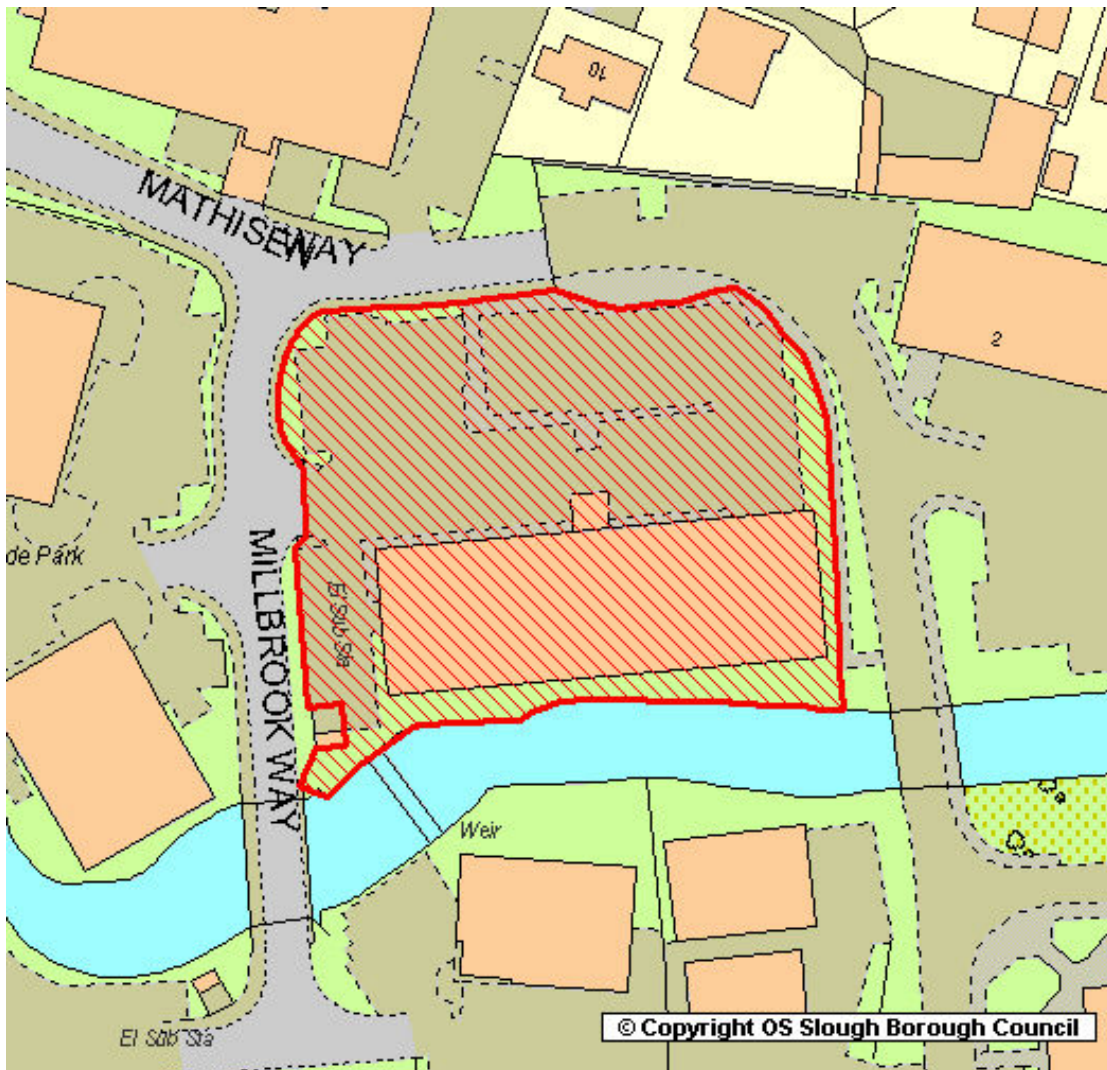


Registration Date:	10-Mar-2011	Applic. No:	P/09979/001
Officer:	Mr Smyth	Ward:	Colnbrook-and-Poyle
		Applic type:	Major
		13 week date:	9th June 2011
Applicant:	Chancerygate (Poyle) LLP		
Agent:	Phillip Brown, Savills Wytham Court, 11, West Way, Oxford, OX2 0QL		
Location:	Mill House, Mathisen Way, MillBrook Way, Poyle, Berkshire, SL3 0AA		
Proposal:	DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF A CLASS B8 WAREHOUSE WITH ANCILLARY OFFICES TOGETHER WITH ACCESS, SERVICING AND RECONFIGURATION OF CAR PARK		

Recommendation: Delegate to HPPP



P/09979/001

1.0 SUMMARY OF RECOMMENDATION

- 1.1 This is an application for *demolition of existing office building and erection of a Class B8 warehouse with ancillary offices together with access, servicing and reconfiguration of car park*
- 1.2 Having considered the relevant Policies below, the development is not considered to have an adverse affect on the sustainability and the environment for the reasons set out.
- 1.3 It is recommended that the application be delegated to the Head of Planning Policy and Projects for consideration and resolution of any outstanding drainage, ecology tree and transport issues, finalising conditions and final determination

PART A: BACKGROUND

2.0 Proposal

- 2.1 It is proposed to replace the existing building with a new warehouse that will provide some 3,425sqm of storage and distribution floorspace, ancillary office accommodation and staff facilities. The building will be located on the eastern part of the site, respecting the existing building line, with parking for 29 cars and a service yard provided next to the eastern boundary of the site. Landscaping will be provided alongside the site boundaries, enhancing that which already exists, and adjacent to the Poyle Channel in order to improve the wildlife habitat of this corridor.
- 2.2 The application is accompanied by full plans showing the existing and proposed, site layout, floor plans and elevations. The application is also accompanied by a number of supporting documents:
- Planning supporting statement
 - Design and access statement
 - Ecological assessment
 - Landscaping scheme and management plan
 - Method statement for the control of gulls
 - Transport statement
 - Renewable energy statement
 - Flood risk assessment & surface water drainage
 - Ground conditions and contamination report
 - Acoustic report

3.0 Application Site

- 3.1 The site is located at the northern end of the Poyle industrial area and is bounded by Millbrook Way to the west, Mathisen Way to the north and east

and the Poyle Channel to the south. The site is level with an existing two storey 1980's office building and associated parking. The existing building has an approximate gross area of 2,680m². 136 parking spaces are present on site. The nearest residential boundary is 20m from the northern site boundary and the nearest residential property is 30m away. For comparison the adjacent industrial buildings east of the site are located 10m away from the nearest residential property. The southern boundary is defined by the Poyle Channel watercourse. The existing building is located at 21.82m AOD and the level of the watercourse at 20.58m AOD.

4.0 **Site History**

4.1 On 14 January 1987, under planning reference W/86/779, planning permission was granted by Spelthorne Borough Council (the site fell in their administrative area at that time) for the development of an industrial building, car and lorry parking in association with the Poyle Hill Works.

On 25 April 1996, under planning reference W/86/799, Slough Borough Council granted consent for the variation of conditions to allow the building to be used as offices (B1(a)), subject to the provision of a maximum of 136 car parking spaces.

Although the building now stands empty, its last use was as B1(a) offices in accordance with the 1996 planning permission.

