polices) and Core Policies 8 and 12 of the adopted Core Strategy 2006-2026, and the requirements of the National Planning Policy Framework 2019.

15. Refuse collection strategy

Prior to first occupation of the development, a management strategy ('the strategy') to be used by the management company for the transfer of waste/recycling bins to collection points and the collection of bins shall be submitted to and approved in writing by the Local Planning Authority. The waste/recycling storage facilities shall be provided in accordance with the approved drawings and shall be retained at all times in the future for this purpose, and the strategy shall be complied with for the duration of the development.

REASON: In the interests of visual amenity of the site and in the interests

of highway safety and convenience in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 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).

16. Cycles storage

Prior to the first occupation of the development hereby permitted details of the cycle parking provision (including the location, the security measures of the facilities and cycle stand details) shall be submitted to for approval by the Local Planning Authority. The cycle parking shall be provided in accordance with these details 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.

17. Car parking provision

The parking spaces and turning areas shown on the approved plans shall be provided on site prior to occupation of the development and retained at all times in the future for the parking of motor vehicles on a communal basis.

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.

18. Car Park Management Plan

No part of the development hereby permitted shall be occupied until a car park management scheme has been submitted to and been approved in writing by the Local Planning Authority. The Scheme shall include measures:

- a) To ensure that spaces cannot be owned/let/allocated to anyone who is not a resident or does not have a car/need a parking space.

- b) To ensure spaces are not permanently linked to dwellings.
- c) Stating how two electric vehicle charging point spaces will be made available to residents with plug-in vehicles.
- d) How use of charging point spaces by non plug-in vehicles will be restricted.

No dwelling shall be occupied until the car park management scheme has been implemented as approved. Thereafter, the allocation and use of car parking spaces shall be in accordance with the approved scheme.

REASON to ensure the parking spaces are in optimum use in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the requirements of the National Planning Policy Framework 2019.

19. External Site Lighting

No part of the development hereby permitted 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 safeguarding the amenities of neighbouring properties and to ensure safer access and use of the shared cycle/pedestrian/motor vehicular areas throughout the site in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, Policy EN5 of The Adopted Local Plan for Slough 2004 (saved polices), and the requirements of the National Planning Policy Framework 2019.

20. Level Access

The ground floor entrance doors to the Development shall not be less than 1 metre wide and the threshold shall be at the same level to the paths fronting the entrances to ensure level access. Level thresholds shall be provided throughout the development between the residential units and the external amenity/balconies and the main lobbies.

Reason: In order to ensure the development provides ease of access for all users, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004, Core Policy 8 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).

21. Obscured glazing

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), each of the windows on the flank elevations shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The window(s) shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

REASON To minimise any potential loss of privacy to adjoining land in accordance with Policy H15 of The Adopted Local Plan for Slough 2004.

22. No new windows

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 windows, other than those hereby approved, shall be formed in any elevations of the development without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties and to ensure the visual character and appearance of the facades are preserved in accordance with Policies EN1 and H15 of The Adopted Local Plan for Slough 2004 and to ensure the development does not prejudice the future development of adjoining lands; so, as to protect the privacy of neighbouring properties and to protect the visual amenities of the area in accordance with 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 (saved polices), and the requirements of the National Planning Policy Framework 2019.

INFORMATIVE(S):

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through requesting amendments. 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 would preserve and/or enhance the character and appearance of a conservation area; so it is in accordance with the National Planning Policy Framework.
2. 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. Application forms should be completed on line via 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 and as such we would like the following informative attached to any approval granted. "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 Phone: 0800 009 3921

(Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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.

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.

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

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.

Registration Date:	N/A	Application No:	N/A
Officer:	Alistair de Joux	Ward:	Central
Applicant:	Slough Wharf LLP	Application Type:	Major
		13 Week Date:	N/A
Agent:	Savills		
Location:	Slough Canal Basin, Stoke Road, Slough		
Proposal:	Demolition of the existing buildings and comprehensive redevelopment comprising 312 residential units, provision of 359 sqm of commercial floorspace (E Class), public realm improvements, enhanced recreational facilities within the open space at Bowyer Playing field along with associated car parking, landscaping and infrastructure works.		



Figure 1: Proposed site for development including public space enhancements

PRE-APPLICATION PRESENTATION

Introduction:

Stoke Wharf LLP, a partnership between Slough Urban Renewal and Waterside Places, is currently in pre-application discussion with the Local Planning Authority for the development of land at Slough Canal Basin. The site includes previously developed land between the western end of the Grand Union Canal and Stoke Road and adjacent land on the north and south sides of the Canal, and public open space at Bowyer Recreation Ground together with a smaller area of unallocated and undeveloped land adjacent to 9 - 17 Kendal Close. This comprises most of the land allocated within the Slough Local Development Framework Site Allocations DPD (2010) under site reference SSA17. A relatively small area within the allocated land on the northern side of the canal is excluded from the current proposals.

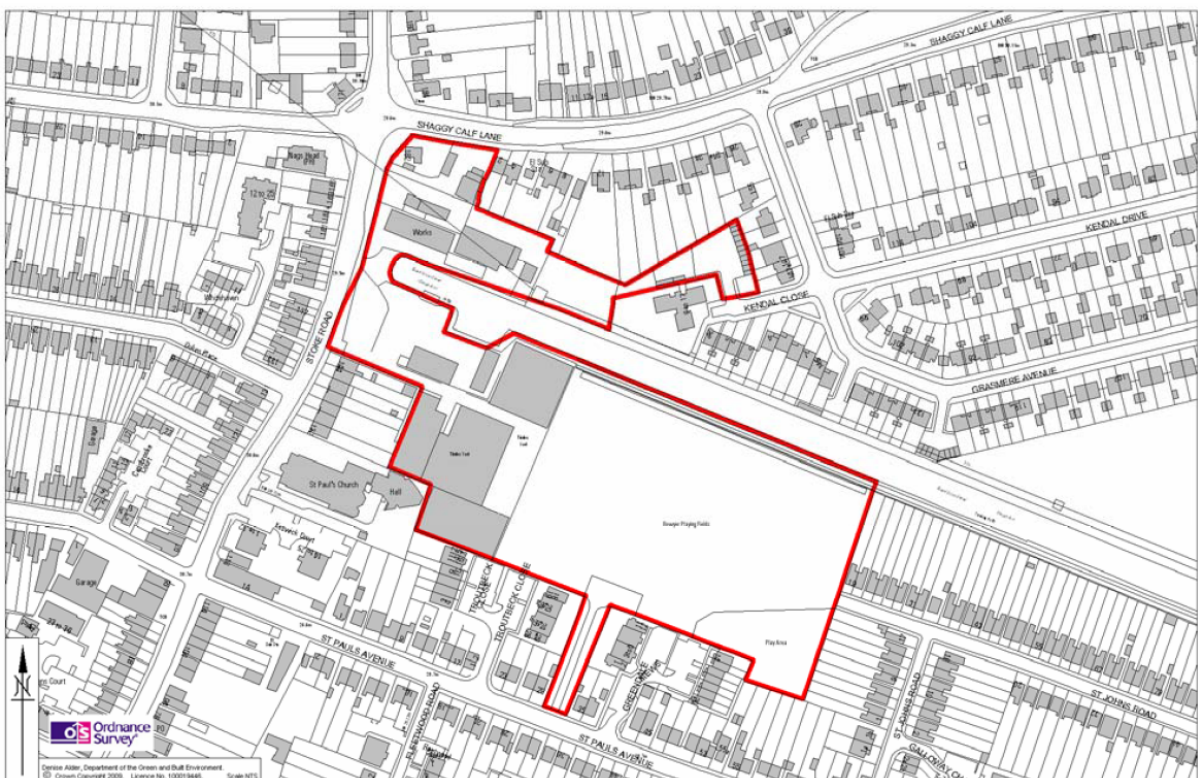


Figure 2: Plan for Site ref. SSA17 from the Site Allocations DPD (2010)

The Site Allocation policy sets out that this land was allocated “To ensure that this site is developed in a comprehensive way which maximises the attractiveness of the canal and the basin” and “To establish the principle of allowing residential development within the public open space”. It also states that redevelopment proposals should:

- Provide facilities that will attract visitors and form a focal point for users of the towpath and canal
- Open up views from Stoke Road to the Canal Basin
- Retain and enhance the winding hole and pedestrian and cycle access to the basin
- Retain and take opportunities to enhance the nature conservation value of the canal

- Consider the provision of visitor moorings and the north side of the canal
- Provide residential development
- Enhance recreational facilities within the Bowyer Playing Fields.

The Site and Surroundings:

The proposed application site is irregular in shape and for the most part level in its topography, although the land rises about 1.5 metres from the Bowyer Recreation Ground to the tow path along the south side of the canal. The B416 (Stoke Road) forms part of the western boundary, and the site also shares boundaries with the following residential properties community and business uses:

- To the west, 132 - 144 Stoke Road (even number range) and St Patricks Church;
- to the south, Troutbeck Close, Greendale Mews and 55 / 55A - 61 St Pauls Avenue;
- to the east, 1 - 19 St Johns Road (odd numbers), and
- to the north, 180 Stoke Road (Newman and Son Funeral Directors) and 2 - 12 Shaggy Calf Lane (evens).

These site boundaries differ from the SSA17 site allocation in that two small parcel of land on the northern side of the allocated land are excluded. These are Newman and Son at 180 Stoke Road, and land between 9-17 Kendal Close and 14-24 Shaggy Calf Lane.

While much of the proposed application site is taken up by the Bowyer Recreation Ground and the smaller area of open land on the north side of the canal, a significant proportion is previously developed land. An electricity pylon is located within the site and is the only currently built feature which would remain as part of the intended development. The pylon carries high voltage cables overhead across the northern part of the Site.

, The site is located 275m north of the Slough Town Centre as defined in the 2010 Local Plan. The emerging local plan proposes an enlarged Town Centre, and if adopted as such the site would be included within the Town Centre extended boundary. The Slough Regeneration Framework also includes the site within the extended Town Centre. This Framework was recently considered by both the Planning Committee and Cabinet, and approved for adoption as part of the evidence base for the emerging local plan. It sets out a number of key areas for development in the extended town centre, including Stoke Road corridor within which the Canal Basin site is located. The Framework suggests predominant context heights within this corridor of 4 to 6 stories, with greater heights closer to the centre and with heights to step down where they interface with existing lower scale developments. Local landmark buildings of up to 1.5 times the local context heights are also indicated on the Framework's 'Potential Building Heights' plan.

The immediately surrounding area is largely suburban in character, consisting of mainly two-storey dwellings and single storey business premises. Taller buildings adjacent to the site include 8-17 Kendal Close to the north-east which is three stories high, St Paul's church to the west which is the equivalent to three to four storeys high, and 11-17 Troutbeck Close which is adjacent to the southern boundary of the site. This is a three storey element of a block of flats comprising 4 -17 Troutbeck Close which abuts the site; the remaining units in this block are two storeys high. Character rapidly becomes more urban around the neighbourhood shopping centre

around the intersections of St Pauls Avenue and Belgrave Road with Stoke Road, with built scale increasing to five storeys at Grand Union House, 120-170m to the south-west of the closest part of the proposed application site, and to seven stories on the south side of Stoke Road's intersection with Mill Street.

The Site is not in a Conservation Area and none of the immediately surrounding buildings are listed. The closest heritage assets are the Grade II listed railway station 470m to the south and locally listed on Stoke Road, at Littlewood School, 250m to the south-west, and numbers 19 and 21, some 400m in the same direction.

The site is in Flood Zone1 where there is a low risk of river flooding. There is a low risk of surface water flooding for the northern and western parts of Bowyer Recreation Ground and within this, a medium risk in some localised areas of the park. The closest Air Quality Management Area is AQMA 'Area 4', approximately 600 metres to the south of the site.

Site History:

The Travis Perkins site and adjacent land was subject to a number of planning applications and permissions up until 1996. More recently two telecommunications applications were made for Land at Stoke Wharf, in 2005 and 2006, and in the past decade a single planning application for land within the current site relates to the Bowyer Recreation Ground. This is noted below, along with two recent requests for screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

Application No.	Description of development	Decision
Bowyer Recreation Ground:		
S/00704/000	Installation of a multi use games court incorporating a modular goal system and enclosed by a 3 metre high "open" metal fence with pedestrian entrance gate.	18 March 2014
Current site:		
P/07584/009	EIA screening opinion for development of up to 290 residential units together with associated commercial space (A1/A3), car parking, amenity space and landscaping	EIA not required, 16 January 2020
P/07584/010	EIA screening opinion for development of up to 320 residential units together with associated commercial space (A1/A3), car parking, amenity space and landscaping.	EIA not required, 28 February 2020

The Proposal:

The proposal seeks to provide new housing including canal side houses and a café or restaurant located within a new public realm space around the head of the Slough branch of the Grand Union Canal. It is intended that the café use will extend into landscaped areas between the proposed new buildings.

Site area figures provided by the agent for the proposed application show that an area of just under 5000 sq.m. of the Bowyer Recreation Ground would be allocated to development of buildings and their surroundings, with a balance of area of 18,711 sq.m. to be retained within the Recreation Ground. This balance public open space land would be enhanced as part of the development proposals, and new public realm would be provided within the currently unoccupied previously development land.

Land Use

It is proposed that the development will deliver 312 new residential dwellings including a mix of studio, 1 and 2 bedroom apartments, 2 bedroom mews houses and 3 bedroom houses, and 359 sq.m. of flexible commercial space.

The scheme includes 8no. mews houses and 9no. town houses, suitable for occupation by families. In terms of accessibility, 5% of the units are intended as either part M4(2) and M4(3) compliant. This would include two 2-bedroom wheelchair units, which would exceed the nationally described space standards.

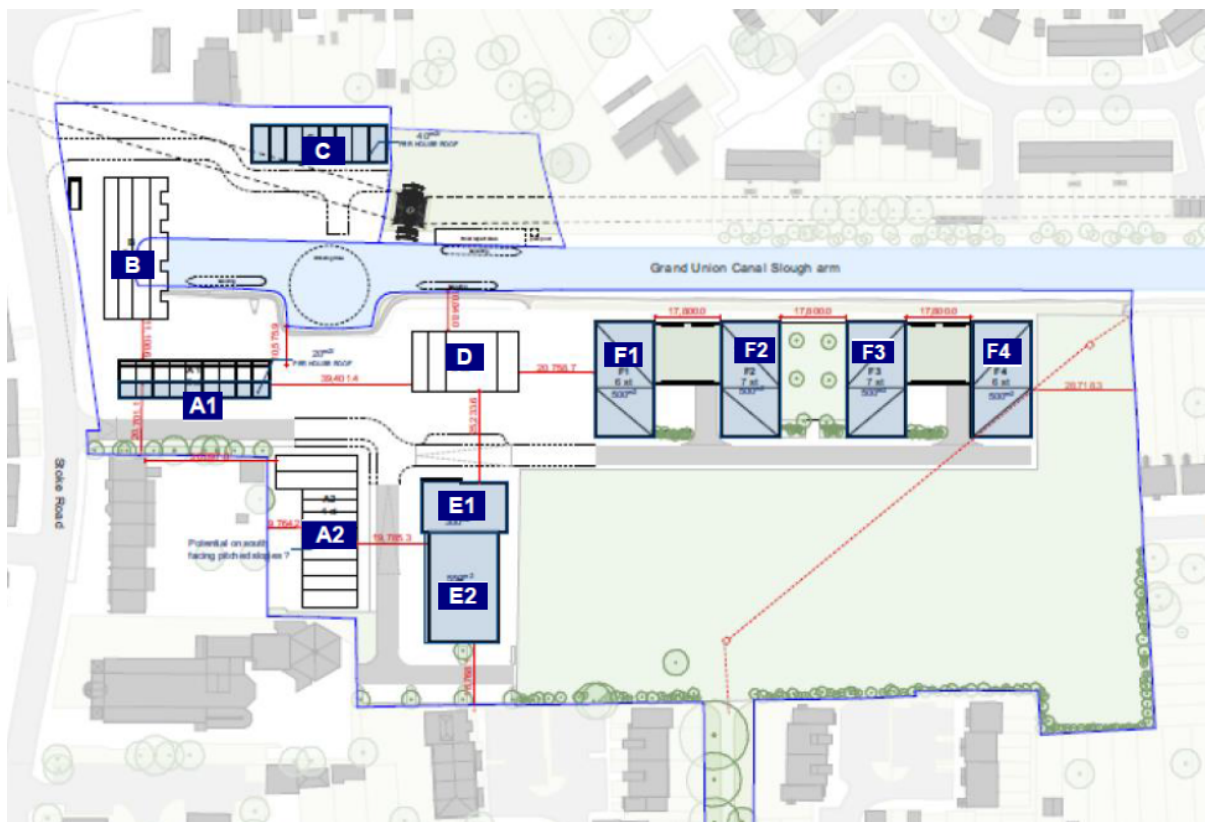


Figure 3: Proposed site layout

Provision of housing

It is proposed that a total of 15% affordable housing will be provided, to comprise a mix of rented and shared ownership accommodation. The applicants consider that this is the maximum quantum of affordable housing that is viable. A Financial Viability Assessment (FVA) will be submitted with the planning application which will seek to demonstrate that this level of affordable housing is justifiable.

The proportion of dwellings of each unit size is set out in Figure 4, below:

Unit Type	Number	Percentage
Studio	31	10%
1-Bed Apartment	128	41%
2-Bed Apartment	136	44%
2- Bed mews houses	8	2%
3-Bed townhouses	9	3%
Total	312	100%

Figure 4: Proposed Residential Mix

Based on the provision of 312 dwellings across a site area of 3.62ha, the proposed development would have a residential density of 86 dwellings per hectare.

Car parking

Vehicle access to the site will be from Stoke Road (emergency access only will be considered from St Johns Road). A total of 137 parking spaces are proposed, to provide a parking ratio of 0.43 spaces per unit. This would include 8 blue badge car parking spaces.

More sustainable transport use will be promoted with two on-site car club spaces, which will be available for use the wider community as well as by residents. A cycle hire docking station will also be provided.

Building heights

The scale of the proposed buildings is set out below in Figure 4:

Block reference	Height (storeys)	Units per block	Typology
A1	3	9	Townhouses
A2	4	34	Apartments
B	3 / 4	16	Apartments with ground floor commercial space
C	2	8	Mews houses
D	5	24	Apartments with ground floor commercial space
E1 / E2:		67	Apartments
E1	8		
E2	5		Apartments
F1-F4:		154	Apartments
F1	6		
F2	7		
F3	7		
F4	6		

Figure 5: Proposed building heights, in storeys

Proposed building height and scale will be further illustrated with a three dimensional image to be provided in the presentation for Planning Committee.

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 5,000m² 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.

