

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: October 2024

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
APP/J0350/W/23/3334641	American Golf, 175, Bath Road, Slough, SL1 4AA Demolition of existing building and the construction of a part 4, part 5 and part 6 storey apartment block comprising 19 x one bedrooms, 19 x two bedrooms and 12 x three bedrooms including basement level parking and landscaped open space	Appeal Dismissed 11 th October 2024
APP/J0350/D/24/3346315	6, Gloucester Avenue, Slough, SL1 3AZ Construction of a first floor rear extension and alterations to existing ground floor extension	Appeal Dismissed 14 th October 2024
APP/J0350/W/24/3346862	32, St Johns Road, Slough, SL2 5EZ Planning application for a change of use of existing bungalow from C3 use (dwelling) to C2 use as a children's care home only (residential institutions)	Appeal Granted & Costs Dismissed 14 th October 2024



Appeal Decision

Site visit made on 26 September 2024

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/J0350/W/24/3346862

32, St Johns Road, Slough SL2 5EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Daniel Clarke against the decision of Slough Borough Council.
 - The application Ref P/11372/003.
 - The development proposed is for the change of use of the existing bungalow from C3 use (dwelling) to C2 use as a children's care home only (residential institution).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of the existing bungalow from C3 use (dwelling) to C2 use as a children's care home only (residential institution) at 32, St Johns Road, Slough SL2 5EZ in accordance with the terms of the application, P/11372/003 and the plans submitted with it, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Mr Daniel Clarke against Slough Borough Council. That application is the subject of a separate Decision.

Procedural Matter

3. The appeal is in relation to the non-determination of the application, and as such, there is no decision notice. Subsequently, in response to the appeal, the Council has raised no objections to the proposal subject to a number of conditions.

Main Issues

4. In my view, the main issues are whether the proposed use would be appropriate for the locality, having regard to the character and appearance of the area, the amenities for neighbouring occupiers and parking provisions.

Reasons

The Use and Character of the Area

5. The proposal relates to a four-bedroom detached bungalow located along St. Johns Road. It is part of a residential street with a mixture of bungalows and houses, with the majority of them utilising the frontage for parking.
6. The property would accommodate 3 children (or 4 if two siblings are sharing a bedroom). The appellant's supporting statement explains that the mission is "to

provide young people and care leavers with a nurturing and supportive environment, where they can develop the vital social and economic skills needed for a successful transition from semi-independent living to full independence."

7. The property has four bedrooms of sizes which accord with the National Space Standards, together with communal facilities, an office space and a rear garden. The property and its management would be subject to compliance with the processes for running such a facility. Together with the carers, who would operate under the "Loco-Parentis" principle, serving as substitute parents on behalf of the placing authority, it would effectively operate akin to a family home. The level of occupancy (3 or 4 children + 2 adult carers) would be no different to those that could potentially live in the four-bedroom bungalow as a private home.
8. Paragraph 60 of the National Planning Policy Framework (the Framework) seeks to ensure that the needs of groups with specific housing requirements are addressed. While the proposal is a change of use, it would still be providing a type of "family" accommodation and could be easily reverted back to a dwellinghouse (C3 use). It would, therefore, accord with the objective of the provision within Core Policy 4 of the Slough Local Development Framework Core Strategy (CS) to ensure no net loss of family accommodation.
9. No physical alterations are proposed; consequently, there would be no visual change to the appearance of the property or the street scene. Therefore, the proposed development would accord with CS Core Policy 8, which requires development to respect its location and surroundings and reflect the street scene.

Amenity

10. There are neighbouring properties to either side in relatively close proximity with adjoining gardens. While acknowledging this would be a commercial use rather than a dwellinghouse, the purpose is to create a similar environment for the occupants. Activities such as children playing in the garden or visitors to a property are normal occurrences within a residential area.
11. The scale of the operation is limited, and the staff would provide care and supervision. The accompanying Noise Management Plan sets out a number of procedures and management strategies to mitigate potential disturbance, including time restrictions for visitors, limitations on the location of noise-emitting devices, monitoring noise levels and addressing complaints.
12. The Council's Environmental Protection Team has raised no objection to the proposal. There is no specific evidence before me to suggest that the occupants would generate significantly more noise or other disturbances than those associated with a dwellinghouse (C3 use) or that the management measures would be ineffective. As such, I do not find that the use would unduly impact upon the living conditions of occupiers of the neighbouring properties. The proposal would, therefore, accord with policy EN1 of the Local Plan for Slough, which seeks to ensure that development is compatible with their surroundings, including the relationship with neighbouring properties.