4.2 A pre-application meeting was held on 17 November 2010 during which the application proposals were presented and a justification provided to show compliance with the Council's relevant policies. The advice given by the Council can be summarised as follows:

- there are no objections to the proposed development in principle;
- warehousing and distribution falls within the categories of development acceptable within an airport public safety zone as confirmed by Circular 01/2010;
- although the replacement building has a greater floor area than the existing building on the site, the proposed use will achieve a significant reduction in the number of people present at the site thus complying with the requirements of the Circular
- in accordance with Circular advice, the Council may seek to impose a condition placing a limitation on the number of people on site at any one time;
- the site falls within Flood Zone 3 and any application made will need to be accompanied by a Flood Risk Assessment;
- whilst the Environment Agency may require an 8 metre wide buffer to be maintained between the Poyle Channel and the any new buildings, it was noted by the Council that the existing building already encroaches into this area;
- any application made should be accompanied by a contamination risk assessment;
- the reduction in car parking and peak hour car movements is supported

by the transport and highway section and should help to alleviate problems of congestion in the Poyle industrial area;

- despite the development generating an increase in lorry movements, this is unlikely to be problematic in the Poyle industrial area and accordingly S.106 contributions will not be sought;
- the proposals are unlikely to lead to significant issues of noise, disturbance or unacceptable impact on neighbouring properties.
- any application made will need to comply with the requirements of BAA in relation to minimising the risk of bird strike;
- the application proposals do not require Environmental Impact Assessment.

5.0 **Neighbour Notification**

5.1 UNIT 2, RIVERSIDE CARGO CENTRE MATHISEN WAY

Future Electronics Ltd
Future House
Poyle Road

11, 12 Sherborne Close

Kidde-graviner Ltd
Mathisen Way

European Telecom Plc
Unit 1, Riverside Cargo Centre
Mathisen Way

World Courier (uk) Ltd
Unit 3, Riverside Cargo Centre
Mathisen Way

Unit 2, Riverside Cargo Centre
Mathisen Way

ASIA PACIFIC AIR CARGO
Mathisen Way

Mill House
Mathisen Way

C D S CONSTRUCTION
9a Poplar Close

Peter Hood
9, Poplar Close

10, Poplar Close

Colnbrook

Banctec Ltd
Mathisen Way

R A C Motor Sports Association
Motor Sports House
Poyle Road

Triconex Ltd
Windsor House
Millbrook Way

Corporate Computers (mid) Plc
Bridge House
Mathisen Way
Notice placed in Local Press

Site Notice placed on site

Objections have been received from the occupier of 9 Poplar Close and which are set out below:

My property is approx only 19 metres from the site.

Response: It is agreed that from the front boundary of the curtilage of 9 Poplar Close and the northern boundary of the site is 19 metres. However, 9/9a Poplar Close is set back from its front boundary by between approximately 11 – 14 metres and the flank wall of the proposed warehouse building will be set back from the northern boundary by about 3 – 4 metres, giving an overall separation of approximately 33 metres.

The applicant has responded: *“the closest approach of a lorry route to the site is about 60 m”.*

Very recently, on the night of 17th March I had a completely sleepless night because of a trailer sited approx 75 metres from my property (nearly 4 times further away) was left with a compressor running.

A low frequency vibration went through my whole house. I enclose a video with soundtrack of the incident together with a photograph and diagram showing it's location. This is only one example of the problems of warehouse premises close to residential properties and it happened just before I was made aware of this planning application.

Since inappropriate planning permission was given for what is locally known as the Blue Band Building some years ago the hooting, vibrating and hissing of lorries and the banging and crashing, their cargo together with the anti-social behaviour of drivers has seriously affected my quality of life and that of my family. You will note that this is from a site located further away from me than this latest proposal.

In response to issues of noise and vibration, the applicant has responded: *Many activities, which would normally not cause a nuisance, can be performed in such a way as to cause a nuisance if a person is set on behaving anti-socially. However, if noise is such as to cause a nuisance and it can be demonstrated that this is due to deliberate anti-social behaviour, then the Local Authority has a duty to use legislation to investigate and abate the nuisance. PPG24 states that where some part of the activity for which planning permission has been sought is subject to another more appropriate means of control then the planning permission should not seek to duplicate such controls or conditions. Therefore, in carrying out noise assessments for planning, it is assumed that activities will be carried on in a reasonable manner.*

Lorries when manoeuvring make heavy use of their airbrakes and that together with the reversing beepers/claxtons and shouting from people involved makes a distressing noise when one is in the garden with friends trying to have a peaceful conversation or bar-b-q during a welcome period of respite when the wind direction or take off alternation means that aeroplanes are not overhead.

The applicant has responded: *“We took the view that the most critical time for potential disturbance was night time, and we understand that reversing beepers will not be used at night. If reversing beepers are used in the day, then they may be audible, but, given the low level of noise predicted from the lorry movements on site, compared with the relatively high ambient noise during the day, noise will not be rated as being of even marginal significance using BS4142, the relevant standard under planning guidance. Looking specifically at noise from air brakes; an airbrake operated at the end of a manoeuvre onto the northern most bay, would result in maximum noise levels at the receivers used for the predictions below 60 dB LAMax. The 2000 World Health Organisation 2000 guidelines on community noise state that “at night, sound pressure levels at the outside façades of the living spaces should not exceed...60 dB LAMax, so that people may sleep with bedroom windows open.” The 2000 WHO guidelines have been criticised by the government as being very stringent”.*

The tracking models in the application show a lot of shunting necessary for articulated vehicles to park up in reverse against the loading bays something that isn't necessary with the existing adjacent warehouse, located further away, which already creates unacceptable noise. So, again this indicates a worsening of the situation.

The people of Colnbrook & Poyle suffer enough from the uncontrollable effects of Heathrow, M25, M4, Gravel extraction and Incineration. Where the planning authorities can take account of potential local blights on peoples quality of life I trust they will.

Referring to the Noise Assessment document background noise levels are measured eliminating particular peaks in the 10% disregarded period. This has the effect of giving a lower average sound band which is usually considered to be a more favourable position against which to calculate the anticipated increase, if any.

The applicant has responded: *“I think the point made here is wrong. In general, the higher the existing noise, the less the impact of new noise. Therefore, I deliberately removed aircraft noise during the day, and passing vehicles at night, to give a worst case”.*

However the peak sound levels are already one of the problems (air brake noise, shouting, beepers, beepers, banging) I know this for a fact as I live here all the time and I do not have to rely upon a small window of testing and some calculations.

With an increase of warehousing and closer proximity the problem will be at least twice as bad. This is unacceptable.

Part of the acoustic report under 6 Predictions and assessment of noise, page 4, paragraph 7 could be misunderstood to read that receivers have actually been placed on southern facade of my property to obtain readings. They haven't.

I don't need receivers, other than my ears and other senses to know that Cargo Warehouses and lorries are already a noise issue created by a facility further away from my house and that a closer facility is going to make the situation even worse.

The applicant has responded that *“the report is clear that the receivers are in the noise prediction computer model”.*

The report decided to not to add the 5dB character correction in its assessment and if that were properly added to the busy nature of such units close to Heathrow I believe an unbiased assessment would prove that overall periods of high noise levels would increase.