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE** 14th October 2020

CONTACT OFFICER: Laurence Moore Planning Manager
Paul Stimpson, Planning Policy Lead Officer

(For all Enquiries) (01753) 875820

WARD(S): All

PART I
FOR DECISION

GOVERNMENT WHITE PAPER – PLANNING FOR THE FUTURE

1 Purpose of Report

1.1 The purpose of the report is to inform the Committee of the Government’s current consultation on the White Paper “Planning for the Future” and agree the Council’s response to be submitted by 29 October 2020.

2 Recommendation

2.1 The Committee is requested to resolve that:

- a) The white paper in Appendix 1 is noted.
- b) The comments made in Section 8 of this report be sent to the Secretary of State raising this Council’s concerns about the proposals contained in the White Paper.
- c) Delegated powers be given to the Planning Manager to make further representations based upon the comments set out in this report.

3 The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

3a Slough Wellbeing Strategy Priorities

Strong, healthy and attractive neighbourhoods.

3b Slough Joint Wellbeing Strategy Priorities

Ensuring that needs are met within the local area will make a positive contribution to the following SJWS priorities:

- *Economy and Skills*
- *Regeneration and Environment*
- *Housing*

3c Five Year Plan Outcomes

- Outcome 3: Slough will be an attractive place where people choose to live, work and stay..
- Outcomes 4: Our residents will live in good quality homes.
- Outcome 5: Slough will attract, retain and grow businesses and investments to provide opportunities for our residents. .

4 Other Implications

(a) Financial

There are no financial implications.

(b) Risk Management

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Committee approves the recommendation.	This is a response to a consultation. There is minimal risk.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

5 Supporting Information

- 5.1 The Government published the Planning White Paper ('Planning for the Future') on 6th August. It proposes the most fundamental change to the planning system since the current system was introduced in 1947. The document has been published for consultation, with an end date of 29th October.
- 5.2 A copy of the white paper is appended in Appendix 1 for members' information and consideration.
- 5.3 This report also sets out the draft response to the White Paper by the South East Strategic Leaders. It is proposed that this should be endorsed by this Council as the main response to the consultation with additional comments added that are particularly relevant to Slough.
- 5.4 Alongside the White Paper, a number of other planning changes are being consulted upon, over the same timescale, which would operate within the current system and would be introduced through national policy and legislation. This report also highlights some of those changes.,

6. **Planning White Paper**

- 6.1 The Planning White Paper proposes a complete replacement of the current planning system that was established in 1947. It starts from the assumption that the current system is unfit for purpose and stands as a significant block on the development that the country needs, and, in particular, that it is responsible for the current housing crisis. The motivation for the overhaul is therefore to remove barriers to development.
- 6.2 At its heart, the White Paper proposes a form of zoning system, whereby the use of all land is defined at the plan-making stage, which means that the planning application process is substantially reduced. Zoning systems exist in many other countries, including most European countries, but the current proposals do not seem to be based on any existing systems from elsewhere.
- 6.3 The White Paper is based around the following three pillars:
 - Pillar One – Planning for Development
 - Pillar Two – Planning for Beautiful and Sustainable Places
 - Pillar Three – Planning for Infrastructure and Connected Places
- 6.4 The following are some of the main elements to be aware of in **Pillar One – Planning for Development:**

- Local Plans would be fundamentally changed, to become first and foremost map-based, using a standard national template and software, dividing all land in their area into three categories: 'growth', 'renewal' and 'protection'.
- Land for 'growth' would be suitable for substantial development (with substantial being defined in policy), i.e. comprehensive development/redevelopment. Inclusion in the Local Plan would automatically confer outline approval or permission in principle. Flood zones would be excluded (unless risk can be fully mitigated).
- Land for 'renewal' would be suitable for development, which would cover existing urban areas, and include infill, town centre development etc, with the Local Plan specifying which development would be suitable where. There would be a statutory presumption in favour of development for the uses specified, and this will include some kind of automatic permission where a development complies with the specifications of the plan. This is referred to as a 'fast-track to beauty' process. It is likely that most of Slough would be a 'renewal' area.
- Land for 'protection' will be land where more stringent controls apply, either defined nationally or locally on the basis of policies in the NPPF (the implication being that local authorities would not have scope to invent their own protection categories). These could include Green Belt, Areas of Outstanding Natural Beauty, Local Wildlife Sites, local green spaces and conservation areas. Here, a planning application would be required as is the case currently. The paper states that this can include back gardens. It is worth noting that the automatic permission in a 'growth' area does not seem to be reflected in an automatic refusal in a 'protection' area.
- Policies in the Local Plan would be restricted to clear and necessary area- or site-specific parameters, such as height and density. General development management policies would be set out in national policy only.
- Design guides and codes would be produced for local areas and either included within the plan or later as a Supplementary Planning Document.
- Many of the plan-making requirements would be removed, for instance sustainability appraisal, duty to co-operate and the tests of soundness, and would be replaced with a simpler 'sustainable development' test.

- A binding housing figure would be set at a national level through a standard methodology. This methodology would take account of constraints as well as need, unlike the current methodology, which is based on need only.
- There would be a statutory 30 month timetable for Local Plan production. The new process would include only two consultation stages – an initial call for ideas/sites, and consultation on a full draft after the plan has been submitted. Authorities would have either 30 months (where there is no recent plan) or 42 months to adopt a new plan after the legislation comes into force. The White Paper envisages that engagement will be made much more extensive and effective at the plan-making stage, to make up for loss of consultation opportunities at planning application stage, but the only proposals for how this can be achieved seem to be to base it on new technology and social media.
- Neighbourhood plans would be retained, but how they would fit in an entirely new system is unclear.
- There would be faster decision-making through new technological solutions (e.g. more automated validation, machine-readable documents), reduction on information requirements (e.g. one short planning statement), standardisation of technical reports and data, standard national conditions, template decision notices. There would also be delegation to officers to decide applications where the principle is established.
- The Paper proposes refunding application fees where an application goes over statutory time limits (with no scope to negotiate extensions), and potentially a deemed consent in those cases. There would also be an automatic rebate of the application fee if an appeal is successful.

6.5 The following are some of the main elements of **Pillar Two – Beautiful and Sustainable Places**:

- A National Model Design Code will be published in autumn 2020, accompanied by a revised Manual for Streets.
- Local design guides and design codes should be produced either as part of the Local Plan or as SPD, but will only be given weight if effective input from the local community can be demonstrated. Without local design codes, developments should comply with the national design code.

- A new national expert body on design and place-making will be set up, which will assist local authorities with design codes, and every local authority will be expected to appoint a chief officer for design and place-making.
- There will be a fast-track process for developments which comply with design codes in areas for 'growth' and 'renewal' in the Local Plan. There will also be a widening of permitted development rights to allow "popular and replicable" forms of development, according to a pattern book, in 'Renewal' areas.
- There is continued commitment to various elements of the Environment Bill, including biodiversity net gain, as well as a national expectation on trees, and the continued push for the Future Homes standard and development to be net zero carbon by 2050.
- Environmental Impact Assessment processes would be simplified.
- There would be an updated framework for listed buildings and conservation areas. The government also want to look at whether some simple listed building consents can be dealt with by suitably experienced specialists in the industry.

6.6 The following are the main elements of **Pillar Three – Planning for Infrastructure and Connected Places**:

- The Community Infrastructure Levy and Section 106 agreements would be abolished, and replaced with a new Consolidated Infrastructure Levy.
- Rather than a charge per square metre of floorspace, the new Levy would be based on a proportion of the final value of a development, over a certain threshold. It would make the Levy more responsive to market conditions, but means the actual contribution would not be known until the development is completed, and may well be zero if the development value falls below the threshold. It would also only be paid on occupation, so there would be no contributions at earlier development stages. Local authorities could borrow against future levies so they can forward fund infrastructure.
- The rate would be set nationally. It may be a single rate across the country, or more regionally based. It would continue to be collected and spent locally.
- The Levy may be extended to cover more developments that benefit from permitted development rights, for instance where there is no new floorspace.

- The Levy would cover affordable housing, which could be secured on-site through the levy or be an off-site payment. The implication is that the amount of affordable housing would therefore also be set nationally.
- There is potentially more freedom on spend, and this could include provision of council services and reducing council tax. The Paper also proposes that a proportion should be kept to cover planning service costs on Local Plans, enforcement, etc.

6.7 Finally, the government would develop a comprehensive resourcing and skills strategy. This will include greater regulation of pre-application fees. The proposal is to work closely with the property technology ('PropTech') sector to roll out much greater digitalisation. There may be more enforcement powers, and local authorities are expected to be able to refocus on enforcement due to less application requirements.

6.8 Some of the key themes running through the White Paper are therefore as follows:

1. A very significant level of deregulation, trying to remove barriers to development and create much greater certainty within the planning process.
2. There is also a very significant centralisation of powers on government. There would be nationally-set development management policies, national standard conditions, nationally set CIL (including affordable housing), binding nationally-set housing numbers through a standard methodology, a national design guide taking precedence where no design codes are in place, a national body to support local design codes etc.
3. Removal of opportunities for democratic oversight and local consultation, which for many developments will only take place as part of a slimmed down local plan process. The roles of Planning Applications Committees would inevitably be substantially reduced.
4. The proposed procedures are in many cases highly dependent on as-yet-untested technological solutions. Government plans to work on this with the technology sector to develop systems, but the record of national IT projects is not good, and a substantial risk is that new legislation will be introduced before the technology is in place to support it.

5. There would need to be significant investment in design skills. Much of the day-to-day work of planning sections may change from general policy and development management to drawing up strong design codes, and skills would need to improve in these areas.
- 6.9 For every proposal, the White Paper sets out alternative options, which are usually watered-down versions of the proposal. No change is rarely an option.
- 6.10 The timetable for introducing changes is not set out in detail, but the government have stated that they would like to see the new generation of local plans in place by the end of this parliament, which would require legislation to be in place by the beginning of 2022 at the latest.

7. Other Changes to the Planning System

- 7.1 Alongside the White Paper, another consultation document has been published that proposes a number of changes to the existing planning system. These would not require primary legislation, and would be brought in in advance of the White Paper through national policy, most likely a Written Ministerial Statement. The expectation is that this would happen this year. It is not clear whether these are transitional changes until the new system is introduced or whether they would be retained as part of a new system.
- 7.2 The four changes are as follows:
- A revised standard methodology for calculating housing need;
 - The introduction of 'First Homes';
 - An increased threshold for requiring affordable housing; and
 - Extension of the 'permission in principle' process.

Standard methodology for housing need

- 7.3 There is currently a national standard methodology for assessing housing need which local plan-making needs to take account of. It is based on national household projections, with a multiplier based on the local affordability ratio, with a cap set at a 40% increase over existing housing figures.
- 7.4 The main changes can be summarised as follows:
- Introducing an alternative baseline to household projections, which is a 0.5% annual growth on existing dwellings in the area, intended to reinforce existing settlement patterns. Whichever is the higher of these two baselines would be used.

- As well as the local affordability ratio, the changes in affordability over the last ten years are also factored in, creating a much greater weighting on affordability.
 - The cap based on a proportion of existing policy targets would be removed.
- 7.5 Based on this approach Slough's housing needs would be reduced from 893 a year to 597. This would mean that the Local Plan could come forward without a shortfall. This appears to underestimate Slough's housing needs because the use of the size of the housing stock as the base does not take account of current levels of overcrowding. At the same time the most recent 2018 based household projections are very low compared to the previous ones. If things change the housing needs could go up again quite considerably. This makes the new methodology highly vulnerable to demographic projections.
- 7.6 The proposed new methodology as proposed would have extremely significant implications for some of our neighbours. Whilst South Buck's needs remain the same, Chiltern's unmet needs would go up from 343 to 619 a year. At the same time Windsor and Maidenhead's figures would go up from 754 to 914 a year. This would mean that there is still a requirement for the expansion of Slough to meet local needs

First Homes

- 7.7 First Homes is a new affordable housing product, largely to replace Starter Homes, and is defined as homes to be sold at a minimum 30% discount to local first-time buyers in need of housing. The discount would apply in perpetuity. The proposal is that at least 25% of on-site affordable housing contributions will be First Homes, mandated by national policy. National policy currently requires that 10% of all housing on sites of over 10 dwellings would be for affordable home ownership products, and in Slough this is largely delivered either as Slough Living Rent or as shared ownership. The favoured approach is that First Homes will be in place of other affordable ownership products, i.e. mainly shared ownership. This will leave us free to continue defining the tenure for the remainder.
- 7.8 Local authorities can also set a higher level of discount, e.g. 40 or 50%, if local circumstances justify it. However, the document does state that this would need to be evidenced through the local plan-making process, so the opportunity for the Council to do this is likely to have been missed.
- 7.9 It is worth noting that the 25% First Homes requirement would also apply to off-site financial contributions, meaning that a quarter of financial contributions to affordable housing would need to be spent on First Homes rather than Local Authority New Build.

Affordable Housing Thresholds

- 7.10 The consultation proposes raising the site threshold for providing affordable housing from 10 units to 40 or 50 units, for an initial time-limited period of 18 months to enable SME developers to recover from Covid-19. The assumptions are that this would result in a 7-14% (if 40 units) or 10-20% (if 50 units) reduction in affordable housing delivery.
- 7.11 The consultation states that the government would monitor the impacts on the sector before reviewing the approach. However, it is worth noting that very similar wording was used when office to residential permitted development rights were introduced in 2013, and these were of course rolled forward and made permanent. There is a strong possibility that this threshold could similarly be rolled forward after the initial period.

Permission in Principle

- 7.12 A 'permission in principle' application route has been in place for a couple of years, in which an application can be made for permission in principle for housing-led development on sites of up to 10 dwellings. This then needs to be followed by a technical details consent stage, at which the detailed matters are considered.
- 7.13 The proposal is to extend the 'permission in principle' application route to include major developments, up to 150 dwellings or 5 hectares (which is the Environmental Impact Assessment limit). A time period of 5 weeks would continue to apply to these larger developments, as would the same, very minimal, requirements in terms of information submission. The consultation asks if height parameters should be included at permission in principle stage, or left to technical details consent stage. It is proposed to keep fees low and based on the area of the site rather than dwelling numbers, which may not be known until the technical details are applied for.
- 7.14 The permission in principle route has not been used in Slough so far, as it offers few clear advantages for minor development over the outline and reserved matters route. However, for major developments, a 5-week route to some form of consent may prove very attractive. Fees based on site area rather than dwelling numbers may also provide a much cheaper route in Slough where sites are comparatively small by national standards.

8. Suggested Response to the Consultation on the White Paper

8.1 The government consultation 'changes to the current planning system', proposes a number of changes to the planning system that would have significant implications.

8.2 The proposals have been considered by the South East Strategic Leader's Group of which Slough is a member. It is suggested that it would be helpful if the Council supports the following draft representations from this group.

- *The South East Strategic Leaders strongly object to the Government's rhetoric that the planning system is the fundamental block to delivering housing. This focus is misplaced in both this consultation and the separate 'Planning for the Future' white paper which proposes wide reforms. It is settled in national legislation and policy that the planning system must be genuinely plan-led; each plan is examined against four criteria for soundness and will be tested for 'deliverability'. Therefore, the basis of each adopted plan must be sound.*
- *Successive changes to the planning system have brought unnecessary complexity, and we agree that stripping away unnecessary complexity would be beneficial. However, the Government should recognise that this complexity will not be improved by circumventing local authorities and forcing them to allocate more land than is required to meet existing commitments and housing need.*
- *Proactive and positive local authorities across the country have shown that high quality developments of a strategic scale can be planned for, funded and delivered alongside substantial infrastructure investment under the current system. The continued use of the five year housing land supply test, extended permitted development rights, and the presumption in favour of sustainable development have not worked to resolve housing delivery, but have instead acted to obstruct proactive, plan-led developments by undermining public confidence in the planning system.*
- *The real block to delivery is the development industry's lack of appetite to build at a level which will affect house prices and, thus, their profit margins. Nor will over-allocating land and issuing an excess of planning permissions address developer delivery strategies as they will manage construction rates to maintain price and profit margins. Simply put, developers retain control over their market. The Government makes no substantive proposals to unblock this real issue through incentives or penalties to encourage developers to deliver new homes, and instead simply looks for more land in the hope that someone will build, which is a manifestly ineffective strategy for*

the reasons stated above. All that this strategy will accomplish is to further undermine public confidence in the planning system.

- *The South East Strategic Leaders strongly believe the Government should address the real issues, and not remove reasoned, positive planning judgements and democracy.*

- 8.3 It is proposed that this Council should endorse the comments made by the South East Strategic Leaders as part of its response to the White Paper.
- 8.4 The proposals could have far reaching implications for Local Plans which will be much more standardised in future without the scope for being adaptable to local circumstances.
- 8.5 The proposed removal of the Duty to Cooperate and the imposition of housing numbers based upon constraints such as Green Belt will make it much harder for us to promote major cross border development such as the Northern Expansion of Slough.
- 8.6 We are about to go out for consultation on the proposed Spatial Strategy element of the Slough Local Plan. It is important that we continue to set out and consult on our proposals for the future of Slough. A recent letter from the Chief Planner at the MHCLG has explained that the proposed changes in the White Paper will take some time and so strongly urges local authorities not to slow down or stop work on Local Plans.
- 8.7 It is not clear how the proposed zoning will enable us to promote major comprehensive regeneration schemes. Zoning an area for “growth” would leave us without sufficient control over the scale, mix or quality of the proposed development.
- 8.8 The abolition of Section 106 agreements will make it hard to secure the mitigation that is needed to allow major development to take place with any contributions only being made after schemes have been completed.
- 8.9 There will be a much reduced role for Members and the public in determining planning applications. Having an input solely at the plan making stage risks significant problems emerging as Local Plans become out of date and limits the authorities ability to apply proper checks and balances to the development process.
- 8.10 As a result it is proposed that strong representations should be made about the proposals in the White Paper.

9 Suggested Response to Delivering First Homes

- 9.1 The delivery of First Homes at the expense of affordable housing will reduce housing options for those households in greatest need.
- 9.2 As a result it is suggested that any requirement introduced by government should be in addition to other affordable housing provision, with the mix of affordable housing tenures left to local authorities to decide based on their local needs and circumstances.

10 Suggested Response to Supporting small and medium-sized developers

- 10.1 We do not require any affordable housing in Slough on sites of less than 15 units in order to encourage small sites to come forward.
- 10.2 It is not considered that an exemption from providing affordable housing should be made for all sites under 50 units. There are better ways of supporting small builders if that is what the government wants to do. The proposed change will result a lot schemes of less than 50 units coming forward.
- 10.3 There should be no change to the current threshold for seeking affordable housing.

11. Suggested Response to the extension of the Permission in Principle consent regime

- 11.1 The consideration of major developments through the Permission in Principle (PiP) regime is not suitable as the minimal information requirements will rarely be enough to provide certainty and allow permission to be granted.
- 11.2 It is considered that the current system of having detailed pre-application discussions should be encouraged as the best way of minimising risk for applicants at the earliest stage.

