



Appeal Decision

Site visit made on 8 September 2020

by G Rollings BA (Hons) MAUD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/J0350/W/20/3249338

Coln Industrial Estate, Unit 8, Bath Road, Colnbrook, Slough, SL3 0NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Raj Jagdev against Slough Borough Council.
 - The application Ref P/13310/018 is dated 5 November 2019.
 - The development proposed is extension of existing industrial unit.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of an existing industrial unit at Unit 8, Coln Industrial Estate, Bath Road, Colnbrook, Slough, SL3 0NJ in accordance with the terms of the application, Ref P/13310/018, dated 5 November 2019, subject to the conditions listed in the annex to this letter.

Background and Main Issues

2. This appeal against the Council's failure to give notice of a decision has transpired due to a validation dispute between the main parties. The main issues are therefore whether or not the planning application should have been validated by the Council, and in the event that I find it should have been validated, whether there are any other considerations that would warrant refusal of planning permission and dismissal of the appeal.

Reasons

3. A site plan was submitted with the application indicating highway land within the 'red line' showing the boundary of the area under consideration. Not all of the land within the red line on this initial plan was owned by the appellant, and the correct procedures to notify the necessary parties of the application had not been carried out by the applicant.
4. Although an amended site plan¹ was submitted during the consideration of the application, the Council did not validate the application. As an appeal has been made against non-validation within the appropriate time-frame, it falls to me to determine the appeal.
5. The Council has confirmed that all of the land within the red line of the amended site plan is within the control of the appellant. As there is no longer a

¹ Both the original and amended site plans are undated and are identical, with the exception of the position of the red line.

discrepancy between the application form and the site and its ownership, I consider that the application should have been made valid. In arriving at this decision, I am of the opinion that the minor nature of the difference between the original and amended site plans has not resulted in any parties being prejudiced.

6. The Council has indicated that had it validated the application and gone on to determine, planning permission would have been granted. There are no matters in dispute between the main parties, and the Council's evidence indicates that there are no issues of concern. The Council's assessment of the proposal is appropriate, and I see no reason to disagree with any of its findings.
7. I therefore conclude that the appeal should have validated by the Council, and that there are any no considerations that would warrant refusal of planning permission and dismissal of the appeal, including any conflict with the development plan for the area.

Conditions

8. I have assessed the Council's suggested conditions against the tests set out in the Planning Practice Guidance (PPG)². Condition No. 2 is included for the absence of doubt, and Nos. 3 and 7 to ensure that the character and appearance of the area is not harmed. Condition No. 4 is applied to ensure that the land is used as intended and in the interests of highway safety, and Nos. 5 and 6 to ensure that the living conditions of nearby residents are protected.
9. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

² PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

ANNEX – LIST OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan received by the Council on 14/06/2020; Proposed Floor Plan, drawing no 04 Rev A received by the Council on 14/06/2019; Proposed Elevations, drawing no 06 received by the Council on 19/11/2019; Proposed Roof Plans, drawing no 05 received by the Council on 19/11/2019.
- 3) All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building at the date of this permission.
- 4) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
- 5) No service delivery vehicles may arrive, depart, be loaded or unloaded nor fork lift trucks operate within the site outside of the hours of 06:00 and 23:00 daily; and not more than four service delivery vehicles may arrive or depart from the site during any hour period between the hours of 18:00 and 23:00.
- 6) The construction of the extension shall be such that must provide adequate sound insulation to ensure that the noise generated inside the units by the operation of the plant machinery, etc. shall not include the background noise levels during day time expresses as LA90 [1 hour] (day time 07:00-2300 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00) at any adjoining noise sensitive locations or premises in separate occupation above the prevailing when the machinery is not operating. Noise measures for the purpose of this condition shall be pursuant to BS 4142:2014+A1:2019.
- 7) Details of the building foundations, which will be designed to avoid negative impact upon the roots of retained trees, shall be submitted to and approved in writing by the Local Planning Authority before the beginning of any building works. The foundations shall only be constructed in accordance with the approved details.