The applicant has responded: *“Whether or not to add the 5 dB penalty in BS4142 is always contentious. However, the principle of the BS4124 method is that the penalty should be added if the new noise will have particular characteristics that will make it stand out from the existing noise environment. That is clearly not the case here. As I said in the report, planning inspectors have agreed with this view. However, even if the 5 dB was added, the noise would not be of even marginal significance when rated using BS4142”.*

Response: There will always be difficult issues to consider where industry abuts residential, which is very much the situation here. A noise study has been carried out which concludes:

- *Planning Policy Guidance Note PPG24 Planning and Noise[1] gives the official government advice to planning authorities for dealing with noise aspects of planning.*
- *Noise measurements were made to determine the daytime and night time background noise in the area.*
- *Predictions of the noise from the operations on the proposed site have been carried out using ISO9613 and the computer prediction program*

CadnaA.

- *Predicted noise levels from activities on site are well below the background noise and would not, therefore, be of even marginal significance according to BS4142.*
- *Predicted levels from vehicles on the public highway are well below the criteria of acceptability for traffic noise affecting dwellings given in PPG24.*
- *The conclusion is that this development could go ahead with no unacceptable adverse impact on the amenity of nearby residents.*

Whilst it is appreciated that the objector does not accept the results of the noise assessment, it has been referred to the Council's Neighbourhood Protection Section

The anti social behaviour of foreign national drivers already mentioned has given me reason to involve the Police and Slough's Community Warden during last year. (Check with Linda Corcoran)

I have suffered noise and vibration problems affecting me sleeping, socialising and just plain watching telly.

I've suffered urine filled bottles and other refuse thrown into areas of my garden where children play. (See attached photographs)

I've suffered assaults and threats of violence when I have approached the culprits.

Response: Neighbourhood Protection advise that that the problems appear to have been solved after the management at Kidde Gravier installed bollards at the site entrance.

It is inappropriate to have Cargo warehouse facilities in close proximity to reasonably dense residential areas and we already have too much of that in Colnbrook. Heavy, articulated Lorries park in places making it dangerous and difficult for pedestrians, adults and children to go about their normal daily life. (See various photographs included)

Whilst the application includes faulted formula's and calculations (additions & subtractions) indicating a reduction in traffic movements it is silent on the fact that the current type of traffic is considerably different to that associated with a Cargo Warehouse sited close to the busiest Airport in the world. I don't believe the formula used gives a good representation of the volume of movements associated with such a facility. In any event the total weight of vehicle movements will far exceed the existing office block usage.

The stereotypical white van man dangerously driving in a hurry to deliver his cargo just picked up from the warehouse is too much of a reality already in Colnbrook (see enclosed Photograph). We do not need more of them. The Highways and Planning departments of the Council and Thames Valley Police have not yet come up with a solution to stop vans and some lorries illegally passing through the access only part of Colnbrook (all causing detriment the many listed buildings in the Village)

Response: It is acknowledged that the nature of the traffic using the proposed warehouse will be different to that which served the former office building. The accompanying transport statement indicates that: *“Comparison of the anticipated traffic flows shows that there will be a significant reduction of around 60 vehicles per hour two-way in the morning peak hour and of around 80 vehicles per hour two-way in the evening peak hour. In terms of daily two-way traffic movement there is anticipated to be a reduction of around 250 movements per day. This reduction in traffic will have a benefit on the surrounding highway network both in terms of capacity and safety.*

The growth in warehousing and distribution within the Poyle and Colnbrook areas reflects its location close to Heathrow Airport. The siting and location of such uses within the eastern part of the Borough is in line with the Council's approved planning policies.

Enforcement of highway regulations are not a matter for consideration as part of the planning application.

Whilst the developer may consider that the Lorries and vans are not the responsibility of the warehouse facility when they are not on that property The Planning Authority must consider the overall impact on the surrounding area.

Lorries with foreign registrations and foreign national drivers serve most of the Cargo units and this presents particular problems.

Drivers park the vehicles wherever they like knowing that the Police have very little power to pursue them for offences.

Drivers often live in their cabs overnight and for whole weekends or more with no sanitation and therefore discard bottles filled with urine or urinate against fences and the like. They defecate in bushes and leave soiled paper for others to clear up. They have small parties where three or four of them meet up in one cab drinking beer and spirits, discarding empty bottles, cigarettes packets and food wrappers

Response: These are anti social behavioural problems which cannot be controlled through the planning system, but rely on other regulatory authorities including the Police and neighbourhood Enforcement.

Pavements are broken by Lorries parking on them. Underground drains are fractured by the weight of parked vehicles, resulting in local flooding.

Response: These are highway enforcement matters which cannot be controlled through the planning system

The level of employment gained by Cargo facilities is minimal when one considers that most of the Lorry drivers are foreign nationals and not from EU countries. The facilities do little for the very local economy. Compare that with an office block employing more personnel using local facilities, shops,

restaurants, hostelrys, take-aways, hairdressers, garages and the like. These are all facilities which the local community want supported but are currently under threat by the takeover of the area by Cargo businesses.

One good thing about this unacceptable planning application is that it allows me to bring to the attention of the Planners what Cargo developments are doing to the quality of life for people in Colnbrook, the damage they inflict on the fabric of the locality, the damage they inflict on the image of this historic Village and all at a time when a prestigious Hilton Hotel is just being completed opposite the site and which will no doubt house many foreign tourists visiting this part of Slough for the first time.

Response: Given the proximity of the Colnbrook/Poyle area to Heathrow Airport, the pressures for warehousing to establish and expand are enormous. In general terms approved planning policy would support the provision of Class B8 warehousing within the eastern part of the Borough.

What this objection letter does bring to the fore is the need for better and more effective enforcement in all areas and in particular, the Police, Highways and neighbourhood Protection.

6.0 **Consultation**

6.1 **Principle Drainage & lighting Engineer**

"They have removed all the ABD in this area so the site is Zone 3.

We do not know how the existing site is drained but I would assume soakage given the possible high levels of flow in the Poyle Channel.

The drainage of the proposal will need to be sustainable preferably by infiltration but possibly by attenuation. The system should be capable of storing at least a 1:30 event without surface flooding and a 1:100 + 20% event contained within the site. Any discharge to the Poyle Channel should be agreed with the EA".

6.2 **Environment Agency**

We **OBJECT** to the application and recommend refusal of planning permission on this basis for the following reasons:

Reason

The proposed development is unacceptable because it involves building within 8.0m metres of a watercourse which has the potential to:

- *Restrict access for the riparian owner or the Environment Agency to carry out essential maintenance, gain emergency access to the channel and weir structure in the event of a flood event.*
- *Carry out environmental enhancement works, such as the removal of the weir and re naturalisation of the channel.*
- *Adversely affect the stability of the bank and the weir structure.*

We may consider allowing some encroachment into the buffer zone if the applicant were to provide significant environmental enhancements to the river corridor such as the creation of additional flood storage areas or habitats. The top of bank is defined as where the surrounding ground level meets the slope of the channel bank.

We suggest that the applicant provides some clear scaled drawings, such as plans or cross sections, showing the proposed set back of the development from the top of bank of the watercourse or the river wall.

Advice to Applicant and Local Authority

Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 8.0m of the top of the bank of the River Rom, designated a 'main river'. This is irrespective of any planning permission granted.

Consent will be required for certain works at this site including the demolition of buildings, ground slabs and structures in close proximity to the existing flood defence wall and weir structure as this may adversely affect the stability of structures.