12 Conclusions

- 12.1 If taken forward the proposals in the white paper for the deregulation of planning will significantly change how the system operates at all levels. As a result it is proposed that the issues and objections identified in sections 6 to 11 above should be submitted to the Government as this Council's response to the consultation.

12.2 In order to submit these before the deadline appropriate delegated authority should be given to the Planning Manager to make any further minor changes.

13 Appendices

Appendix 1 – Planning for the Future – August 2020 (Government White Paper).



Ministry of Housing,
Communities &
Local Government

PLANNING FOR THE FUTURE

White Paper August 2020





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Scope of the consultation

Topic of this consultation:	This consultation seeks any views on each part of a package of proposals for reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.
Scope of this consultation:	<p>This consultation covers a package of proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.</p> <p>Views are sought for specific proposals and the wider package of reforms presented.</p>
Geographical scope:	These proposals relate to England only.
Impact Assessment:	The Government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty. In each part of the consultation we would invite any views on the duty. We are also seeking views on the potential impact of the package as a whole on the Public Sector Equality Duty.

Basic information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	Ministry of Housing, Communities and Local Government
Duration:	This consultation will last for 12 weeks from 6 August 2020.
Enquiries:	For any enquiries about the consultation please contact planningforthefuture@communities.gov.uk .
How to respond:	<p>You may respond by going to our website https://www.gov.uk/government/consultations/planning-for-the-future</p> <p>Alternatively you can email your response to the questions in this consultation to planningforthefuture@communities.gov.uk.</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to: Planning for the Future Consultation, Planning Directorate, 3rd Floor, Fry Building, 2 Marsham Street, London SW1P 4DF.</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none">• your name,• your position (if applicable), and• the name of organisation (if applicable).

Foreword from the Prime Minister

I never cease to be amazed by the incredible potential of this country. The vast array of innovations and talent that, when combined with our extraordinary can-do spirit, has brought forth everything from the jet engine to gene editing therapy.

But as we approach the second decade of the 21st century that potential is being artificially constrained by a relic from the middle of the 20th – our outdated and ineffective planning system.

Designed and built in 1947 it has, like any building of that age, been patched up here and there over the decades.

Extensions have been added on, knocked down and rebuilt according to the whims of whoever's name is on the deeds at the time. Eight years ago a new landlord stripped most of the asbestos from the roof.

But make-do-and-mend can only last for so long and, in 2020, it is no longer fit for human habitation.

Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.

That is what this paper proposes.

Radical reform unlike anything we have seen since the Second World War.

Not more fiddling around the edges, not simply painting over the damp patches, but levelling the foundations and building, from the ground up, a whole new planning system for England.

One that is simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades.

That actively encourages sustainable, beautiful, safe and useful development rather than obstructing it.

That makes it harder for developers to dodge their obligations to improve infrastructure and opens up housebuilding to more than just the current handful of massive corporations.

That gives you a greater say over what gets built in your community.

That makes sure start-ups have a place to put down roots and that businesses great and small have the space they need to grow and create jobs.

And, above all, that gives the people of this country the homes we need in the places we want to live at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.

Getting homes built is always a controversial business. Any planning application, however modest, almost inevitably attracts objections and I am sure there will be those who say this paper represents too much change too fast, too much of a break from what has gone before.

But what we have now simply does not work.

So let's do better. Let's make the system work for all of us. And let's take big, bold steps so that we in this country can finally build the homes we all need and the future we all want to see.

The Rt. Hon. Boris Johnson MP
Prime Minister



“The homes we need in the places we want to live in at prices we can afford, so that all of us are free to live where we can connect our talents with opportunity.”

Foreword from the Secretary of State

The outbreak of COVID-19 has affected the economic and social lives of the entire nation. With so many people spending more time at home than ever before, we have come to know our homes, gardens and local parks more intimately. For some this has been a welcome opportunity to spend more time in the place they call home with the people they love. For others – those in small, substandard homes, those unable to walk to distant shops or parks, those struggling to pay their rent, or indeed for those who do not have a home of their own at all – this has been a moment where longstanding issues in our development and planning system have come to the fore.

Such times require decisive action and a plan for a better future. These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the security and dignity of a home of their own.

Our proposals seek a significantly simpler, faster and more predictable system. They aim to facilitate a more diverse and competitive housing industry, in which smaller builders can thrive alongside the big players, where all pay a fair share of the costs of infrastructure and the affordable housing existing communities require and where permissions are more swiftly turned into homes.

We are cutting red tape, but not standards. This Government doesn't want to just build houses. We want a society that has re-established powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose. Our reformed system places a higher regard on quality, design and local vernacular than ever before, and draws inspiration from the idea of design codes and pattern books that built Bath, Belgravia and Bournville. Our guiding principle will be as Clough Williams-Ellis said to cherish the past, adorn the present and build for the future.

We will build environmentally friendly homes that will not need to be expensively retrofitted in the future, homes with green spaces and new parks at close hand, where tree lined streets are the norm and where neighbours are not strangers.

We are moving away from notices on lampposts to an interactive and accessible map-based online system – placing planning at the fingertips of people. The planning process will be brought into the 21st century. Communities will be reconnected to a planning process that is supposed to serve them, with residents more engaged over what happens in their areas.

While the current system excludes residents who don't have the time to contribute to the lengthy and complex planning process, local democracy and accountability will now be enhanced by technology and transparency.

Reforming the planning system isn't a task we undertake lightly, but it is both an overdue and a timely reform. Millions of jobs depend on the construction sector and in every economic recovery, it has played a crucial role.

This paper sets out how we will reform the planning system to realise that vision and make it more efficient, effective and equitable. I am most grateful to the taskforce of experts who have generously offered their time and expert advice as we have developed our proposals for reform – Bridget Rosewell, Miles Gibson, Sir Stuart Lipton, Nicholas Boys Smith, and Christopher Katkowski QC.

The Rt. Hon. Robert Jenrick MP

Secretary of State for Housing, Communities and Local Government



“These proposals will help us to build the homes our country needs, bridge the present generational divide and recreate an ownership society in which more people have the dignity and security of a home of their own.”

Introduction

The challenge we face – an inefficient, opaque process and poor outcomes

The planning system is central to our most important national challenges: tackling head on the shortage of beautiful, high quality homes and places where people want to live and work; combating climate change; improving biodiversity; supporting sustainable growth in all parts of the country and rebalancing our economy; delivering opportunities for the construction sector, upon which millions of livelihoods depend; the ability of more people to own assets and have a stake in our society; and our capacity to house the homeless and provide security and dignity.¹

To succeed in meeting these challenges, as we must, the planning system needs to be fit for purpose. It must make land available in the right places and for the right form of

development. In doing this, it must ensure new development brings with it the schools, hospitals, surgeries and transport local communities need, while at the same time protecting our unmatched architectural heritage and natural environment.

There is some brilliant planning and development. And there are many brilliant planners and developers. But too often excellence in planning is the exception rather than the rule, as it is hindered by several problems with the system as it stands:

- It is too complex: the planning system we have today was shaped by the Town and Country Planning Act 1947, which established planning as nationalised and discretionary in character. Since then, decades of reform have built complexity, uncertainty and delay into the system. It now works best for large investors and companies, and worst for those without the resources to manage a process beset by risk and uncertainty. A simpler framework would better support a more competitive market with a greater diversity of developers, and more resilient places.
- Planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are undertaken on a case-by-case basis, rather than determined by clear rules for what can and cannot be done. This makes the English planning system and those derived from it an exception internationally, and it has the important consequences of increasing planning risk, pushing up the cost of capital for development and discouraging both

There is some brilliant planning and development. And there are many brilliant planners and developers.




Planning decisions are discretionary rather than rules-based: nearly all decisions to grant consent are undertaken on a case-by-case basis.



innovation and the bringing forward of land for development.² Decisions are also often overturned – of the planning applications determined at appeal, 36 per cent of decisions relating to major applications and 30 per cent of decisions relating to minor applications are overturned.³

- It takes too long to adopt a Local Plan: although it is a statutory obligation to have an up-to-date Local Plan in place, only 50 per cent of local authorities (as of June 2020) do, and Local Plan preparation takes an average of seven years (meaning many policies are effectively out of date as soon as they are adopted).
- Assessments of housing need, viability and environmental impacts are too complex and opaque: land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for. Assessments of environmental impacts and viability add complexity and bureaucracy but do not necessarily lead to environmental improvements nor ensure sites are brought forward and delivered.
- It has lost public trust with, for example, a recent poll finding that only seven per cent trusted their local council to make decisions about large scale development that will be good for their local area (49 per cent and 36 per cent said they distrusted developers and local authorities respectively).⁴ And consultation is dominated by the few willing and able to navigate the process – the voice of those who stand to gain from development is not heard loudly enough, such as young people. The importance of local participation in planning is now the focus of a campaign by the Local Government Association but this involvement must be accessible to all people.⁵



The planning system is based on 20th-century technology: planning systems are reliant on legacy software that burden the sector with repetitive tasks.

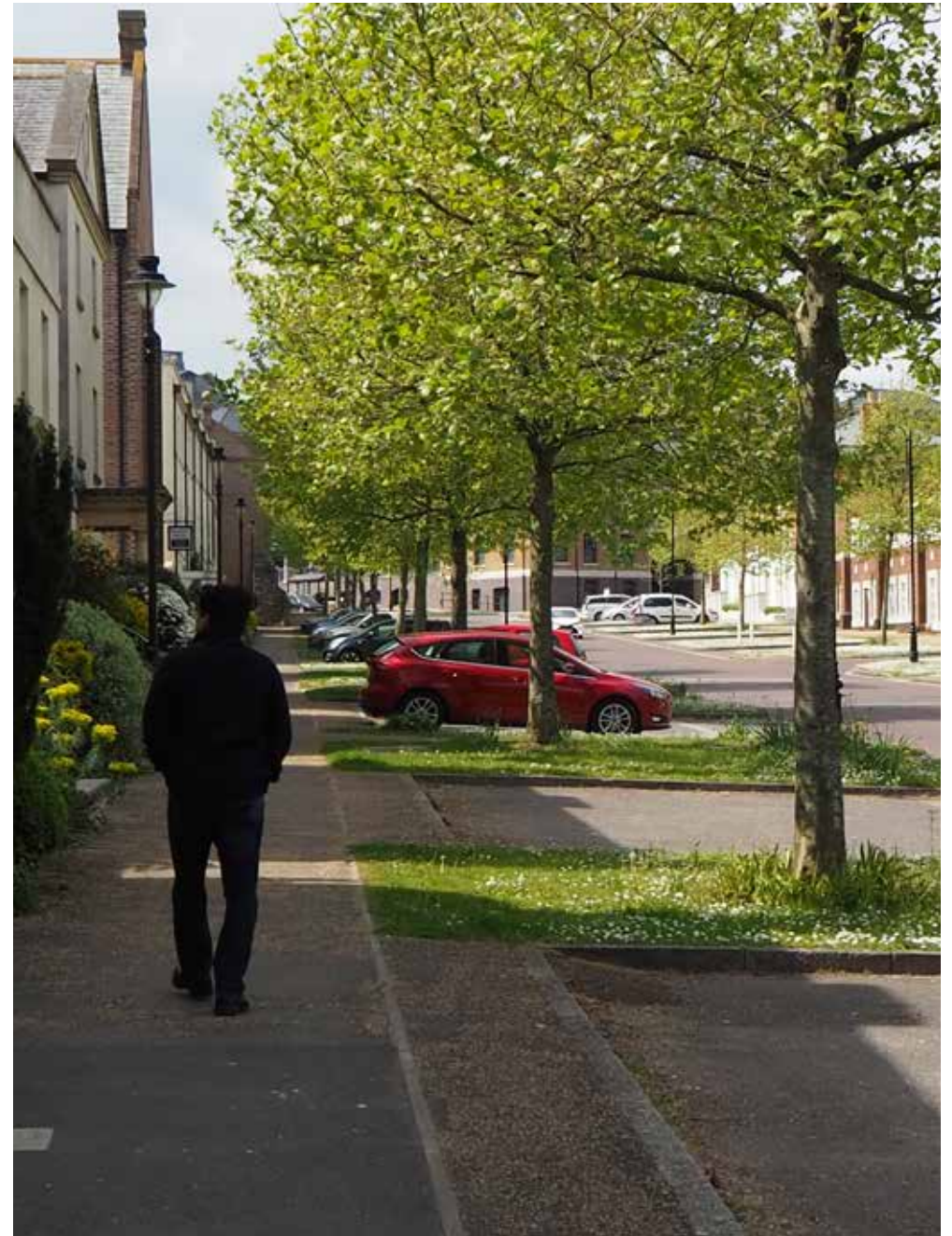


- It is based on 20th-century technology: planning systems are reliant on legacy software that burden the sector with repetitive tasks. The planning process remains reliant on documents, not data, which reduces the speed and quality of decision-making. The user experience of the planning system discourages engagement, and little use is made of interactive digital services and tools. We have heard that for many developers the worst thing that can happen is for the lead local authority official to leave their job – suggesting a system too dependent on the views of a particular official at a particular time, and not transparent and accessible requirements shaped by communities.
- The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear: as a result, the outcomes can be uncertain, which further diminishes trust in the system and reduces the ability of local planning authorities to plan for and deliver necessary infrastructure. Over 80 per cent of planning authorities agree that planning obligations cause delay.⁶ It also further increases planning risk for developers and landowners, thus discouraging development and new entrants.
- There is not enough focus on design, and little incentive for high quality new homes and places: There is insufficient incentive within the process to bring forward proposals that are beautiful and which will enhance the environment, health, and character of local areas. Local Plans do not provide enough certainty around the approved forms of development, relying on vague and verbal statements of policy rather than the popularly endorsed visual clarity that can be provided by binding design codes. This means that quality can be negotiated away too readily and the lived experience of the consumer ignored too readily.

- It simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).⁷ The result of long-term and persisting undersupply is that housing is becoming increasingly expensive, including relative to our European neighbours. In Italy, Germany and the Netherlands, you can get twice as much housing space for your money compared to the UK.⁸ We need to address the inequalities this has entrenched.

A poor planning process results in poor outcomes. Land use planning and development control are forms of regulation, and like any regulation should be predictable and accessible, and strike a fair balance between consumers, producers and wider society. But too often the planning system is unpredictable, too difficult to engage with or understand, and favours the biggest players in the market who are best able to negotiate and navigate through the process.

The Government has made significant progress in recent years in increasing house building, with construction rates at a 30-year high in 2019. But these fundamental issues in the system remain, and we are still lagging behind many of our European neighbours. And as the Building Better, Building Beautiful Commission found in its interim report last year, too often what we do build is low quality and considered ugly by local residents.⁹



The Government has made significant progress in recent years to increase house building, with construction rates at a 30-year high.



A new vision for England's planning system

This paper and the reforms that follow are an attempt to rediscover the original mission and purpose of those who sought to improve our homes and streets in late Victorian and early 20th-century Britain. That original vision has been buried under layers of legislation and case law. We need to rediscover it.

Planning matters. Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too. Better off people experience more beauty than poorer people and can better afford the rising costs of homes. As a nation we need to do this better. Evidence from the Town and Country Planning Association (TCPA), the Royal Town Planning Institute (RTPI) and the Green Building Council to the Building Better Building Beautiful Commission all emphasised that the evidence on what people want and where they flourish is remarkably consistent.

The Government's planning reforms since 2010 have started to address the underlying issues:

- last year, we delivered over 241,000 homes, more new homes than at any point in the last 30 years;
- our reforms to change-of-use rules have supported delivery of over 50,000 new homes;
- the rate of planning applications granted has increased since 2010;¹⁰
- the National Planning Policy Framework, introduced in 2012, has greatly simplified the previously huge volume of policy;
- we have introduced a simplified formula for assessing housing need and clearer incentives for local authorities to have up-to-date plans in place;
- we have introduced greater democratic accountability over infrastructure planning, giving elected Ministers responsibility for planning decisions about this country's nationally significant energy, transport, water, wastewater and waste projects;
- we have continued to protect the Green Belt;

- protections for environmental and heritage assets – such as Areas of Outstanding Natural Beauty (AONBs), and Sites of Special Scientific Interest (SSSIs) and Conservation Areas – continue to protect our treasured countryside and historic places; and
- we have democratised and localised the planning process by abolishing the top-down regional strategies and unelected regional planning bodies, and empowered communities to prepare a plan for their area, through our introduction of neighbourhood planning – with over 2,600 communities taking advantage of our reforms so far.

But the simple truth is that decades of complexity and political argument have resulted in a system which is providing neither sufficient homes nor good enough new places. Nor is it fairly using the talents and passions of public sector planners who often feel over-worked and under-appreciated, trapped between the urgent need for more homes, an insufficiently competitive market and a policy framework which makes it almost impossible for them to insist upon beautiful and sustainable new homes and places.

The planning system needs to be better at unlocking growth and opportunity in all parts of the country, at encouraging beautiful new places, at supporting the careful stewardship and rebirth of town and city centres, and at supporting the revitalisation of existing buildings as well as supporting new development.

It is also time for the planning system finally to move towards a modernised, open data approach that creates a reliable national picture of what is happening where in planning, makes planning services more efficient, inclusive and consistent, and unlocks the data needed by property developers and the emerging Property Technology (PropTech) sector, to help them make more informed decisions on what to build and where.



We wish to:

- be more ambitious for the places we create, expecting new development to be beautiful and to create a 'net gain' not just 'no net harm';
- move the democracy forward in the planning process and give neighbourhoods and communities an earlier and more meaningful voice in the future of their area as plans are made, harnessing digital technology to make it much easier to access and understand information about specific planning proposals. More engagement should take place at the Local Plan phase;
- improve the user experience of the planning system, to make planning information easier to find and understand and make it appear in the places that discussions are happening, for example in digital neighbourhood groups and social networks. New digital engagement processes will make it radically easier to raise views about and visualise emerging proposals whilst on-the-go on a smart phone;
- support home ownership, helping people and families own their own beautiful, affordable, green and safe homes, with ready access to better infrastructure and green spaces;
- increase the supply of land available for new homes where it is needed to address affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market;
- help businesses to expand with readier access to the commercial space they need in the places they want and supporting a more physically flexible labour market;
- support innovative developers and housebuilders, including small and medium-sized enterprises (SMEs) and self-builders, those looking to build a diverse range of types and tenure of housing, and those using innovative modern methods of construction (MMC);
- promote the stewardship and improvement of our precious countryside and environment, ensuring important natural assets are preserved, the development potential of brownfield land is maximised, that we support net gains for biodiversity and the wider environment and actively address the challenges of climate change; and
- create a virtuous circle of prosperity in our villages, towns and cities, supporting their ongoing renewal and regeneration without losing their human scale, inheritance and sense



of place. We need to build more homes at gentle densities in and around town centres and high streets, on brownfield land and near existing infrastructure so that families can meet their aspirations. Good growth will make it easier to level up the economic and social opportunities available to communities.