Parking

13. The Highway Authority advise that the Slough Borough Council's Parking Standards for a C2 use requires 1 space per four bedrooms. Additionally, in line with the Slough Developer's Guide, 2 secure cycle spaces are required.
14. The hardstanding to the front of the property is currently used for parking and can accommodate two vehicles, and the appellant indicates that provision is to be made for cycle storage which can be secured through a condition. No alterations are required to the existing parking arrangements or the access.
15. Whilst reference is made by interested parties to existing parking limitations along St. Johns Road, the off-road provisions proposed meet the required standards. The proposed development would, therefore, accord with CS Core Policy 7 and T8 of the Local Plan for Slough, which protects highway and pedestrian safety and requires appropriate provision for cycling as part of promoting sustainable transport provisions.

Conclusion

16. Overall, I find that the proposed use would not be harmful to the character of the area or the amenities of the neighbours, and sufficient provision is made for parking. It would, therefore, be appropriate for the locality.

Other Matters

17. I have had regard to the comments raised by interested parties. Concerns relating to property values and the lack of direct contact by the applicant are private matters and not considerations I have given weight. I have considered the proposal on its own merits against the development plan. Furthermore, as I have found that the use would cause no harm to the character or appearance of the area, residential amenities or parking, it would not create a precedent for other developments that would cause harmful effects in these regards. Any proposals for a change of use to other properties along the road would be assessed on its own merit, and any signage would be subject to advertisement consent requirements.

Conditions

18. The Council have suggested a number of conditions. Conditions relating to the commencement of development and the plans are required for certainty and compliance with the statutory requirements. Conditions are also necessary to secure the vehicle and cycle parking, which I have slightly reworded for clarity.
19. I also agree that whilst, for the reasons set out, a residential children's home is appropriate for the area other operational uses which fall within the same use class (C2) may not be. Therefore a condition restricting the use is appropriate and necessary to protect the amenity and character of the area.

Conclusion

20. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be commenced within three years from the date of this permission.
- 2) The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority: Drawing No. 24.32SJR.01, Drawing No. 24.32SJR.02, Drawing No. 24.32SJR.03, and the Location Plan.
- 3) The property shall be used only as a Residential Children's Home as described on the application form and the accompanying statement dated 15/04/2024, and for no other use within Use Class C2.
- 4) Before the property is occupied for the proposed use provision shall be made and thereafter be kept available for cycle storage. The details of the storage for two bicycles shall first have been submitted to and approved in writing by the local planning authority.
- 5) The area to the front of the property shall be kept available at all times for the parking of two vehicles.



Costs Decision

Site visit made on 26 September 2024

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Costs application in relation to Appeal Ref: APP/J0350/W/24/3346862 32, St Johns Road, Slough SL2 5EZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Daniel Clarke for a full award of costs against Slough Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for a change of use of the existing bungalow from C3 use (dwelling) to C2 use as a children's care home only (residential institution).
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant seeks a full award of costs based on the Council's delay in determining the planning application and the consequential impacts. For costs to be awarded, it is necessary to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The Council acknowledge that the application was not determined within the statutory 8 weeks. Prior to the determination date, 21 June 2024, the applicant contacted the Council. The planning officer's response (19 June 2024) advised that comments were still awaited from consultees and also explained that there were significant delays in that regard and that it was unlikely that a decision would be issued by the determination date. They also advised that they would chase the relevant departments and provide an update in due course. The applicant appealed against non-determination on 23 June 2024.
5. While a lack of a decision within the prescribed time period is frustrating, and any extended timeframes may have other impacts, it is not guaranteed. Due process is required in the consideration of the planning application and given the nature of the proposal and that objections had been received relating to parking and noise, responses from the relevant consultees were pertinent.

6. Additionally, there is nothing to suggest that this was the only case where there was a delay or that the Council were not progressing the application. A proper explanation for the delay was communicated, and the officer also continued to have email exchanges with the applicant explaining why the consultee comments were required and the implications of the appeal. Therefore, while it is unfortunate that the application was not determined, I do not consider that the Council's approach amounted to unreasonable behaviour.
7. I appreciate that the planning process taking longer than anticipated would be inconvenient and may have implications in terms of the commencement of the use and associated income. However, the PPG is clear that an award cannot extend to compensation for indirect losses, such as those which may result from the alleged delay in obtaining planning permission.
8. The applicant chose to exercise the right to appeal immediately following the expiry of the determination date. The appeal process requires the preparation of a number of documents and associated time. There is also no evidence to suggest that the time and administration associated with the planning application stage, including contacting the Council, was substantial or extraordinary to that which could be normally expected during such processes.
9. I therefore do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated.

G Ellis

INSPECTOR