If you are minded to grant planning permission against our advice please contact the officer named below prior to making a formal decision.

6.3 Land Contamination Officer

I have reviewed the recent application for redevelopment of the site at Mill House, Poyle Industrial Estate which included the following documents specifically relating to contamination at the site:

- *Environ UK. Phase 1 and 2 Environmental Assessment, Mill House. December 2010. Ref. UK11-16136.*
- *Soil Consultants Ltd. Proposed redevelopment, Mill House, Mathisen Way, Poyle, SI3 0AA. Ref. 4936/OT/SCW. December 2010.*
- *Environ UK. Mathisen Way, Poyle. Letter report dated 11 March 2011, Ref. ES/LUK11-16136-02.*

The main Environ Phase 1 and 2 report provides a combined phase 1 desk study and a phase 2 intrusive investigation undertaken at the site in November 2010. The site is currently occupied by a commercial/office building and is proposed to be redeveloped for a commercial warehouse type use. Historically the site has had a significant history of industrial use, having previously been part of the larger Poyle Mills site.

The site is located approximately 100m east of Poyle Manor Farm landfill. The site is underlain by a Secondary A aquifer. The site is bounded to the south by the surface water course of Colne Brook, which is reported to flow through a concrete lined channel in the vicinity of the site.

An intrusive ground investigation was undertaken in November 2010 and is

reported in the Environ December 2010 report and the Soil Consultants Ltd December 2010 report, consisting of:

- 5 x mechanically excavated trial pits to maximum 4 m bgl;
- 3 x cable percussion boreholes to maximum 20 m bgl;
- 5 x window sample boreholes to maximum 4 m bgl.

Three of the window sample boreholes and one of the cable percussion boreholes were subsequently installed for gas and groundwater monitoring. Gas monitoring was carried out on three occasions over three weeks following the ground investigation. Groundwater monitoring was undertaken on two occasions, the second reported in the Environ letter report of March 2011.

Made Ground was encountered across the site to a maximum depth of 2.3 m bgl. Groundwater was recorded at approximately 1.5m bgl across the site.

Eighteen soil samples were submitted for analysis at a UKAS accredited laboratory. The results were screened against generic assessment criteria for a commercial end-use. None of the determinands exceeded the screening criteria for a commercial end-use.

The groundwater samples were compared to Environmental Quality Standards, the results found slight exceedances of metal compounds during the first monitoring round, but not the second. It is recommended that the Environment Agency are consulted with regard to the assessment of risks to controlled waters, if they have not been already.

The gas monitoring undertaken to date showed maximum methane concentration of 0.6% v/v and maximum carbon dioxide concentration of 2.3% v/v with negligible flow rates. None of the three gas monitoring rounds were undertaken when atmospheric pressure was below 1000mb and therefore the worst case scenario has not been represented. Appendix C, Table C1 refers to the CIRIA guidance document C659, this has been superseded by document C665. The gas regime at the site has been calculated as characteristic situation 1. However the site is in close proximity to a historic landfill and only a limited number of monitoring rounds have been undertaken to date over a very short period of time, it is considered that further gas monitoring should be undertaken to confirm this assessment in accordance with Table 5.5a and b of CIRIA C665 and provide further confidence in the data.

As such I would recommend that the following conditions are placed on any planning permission:

Condition:

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

Prior to development either:-

- a) *Further assessment of ground gas risks in line with appropriate guidance such as CIRIA 665 shall be undertaken and the results submitted in writing for approval by the Local Planning Authority. Where unacceptable levels of gaseous contamination are identified, a proposal for remediation/mitigation shall be submitted and approved in writing by the Local Planning Authority. Any scheme of remediation that requires the fitting of landfill gas protection, such as a protective membrane shall be carried out by a person(s) competent to carry out that work.*

All work shall be validated by a competent person and report submitted for the approval of the Local Planning Authority. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Or

- (b) *In situations where there is a low risk from gas contamination, details of proposed gas protection measures shall be submitted to the Local Planning Authority for written approval before the development commences. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.*

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

Condition

The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development.

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the LPA.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.*

6.4 **British Airports Authority**

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Control of Lighting on the Proposed Development

The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: *To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.*

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Submission of Renewable Energy Scheme (RE)

No development shall take place until full details of renewable energy schemes have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: *To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.*

We would also make the following observations:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp).

Public Safety Zones

This site, or part of this site, lies within the Public Safety Zone. Please refer to DFT Circular 1/2010 'Control of Development in Airport Public Safety Zones' for further information.

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of BAA, or not to attach conditions which BAA has advised, it shall notify BAA, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Following further consultation with the BAA regarding proposals for renewable energy and in particular the proposal to install RV cells, the BAA has responded as follows:

The proposed Photovoltaic Cells have been examined from an aerodrome safeguarding perspective and do not conflict with safeguarding criteria. We, therefore, have no objection to the use of Photovoltaic Cells at this location and can discharge our condition relating to Photovoltaic Cells

6.5 Transport & Highways

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

6.6 Colnbrook with Poyle Parish Council

The Parish Council strongly objects to this proposal. The industrial estate was constructed for industrial high tech usage and in recent times there has been a continued flood of applications for warehouses and distribution.

The premises further away already causes nuisance to the nearby residents in Poplar close and Ingleside. The Mill House development will abut directly onto the gardens of houses and it is evident that both in size and operation will have a direct detrimental effect on the people living there. The reduction in car parking is merely to facilitate a larger building footprint within the site its distribution will lead to increased noise and general aggravation to its neighbours. Furthermore the traffic assessment is flawed in that it does not address peak-time operation when the area often becomes so busy that it takes vehicles upwards of 30 minutes to exit the Poyle industrial estate.

PART B: PLANNING APPRAISAL

7.0 Policy Background

National Planning Guidance

7.1 Planning Policy Statement 1: *Delivering Sustainable Development* provides the

framework for the Government's fundamental approach to planning for sustainable communities. It seeks to ensure that planning authorities actively support good quality development, which is sustainable and consistent with planning policy. Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people's lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted

Planning Policy Statement 4: *Planning for Sustainable Economic Growth*, seeks to promote economic development especially where this will assist with achieving regeneration objectives. Policy EC2 of PPS4 asks local planning authorities to ensure that efficient and effective use is made of land, particularly previously developed land that is suitable for reuse.

Policy EC10 of PPS4 goes on to advise local authorities that they should adopt a positive and constructive approach towards planning applications for economic development, stating that planning applications that secure sustainable economic growth should be treated favourably.

Planning Policy Guidance 13: In addition to seeking alternative modes of transport and maximum parking levels, PPG13 advises: *Freight movements, particularly those serving developments near to residential areas and in town centres, are often restricted in their hours of operation, through the imposition of conditions, because of concerns over disturbance to residents. However, these restrictions can have the effect of exacerbating congestion during peak times, increasing local pollution, and discouraging further investment in central urban locations. Policies need to strike a balance between the interests of local residents and those of the wider community, including the need to protect the vitality of urban economies, local employment opportunities and the overall quality of life in towns and cities*

Planning Policy Statement 22: Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings

Planning Policy Statement 23: In areas of groundwater vulnerability, additional controls to reduce pollution or alternative arrangements for surface

water disposal may be necessary. In all cases, authorities should take into account, the diffuse pollution that could be created by the proposed development, and any measures – such as bunding of oil or chemical storage, or sustainable drainage systems (SUDS) – the developer proposes to mitigate the impact.