Underpinning this, we need to modernise the day-to-day operation of the planning system. Residents should not have to rely on planning notices attached to lamp posts, printed in newspapers or posted in libraries. The COVID-19 pandemic has highlighted the need for modern digital planning services that can be accessed from home, and many planners and local authorities have responded brilliantly to this challenge. The planning system must build on this success and follow other sectors in harnessing the benefits which digitisation can bring – real-time information, high-quality virtual simulation, straightforward end-to-end processes. It should be based on data, not documents, inclusive for all members of society, and stimulate the innovation of the great British design industry.

There are growing calls for change, and for the shape that it should take – based on a bold vision for end-to-end reform, rather than further piecemeal change within the existing system. Recent reports from think tanks and the Government-appointed Building Better, Building Beautiful Commission are the latest prominent voices to have added to the chorus.¹¹



Proposals

We will undertake fundamental reform of the planning system to address its underlying weaknesses and create a system fit for the 21st century. We want to hear your views on our proposals.

First, we will streamline the planning process with more democracy taking place more effectively at the plan-making stage, and will replace the entire corpus of plan-making law in England to achieve this:

- Simplifying the role of Local Plans, to focus on identifying land under three categories – *Growth* areas suitable for substantial development, and where outline approval for development would be automatically secured for forms and types of development specified in the Plan; *Renewal* areas suitable for some development, such as gentle densification; and *Protected* areas where – as the name suggests – development is restricted. This could halve the time it takes to secure planning permission on larger sites identified in plans. We also want to allow local planning authorities to identify sub-areas in their *Growth* areas for self- and custom-build homes, so that more people can build their own homes.
- Local Plans should set clear rules rather than general policies for development. We will set out general development management policies nationally, with a more focused role for Local Plans in identifying site- and area-specific requirements, alongside locally produced design codes. This would scale back the detail and duplication contained in Local Plans, while encouraging a much greater focus on design quality at the local level. Plans will be significantly shorter in length (we expect a reduction in size of at least two thirds), as they will no longer contain a long list of “policies” of varying specificity – just a core set of standards and requirements for development.

- Local councils should radically and profoundly re-invent the ambition, depth and breadth with which they engage with communities as they consult on Local Plans. Our reforms will democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes. We want to hear the views of a wide range of people and groups through this consultation on our proposed reforms.
- Local Plans should be subject to a single statutory “sustainable development” test, and unnecessary assessments and requirements that cause delay and challenge in the current system should be abolished. This would mean replacing the existing tests of soundness, updating requirements for assessments (including on the environment and viability) and abolishing the Duty to Cooperate.
- Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new standard template. Plans should be significantly shorter in length, and limited to no more than setting out site- or area-specific parameters and opportunities.
- Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable (of no more than 30 months in total) for key stages of the process, and there will be sanctions for those who fail to do so.
- Decision-making should be faster and more certain, within firm deadlines, and should make greater use of data and digital technology.

- We will seek to strengthen enforcement powers and sanctions so that as we move towards a rules-based system, communities can have confidence those rules will be upheld.
- We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms – so that, as we bring in our reforms, local planning authorities are equipped to create great communities through world-class civic engagement and proactive plan-making.

Second, we will take a radical, digital-first approach to modernise the planning process. This means moving from a process based on documents to a process driven by data. We will:

- Support local planning authorities to use digital tools to support a new civic engagement process for Local Plans and decision-making, making it easier for people to understand what is being proposed and its likely impact on them through visualisations and other digital approaches. We will make it much easier for people to feed in their views into the system through social networks and via their phones.
- Insist local plans are built on standardised, digitally consumable rules and data, enabling accessible interactive maps that show what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector.
- Standardise, and make openly and digitally accessible, other critical datasets that the planning system relies on, including planning decisions and developer contributions. Approaches for fixing the underlying data are already being tested and developed by innovative local planning authorities and we are exploring options for how these could be scaled nationally.

We will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms

- Work with tech companies and local authorities to modernise the software used for making and case-managing a planning application, improving the user-experience for those applying and reducing the errors and costs currently experienced by planning authorities. A new more modular software landscape will encourage digital innovation and will consume and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, making decision-making faster and more certain.
- Engage with the UK PropTech sector through a PropTech Innovation Council to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

Third, to bring a new focus on design and sustainability, we will:

- Ensure the planning system supports our efforts to combat climate change and maximises environmental benefits, by ensuring the National Planning Policy Framework targets those areas where a reformed planning system can most effectively address climate change mitigation and adaptation and facilitate environmental improvements.
- Facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.
- Ask for beauty and be far more ambitious for the places we create, expecting new development to be beautiful, and to create a 'net gain' not just 'no net harm', with a greater focus on 'placemaking' and 'the creation of beautiful places' within the National Planning Policy Framework.

“The Community Infrastructure Levy and the current system of planning will be reformed as a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’).”

- Make it easier for those who want to build beautifully through the introduction of a fast-track for beauty through changes to national policy and legislation, to automatically permit proposals for high-quality developments where they reflect local character and preferences.
- Introduce a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing England’s unique ecosystems.
- Expect design guidance and codes – which will set the rules for the design of new development – to be prepared locally and to be based on genuine community involvement rather than meaningless consultation, so that local residents have a genuine say in the design of new development, and ensure that codes have real ‘bite’ by making them more binding on planning decisions.
- Establish a new body to support the delivery of design codes in every part of the country, and give permanence to the campaigning work of the Building Better, Building Beautiful Commission and the life of its co-chairman the late Sir Roger Scruton.
- Ensure that each local planning authority has a chief officer for design and place-making, to help ensure there is the capacity and capability locally to raise design standards and the quality of development.
- Lead by example by updating Homes England’s strategic objectives to give greater emphasis to delivering beautiful places.
- Protect our historic buildings and areas while ensuring the consent framework is fit for the 21st century.

Fourth, we will improve infrastructure delivery in all parts of the country and ensure developers play their part, through reform of developer contributions. We propose:

- The Community Infrastructure Levy and the current system of planning obligations will be reformed as a nationally set, value-based flat rate charge (the ‘Infrastructure Levy’). A single rate or varied rates could be set. We will aim for the new Levy to raise more revenue than under the current system of developer contributions, and deliver at least as much – if not more – on-site affordable housing as at present. This reform will enable us to sweep away months of negotiation of Section 106 agreements and the need to consider site viability. We will deliver more of the infrastructure existing and new communities require by capturing a greater share of the uplift in land value that comes with development.
- We will be more ambitious for affordable housing provided through planning gain, and we will ensure that the new Infrastructure Levy allows local planning authorities to secure more on-site housing provision.
- We will give local authorities greater powers to determine how developer contributions are used, including by expanding the scope of the Levy to cover affordable housing provision to allow local planning authorities to drive up the provision of affordable homes. We will ensure that affordable housing provision supported through developer contributions is kept at least at current levels, and that it is still delivered on-site to ensure that new development continues to support mixed communities. Local authorities will have the flexibility to use this funding to support both existing communities as well as new communities.
- We will also look to extend the scope of the consolidated Infrastructure Levy and remove exemptions from it to capture changes of use through permitted development rights, so that additional homes delivered through this route bring with them support for new infrastructure.

Fifth, to ensure more land is available for the homes and development people and communities need, and to support renewal of our town and city centres, we propose:

- A new nationally determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.
- To speed up construction where development has been permitted, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types from different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.
- To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land.
- To make sure publicly owned land and public investment in development supports thriving places, we will:
 - ensure decisions on the locations of new public buildings – such as government offices and further education colleges – support renewal and regeneration of town centres; and
 - explore how publicly owned land disposal can support the SME and self-build sectors.



The change we will see – a more engaging, equitable and effective system

Our proposals will greatly improve the user experience of the planning system, making it fit for the next century.

Residents will be able to engage in a much more democratic system that is open to a wider range of people whose voice is currently not heard. Residents will no longer have to rely on planning notices attached to lamp posts, printed in newspapers and posted in libraries to find out about newly proposed developments. Instead people will be able to use their smartphone to give their views on Local Plans and design codes as they are developed, and to see clearer, more visual information about development proposals near them – rather than current planning policies and development proposals presented in PDF documents, hundreds of pages long. And existing and new residents alike will gain from more affordable, green and beautiful homes near to where they want to live and work.

Communities will be able to trust the planning system again as their voice will be heard from the beginning of the process and better use of digital technology will make it radically easier for people to understand what is being proposed in their neighbourhoods and provide new ways to feed their views into the reformed system. Local Plans will be developed over a fixed 30-month period with clear engagement points, rather than the current inconsistent process which takes seven years on average. The Infrastructure Levy will be more transparent than Section 106, and local communities will have more control over how it is spent. Communities will be able to set standards for design upfront through local design codes. And with more land available for homes where they are most needed, and a renewed focus on the beauty of new development, communities will be able to grow organically and sustainably, and development will enhance places for everyone.

Innovators, entrepreneurs and businesses will benefit from a planning system that is much more adaptable to the changing needs of the economy. A greater amount of land available near to workplaces, and a more flexible approach to how that land can be used, will make it

Innovators and businesses will benefit from a planning system that is much more adaptable to the changing need of the economy.



much easier for firms to set up and expand in the most productive locations – for example, spin-out companies looking to set up near to research-intensive universities. A reformed system that is based upon data, rather than documents will help to provide the data that innovators and entrepreneurs, including the burgeoning PropTech sector, need to build new technology to help improve citizen engagement and planning processes.

Small builders, housing associations and those building their own home, will find this system much easier, less costly and quicker to navigate, with more land available for development and clearer expectations on the types of development permitted, helping them to find development opportunities and use innovative construction methods. With permission for the principle of development secured automatically in many cases, a major hurdle in the process will be removed, taking two to three years out of the process. The system of developer contributions will make it much easier for smaller developers, who will not have to engage in months of negotiation and can instead get on with the job of building. And a shorter, more certain process will remove significant risk from the process, lowering the need for developers to secure long development pipelines and lowering the regulatory barriers to entry that currently exist in the market. A data-led planning system will help developers of all sizes and experience to find the planning information they need to understand what can be built and where, which will provide greater certainty to them and their investors.

Local authorities, including mayoral combined authorities, will be liberated to plan and able to focus on what they do best, with the shackles of current burdensome assessments and negotiations removed. They will be able to give more attention to improving the quality of new development and focus on those large and special sites that need the most consideration. And the Government will support modernisation of the planning process so that routine tasks are automated and decision-making, and plan-making, is improved by better access to the data local authorities need.

And for our children and grandchildren, our reforms will leave an inheritance of environmental improvement – with environmental assets protected, more green spaces provided, more sustainable development supported, new homes that are much more energy-efficient and new places that can become the heritage of the future, built closer to where people want to live and work to reduce our reliance on carbon-intensive modes of transport.

This consultation document does not address every detailed part of the planning system, its function and objectives, but rather focuses on the key reforms that can help improve the delivery and quality of homes and neighbourhoods, set within our drive towards net-zero greenhouse gas emissions by 2050.

And fixing the planning system alone will not be enough – it will require a collective effort between Government, communities, businesses and developers over the long term. But fixing the planning system should be the starting point for these efforts.



Pillar One – Planning for development

Overview

The starting point for an effective planning system is to establish a clear and predictable basis for the pattern and form of development in an area. The current system of land use planning in England is principally based on Local Plans, brought forward by local planning authorities on behalf of their communities. But in contrast to planning systems in places like Japan, the Netherlands and Germany, where plans give greater certainty that development is permitted in principle upfront, plans in England are policy-based, with a separate process required to secure permission on the sites that it designates for development.

Local Plans are a good foundation on which to base reform, as they provide a route for local requirements to be identified and assessed, a forum for political debate and for different views on the future of areas to be heard. The National Planning Policy Framework provides a clear basis for those matters that are best set in national policy.

However, change is needed. Layers of assessment, guidance and policy have broadened the scope of Local Plans, requiring a disproportionate burden of evidence to support them. As a result, Local Plans take increasingly long to produce, on average over seven years; have become lengthier documents of increasing complexity, in some cases stretching to nearly 500 pages; are underpinned by vast swathes of evidence base documents, often totalling at least ten times the length of the plan itself, and none of which are clearly linked, standardised, or produced in accessible formats; and include much unnecessary repetition of national policy.

It is difficult for users of the planning system to find the information they need, and when they do, it is difficult to understand. Few people read the array of evidence base documents which accompany plans and these assessments do not sufficiently aid decision-making. Much of this evidence becomes dated very quickly, and production times often render policies out of date as soon as they are adopted. Furthermore, even when the plan is in place, it cannot be relied on as the definitive statement of how development proposals should be handled.

Local Plans should instead be focused on where they can add real value: allocating enough land for development in the right places, giving certainty about what can be developed on that land, making the process for getting permission for development as simple as possible, and providing local communities a genuine opportunity to shape those decisions. To this end, Local Plans should:

- be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;
- communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;
- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

Questions

1. What three words do you associate most with the planning system in England?
- 2(a). Do you get involved with planning decisions in your local area?
[Yes / No]
- 2(b). If no, why not?
[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]
3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?
[Social media / Online news / Newspaper / By post / Other – please specify]
4. What are your top three priorities for planning in your local area?
[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]



Proposals

We propose a new role for Local Plans and a new process for making them, by replacing the existing primary and secondary legislation.

A NEW APPROACH TO PLAN-MAKING

Local Plans should have a clear role and function, which should be, first, to identify land for development and sites that should be protected; and, second, to be clear about what development can take place in those different areas so that there is greater certainty about land allocated for development and so that there is a faster route to securing permission. They should be assessed against a single statutory “sustainable development” test to ensure plans strike the right balance between environmental, social and economic objectives.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth areas* suitable for substantial development, *Renewal areas* suitable for development, and areas that are *Protected*.

All areas of land would be put into one of these three categories:

- *Growth* areas “suitable for substantial development” – we propose that the term substantial development be defined in policy to remove any debate about this descriptor. We envisage this category would include land suitable for comprehensive development, including new settlements and urban extension sites, and areas for redevelopment, such as former industrial sites or urban regeneration sites. It could also include proposals for sites such as



those around universities where there may be opportunities to create a cluster of growth-focused businesses. Sites annotated in the Local Plan under this category would have outline approval for development (see proposal 5 for more detail). Areas of flood risk would be excluded from this category (as would other important constraints), unless any risk can be fully mitigated;

- *Renewal* areas “suitable for development” – this would cover existing built areas where smaller scale development is appropriate. It could include the gentle densification and infill of residential areas, development in town centres, and development in rural areas that is not annotated as *Growth* or *Protected* areas, such as small sites within or on the edge of villages. There would be a statutory presumption in favour of development being granted for the uses specified as being suitable in each area. Local authorities could continue to consider the case for resisting inappropriate development of residential gardens;
- Areas that are *Protected* – this would include sites and areas which, as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Areas of Outstanding Natural Beauty (AONBs), Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework. It would also include areas of open countryside outside of land in *Growth* or *Renewal* areas. Some areas would be defined nationally, others locally on the basis of national policy, but all would be annotated in Local Plan maps and clearly signpost the relevant development restrictions defined in the National Planning Policy Framework.

This new-style Local Plan would comprise an interactive web-based map of the administrative area where data and policies are easily searchable, with a key and accompanying text. Areas and sites would be annotated and colour-coded in line with their *Growth*, *Renewal* or *Protected* designation, with explanatory descriptions set out in the key and accompanying text, as appropriate to the category.

In *Growth* and *Renewal* areas, the key and accompanying text would set out suitable development uses, as well as limitations on height and/or density as relevant. These could be specified for sub-areas within each category, determined locally but having regard to national policy, guidance and legislation (including the National Model Design Code and

flexibilities in use allowed by virtue of the new Use Classes Order and permitted development). For example, it may be appropriate for some areas to be identified as suitable for higher-density residential development, or for high streets and town centres to be identified as distinct areas. In *Growth* areas, we would also want to allow sub-areas to be created specifically for self and custom-build homes, and community-led housing developments, to allow a range of housing aspirations to be met and help create diverse and flourishing communities. In the case of self and custom-build homes, local authorities should identify enough land to meet the requirements identified in their self-build and custom housebuilding registers. For *Protected* areas, the key and accompanying text would explain what is permissible by cross-reference to the National Planning Policy Framework.

Alternative options: Rather than dividing land into three categories, we are also interested in views on more binary models. One option is to combine *Growth* and *Renewal* areas (as defined above) into one category and to extend permission in principle to all land within this area, based on the uses and forms of development specified for each sub-area within it.

An alternative approach would be to limit automatic permission in principle to land identified for substantial development in Local Plans (*Growth* areas); other areas of land would, as now, be identified for different forms of development in ways determined by the local planning authority (and taking into account policy in the National Planning Policy Framework), and subject to the existing development management process.

Question

**5. Do you agree that Local Plans should be simplified in line with our proposals?
[Yes / No / Not sure. Please provide supporting statement.]**

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

With the primary focus of plan-making on identifying areas for development and protection, we propose that development management policy contained in the plan would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in *Growth* areas and *Renewal* areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management; there would be no provision for the inclusion of generic development management policies which simply repeat national policy within Local Plans, such as protections for listed buildings (although we are interested in views on the future of optional technical standards). We propose to turn plans from long lists of general “policies” to specific development standards.

Local planning authorities and neighbourhoods (through Neighbourhood Plans) would play a crucial role in producing required design guides and codes to provide certainty and reflect local character and preferences about the form and appearance of development. This is important for making plans more visual and engaging. These could be produced for a whole local authority area, or for a smaller area or site (as annotated in the Local Plan), or a combination of both. Design guides and codes would ideally be produced on a ‘twin track’ with the Local Plan, either for inclusion within the plan or prepared as supplementary planning documents.

We want to move to a position where all development management policies and code requirements, at national, local and neighbourhood level, are written in a machine-readable format so that wherever feasible, they can be used by digital services to automatically screen developments and help identify where they align with policies and/or codes.

This will significantly increase clarity for those wishing to bring forward development, enabling automation of more binary considerations and allowing for a greater focus on those areas where there is likely to be greater subjectivity.

Alternative options: Rather than removing the ability for local authorities to include general development management policies in Local Plans, we could limit the scope of such policies to specific matters and standardise the way they are written, where exceptional circumstances necessitate a locally-defined approach. Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed.

Question

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

[Yes / No / Not sure. Please provide supporting statement.]

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. The achievement of sustainable development is an existing and well-understood basis for the planning system, and we propose that it should be retained.



A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process.