Planning Policy Guidance 24: Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration

Planning Policy Statement 25: LPAs should in determining planning applications:

- have regard to the policies in this PPS and, as relevant, in the RSS for their region, as material considerations which may supersede the policies in their existing development plan, when considering planning applications for developments in flood risk areas before that plan can be reviewed to reflect this PPS;
- ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate;
- apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
- give priority to the use of SUDS; and
- ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

Circular 01/2010: The site falls within a designated Airport Public Safety Zone for Heathrow Airport. This Circular sets out guidance for Local Planning Authorities to determine planning applications which fall within the public safety zone and sets out the types of development which would be acceptable within such zones. The following is relevant to the current proposal:

11 (iii) a change in use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by any extant planning permission.

11 (v) open storage and certain types of warehouse development. Traditional warehousing and storage use, in which a very small number of people are likely to be present within a sizeable site, is acceptable. In granting planning permission for a warehouse, a local planning authority should seek to attach

conditions which would prevent the future intensification of the use of the site and limit the number of employees present

Regional Planning Guidance

- 7.2 The South east Plan sets out a number of policies which would be of relevance to this proposal. The development will need to be assessed against the policies set out in the Adopted South East Plan, in particular the Spatial Strategy, Cross Cutting Policies, Natural Resource Management, Sustainable Economic Development, Transport and Management of the Built Environment.

Local Planning Guidance

Slough Local Plan

- 7.3 The following saved policies are relevant to the determination of this planning application:

- EMP2 - Criteria for Business Developments;
- EMP9 - Lakeside Road Estate, Galleymead Road and the Poyle Estate;
- EN1 - Standard of Design;
- EN3 - Landscape Requirements;
- EN5 - Design and Crime Prevention
- CG10 - Heathrow Airport Safeguarding Area;
- T2 - Parking Restraint.

- 7.3 Policy EMP2 requires new business development to display high standards of design, provide adequate landscaping and be of a scale and use that is compatible with its location. It seeks to prevent new development from causing any significant harm to the surrounding area as a result of noise, level of activity, overlooking, or overbearing impacts. New business development must not negatively impact on the local highway network and must be served by adequate levels of car and lorry parking. Where there are impacts on the highway network, contributions may be sought by the Borough Council to allow off site improvement works to be undertaken.

Paragraphs 3.74 - 3.79 of the Local Plan provides advice in relation to the Poyle, Lakeside Road and Galleymead industrial estates. Given its location in close proximity to Heathrow airport and the strategic highway network, the Poyle industrial estate is identified as an ideal location for the B8 storage and distribution uses and freight transport, as confirmed by Policy EMP9. The paragraphs note that at the Poyle estate no new independent B1(a) office floor space will be permitted. They also highlight that on many parts of the estate parking provision falls short of adopted standards, which results in on-street parking that causes congestion.

In the interests of reducing reliance on the private car and encouraging more sustainable means of travel, Policy T2 confirms that the Borough Council will apply maximum parking standards and, where practicable, will seek to reduce existing numbers of on-site parking spaces.

Policies EN1, EN3 and EN5 all seek to ensure that new development is of a high standard of design, provides adequate landscaping and discourages crime and anti-social behaviour.

The site falls within the Heathrow Airport Safeguarded Area. In the interests of public safety, Policy CG10 indicates that planning permission will not be granted if the proposal would result in a significant increase in the number of people working, living, or congregating within the Public Safety Zone or would result in a development that would prejudice other safeguarding aims around Heathrow.

Slough Local Development Framework

The following Core Strategy/policies are relevant to the determination of the application:

- Core Policy 1 (Spatial Strategy)
- Core Policy 5 (Employment)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability & the Environment)
- Core Policy 10 (Infrastructure)

The Spatial Strategy set out in Chapter 7 of the Core Strategy seeks to concentrate the majority of new development in Slough's urban area, with the town centre being the focus for most types of new development. The strategy recognises, however, that there will be opportunities for the redevelopment of individual sites in the 'more accessible urban area' of Slough, notably the Existing Business Areas in which the Poyle industrial estate is located.

Core Policy 5 relates to employment generating development and confirms that all new major warehousing and distribution development should be located in the Existing Business Areas that have good access to the strategic Road network.

The objective of Core Policy 7 is to ensure that new development is sustainable and located in the most accessible locations. In order to achieve this, new development is required to reduce the need to travel; widen travel choices and reduce reliance on the private car; improve road safety; improve air quality and reduce the impact of travel on the environment.

Core Policy 8 seeks to ensure that all new development will be sustainable, of a high quality of design, improves the environment and addresses the impact of climate change. Accordingly it requires development to, amongst other things, generate energy from renewable sources, incorporate sustainable construction techniques, not pose a risk of flooding and manage surface water in a sustainable manner.

The Poyle industrial estate is defined as an Existing Business Area by the Core Strategy (Appendix 4).

8.0 **Planning Assessment**

Principle of Development

8.1 Core Policy 5 of the Slough Local Development Framework Core Strategy, states that *major warehousing and distribution developments will be located in the eastern part of the Borough and in Existing Business Areas that have good access to the strategic road and rail network.*

Policy EMP9 of the Adopted Local Plan states that: *B1(b) research and development, B1(c) light industrial, B2 general Industrial and B8 Storage and Distribution will be permitted within the Lakeside Road estate, Galleymead Road and the Poyle Industrial Estate. Additional independent B1(a) office floorspace will not be permitted.*

Mill House is situated within the established Business Area of Poyle Industrial Estate with good access to Heathrow Airport, M25 and wider motorway network. The proposal is to construct a building to house a warehouse on the site, the proposed office content for which (at first floor level) constitutes approximately 19% of the total gross floorspace and is therefore ancillary to the main warehousing use.

The warehouse building is being developed to meet the needs of a specific occupier whose business serves the requirements of Heathrow airport. And the scheme proposals make efficient use of previously developed employment land. It would remove an intensive office use from an area identified as a preferred location for storage and warehouse uses in both the adopted Local Plan and adopted Core Strategy; achieve a significant reduction in the number of car movements generated by the site as well as the overall level of on-site parking provision to the benefit of the Poyle industrial area and the wider highway network and; achieve a significant reduction in the number of people working within Heathrow airport's Safeguarding Area.

By reference to Circular 01/2010, use of the site for warehousing and distribution falls within category of development which can be acceptable within an airport public safety zone. Currently the site is occupied by B1(a) offices – 2683 sq metres to be replaced by a B8 warehousing and distribution building – 3425 sq metres. Applying the second edition of the Homes and Communities Agency's Employment Densities Guide (2010) the following comparison is made

B1(a) offices 1 employee per 12 sq metres 224 employees

B8 warehousing in the range of 1 employee per 25 – 115 sq metres. sq metres per employee.....within the range of 30 - 137 employees.

At the pre application stage the following assessing of worker density was made:

705 sq m ancillary offices @ 1:25 sq m = 29
2720 sq m warehousing = 39

Total = 68 persons

Allowing for 19 visitors, this would equate to a total of 87 persons.