Specifically:

- we propose to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans, which would continue to satisfy the requirements of UK and international law and treaties (see our proposals under Pillar Two);
- the Duty to Cooperate test would be removed (although further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for, including the scale at which plans are best prepared in areas with significant strategic challenges); and
- a slimmed down assessment of deliverability for the plan would be incorporated into the “sustainable development” test.

Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period. Plan-making policies in the National Planning Policy Framework will make this clear.

“A simpler test, as well as more streamlined plans, should mean fewer requirements for assessments that add disproportionate delay to the plan-making process. ”

The new-style digital Local Plan would also help local planning authorities to engage with strategic cross-boundary issues and use data-driven insights to assess local infrastructure needs to help decide what infrastructure is needed and where it should be located.

- Alternative option: Rather than removing the existing tests of soundness, an alternative option could be to reform them in order to make it easier for a suitable strategy to be found sound. For example, the tests could become less prescriptive about the need to demonstrate deliverability. Rather than demonstrating deliverability, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed.

Questions

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

Local Plans will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years. This includes land needed to take advantage of local opportunities for economic growth, such as commercial space for spin-out companies near to university research and development facilities, or other high productivity businesses.

Debates about housing numbers tend to dominate this process, and a standard method for setting housing requirements would significantly reduce the time it takes to establish the amount of land to release in each area. This has historically been a time-consuming process which ultimately has not led to enough land being released where it is most needed (as reflected by worsening affordability). A standard requirement would differ from the current system of local housing need in that it would be binding, and so drive greater land release.

It is proposed that the standard method would be a means of distributing the national housebuilding target of 300,000 new homes annually, and one million homes by the end of the Parliament, having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
- the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);

- the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk. For example, areas in National Parks are highly desirable and housing supply has not kept up with demand; however, the whole purpose of National Parks would be undermined by multiple large scale housing developments so a standard method should factor this in;
- the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement figure will expect these opportunities to have been utilised fully before land constraints are taken into account;
- the need to make an allowance for land required for other (non-residential) development; and
- inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.

The standard method would make it the responsibility of individual authorities to allocate land suitable for housing to meet the requirement, and they would continue to have choices about how to do so: for example through more effective use of existing residential land, greater densification, infilling and brownfield redevelopment, extensions to existing urban areas, or new settlements. The existing policy for protecting the Green Belt would remain. We also propose that it would be possible for authorities to agree an alternative distribution of their requirement in the context of joint planning arrangements. In particular, it may be appropriate for Mayors of combined authorities to oversee the strategic distribution of the requirement in a way that alters the distribution of numbers, and this would be allowed for.

In the current system the combination of the five-year housing land supply requirement, the Housing Delivery Test and the presumption in favour of sustainable development act as a check to ensure that enough land comes into the system. Our proposed approach should ensure that enough land is planned for, and with sufficient certainty about its availability for development, to avoid a continuing requirement to be able to demonstrate

a five-year supply of land. However, having enough land supply in the system does not guarantee that it will be delivered, and so we propose to maintain the Housing Delivery Test and the presumption in favour of sustainable development as part of the new system.

Alternative option: It would be possible to leave the calculation of how much land to include in each category to local decision, but with a clear stipulation in policy that this should be sufficient to address the development needs of each area (so far as possible subject to recognised constraints), taking into account market signals indicating the degree to which existing needs are not being met. As now, a standard method could be retained to underpin this approach in relation to housing; and it would be possible to make changes to the current approach that ensure that meeting minimum need is given greater weight to make sure sufficient land comes forward. However, we do not think that this approach would carry the same benefits of clarity and simplicity as our preferred option, and would also require additional safeguards to ensure that adequate land remains available, especially once the assessment of housing need has been translated into housing requirements. We would, therefore, propose to retain a five-year housing land supply requirement with this approach.

We have published a separate consultation on proposed changes to the standard method for assessing local housing need which is currently used in the process of establishing housing requirement figures. The future application of the formula proposed in the revised standard method consultation will be considered in the context of the proposals set out here. In particular, the methodology does not yet adjust for the land constraints, including Green Belt. We will consider further the options for doing this and welcome proposals.

Questions

- 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]**
- 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]**



A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

Proposal 5: Areas identified as *Growth* areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues – not the principle of development.

In areas suitable for substantial development (*Growth* areas) an outline permission for the principle of development would be conferred by adoption of the Local Plan. Further details would be agreed and full permission achieved through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

Detailed planning permission could be secured in one of three ways:

- a reformed reserved matters process for agreeing the issues which remain outstanding;
- a Local Development Order prepared by the local planning authority for the development which could be prepared in parallel with the Local Plan and be linked to a master plan and design codes; or
- for exceptionally large sites such as a new town where there are often land assembly and planning challenges, we also want to explore whether a Development Consent Order under the Nationally Significant Infrastructure Projects regime could be an appropriate

route to secure consents. Similarly, we will consider how the planning powers for Development Corporations can be reformed to reflect this new framework.

In areas suitable for development (*Renewal* areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development). Consent for development would be granted in one of three ways:

- for pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements (as discussed further under the fast-track to beauty proposals set out under Pillar Two);
- for other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or
- a Local or Neighbourhood Development Order.

In both the *Growth* and *Renewal* areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. We expect this to be the exception rather than the rule: to improve certainty in the system, it will be important for everyone to have confidence that the plan will be the basis for decisions, and so we intend to strengthen the emphasis on a plan-led approach in legislation (alongside giving appropriate status to national planning policy for general development management matters).

In areas where development is restricted (*Protected* areas) any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders), and judged against policies set out in the National Planning Policy Framework.

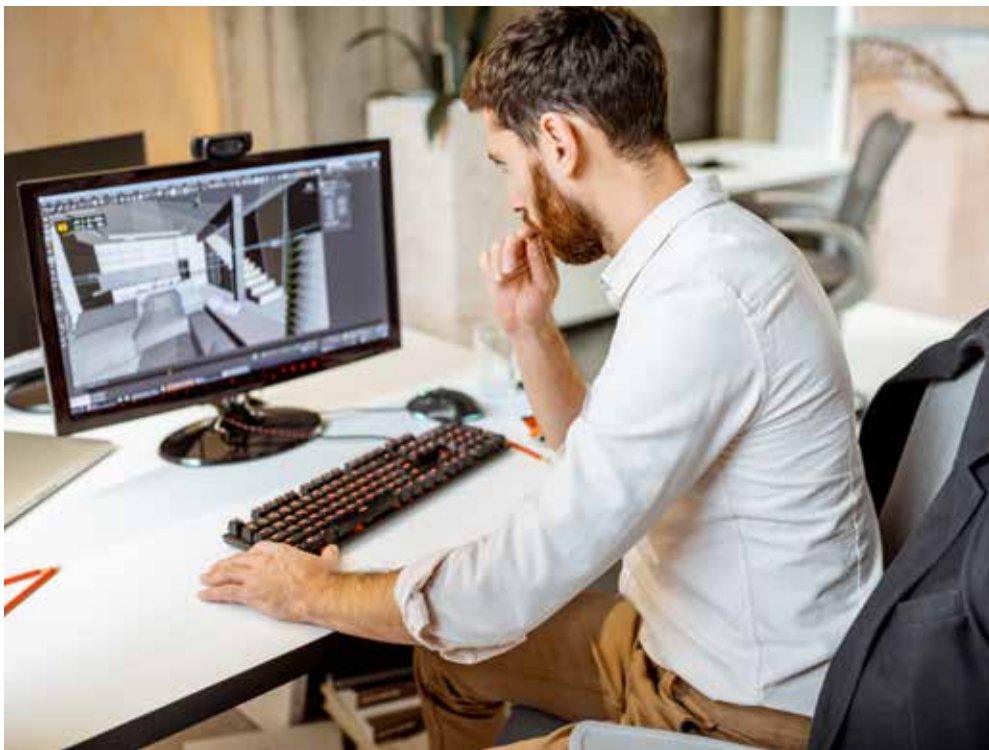
We will consider the most effective means for neighbours and other interested parties to address any issues of concern where, under this system, the principle of development has been established leaving only detailed matters to be resolved.

Separate to these reforms, we also intend to consolidate other existing routes to permission which have accumulated over time, including simplified planning zones, enterprise zones and brownfield land registers.

The route to full planning permission should follow clearly and directly from the designation made in the Local Plan.

Questions

- 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (*Growth* areas) with faster routes for detailed consent?**
[Yes / No / Not sure. Please provide supporting statement.]
- 9(b). Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected* areas?**
[Yes / No / Not sure. Please provide supporting statement.]
- 9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**
[Yes / No / Not sure. Please provide supporting statement.]



Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

For all types of planning applications regardless of the category of land, we want to see a much more streamlined and digitally enabled end to end process which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster. The well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now.

To achieve this, we propose:

- the greater digitalisation of the application process to make it easier for applicants, especially those proposing smaller developments, to have certainty when they apply and engage with



local planning authorities. In particular, the validation of applications should be integrated with the submission of the application so that the right information is provided at the start of the process. For Spending Review, the Government will prepare a specific, investable proposal for modernising planning systems in local government;

- a new, more modular, software landscape to encourage digital innovation and provide access to underlying data. This will help automate routine processes, such as knowing whether new applications are within the rules, which will support faster and more certain decision-making. We will work with tech companies and local planning authorities to modernise the software used for case-managing a planning application to improve the user-experience for those applying and reduce the errors and costs currently experienced by planning authorities;
- shorter and more standardised applications. The amount of key information required as part of the application should be reduced considerably and made machine-readable. A national data standard for smaller applications should be created. For major development, beyond

relevant drawings and plans, there should only be one key standardised planning statement of no more than 50 pages to justify the development proposals in relation to the Local Plan and National Planning Policy Framework;

- data-rich planning application registers will be created so that planning application information can be easily found and monitored at a national scale, and new digital services can be built to help people use this data in innovative ways;
- data sets that underpin the planning system, including planning decisions and developer contributions, need to be standardised and made open and digitally accessible;
- a digital template for planning notices will be created so that planning application information can be more effectively communicated and understood by local communities and used by new digital services;
- greater standardisation of technical supporting information, for instance about local highway impacts, flood risk and heritage matters. We envisage design codes will help to reduce the need for significant supplementary information, but we recognise there may still need to be site specific information to mitigate wider impacts. For these issues, there should be clear national data standards and templates developed in conjunction with statutory consultees;
- clearer and more consistent planning conditions, with standard national conditions to cover common issues;
- a streamlined approach to developer contributions, which is discussed further under Pillar Three;
- the delegation of detailed planning decisions to planning officers where the principle of development has been established, as detailed matters for consideration should be principally a matter for professional planning judgment.

We also believe there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit. But we also want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases. We particularly want to ensure that the facilities and infrastructure that communities value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system.

There will remain a power to call in decisions by the Secretary of State and for applicants to appeal against a decision by a local planning authority. However, by ensuring greater certainty about the principle of development in Local Plans, we expect to see fewer appeals being considered by the Planning Inspectorate. For those that do go to appeal, we want to ensure the

appeals process is faster, with the Inspectorate more digitally responsive and flexible. And to promote proper consideration of applications by planning committees, where applications are refused, we propose that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.

Question

10. Do you agree with our proposals to make decision-making faster and more certain?

[Yes / No / Not sure. Please provide supporting statement.]



A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

Planning documentation should reflect this simplified role for Local Plans and should support community engagement.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Interactive, map-based Local Plans will be built upon data standards and digital principles. To support local authorities in developing plans in this new format, we will publish a guide to the new Local Plan system and data standards and digital principles, including clearer expectations around the more limited evidence that will be expected to support “sustainable” Local Plans, accompanied by a “model” template for Local Plans and subsequent updates, well in advance of the legislation being brought into force. This will support standardisation of Local Plans across the country. The text-based component of plans should be limited to spatially-specific matters and capable of being accessible in a range of different formats, including through simple digital services on a smartphone.

To support open access to planning documents and improve public engagement in the plan-making process, plans should be fully digitised and web-based following agreed web standards rather than document based. This will allow for any updates to be published instantaneously and makes it easier to share across all parties and the wider public. Those digital plans should be carefully designed with the user in mind and to ensure inclusivity, so that they can be accessed in different formats, on different devices, and are accessible and understandable by all. Geospatial information associated with plans, such as sites and areas, should also be standardised and made openly available online. Taken together, these changes will enable a digital register of



planning policies to be created so that new digital services can be built using this data, and this will also enable any existing or future mapping platforms to access and visualise Local Plans. This will make it easier for anyone to identify what can be built where. The data will be accessed by software used across the public sector and also by external PropTech entrepreneurs to improve transparency, decision-making and productivity in the sector. There should also be a long-term aim for any data produced to support Local Plans to be open and accessible online in machine-readable format and linked to the relevant policies and areas.

By shifting plan-making processes from documents to data, new digital civic engagement processes will be enabled, making it easier for people to understand what is being proposed where and how it will affect them. These tools have the potential to transform how communities engage with Local Plans, opening up new ways for people to feed their views into the system, including through social networks and via mobile phones. Early pilots from local planning authorities using emerging digital civic engagement tools have shown increased public participation from a broader audience, with one PropTech SME reporting that 70% of their users are under the age of 45.¹⁸

To encourage this step-change, we want to support local authorities to radically rethink how they produce their Local Plans, and profoundly re-invent the ambition, depth and breadth with which they engage with communities. We will set up a series of pilots to work with local authorities and tech companies (the emerging 'PropTech' sector) to develop innovative solutions to support plan-making activities and make community involvement more accessible and engaging. This could include measures to improve access to live information and data or the use of 3D visualisations and other tools to support good community engagement.

Question

11. Do you agree with our proposals for accessible, web-based Local Plans?

[Yes / No / Not sure. Please provide supporting statement.]



A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

The average time taken from plan publication to adoption rose from an average of 450 days in 2009 to 815 days in 2019. There is currently no statutory requirement around timescales for key stages of the plan-making process.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Under the current system, it regularly takes over a decade for development sites to go through the Local Plan process and receive outline permission. Under our proposals, this would be shortened to 30 months, although we expect many local authorities could do this in a shorter time and we would encourage them to do so where this is practicable. We propose that the process covers five stages, with meaningful public engagement at two stages:

- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three categories, including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.
- Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.



- Stage 3 [6 weeks]: The local planning authority simultaneously
 - (i) submits the Plan to the Secretary of State for Examination together with a Statement of Reasons to explain why it has drawn up its plan as it has; and
 - (ii) publicises the plan for the public to comment on. Comments seeking change must explain how the plan should be changed and why. Again, this process would embody ‘best in class’ ways of ensuring public involvement. Responses will have a word count limit.
- Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test. The plan-making authority and all those who submitted comments would have the right to be “heard” by the inspector (whether face to face, by video, phone or in writing –all at the inspector’s discretion). The inspector’s report can, as relevant, simply state agreement with the whole or parts of the council’s Statement of Reasons, and/or comments submitted by the public.
- Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.

Taken together, the effect of these reforms would be to greatly simplify and shorten the plan-making and development process, ensuring more land comes through the system and does so at pace.

To support the transition to the new system, we propose a statutory duty for local authorities to adopt a new Local Plan by a specified date – either 30 months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years or where a Local Plan has been submitted to the Secretary of State for examination. In the latter case, the 42 month period would commence from the point at which the legislation is brought into force, or upon adoption of the most recent plan, whichever is later.

This should be accompanied by a requirement for each planning authority to review its Local Plan at least every five years. Reviews should be undertaken sooner than five years where there has been a significant change in circumstances, for instance where issues with land supply have been identified through regular monitoring. Where a review concludes that an update is required, then the same 30-month deadline would apply although there would be an expectation that in many cases an update could be completed more quickly.

Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention. A range of intervention options will be available, including the issuing of directions and preparation of a plan in consultation with local people. Decisions on intervention would also have regard to:

- the level of housing requirement in the area;
- the planning context of the area, including any co-operation to get plans in place across local planning authority boundaries;
- any exceptional circumstances presented by the local planning authority.

Alternative options: The existing examination process could be reformed in order to speed up the process. For instance, the automatic 'right to be heard' could be removed so that participants are invited to appear at hearings at the discretion of the inspector. Certain Local Plans, that are less complex or controversial, could also be examined through written representations only, as is usually the case with Neighbourhood Plans at present.

A further alternative could be to remove the Examination stage entirely, instead requiring Local Planning Authorities to undertake a process of self-assessment against set criteria and guidance. To supplement this, the Planning Inspectorate could be utilised to audit a certain number of completed plans each year in order to assess whether the requirements of the statutory sustainability test had been met. However, there is a risk that this option wouldn't provide sufficient scrutiny around whether plans meet the necessary legal and policy tests.

Question

**12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?
[Yes / No / Not sure. Please provide supporting statement.]**



Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

Since statutory Neighbourhood Plans became part of the system in 2011, over 2,600 communities have started the process of neighbourhood planning to take advantage of the opportunity to prepare a plan for their own areas – and over 1,000 plans have been successfully passed at referendum. They have become an important tool in helping to ‘bring the democracy forward’ in planning, by allowing communities to think proactively about how they would like their areas to develop.

Therefore, we think Neighbourhood Plans should be retained in the reformed planning system, but we will want to consider whether their content should become more focused to reflect our proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making it easier to develop Neighbourhood Plans we wish to encourage their continued use and indeed to help spread their use further, particularly in towns and cities. We are also interested in whether there is scope to extend and adapt the concept so that very small areas – such as individual streets – can set their own rules for the form of development which they are happy to see.

Digital tools have significant potential to assist the process of Neighbourhood Plan production, including through new digital co-creation platforms and 3D visualisation technologies to explore proposals within the local context. We will develop pilot projects and data standards which help neighbourhood planning groups make the most of this potential.



Questions

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

[Yes / No / Not sure. Please provide supporting statement.]

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Our plans for a simpler and faster planning process need to be accompanied by a stronger emphasis on the faster delivery of development, especially for *Growth* areas where substantial development has been permitted. If local communities through the new Local Plan process have identified sites for substantial development over the next ten years and developers have secured planning consents, there should be a presumption that these sites will be built out quickly. But as Rt. Hon. Sir Oliver Letwin found in his Independent Review of Build Out Rates in 2018, the build out of large residential developments can be slow due to low market absorption rates, with some sites taking over 20 years to complete.

Proposal 10: A stronger emphasis on build out through planning

To address this, we propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development (discussed under Pillar Two) should seek to include a variety of development types by different builders which allow more phases to come forward together. We will explore further options to support faster build out as we develop our proposals for the new planning system.

Question

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

[Yes / No / Not sure. Please provide supporting statement.]

Pillar Two – Planning for beautiful and sustainable places

Overview

We have set out how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic and social needs. But improving the process of planning is only the starting point – we want to ensure that we have a system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050. Recent research from the Royal Town Planning Institute has set out the vital contribution that planning can make to a sustainable and inclusive recovery.¹²

To do this, planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of community. It should generate net gains for the quality of our built and natural environments - not just 'no net harm'.

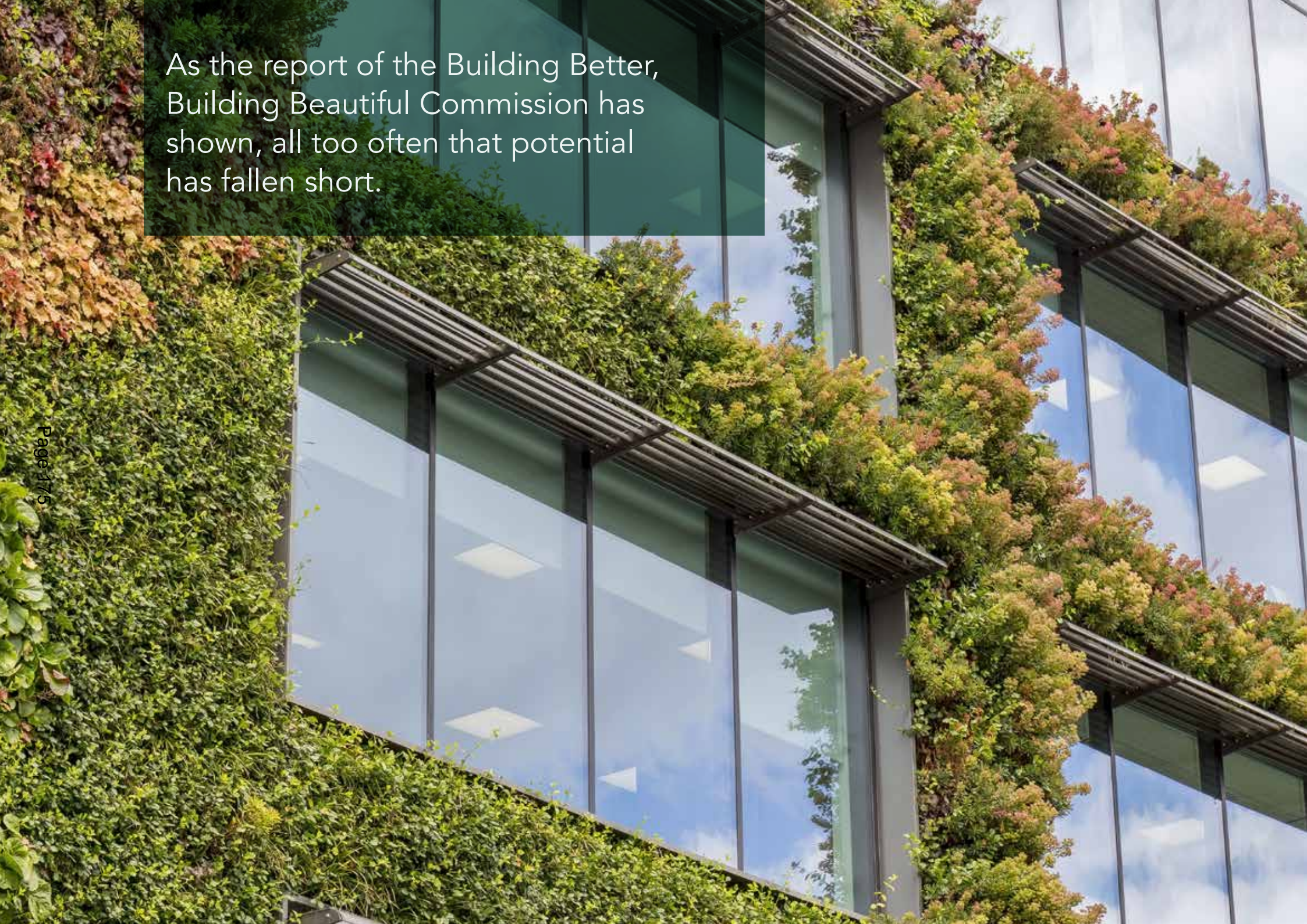
As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short. Too many places built during recent decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud. The Commission has played an invaluable role not just in highlighting the deficiencies, but in setting out a wide range of recommendations for addressing them. We will respond fully to the Commission's report in the autumn, but there are important aspects that we want to highlight now, as being integral to our proposals for what a revised planning system can achieve.

Questions

- 15. What do you think about the design of new development that has happened recently in your area?**
[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]
- 16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**
[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]



As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short.



Proposals

CREATING FRAMEWORKS FOR QUALITY

To deliver our vision, it is important for the planning system to set clear expectations for the form of development which we expect to see in different locations. It should do so in ways which reflect local character and community preferences, and the types of buildings and places that have stood the test of time; but it should also address modern lifestyles, facilitate modern methods of construction (and its associated benefits for efficiency, build quality and the environment) and the need to create places that are both durable and sustainable. History provides many examples of how we can do this well – including Georgian terraces and Victorian mansion blocks – and we should learn from what has worked in the past.

Our National Design Guide, published in October last year, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It is a vital starting point, defining ten characteristics of successful places and the ingredients which can deliver these. However, to provide as much clarity as possible for applicants and communities and provide the basis for 'fast-tracking' decisions on design, broad principles need to be turned into more specific standards.

To address this challenge, this autumn we will publish a National Model Design Code to supplement the guide, setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision, in line with our wider vision for cycling and walking in England.¹³ It will be accompanied by worked examples, and complement a revised and consolidated Manual for Streets.



To deliver our vision, it is important for the planning system to set clear expectations for the form of development which we expect to see in different locations.





Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

As national guidance, we will expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. But to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important that local guides and codes are prepared wherever possible. These play the vital role of translating the basic characteristics of good places into what works locally, and can already be brought forward in a number of ways: by local planning authorities to supplement and add a visual dimension to their Local Plans; through the work of neighbourhood planning groups; or by applicants in bringing forward proposals for significant new areas of development.

We propose that these different routes for bringing forward design guides and codes should remain, although in all cases it will be essential that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, we intend to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, we will also make clear that decisions on design should be made in line with these documents. Where locally-produced guides and codes are not in place, we also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

Question

**17. Do you agree with our proposals for improving the production and use of design guides and codes?
[Yes / No / Not sure. Please provide supporting statement.]**

The Building Better, Building Beautiful Commission recommended several other changes to the National Planning Policy Framework that can support the planning system's role in fostering better buildings, places and settlements, and we will consult on changes which reflect these recommendations in the autumn.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector. We recognise that this will not happen overnight, and that authorities will need support.

We will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. Different models exist for how this could be taken forward - such as a new arms-length body reporting to Government, a new centre of expertise within Homes England, or reinforcing the existing network of



architecture and design centres. Whatever model is adopted, we envisage that it would be able to draw on the expertise of recognised experts with a range of skills, drawn from across the built environment sector. Should the final proposals lead to the creation of new central government arm's-length body, then the usual, separate government approval process would apply for such entities.

We will also bring forward proposals later this year for improving the resourcing of planning departments more broadly; and our suggestions in this paper for streamlining plan-making will allow some re-focusing of professional skills. However, effective leadership within authorities will also be crucial. To drive a strong vision for what each place aspires to, and ensure this is integrated across council functions, we believe that each authority should appoint a chief officer for design and place-making, as recommended by the Building Better, Building Beautiful Commission.

Question

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?
[Yes / No / Not sure. Please provide supporting statement.]**

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

We are committed to taking a leadership role in the delivery of beautiful and well-designed homes and places, which embed high environmental standards. The Building Better, Building Beautiful Commission recommended that Homes England should attach sufficient value to design as well as price, and give greater weight to design quality in its work.

The Government supports this recommendation and recognises that the work of Homes England is an important route through which we can lead by example. Homes England have already taken steps to champion design quality in their land disposals programme, through implementation of a design quality assessment approach, with a minimum standard which must be achieved for a proposal to progress.

However, we recognise that there is an opportunity to go further, and we will engage Homes England, as part of the forthcoming Spending Review process, to consider how its objectives might be strengthened to give greater weight to design quality, and assess how design quality and environmental standards can be more deeply embedded in all Homes England's activities and programmes of work.

Question

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?
[Yes / No / Not sure. Please provide supporting statement.]**



The vision which we have set out will require a step-change in the design skills available to many local planning authorities, as well as the right prioritisation and leadership across the sector.



A FAST-TRACK FOR BEAUTY

One of the important propositions of the Building Better, Building Beautiful Commission is that there should be a 'fast-track for beauty'. Where proposals come forward which comply with pre-established principles of what good design looks like (informed by community preferences), then it should be possible to expedite development through the planning process. This should incentivise attractive and popular development, as well as helping to relieve pressure on planning authorities when assessing proposals.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

We propose to do this in three ways. In the first instance, through updating the National Planning Policy Framework, we will make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

Second, where plans identify areas for significant development (*Growth areas*), we will legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters.

These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established. For example, a set of simple 'co-ordinating codes' of the sort endorsed by the Building Better, Building Beautiful Commission could set some initial key parameters for the site layout. Where sites are expected to come forward in the near future, more developed masterplans or codes, prepared by the local planning authority or site promoter, will provide greater certainty.

Third, we also propose to legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles. There is a long history – in this country and elsewhere – of 'pattern books' being used to articulate standard building types, options and associated rules (such as heights and set-backs). They have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market. We want to revive this tradition, in areas suitable for development (*Renewal areas*), by allowing the pre-approval of popular and replicable designs through permitted development. The benefits are much more than fast delivery of proven popular designs – it will foster innovation and support industrialisation of housebuilding, enabling modern methods of construction to be developed and deployed at scale.

One of the central propositions of the Building Better, Building Beautiful Commission is that there should be a 'fast-track for beauty'.





To take this approach forward, we intend to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings where the relevant conditions are satisfied – enabling increased densities while maintaining visual harmony in a range of common development settings (such as semi-detached suburban development). These would benefit from permitted development rights relating to the settings in which they apply. Prior approval from the local planning authority would still be needed for aspects of the design to ensure the development is right for its context (such as materials), as well as for other important planning considerations such as avoidance of flood risk and securing safe access. To enable further tailoring of these patterns to local character and preferences, we also propose that local planning authorities or neighbourhood planning groups would be able to use local orders to modify how the standard types apply in their areas, based on local evidence of what options are most popular with the wider public.

This proposal will require some technical development and testing, so we will develop a pilot programme to test the concept. Where we are taking forward existing schemes to expand the scope of permitted development through upwards extensions and demolition/rebuilding, we also intend to legislate so that prior approval for exercising such rights takes into account design codes which are in place locally (or, in the absence of these, the National Model Design Code).

Question

20. Do you agree with our proposals for implementing a fast-track for beauty?

[Yes / No / Not sure. Please provide supporting statement.]



EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

The reformed planning system will continue to protect the places of environmental and cultural value which matter to us. Plans will still play a vital role in identifying not just areas of defined national and international importance (such as National Parks and Sites of Special Scientific Interest), but also those which are valued and defined locally (such as Conservation Areas and Local Wildlife Sites).

However, the planning system can and should do much more than this. In line with the ambitions in our 25 Year Environment Plan, we want the reformed system to play a proactive role in promoting environmental recovery and long-term sustainability. In doing so, it needs to play a strong part in our efforts to mitigate and adapt to climate change and reduce pollution as well as making our towns and cities more liveable through enabling more and better green spaces and tree cover. Several initiatives are already laying the foundations for this. Nationally, the Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development. And the Local Nature Recovery Strategies which it will also introduce will identify opportunities to secure enhancements through development schemes and contributions. We will also deliver our commitment to make all new streets tree-lined, by setting clear expectations through the changes to the National Planning Policy Framework which will be consulted on in the autumn, and informed by the outcome of this summer's consultation on the England Tree Strategy.¹⁴ And we are also assessing the extent to which our planning policies and processes for managing flood risk may need to be strengthened along with developing a national framework of green infrastructure standards.

Once the proposals in this paper for reformed Local Plans begin to be implemented, it will be important for authorities to consider how the identification of different categories of land, and any





sub-areas within them, can most effectively support climate change mitigation and adaptation. For example, in identifying land for inclusion within the *Growth* area, or the densities of development appropriate in different locations, the ability to maximise walking, cycling and public transport opportunities will be an important consideration.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

These measures, and reform of our policy framework, provide important opportunities to strengthen the way that environmental issues are considered through the planning system. However, we also think there is scope to marry these changes with a simpler, effective approach to assessing environmental impacts.

In doing so, we will want to be clear about the role that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the Framework, we will also want to ensure that it provides a clear and robust basis for development management decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

It is vital that environmental considerations are considered properly as part of the planning and development process. However, the current frameworks for doing so – which include Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment – can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays. Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.

To succeed, a new system will need to meet several objectives:

- Processes for environmental assessment and mitigation need to be quicker and speed up decision-making and the delivery of development projects. The environmental aspects of a plan or project should be considered early in the process, and to clear timescales. National and local level data, made available to authorities, communities and applicants in digital form, should make it easier to re-use and update information and reduce the need for site-specific surveys.
- Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place so far as possible, so that the same impacts and opportunities do not need to be considered twice.
- Any new system will need to ensure that we take advantage of opportunities for environmental improvements while also meeting our domestic and international obligations for environmental protection. This will be the subject of a separate and more detailed consultation in the autumn.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

The planning system has played a critical role ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development. The additional statutory protections of listed building consent and conservation area status have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed. We want to build on this framework as we develop the new planning system. We envisage that Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views.



We also want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives. Key to this will be ensuring the planning consent framework is sufficiently responsive to sympathetic changes, and timely and informed decisions are made.

We will, therefore, review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, we want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

The planning system is only one of the tools that we need to use to mitigate and adapt to climate change. Last year we consulted on our proposals to move towards a Future Homes Standard, which was a first step towards net zero homes. From 2025, we expect new homes to produce 75-80 per cent lower CO₂ emissions compared to current levels. These homes will be 'zero carbon ready', with the ability to become fully zero carbon homes over time as the electricity grid decarbonises, without the need for further costly retrofitting work.

We welcome the Committee on Climate Change's response to the consultation and we have considered the points they raised. We will respond to the Future Homes Standard consultation in full in the autumn. As part of this, we intend to review the roadmap to the Future Homes Standard to ensure that implementation takes place to the shortest possible timeline. Our ambition is that homes built under our new planning system will not need retrofitting in the future. To work towards ensuring that all new homes are fit for a zero carbon future we will also explore options for the future of energy efficiency standards, beyond 2025.

All levels of Government have a role to play in meeting our net zero goal, and Local Authorities are rising to this challenge. Local Planning Authorities, as well as central Government, should be



accountable for the actions that they are taking, and the consultation response will look to clarify the role that they can play in setting energy efficiency standards for new build developments.

We will also want to ensure that high standards for the design, environmental performance and safety of new and refurbished buildings are monitored and enforced. As local authorities are freed from many planning obligations through our reforms, they will be able to reassign resources and focus more fully on enforcement. Ensuring that planning standards and building regulations are met, whether for new homes or for retrofitting old homes, will help to ensure that we deliver homes that are fit for the future and cheaper to run.

Pillar Three – Planning for infrastructure and connected places

Overview

New development brings with it new demand for public services and infrastructure.

Mitigating these impacts – by securing contributions from developers and capturing more land value uplift generated by planning decisions to deliver new infrastructure provision – is key for both new and existing communities. It is also central to our vision for renewal of the planning system.

At present, there are two broad routes for local planning authorities to secure developer contributions, both of which are discretionary for authorities: planning obligations and the Community Infrastructure Levy. Planning obligations – through Section 106 agreements – are negotiated with developers, and in 2018/19 were worth a total of £7bn, of which £4.7bn was in the form of affordable housing contributions – supporting delivery of 30,000 affordable homes. In contrast, the Community Infrastructure Levy is a fixed charge, levied on the area (floorspace) of new development, and secures infrastructure that addresses the cumulative impact of development in an area. The Community Infrastructure Levy is not mandatory for local planning authorities, and around half of authorities currently charge it. Levy rates are discretionary, established by assessments of infrastructure need and viability.

There are several problems with this system. Planning obligations are broadly considered to be uncertain and opaque, as they are subject to negotiation and renegotiation based in part on the developer's assessment of viability. This creates uncertainty for communities about the level of affordable housing and infrastructure that development will bring. In turn, this brings cost, delay and inconsistency into the process. Over 80 per cent of local authorities agree that such negotiations create delay, despite the planning application being acceptable in principle.¹⁵ This acts as a barrier to entry to the market, and major developers are better placed to devote the legal and valuation resource needed to negotiate

successfully. This unevenness is a problem too for local authorities, with significant variation in skill and negotiation in negotiating viability across authorities.

The Community Infrastructure Levy addresses many of these problems as it is a flat-rate and non-negotiable tariff, and developers and local authorities have, in general, welcomed the certainty it brings. However, as payment is set at the point planning permission is granted, and payment due once development commences, it is inflexible in the face of changing market conditions. Payment before a single home has been built increases the developer's risk and cost of finance, creating cashflow challenges which are more acute for smaller developers. And despite early payment, many local authorities have been slow to spend Community Infrastructure Levy revenue on early infrastructure delivery, reflecting factors including indecision, competing spending priorities, and uncertainty over other infrastructure funding streams.

Securing necessary infrastructure and affordable housing alongside new development is central to our vision for the planning system. We want to bring forward reforms to make sure that developer contributions are:

- responsive to local needs, to ensure a fairer contribution from developers for local communities so that the right infrastructure and affordable housing is delivered;
- transparent, so it is clear to existing and new residents what new infrastructure will accompany development;
- consistent and simplified, to remove unnecessary delay and support competition in the housebuilding industry;
- buoyant, so that when prices go up the benefits are shared fairly between developers and the local community, and when prices go down there is no need to re-negotiate agreements.



The Government could also seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through the grant of planning permission, and use this to enhance infrastructure delivery. There are a range of estimates for the amount of land value uplift currently captured, from 25 to 50 per cent.¹⁹ The value captured will depend on a range of factors including the development value, the existing use value of the land, and the relevant tax structure – for instance, whether capital gains tax applies to the land sale. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability.

Question

21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Proposals

A CONSOLIDATED INFRASTRUCTURE LEVY

We propose that the existing parallel regimes for securing developer contributions are replaced with a new, consolidated 'Infrastructure Levy'.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

We believe that the current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'.

This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:

- be charged on the final value of a development (or to an assessment of the sales value where the development is not sold, e.g. for homes built for the rental market), based on the applicable rate at the point planning permission is granted;
- be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
- include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, reflecting average build costs per square metre, with a small, fixed allowance for land costs. Where the value of development is below the threshold, no Levy would be charged. Where the value of development is

above the threshold, the Levy would only be charged on the proportion of the value that exceeded the threshold ; and

- provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.

The single rate, or area-specific rates, would be set nationally. It would aim to increase revenue levels nationally when compared to the current system. Revenues would continue to be collected and spent locally.