To allow for potential growth in the future a figure of 100 persons maximum was agreed. From this analysis it is clear that although the replacement building will have a greater floor area, there will be a potential reduction in excess of 50% of the numbers of people present on the site. Notwithstanding this in line with Circular advice a condition will be attached limiting the maximum number of employees to 81 persons plus 19 no visitors, at any one time.

Siting and Flood Risk

8.2 The site is located within Flood Zone 3, as shown on the latest Flood Map provided by the Environment Agency, for which a flood risk assessment has been submitted and is under consideration by the Environment Agency.

The proposed building will occupy approximately 63.8% of the site, which is substantially greater than the level of site coverage that existing at present. The proposed building will significantly encroach into the notional 8 metre buffer area when measured from the top of the bank the Poyle Channel.

The Environment Agency has been consulted on the submitted Flood Risk Assessment (FRA) and has raised an objection as follows:

*We **OBJECT** to the application and recommend refusal of planning permission on this basis for the following reasons:*

Reason

The proposed development is unacceptable because it involves building within 8.0m metres of a watercourse which has the potential to:

- *Restrict access for the riparian owner or the Environment Agency to carry out essential maintenance, gain emergency access to the channel and weir structure in the event of a flood event.*
- *Carry out environmental enhancement works, such as the removal of the weir and re naturalisation of the channel.*
- *Adversely affect the stability of the bank and the weir structure.*

We may consider allowing some encroachment into the buffer zone if the applicant were to provide significant environmental enhancements to the river corridor such as the creation of additional flood storage areas or habitats. The top of bank is defined as where the surrounding ground level meets the slope of the channel bank.

We suggest that the applicant provides some clear scaled drawings, such as plans or cross sections, showing the proposed set back of the development from the top of bank of the watercourse or the river wall.

A revised FRA has been submitted and forwarded to the Environment Agency

for further comment, which will be reported on the Amendment Sheet.

Land Contamination

- 8.3 Following pre application advice, an environmental assessment has been submitted, which has been assessed by the Council's Land Contamination Officer, who advises the following conditions:

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

Prior to development either:-

- b) Further assessment of ground gas risks in line with appropriate guidance such as CIRIA 665 shall be undertaken and the results submitted in writing for approval by the Local Planning Authority. Where unacceptable levels of gaseous contamination are identified, a proposal for remediation/mitigation shall be submitted and approved in writing by the Local Planning Authority. Any scheme of remediation that requires the fitting of landfill gas protection, such as a protective membrane shall be carried out by a person(s) competent to carry out that work.

All work shall be validated by a competent person and report submitted for the approval of the Local Planning Authority. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

Or

- (c) In situations where there is a low risk from gas contamination, details of proposed gas protection measures shall be submitted to the Local Planning Authority for written approval before the development commences. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

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

Condition

The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development.

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the LPA.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local

Planning Authority.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

Transport and Highways

8.4 At the pre application stage the transport and highway engineers advised that: *There are no changes proposed to the existing vehicular access from Millbrook Way, which is itself a private access. Given the significant reduction in car parking from 136 no. spaces (existing) to 28 no. (proposed), there will be a substantial reduction in peak hour car movements. This is to be welcomed given the existing problems of congestion and parking in the area and the fact that the site itself is not regarded as being particularly sustainable in terms of public transport. Whilst there will be a corresponding increase in the number of lorry movements to and from the site, given that this is an existing Business Area, this by itself is unlikely to result in any general transportation contributions being sought.*

The proposed sliding gate across the access is not set back such it would allow a lorry to pull clear of the highway, however, subject to appropriate conditions being imposed requiring that the gates remain open at all times while the building is in use, then no objections are likely to be raised.

The vehicle tracking appears to work although more detailed lorry tracking plans will be required to be submitted as part of any future planning application.

To comply with the Council's parking standards, parking should be provided on the following basis:

*Car Parking.....17 no. car parking spaces
Lorry Parking..... 6 no. lorry spaces*

The total number of car parking spaces proposed equates to 28 no. and the number of lorry spaces should be 6 no. Given the significant reduction in the level of on site car parking (480%), no objections would be raised would be raised to the level of car parking being proposed.

Updated comments relating to the scheme submission will be included on the Amendment sheet.

Design and Street Impact

8.5 The proposed development is of design similar in scale/height to adjacent buildings with 10m high eaves gutters and 13m high ridge of the roof in the centre of the building. The design addresses the operational requirements of a specific occupier. The scale of a proposed building is comparable to existing adjoining industrial properties. The proposed development is well suited for this site and fits comfortably with the surrounding character of the area. The design will provide a modern and well detailed building at an economic cost utilising materials appropriate for its use and location.

Landscaping

- 8.6 Given the intensity of the proposed development landscaping is restricted to planting around the boundaries of the site and the ecological corridor to the south. Tree planting is of a native species. A landscaping proposal and landscaping management plan have been submitted and which have been considered by BAA. No objections have been raised.

Notwithstanding the submission of a landscaping scheme for the site, the proposals do necessitate the removal of a number of trees from the site. The majority of the trees to be removed are sycamore trees together with some alders. A tree survey/abotculturalist's report has been requested the results of which will be reported on the Amendment Sheet.

The landscaping plan as originally submitted includes proposals for tree planting (total 6no.) adjacent to the site entrance which could conflict with the agreed sight lines of 2.4m x 30m to the north and 2.4m X 43m to the south. An amended landscaping plan has been submitted removing the trees in question and restricting planting within the area of the sight lines to shrub planting not to exceed 600mm in height.

A condition is proposed requiring the landscaping to be carried out in accordance with the submitted scheme subject to a requirement that not more than 5% of the planting constitutes berry producing plants, to avoid the potential for bird strikes. This to apply in perpetuity.

Bird Strike

- 8.7 In addition to the need to control the percentage of berry producing plants as part of the wider landscaping scheme, given the shallow pitch of the roof, the applicants have submitted a bird management plan, which has been considered by the BAA. No objections have been raised.

A condition is proposed requiring compliance with the submitted bird management plan.

External Lighting and High Level Illuminated Signs

- 8.8 The BAA has provided standard advice with respect to external lighting and advises the following condition.

The development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: *To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.*

For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Your attention is drawn to the Air Navigation Order 2005, Article 135, which

states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

Advice is also given with respect to the notification procedure for the use of cranes near aerodromes. This will be attached as an informative.

Impact on neighbouring Occupiers.

- 8.9 The site is located towards the northern boundary of the Poyle industrial estate, where there is neighbouring residential development on the northern side of Mathisen Way, in particular nos 9 and 10 Poplar Close, a pair 2 no. detached bungalows facing towards the site. The front elevation of no. 10 Poplar will be sited some 33- 39 metres from the flank wall of the proposed warehouse. The front elevation of No. 9 Poplar Close will be sited approximately 35 metres from the flank wall of the proposed warehouse. Given that the proposed building will extend northwards towards the northern boundary of the site and given the nature of the proposed use, there are two potential impacts identified, that of visual impact and that of noise disturbance.

8.10 *Visual Impact*

Given the combination of the fact that the bungalows are single storey the existence of a substantial boundary acoustic fence an existing landscaping screen, the fact that the northern flank wall would measure a maximum of 10.5 metres to eaves, along this boundary, it is concluded that any increased visual impact would not be significant. Further, the submitted landscaping scheme shows additional tree planting along the northern boundary of the site, which will further help to mitigate against any additional visual impact. A condition will be imposed requiring landscaping to be carried out and maintained in accordance with the details submitted.