As a value-based charge across all use classes, we believe it would be both more effective at capturing increases in value and would be more sensitive to economic downturns. It would reduce risk for developers, and would reduce cashflow difficulties, particularly for SME developers.

In areas where land value uplift is insufficient to support significant levels of land value capture, some or all of the value generated by the development would be below the threshold, and so not subject to the levy. In higher value areas, a much greater proportion of the development value would be above the exempt amount, and subject to the levy.

To better support the timely delivery of infrastructure, we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling borrowing combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster. As with all volatile borrowing streams, local authorities should assure themselves that this borrowing is affordable and suitable.

Under this approach the London Mayoral Community Infrastructure Levy, and similar strategic Community Infrastructure Levies in combined authorities, could be retained as part of the Infrastructure Levy to support the funding of strategic infrastructure.

To better support the timely delivery of infrastructure, we would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.

In bringing forward the reformed Infrastructure Levy, we will need to consider its scope. We will also consider the impact of this change on areas with lower land values.

Alternative option: The Infrastructure Levy could remain optional and would be set by individual local authorities. However, as planning obligations would be consolidated into the single Infrastructure Levy, we anticipate that there would be a significantly greater uptake. The aim of the *de minimis* threshold would be to remove the viability risk, simplifying the rate setting process, as this would remove the need for multiple charging zones within an authority. It would be possible to simplify further – for instance, for the Government to set parameters. There would be a stronger incentive for local authorities to introduce the new Levy, as they would not be able to use Section 106 planning obligations to secure infrastructure or affordable housing. In addition, some local authorities have chosen not to introduce the Community Infrastructure Levy out of concern for the impact on viability of development. Because the new Infrastructure Levy would only be charged above a set threshold, these impacts would be mitigated.

This option would address issues around transparency, responsiveness to local needs and consistency. However, the Government's levers over levels of land value capture would be less strong, with decisions about levy rates being taken at the local level.

Alternatively, the national rate approach could be taken, but with the aim of capturing more land value than currently, to better support the delivery of infrastructure. While developers would be liable for paying the levy, the cost of this would be capitalised into land value. This would ensure that the landowners who benefit from increases in value as a result of the grant of planning permission contribute to the infrastructure and affordable housing that makes development acceptable.

Questions

- 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?
[Yes / No / Not sure. Please provide supporting statement.]**
- 22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?
[Nationally at a single rate / Nationally at an area-specific rate / Locally]**
- 22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?
[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**
- 22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?
[Yes / No / Not sure. Please provide supporting statement.]**



Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base, and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, we will maintain the exemption of self and custom-build development from the Infrastructure Levy.

Question

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.

Affordable housing provision is currently secured by local authorities via Section 106, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, we propose that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.

This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and wishes to do so. Local authorities would have a means to specify the forms and tenures of the on-site provision, working with a nominated affordable housing provider. Under this approach, a provider of affordable housing could purchase the dwelling at a discount from market rate, as now. However, rather than the discount being secured through Section 106 planning obligations, it would instead be considered as in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. This would create an incentive for the developer to build on-site affordable housing where appropriate.¹⁶ First Homes, which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.



Under this approach we recognise that some risk is transferring to the local planning authority, and that we would need to mitigate that risk in order to maintain existing levels of on-site affordable housing delivery. We believe that this risk can be fully addressed through policy design. In particular, in the event of a market fall, we could allow local planning authorities to 'flip' a proportion of units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Alternatively, we could require that if the value secured through in-kind units is greater than the final levy liability, then the developer has no right to reclaim overpayments. Government could provide standardised agreements, to codify how risk sharing would work in this way.

We would also need to ensure the developer was incentivised to deliver high build and design quality for their in-kind affordable homes. Currently, if Section 106 homes are not of sufficient quality, developers may be unable to sell it to a provider, or have to reduce the price. To ensure developers are not rewarded for low-standard homes under the Levy, local authorities could have an option to revert back to cash contributions if no provider was willing to buy the homes due to their poor quality. It is important that any approach taken maintains the quality of affordable housing provision as well as overarching volumes, and incentivises early engagement between providers of affordable housing and developers. Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.

Alternative option: We could seek to introduce further requirements around the delivery of affordable housing. To do this we would create a 'first refusal' right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of on-site units (on a square metre basis) at a discounted price, broadly equivalent to build costs. The

proportion would be set nationally, and the developer would have discretion over which units were sold in this way. A threshold would be set for smaller sites, below which on-site delivery was not required, and cash payment could be made in lieu. Where on-site units were purchased, these could be used for affordable housing, or sold on (or back to the developer) to raise money to purchase affordable housing elsewhere. The local authority could use Infrastructure Levy funds, or other funds, in order to purchase units.

Questions

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?
[Yes / No / Not sure. Please provide supporting statement.]

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?
[Yes / No / Not sure. Please provide supporting statement.]

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?
[Yes / No / Not sure. Please provide supporting statement.]

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?
[Yes / No / Not sure. Please provide supporting statement.]

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

It is important that there is a strong link between where development occurs and where funding is spent. Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas. There are fewer restrictions on how this funding is spent, and we believe it provides an important incentive to local communities to allow development in their area. We therefore propose that under this approach the Neighbourhood Share would be kept, and we would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement.

There is scope for even more flexibility around spending. We could also increase local authority flexibility, allowing them to spend receipts on their policy priorities, once core infrastructure obligations have been met. In addition to the provision of local infrastructure, including parks, open spaces, street trees and delivery or enhancement of community facilities, this could include improving services or reducing council tax. The balance of affordable housing and infrastructure may vary depending on a local authority's circumstances, but under this approach it may be necessary to consider ring-fencing a certain amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on-site at current levels (or higher). There would also be opportunities to enhance digital engagement with communities as part of decision making around spending priorities. Alternatively, the permitted uses of the Levy could remain focused on infrastructure and affordable housing, as they are broadly are at present. Local authorities would continue to identify the right balance between these to meet local needs, as they do at present.

Questions

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

[Yes / No / Not sure. Please provide supporting statement.]

25(a). If yes, should an affordable housing 'ring-fence' be developed?

[Yes / No / Not sure. Please provide supporting statement.]

It is important that there is a strong link between where development occurs and where funding is spent.

Delivering change

How we move into the new system

It is important that in bringing forward reform to improve the operation of the planning system, we do not cause delays to development that is currently planned.

Subject to responses to this consultation, we will consider the arrangements for implementing these changes to minimise disruption to existing plans and development proposals and ensure a smooth transition. This includes making sure that recently approved plans, existing permissions and any associated planning obligations can continue to be implemented as intended; and that there are clear transitional arrangements for bringing forward new plans and development proposals as the new system begins to be implemented.

Nevertheless, we do want to make rapid progress toward this new planning system. We are already introducing a new Use Class Order, with associated permitted development rights, to make easier for businesses to change use without the need for planning permission to support our high streets and town centres bounce back following the COVID-19 pandemic. We have also created new permitted development rights to enable more new homes to be built on top of buildings and the demolition and rebuild of vacant buildings for housing, without the need for usual planning permission.

Today, we are also publishing a consultation on four shorter-term measures which will improve the immediate effectiveness of the current system:

- changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in this paper;

- securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new system;
- temporarily lifting the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units;
- extending the current Permission in Principle to major development so landowners and developers now have a fast route to secure the principle of development for housing on sites without having to work up detailed plans first;

This consultation document can be found at:

www.gov.uk/government/consultations/changes-to-the-current-planning-system .

To provide better information to local communities, to promote competition amongst developers, and to assist SMEs and new entrants to the sector, we will consult on options for improving the data held on contractual arrangements used to control land. This can be found at: www.gov.uk/government/consultations/transparency-and-competition-a-call-for-evidence-on-data-on-land-control .

Public assets and investment

As we fix our planning system, we also want to make better use of surplus land owned by the public sector, and to level up public investment in development to support renewal of towns and cities across the country, giving power to communities to shape its future use and bringing investment to places across the country. We will do this by:

- Ensuring investment in new public buildings supports renewal and regeneration of town and city centres across the country. The Government Estate Strategy (GES), which was

published in 2018, sets out how we will use the estate as an enabler to deliver better outcomes for the public, across all four nations of the UK. As part of this, the Government Hubs programme aims to transform the Government's office estate by accommodating departmental workforces in shared regional hubs and supporting office estate – creating strategic hubs across the UK in major city centre conurbations and in secondary towns and cities. We will continue to look at how the Government can ensure investment in its estate delivers wider benefits for places across the country.

- Exploring how disposal of publicly-owned land can support the SME and self-build sectors. As announced by the Prime Minister last month in 'A New Deal for Britain', the Government will produce a new cross-government strategy on how land owned by the Government can be managed and released more effectively and put to better use. As part of this review, we will explore how we can support SME housebuilders, community land trusts and self-builders to identify public land opportunities.

Supporting innovation in delivery

As we bring forward planning reform, we also want to ensure we have in place the right delivery mechanisms, including development corporations. A good example that we are already progressing is development at Toton in the East Midlands, where we have announced our intention to support the establishment of a development corporation to maximise the area's international links and create tens of thousands of new homes and jobs. We want to see more schemes of this kind, backed by modern delivery models, around the country.

That is why we consulted at the end of last year on changes to the legislative framework for development corporations. This includes exploring whether we need to make changes to

enable more flexible development corporation models that can drive housing, regeneration and employment. We are currently considering responses to the consultation and will respond to it shortly.



Making sure the system has the right people and skills

Local planning authorities remain at the heart of our ambitious reforms. We want to free up planners to focus on what they were trained for – creating great communities through world-class civic engagement and proactive plan-making, rather than reactive development management.

We recognise that local planning departments need to have the right people with the right skills, as well as the necessary resources, to implement these reforms successfully. Many local authorities are delivering great services, and through the COVID-19 pandemic have been able to transform the way they work to a more digital and modern service. We look forward to seeing evaluations and lessons learned so that we can use this as a catalyst for modernisation of our planning services.

But we know that local authority planning departments are under great pressure – with spending per person on planning and development down 60 per cent and shortages of specialist skills such as design and ecology.¹⁷ And the technology in local planning authorities to support modern services is not there – whilst PropTech firms are developing new apps and other digital services that enable communities to engage with development in new ways, in few places can this be captured by the local authority. Instead, documents are submitted electronically, but not in the way of modern digital services such as those now supporting tax services.

The preparation of reformed Local Plans, development of new design codes, a major overhaul of development contributions, and a new streamlined approach to decision-making will have profound implications for how local planning authorities operate in future. They will need to have sufficient leadership, a strong cadre of professional planners and good access to technical expertise, as well as transformed systems which utilise the latest digital technology. But equally importantly, there must be a fundamental cultural change on how planning

departments operate. They need to be more outward looking, proactively engaging with developers, businesses, architects and designers, as well as a wider cross-section of their local communities.

In particular, we envisage the focus of local planning authorities shifting towards the development of clear Local Plans and high-quality design codes which set the parameters for development – rather than making discretionary decisions based on vague policies. In doing so, there is a real opportunity for planners to redesign their individual roles and change perceptions of their profession. We will consider how best to support the planning profession in making this adjustment, in a way which supports culture change, improves recruitment and changes perceptions of planning.

In addition, other key players, including the Planning Inspectorate and statutory consultees, will have to transform the way they operate in response to these reforms, given their critical role supporting the preparation of Local Plans and decision-making. They too will need to be more responsive and outward looking, and have the necessary skills and resources to undertake their new roles.

We understand why many participants – not just local authorities, but statutory consultees and the Planning Inspectorate – are risk averse. Judicial review is expensive, and to lose a judicial review in the courts is bad for the reputation of either. And judicial reviews can be precedent setting, establishing a new interpretation of the law. We think the proposals set out in the document should remove the risk of judicial review substantially. Most judicial reviews are about imprecise and unclearly worded policies or law. Our plans for an overhaul of planning law to create simple and clear processes and for plans that set out clear requirements and standards will substantially remove the scope for ambiguity and therefore challenge.

The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer.

Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources.

Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type based on clear national benchmarking. This should involve the greater regulation of discretionary pre-application charging to ensure it is fair and proportionate.

If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities.

Reform should be accompanied by a deep dive regulatory review to identify and eliminate outdated regulations which increase costs for local planning authorities, especially to the decision-making process.

Some local planning activities should still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the Government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.

Local planning authorities should be subject to a new performance framework which ensures continuous improvement across all planning functions from Local Plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities.

The Planning Inspectorate and statutory consultees should become more self-financing through new charging mechanisms and be subject to new performance targets to improve their performance.

Workforce planning and skills development, including training, should be principally for the local government sector to lead on, working closely with Government, statutory consultees, planning consultancies and universities.

Reform should be accompanied by a significant enhancement in digital and geospatial capability and capacity across the planning sector to support high-quality new digital Local Plans and digitally enabled decision-making. We think the English planning profession has the potential to become an international world-leader in digital planning, capable of exporting world class planning services around the world.

In developing this strategy, we recognise different local planning authorities face different pressures and issues, and it will be important to develop a resourcing and skills framework which works for all authorities across the country. We will work with local planning authorities, professional bodies and the wider planning sector to ensure views about implementation are considered. We would particularly want to see innovative solutions which can transform practice

At the same time, we also want to enable a thriving PropTech sector. By unlocking the data that underpins the planning system so that it is open, we want to enable the PropTech sector to transform housing, land, and planning industries with innovative products that are interoperable with others. This will make use of process improvement insights and data to offer services for many different clients, including for improved public consultation opportunities for citizens and developers to identify sites on which to build, helping to reduce investment risks. We will continue to engage with the innovators and the UK PropTech sector through a Minister-led PropTech Innovation Council (announced in November 2019) to make the most of innovative new approaches to meet public policy objectives, help this emerging sector to boost productivity in the wider planning and housing sectors, and ensure government data and decisions support the sector's growth in the UK and internationally.

Stronger enforcement

As part of the implementation of our planning reforms, we want to see local planning authorities place more emphasis on the enforcement of planning standards and decisions. Planning enforcement activity is too often seen as the 'Cinderella' function of local planning services. But local communities want new development to meet required design and environmental standards, and robust enforcement action to be taken if planning rules are broken. As local



planning authorities are freed from many planning requirements through our reforms, they will be able to focus more on enforcement across the planning system.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

We will review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. We will introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

This will include implementing our commitments from the Government's response to the consultation on unauthorised development and encampments, to strengthen national planning policy against intentional unauthorised development and ensure temporary stop notices are more effective. And will also consider what more can be done in cases where the Environment Agency's flood risk advice on planning applications is not followed.

We will seek to strengthen enforcement powers and sanctions



What happens next

Implementing reform

The proposals in this paper apply to England only. Planning is devolved in Scotland, Wales and Northern Ireland.

Subject to the outcome of this consultation, we will seek to bring forward legislation and policy changes to implement our reforms. This consultation sets out our vision for the basis of a reformed planning system. We have not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation. We will continue to develop the proposals as we gather feedback and views on them.

Our proposals for Local Plan reform, changes to developer contributions and development management would require primary legislation followed by secondary legislation. The proposals allow 30 months for new Local Plans to be in place so a new planning framework, so we would expect new Local Plans to be in place by the end of the Parliament.

We would implement any policy changes, including to set a new housing requirement, by updating the National Planning Policy Framework in line with the new legislation.

Responding to this consultation

EQUALITIES IMPACTS

We want all communities, families, groups and individuals to have a say in the future of the places where they live. For too long, planning and planning decisions have felt out of reach from too many people. The Government has heard how the combination of technical jargon

and traditional models of community engagement discourages people from having their say on decisions. At the same time, it disproportionately encourages engagement from people from a narrow set of demographic groups – typically older, better off and white. We believe that the voices of those who may benefit most from new development are therefore often the quietest in the planning process.

We are committed to delivering wider engagement in planning, increasing the supply of land for development, and supporting inclusive and mixed communities. Some authorities and developers are pioneering new models of engagement that broaden this to different groups. We hope that the reforms set out in this consultation – to make the system more accessible, accountable, digital and transparent – will increase access and engagement for all groups up and down the country.

We would welcome views on the potential impact on the proposals raised in this consultation on people with protected characteristics and whether further reforms could broaden access to planning for people in diverse groups.

Question

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?



About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).



Annex A

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

These rights apply to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller.

The Data Protection Officer can be contacted at dataprotection@communities.gsi.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to' planning.

4. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Storage of your personal data

The Data you provide directly will be stored by MHCLG's appointed third-party on their servers. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems at a date following the consultation publication date.

8. Your personal data will not be used for any automated decision making.

Footnotes

- 1 The shortage of affordable homes in and close to the most productive urban centres is a major drag on national productivity – see PwC (2019) “UK Housing market outlook”, available at <https://www.pwc.co.uk/economic-services/ukeo/ukeo-housing-market-july-2019.pdf>.
- 2 The EU Compendium of Spatial Planning Systems and Policies, European Commission (1997); OECD (2017), Land-use Planning Systems in the OECD: Country Fact Sheets; Monk, S., Whitehead, C., Burgess, G. & Tang, C. (2013) International review of land supply and planning systems, Joseph Rowntree Foundation.
- 3 MHCLG data, period covering 24 months to end March 2019.
- 4 YouGov polling commissioned by Grosvenor (2019) – available at <https://www.grosvenor.com/Grosvenor/files/a2/a222517e-e270-4a5c-ab9f-7a7b4d99b1f3.pdf>. An overview of wider evidence and studies on public attitudes to planning and development is available in chapter 9 of the Building Better Building Beautiful Commission’s interim report – available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815495/BBBB_Commission_Interim_Report_Appendices.pdf.
- 5 See the LGAs open statement on planning at <https://www.local.gov.uk/keep-planning-local>.
- 6 MHCLG (2019) The Value and Incidence of Developer Contributions in England 2018/19 available at: <https://gov.uk/government/publications/section-106-planning-obligations-and-the-community-infrastructure-levy-in-england-2018-to-2019-report-of-study>
- 7 MHCLG data on housing supply available at <https://www.gov.uk/government/statistics/housing-supply-net-additional-dwellings-england-2018-to-2019>.
- 8 Data from the Deloitte Property Index, available at https://www2.deloitte.com/content/dam/Deloitte/cz/Documents/survey/Property_Index_2016_EN.pdf
- 9 Building Better Building Beautiful Commission (2019) Creating space for beauty: Interim report. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815493/BBBBBC_Commission_Interim_Report.pdf
- 10 See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875032/Planning_Application_Statistics_October_to_December_2019.pdf (p.3).
- 11 See Policy Exchange (2020) “A planning system for the 20th century”, available at: <https://policyexchange.org.uk/publication/rethinking-the-planning-system-for-the-21st-century/>; Centre for Cities (2020) “Planning for the future”, available at: <https://www.centreforcities.org/publication/planning-for-the-future/>; Building Better Building Beautiful Commission (2020) “Living with beauty: promoting health, well-being and sustainable growth”, available at: <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>; Create Streets (2018) “From NIMBY to YIMBY”, and (2018) “More Good Homes”.
- 12 RTPi (2020) “Plan the world we need: The contribution of planning to a sustainable, resilient and inclusive recovery”, available at: <https://www.rtpi.org.uk/research/2020/june/plan-the-world-we-need/>.
- 13 Our plan for cycling and walking is available at <https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england>.
- 14 To give your views on the England Tree Strategy, please visit <https://consult.defra.gov.uk/forestry/england-tree-strategy/>.
- 15 MHCLG (2019) The Value and Incidence of Developer Contributions in England 2018/19
- 16 As above, a Section 106 planning obligation could still be used to secure a covenant on the land, where necessary. However, the value would be captured through the Infrastructure Levy, rather than Section 106.
- 17 Institute for Fiscal Studies (2019) “English local government funding: trends and challenges in 2019 and beyond”, <https://www.ifs.org.uk/uploads/English-local-government-funding-trends-and-challenges-in-2019-and-beyond-IFS-Report-166.pdf>
- 18 For more information see <https://www.commonplace.is/>
- 19 Estimates provided to the Housing, Communities and Local Government Select Committee Inquiry into Land Value Capture: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf>



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28	Fountains Close	Richmond Housing Partnership
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38	Community engagement	HTA Design
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43	Inholm site plan, Inholm, Northstowe, Cambs	Proctor and Matthews, Homes England, HDA winner
44	Roussillon Park, Chichester	Designed Ben Pentreath Ltd
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August 2020

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 14th October 2020
CONTACT OFFICER: Paul Stimpson, Planning Policy Lead Officer
(For all Enquiries) (01753) 875820
WARD(S): All

PART I
FOR DECISION**RESPONSE TO CENTRAL & EASTERN BERKSHIRE JOINT MINERALS AND WASTE PROPOSED SUBMISSION PLAN (REGULATION 19) CONSULTATION****1 Purpose of Report**

- 1.1 The purpose of the report is to agree the Council's response to the final consultation on the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission Plan.
- 1.2 This Council objects to Policy DM9 as it does not specifically take account of the impact on air quality in considering haul routes. This aspect of the plan is therefore unsound because it is not compliant with the National Planning Policy Framework (NPPF) and it does not promote sustainable development.

2 Recommendation(s)/Proposed Action

The Committee is requested to resolve that:

- a) This 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 does not provide an appropriate policy framework for considering the impact of HGV movements upon air quality and securing appropriate mitigation.
- b) The proposed representations to the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission be agreed and submitted to the Council.

3 The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**3a Slough Wellbeing Strategy Priorities**

Responding to this consultation on cross border minerals and waste issues will help implement Priority 3

- *Strong, healthy and attractive neighbourhoods*

3b Slough Joint Wellbeing Strategy Priorities

Ensuring that needs are met within the local area will make a positive contribution to the following SJWS priorities:

- *Economy and Skills*
- *Regeneration and Environment*
- *Housing*

3c Five Year Plan Outcomes

Ensuring needs are met in the area will contribute to the following Five Year Plan outcomes:

- Outcome 3: Slough will be an attractive place where people choose to live, work and stay.

4 Other Implications

(a) Financial

There are no financial implications of the proposed action in this report which can be achieved within existing budgets.

(b) Risk Management

It is considered that the risks can be managed as follows:

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
That the Committee agrees the response to the Central and Eastern Berkshire Joint Minerals and Waste Proposed Submission Plan.	The failure to make representations on neighbouring Authorities' plans could have an adverse impact upon Slough.	Agree the recommendations.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications as a result of this report.

(d) Equalities Impact Assessment

There are no equality impact issues.

5 Supporting Information

Introduction

- 5.1 Bracknell Forest Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead and Wokingham Borough Council have been working in partnership to produce a joint Central and East Berkshire Minerals and Waste Plan for the period up to 2036.
- 5.2 This Council did not join in with the other authorities because minerals and waste was not considered to be a priority at this stage. Although there are a number of sites around Slough, there are very few opportunities left for further gravel

extraction in the Borough.

- 5.3 It should be noted that West Berkshire began preparing its own Minerals and Waste Plan in February 2014 but has still not brought this forward for submission.
- 5.4 The emerging Minerals and Waste Plans in the rest of Berkshire will have an impact upon Slough and so this Council has been engaged in past consultations on the plan and making sure that significant cross boundary issues are dealt with through the Duty to Co-operate process.
- 5.5 The Central Joint Minerals and Waste Plan will build upon the formerly adopted Minerals and Waste Local Plans for Berkshire, eventually providing replacement policies based on up to date evidence of the current levels of provision for minerals and waste facilities in the Plan area.
- 5.6 The Plan has been through the following stages:
 - In Summer 2017, an 'Issues and Options' Consultation was undertaken;
 - During Summer / Autumn 2018, a 'Draft Plan' consultation set out the proposed approach for the Joint Minerals and Waste Plan.
 - Two further 'Call for Sites' exercises were carried out.
 - March 2020: Focussed consultation on areas of search for sand and gravel extraction and the plan coming forward with a shortfall. One area of search in Wokingham (Land west of Basingstoke Road) and one in the Royal Borough of Windsor and Maidenhead (Area between Horton Brook and Policy DM15 (Past Operator Performance)).
- 5.7 This Council has made representations at all the plan stages identified above. These have included seeking support in the Plan for the retention of the Lakeside energy from waste plant and the rail depot at Colnbrook on the grounds that both of these serve Central and East Berkshire.
- 5.8 The Consultation draft plan proposed that Poyle Quarry should be allocated as one of 4 new sites for gravel extraction. This is not actually a new site but planning permission on it had expired. We did not object to this subject to the HGV routing being resolved.
- 5.9 The Council objected to Policy DM9 (Protecting Public Health, Safety and Amenity) in the Draft Plan on the grounds that did not include an appropriate policy framework for considering the impact of HGV movements upon air quality and securing appropriate mitigation.
- 5.10 The subsequent “focussed” consultation document contained two new sites which have come forward, following a ‘Call for Sites’ exercise.
- 5.11 One of these sites was land to the west of Basingstoke Road, Spencers Wood which is within the Borough of Wokingham and has the potential to provide sand and gravel. The site did not have any impact on Slough. The council supported identification of land west of Basingstoke road for extraction of sand and gravel as this contributes to meeting the need.
- 5.12 The other was an area between Horton Brook and Poyle Quarry, which is within the Royal Borough of Windsor and Maidenhead and has the potential to provide 250,000 tonnes of sand and gravel.

- 5.13 The Council submitted representations that a temporary diversion will have to be provided for the bridleway which forms part of the Colne Valley Way and it will be important to maintain and enhance the Colne Valley Way bridle way. As a result it was suggested that there should be a requirement for the applicant to have to work with the Colne Valley Park and relevant Local Authorities to secure an enhanced bridleway network within the area.
- 5.14 All sand and gravel would have to be transported by dump truck either to the Poyle Quarry processing plant, which is in Slough, or else to the Horton Brook processing plant to the west. This would result in additional HGV movements on roads within Slough but it is claimed that the magnitude of change on the roads would be negligible. The Plan recognised that a Transport Assessment or Statement will be required and an HGV Routing Agreement will be needed. As a result it is considered that any mitigation measures that may be necessary can be agreed at the planning application stage.
- 5.15 This Council raised no objections to the proposal to identify the area between Horton Brook and Poyle Quarry as a site for sand and gravel extraction.

Central and Eastern Berkshire: Joint Minerals & Waste Plan Proposed Submission (August 2020)

- 5.16 The proposed submission Minerals and Waste Plan is out for consultation for six weeks from 3rd September to 15th October 2020. This stage includes the Proposed Submission Plan and representations made on this Plan must refer to the tests of 'soundness' or they may not be considered by the Secretary of State.
- 5.17 The National Planning Policy Framework (NPPF) contains a series of tests which local plans are examined against to assess whether the plan has been produced correctly and provides an effective planning framework for the area it covers.
- 5.18 These 'tests of soundness' are set out as follows in the NPPF:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.
- 5.19 The Submission plan now includes the need for HGV routing agreement for Poyle Quarry as part of the site requirements. This meets our previous representation and so is supported.
- 5.20 Our representations about the need for the Colne valley way trail to be temporarily diverted and to maintain and enhance the Colne Valley Way bridle way have been addressed in the following paragraph:

“The Colne Valley Way Trail will need to be temporarily diverted and re-established as part of the restoration and applicants will need to work closely with the relevant authorities and the Colne Valley Regional Park. The bridleway route and restoration of the site must seek to improve connectivity and enhance the local public access network and give consideration to the Colne and Crane Valleys Green Infrastructure Strategy.(2019) and to the Joint Connectivity Statement. Where minerals or waste developments are located close to or would directly impact a statutory public right of way footpath network, measures should be put in place to protect or divert the route (for a temporary or permanent period, as appropriate). This includes adopted public footpaths, bridleways and cycle routes.

5.21 This new paragraph is to be welcomed.

5.22 However the Council’s objection to Policy DM9 (Protecting Public Health, Safety and Amenity) still remains. The policy states:

1. Planning permission will be granted for minerals and waste development only where it can be demonstrated that it will not generate unacceptable adverse impacts on the health, safety and amenity of local communities and the environment.

2. Minerals and waste development should not:

a. Release emissions to the atmosphere, land or water (above appropriate standards);

b. Have an unacceptable impact on human health;

c. Cause unacceptable noise, dust, lighting, vibration or odour;

d. Have an unacceptable visual impact;

e. Potentially endanger aircraft from bird strike and structures;

f. Cause an unacceptable impact on public safety safeguarding zones;

g. Cause an unacceptable impact on public strategic infrastructure;

h. Cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development.

l . Cause an unacceptable impact through:

i. Tip and quarry slope stability; or

ii. Differential settlement of quarry backfill and landfill; or

ii. Subsidence and migration of contaminants.

3. Where it is considered that there will be adverse impacts, applicants will be expected to undertake mitigation to ensure an acceptable degree of potential impact.

5.23 As a result it can be seen that there has been no amendment to the policy in the Draft Plan to include the need for development to take account of the impact of HGV movements upon air quality and Air Quality Management Areas in particular.

5.24 This is an important issue for Slough because there may be proposals for haul routes to come through our Air Quality Management Areas in places like Brands Hill. This should be avoided if possible or appropriate mitigation put in place. The absence of any mention of air quality in the policy does not allow for consideration of this. As a result it is considered that we should object on the grounds that Policy DM9 does not meet the test of soundness because it is not consistent with national policy in the NPPF as it does not contribute to sustainable development.

6 Conclusions

- 6.1 This Council objects to Policy DM9 (Protecting Public Health, Safety and Amenity) of the Central and Eastern Berkshire Joint Minerals and Waste Plan as it does not consider air quality issues. As a result it does not meet the test of soundness because it is not consistent with the NPPF as it does not contribute to sustainable development. It is recommended that the proposed comments and objection set out in this report should be submitted as the Council's formal response to the consultation.

7 Background Papers

'1' Central and Eastern Berkshire Joint Minerals & Waste Plan Draft Plan Consultation Paper - June 2018

'2' Central and Eastern Berkshire Joint Minerals and Waste Plan Issues and Options Consultation Paper – June 2017

SLOUGH BOROUGH COUNCIL**REPORT TO:** Planning Committee**DATE:** 14th October 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**

Ref	Appeal	Decision
2018/00157/ENF	20, Burlington Avenue, Slough, SL1 2LD Construction of annexe to rent as a dwelling	Notice Upheld – Permission Refused 30 th September 2020



Appeal Decision

Site visit made on 15 September 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2020

Appeal Ref: APP/J0350/C/19/3234833

Land at 20 Burlington Avenue, Slough, SL1 2LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mohammed Mahroof against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered 2018/00157/ENF, was issued on 27 June 2019.
 - The breach of planning control as alleged in the notice is the unauthorised use of an outbuilding as an independent residential dwelling.
 - The requirements of the notice are 1). Cease the unauthorised use of the outbuilding as a separate residential dwelling; 2) Remove the kitchen and bathroom in their entirety from the outbuilding; 3) Remove from the Land materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c) and (f) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is dismissed the enforcement notice is upheld and planning permission refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. Although the appellant's agent refers to grounds (b) and (d), there is clearly no argument that the use is immune from enforcement through the passage of time and I shall assume ground (d) was meant to be (c).

The Appeal on Grounds (b) and (c)

3. The allegation is the "*unauthorised use of an outbuilding as an independent residential dwelling*". The appellants arguments are that while this use did take place it stopped in 2018 and since then the use has been ancillary to the main dwelling. This argument fits best with ground (b). If the use of the outbuilding is ancillary then the matters alleged have not occurred. A ground (c) appeal would be that there was an independent dwelling created but that its use had planning permission, which is not what the appellant argues.
4. There is no doubt that the outbuilding has been converted so that it can be used as a separate dwelling, it has a well equipped kitchen, with all the facilities require for day to day living, a separate bathroom and a bedroom and living area. However as the appellant points out, this does not automatically

<https://www.gov.uk/planning-inspectorate>

mean that a separate dwelling has been created it depends on the use. It is possible to use a notionally independent dwelling in a manner that does not create a separate planning unit but is ancillary to the main dwelling.

5. In this case the appellant accepts that the first occupants of the building were tenants, who paid rent and lived there as a separate household. It would seem therefore that the outbuilding was converted in order to provide rental accommodation which is not ancillary. The Council wrote to question the use in 2018 and on receipt of that letter the letting ceased. Subsequently, the appellant's evidence is that it was occupied by his daughter and now by his father.
6. The Council's evidence is rather different in that they did suspect a residential use was being established, but after the warning letter they made a site visit (October 2018) and found the cooking facilities and white goods had been removed, so the independent residential use ceased. It is clear the appellant was well aware of the need to obtain planning permission for a separate use, and of the importance of removing various facilities to avoid such an accusation. Nevertheless, when an LDC application was made in April 2019 a further site visit by the Council found the independent residential use had recommenced. Photographs show a fully functioning kitchen with washing machine, tumble dryer and dishwasher. A further site visit in December 2019 showed a similar set up. In both cases there was evidence that a young child was staying. This, the Council argue undermines the appellant's suggestion that only his daughter and father had lived there since 2018. It seems to the Council the building was being lived in full time and not being used in an ancillary fashion.
7. The appellant's final comments throw a different light on this as he now claims that his daughter actually stayed there with her son and her partner. They were not permanent occupiers but occasionally stayed at her partner's parents' house also. Once the father became too infirm to manage the stairs in the main house he moved into the outbuilding and the daughter back into the main house. Statutory declarations have been provided from the appellant and his father, but neither mention this somewhat crucial information. The father needs to live in the outbuilding because of his health issues, but still takes main meals in the house. The only health issue that prevents him living in the house is his inability to manage the stairs, but as the Council point out, there is still a stepped access to the house from the outbuilding, and the building has not been fitted out with any aids to make life simpler for a person with mobility issues.
8. The appellant lays great stress on the fact that it has been family members who have lived in the building since 2018 but that is not particularly relevant as to the use made of the building. I am not convinced that the use made of the building at least up to December 2019 was ancillary. It seems to have been lived in as a separate dwelling. Even if the appellant's daughter and partner did occasionally move out, when they were there, they were using it as a permanent dwelling. There would appear to have been no ancillary use.
9. No date has been given for when the appellant's father moved in, but his sworn statement is dated July 2019, in other words before the Council visit in December 2019, which suggested a child was still resident. I also notice from the photographs that a number of the movable decorations, boxes and small

items remain in both sets of pictures, which doesn't suggest one family has moved out and a different one moved in. This suggests to me the appellant's evidence is not a cogent and convincing explanation as to what has happened. In my view there has been no ancillary use of the outbuilding, and the appeal on ground (b) fails.

The Appeal on Ground (a)

10. The appellant does not argue that planning permission should be granted for the matters alleged, as I assume he accepts the harm identified by the Council if the outbuilding were used as a separate dwelling. I do not need to go into that in depth but it is clear that use of the outbuilding for a separate dwelling, with no restrictions, would clearly lead to much greater pressure on the rear garden. Adequate private amenity space cannot be provided for both dwellings and the use of the garden could well lead to noise and disturbance to neighbours. There are also privacy issues as the main windows that provide light to the outbuilding face into the garden. It is also out of character with the long established residential pattern in the neighbourhood and so contrary to policy 8.2 of the Slough local Development Framework and H13 and H14 of the Slough Local Plan.
11. What the appellant seeks is planning permission for a building that would be conditioned so that it should only be ancillary to the main dwelling and only occupied by the appellant's family. If the building were to be used in a genuinely ancillary manner as overflow accommodation by the appellant's family then there would be no harm caused. However, I am far from convinced this would be the case. It was originally converted for an unlawful use and continued to be unlawfully used, even after a short period when the cooking facilities were removed. I have no independent evidence concerning the needs of the appellant's father and nothing seems to have been done to accommodate those needs in the outbuilding. The appellant claims his father takes the main meals with the family in the main house, but the kitchen remains well stocked and supplied. As noted above the appellant's evidence seems to be internally contradictory and is not convincing.
12. This is quite different from the Withycombe barn appeal¹ where there was a separate application for an ancillary building and no evidence to suggest the use would be otherwise; and from the Blewbury² appeal, where evidence was taken on oath which convinced the Inspector there was a genuine interdependent relationship between the annex and the main house.
13. In my view on the balance of probabilities there is insufficient evidence to convince me there is likely to be a genuine ancillary use made of the outbuilding. I also note that once the notice is complied with, if the appellant wishes to use the outbuilding as ancillary accommodation, he would not need planning permission to do so and the notice would not prevent that use taking place. The appeal on ground (a) fails.

The Appeal on Ground (f)

14. This ground is that the requirements are excessive to remedy the breach. The breach is the creation of an independent residential dwelling and removing the kitchen and bathroom from that would remedy that breach so in that sense

¹ APP/C3105/C16/3157378 & 3157380 Issued June 2017

² APP/V3120/C/16/3147099 Issued August 2017

they are not excessive. However, as there is a ground (a) appeal, I need to consider whether it is reasonable to require their removal. From my reasoning above it is clear I am not convinced there is likely to be a genuine ancillary use for the outbuilding. The Council have a significant issue with 'beds in sheds' which seems to be exactly what this building originally was and what it could revert to if the facilities such as a bathroom and kitchen were to remain. In my view therefore it is not excessive to require the removal of the kitchen and bathroom and the appeal on ground (f) fails.

Simon Hand

Inspector

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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							
M. Holledge	P	P	P	Ap	P							
Ajaib												
Davis	P	P	Ap	P	P							
Gahir	P	P	P	P	P							
Mann	P	P	P	P	P							
Minhas	P	P	P	P	P							
Plenty	P	P	P	P	P							
Sabah	P	P	P	P*	P							
Smith	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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