8.11 *Noise impact*

It is noted that the main service area will face west onto Millbrook Way and the service/docking areas are recessed into the main building, such that they are partly screened by the extended wings to the north and south of the building.

It is also noted that the operation will be 24 hours, but that lorry traffic will be entering and leaving the site via Millbrook Way/ Mathisen Way/Poyle Road and should not directly impact on existing residential occupiers to any greater degree than other operators within the Poyle Industrial Estate.

It is also noted that existing industrial units 1, 2 and 3 at Mathisen Way which are sited closer to existing residential properties than the Mill House site, are not subject to any operating restrictions, by way of time.

A noise report carried out in accordance with Planning Policy Guidance Note PPG24 Planning and Noise has been submitted and considered by

the Council's Neighbourhood Protection Section, who have approved the report.

However, given the 24 hour nature of the use, it is proposed that restrictions be imposed by way of condition, which would require that no external tanyoy system be permitted and that fork lift trucks and lorries servicing the unit be required to de-activate any reversing beepers after a time to be agreed with the applicant. This will be reported on the Amendment Sheet. A condition will be imposed requiring this to be undertaken.

Ecology

- 8.12 Based on the evidence obtained from detailed ecological survey work and with the implementation of the recommendations set out in this report, there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be adversely affected by the proposals. As such, there is no evidence to suggest that there are any overriding ecological constraints to the proposed development of the site.

The site lies within a 'Safety Protection Zone' and as such the attractiveness of the site to birds must be limited. Consequently, habitat enhancements are focused on providing habitats for invertebrates. A number of ecological measures have been recommended which will provide biodiversity benefits at the site, including native shrub planting, enhancement of the bankside vegetation and creation of Stag Beetle loggeries to maximise opportunities for biodiversity within the site under the proposals without attracting

A condition will be imposed requiring compliance with the recommendations as set out in the ecological assessment report

Renewable Energy

- 8.13 The applicant has submitted a renewable energy report which reviews a number of potential technologies, but opting for the following:
- Improved Building Insulation. It is proposed to improve the thermal efficiency of the roof and walls of the proposed unit by 20% to reduce the energy consumption on the site.
 - Photovoltaic. It is proposed to install 60No. 240w Suntech PV modules on site to meet the carbon reduction requirements. The peak output from the proposed system is 14.4kWp which equates to 6,759 KgCO₂/annum

With respect to the installation of photovoltaic cells the technical specification has been submitted to the BAA for their consideration and who have approved that specification.

Conditions are required covering implementation of renewable energy technologies in accordance with the study submitted and to cover the type and specification of the photovoltaic cells as approved by the BAA.

9.0 **Summary**

- 9.1 The proposals to construct a B8 warehousing building on this site complies with planning policy at all levels. Although located within the Heathrow Airport safeguarding zone, subject to the imposition of conditions no objections have been raised by the BAA. The application is accompanied by a number of supporting statements covering all main issues including, transport, noise, ecology, renewable energy, land contamination, landscape, bird management, flood risk and surface water drainage. Where appropriate further planning conditions will be imposed.
- 9.2 Although only one objection has been received, the objector has raised, a number of issues, relating to the impact of the proposed warehouse on his property by way of noise and visual impact; to the cumulative impact of the growth in B8 warehouses on the lives of people living in Colnbrook. and the various enforcement failings in respect of illegal parking and ignoring road traffic orders. Concerns have also been raised about the anti social behaviour of some lorry drivers.
- 9.3 It is recognised that there may always be conflicts in respect of sites where industry and residential areas are in close proximity. Some matters relating to flood risk and ecology are still to be resolved. However, having considered all relevant issues and ensuring that wherever possible adequate safeguards are in place, on balance it is considered that the proposed development would be acceptable in planning terms.

PART C: RECOMMENDATION

10.0 **Recommendation**

- 10.1 It is recommended that the application be delegated to the Head of Planning Policy and Projects for consideration and resolution of outstanding drainage, ecology tree and transport issues, finalising conditions and final determination

11.0 **PART D: LIST OF CONDITION(S)**

Condition(s)

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. 1481 - TP - 01 Dated 02/2011, Recd On 28/02/2011

- (b) Drawing No. 15550, Dated November 2010, Recd On 28/02/2011
- (c) Drawing No. 1481 - TP - 02 Dated 02/2011, Recd On 28/02/2011
- (d) Drawing No. LP - 01, Dated 02/2011, Recd On 28/02/2011
- (e) Drawing No. 1372.1 D, Dated 14/12/2010, Recd On 25/04/2011

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. No development shall be permitted above ground floor slab level until samples of external materials to be used on the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the external materials as approved.

REASON To ensure the satisfactory appearance of the development and so as not to prejudice the amenities of the area in accordance with Policy EN1 of The Adopted local Plan for Slough 2004.

4. No development shall be permitted above ground floor slab level until samples of external surface materials to be used in the construction of the access road, pathways and communal areas within the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the external materials as approved.

REASON To ensure the satisfactory appearance of the development and so as not to prejudice the amenities of the area in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) the total gross floor space of the building hereby permitted shall not exceed 3,425 sq. metres and no extension or alteration either external or internal, involving an increase in floor space above the approved 3,425 sq. metres including a mezzanine floor, shall be carried out without the prior permission of the Local Planning Authority.

REASON To retain control over the intensification of the use of the site, particularly having regard to the provision of on-site parking in accordance with Policy T2 of The Adopted Local Plan for Slough 2004.

6. Ancillary office space (excluding service cores) shall not cover more than 705 sq. metres without the prior consent of the Local Planning Authority.

REASON To control the amount of office development on the site in the interests of sustainability and to accord with Core Policy 5 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EMP9 of The Adopted Local Plan for Slough, 2004.

7. No development shall be occupied until 2.4m by 2.4m pedestrian visibility splays have been provided behind the back of the footpath on each side of the access and

these shall be retained permanently kept free of all obstructions exceeding 600mm in height.

REASON To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general pedestrian safety along the neighbouring highway in accordance with Policy T3 of The Adopted Local Plan for Slough 2004.

8. No development shall be occupied until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access to the left for exiting traffic and 30 metres to the right for exiting traffic. The area (excluding existing public highway land) contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway, and if there are any obstructions already within the visibility splay these shall be removed.

REASON To provide adequate inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Planning Policy Guidance 13: Transport (2001), Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

9. The parking spaces, and turning area shown on the approved plan 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.

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 Policy T3 of The Adopted Local Plan for Slough 2004.

10. The servicing bays as approved on drawing 1481-TP-01 and 2955-HGV-02 received on 28th February 2011 and on-site turning arrangements as contained within Appendix E to the Approved Transport Statement prepared by Rowland Bilsland Traffic Planning dated 9th April 2011 shall be laid out prior to the initial occupation of the development hereby permitted and those areas maintained and kept clear thereafter for that purpose.

REASON To enable vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway in accordance with Planning Policy Guidance 13: Transport (2001), Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

11. No development shall be occupied until the proposed vehicular entrance gates onto Millbrook Way have been installed in the position shown on drawing no. 1481 - TP - 01 as hereby approved and in accordance with such further details that shall be first submitted to and approved in writing by the Local Planning Authority.

REASON To enable service vehicles to draw off the highway to minimise danger,

obstruction and inconvenience to users of the adjoining highway in accordance with Planning Policy Guidance 13: Transport (2001), Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

12. No development shall be begun until details of the cycle parking provision (including location, housing and cycle stand details) have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with these details prior to the occupation of the development and shall be retained 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, and to meet the objectives of the Slough Integrated Transport Strategy.

13. Details of proposed gas protection measures shall be submitted to the Local Planning Authority for written approval before the development commences. All approved gas protection measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator.

REASON In order to safeguard the health and safety of future occupants / and or site users in accordance with Planning Policy Statement 23.

14. The developer shall carry out a watching brief during site work and shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the Local Planning Authority.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use in accordance with Planning Policy Statement 23.

15. Landscaping shall be carried out in accordance with the landscaping scheme as shown on deposited plan 1372.1 Revision D as hereby approved. 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.

16. Landscape management of the site shall be carried in accordance with the recommendations contained within the Landscape Management Plan prepared by Caroline Hay Associates dated 20th December 2010.

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.

17. No development shall be occupied until details of the proposed boundary treatment including position, external appearance, height and materials have been submitted to, approved by the Local Planning Authority and implemented in accordance with the details approved and retained thereafter.

REASON In the interests of the visual amenity of the area and accordance with Policies EN1 and EN3 of The Adopted Local Plan for Slough, 2004.

18. All offices shall be insulated against aircraft noise by the provision of double windows (and, where appropriate, double external doors). Secondary ventilation via acoustically treated ventilators shall be provided to all noise insulated rooms. All insulation and associated works shall be to the standard laid down in the Heathrow Airport Noise Insulation Scheme 1980 (as amended) and shall be approved in writing by the Local Planning Authority before commencement.

REASON To protect the occupants from aircraft noise in accordance with Planning Policy Guidance 24.

19. Prior to the first occupation of the development hereby permitted details of the external plant (including siting) to be installed at the site shall be submitted to and approved in writing by The Local Planning Authority. The plant shall be installed in accordance with the approved details prior to first occupation of the development.

REASON To protect the 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.

20. All air conditioning, ventilation or other plant and machinery shall be designed to ensure that external noise generated by the plant or equipment shall not at any time exceed the ambient sound level as measured at the site boundary when the equipment is not in operation. This shall be implemented prior to first occupation of the development and retained at all times in the future.

REASON To minimise the impact of the noise generated by the equipment on the amenities of the local residents in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

21. Prior to the commencement of development a construction management plan and

programme shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan and programme shall include details of the following:

- Details of contractor parking available
- A strategy for the management of construction traffic to and from the site together with details of parking/ waiting for demolition/ construction site staff and for delivery vehicles

The details as approved shall be fully implemented at all times for the duration of demolition and construction works.

REASON So as not to prejudice the free flow of traffic along the neighbouring highway and in the interests of highway safety in accordance with Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

22. No development shall commence until details of external lighting (to include the location nature and levels of illumination and which shall address the concerns of the British Airports Authority in that the development is close to the aerodrome and/or aircraft taking off from or landing at the aerodrome and lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal) have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development the external lighting scheme shall be implemented in accordance with the details approved and no subsequent alterations to the approved lighting scheme are to take place unless submitted to and approved in writing by the Local Planning Authority.

REASON To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare and in the interests of highway safety, ecology and the amenities of the area in accordance with Planning Policy Statement 23: Planning and Pollution Control (2006), and Core Policies 7 and 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

23. For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).
24. Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, 'A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.' The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp).

The site and buildings therein shall be managed in accordance with the recommendations contained in the Bird Hazard Management Plan prepared by

Aspect dated February to ensure that effective measures are put in place to prevent the nesting, roosting or loafing of hazardous birds, in particular gulls on flat/shallow pitched roofs. No development shall be permitted to continue above ground floor slab level until a further method statement has been submitted and approved in writing by the Local Planning Authority (Any method statement must ensure that flat/shallow pitched roofs be constructed to allow access to all areas using an appropriate means of access to be first agreed in writing by the Local Planning Authority. The owner/occupier must not allow gulls to nest, roost or loaf on the building. Checks must be made weekly during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airfield operations staff. The owner/occupier must hold appropriate Defra licences before the removal of nests and eggs).

REASON To avoid endangering the safe operation of aircraft through the attraction of birds.

25. No development shall begin until details of a scheme (Working Method Statement) 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
- (vi) construction working hours, hours during the construction phase when delivery vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as otherwise be agreed in writing 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, Development Plan Document, December 2008.

26. During the demolition / construction phase of the development hereby permitted, no work shall be carried out on the site outside the hours of 08.00 hours to 18.00 hours Mondays - Fridays, 08.00 hours - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON To protect the amenity of residents within the vicinity of the site in accordance with the objectives of Policy EN26 of The Adopted Local Plan for Slough 2004.

27. No development of each phase shall take place until details in respect of measures to control the disposal of waste generated during the construction and the use of the development of that phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the

course of building operations and the subsequent use of the building:

- (a) Minimise, re-use and re-cycle waste, including materials and waste arising from construction;
- (b) Minimise the pollution potential of unavoidable waste;
- (c) Dispose of unavoidable waste in an environmentally acceptable manner - there shall be no bonfires on site.

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, Development Plan Document, December 2008.

28. The development shall not be occupied until details of on-site storage (including any open air storage facilities) for waste material awaiting disposal (including details of any screening) have been submitted to and approved in writing by the Local Planning Authority and thereafter retained for so long as the development continues to be used for the purposes authorised by this permission.

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, Development Plan Document, December 2008.

29. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON To ensure that the drainage design does not pollute the groundwater in accordance with Planning Policy Statement 23.

30. Measures for renewable energy to be incorporated into the development scheme as hereby approved shall be implemented in accordance with the recommendations contained within the report on the REVIEW OF RENEWABLE ENERGY, SUSTAINABLE AND CARBON REDUCTION OPTIONS prepared by Chancerygate Business Centres and which shall include the installation of Photovoltaic Cells which shall be implemented in accordance with the detailed specification as set out in the letter sent by EVOEnergy dated 17th January 2011 to Chancerygate Business Centre Limited and as approved by the British Airports Authority in their letter to Slough Borough Council dated 5th April 2011.

REASON To ensure a sustainable form of development in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and in the interests of aircraft safety.

31. The development shall be carried out having full regard to the Ecological Assessment undertaken by Aspect Ecology and dated February 2011 and the recommendations contained within that document shall be implemented in full to the satisfaction of the Local Planning Authority.

REASON To ensure that the development has no adverse impact on the local ecology of the area in accordance with Planning Policy Statement 9.

32. In accordance with the recommendations of the Drainage Strategy prepared by the Complete Design Partnership Limited dated 14th February 2011 subject to meeting the following requirements:

- The drainage of the proposal will need to be sustainable preferably by infiltration but possibly by attenuation.
- The system should be capable of storing at least a 1:30 event without surface flooding and a 1:100 + 20% event contained within the site.
- Any discharge to the Poyle Channel should be agreed with the Environment Agency.

REASON To prevent surface water flooding in accordance with Planning Policy Statement 25.

33. The maximum number of employees plus visitors occupying the site at any one time shall not exceed 100 persons unless otherwise approved in writing by the Local Planning Authority.

REASON By controlling the number of persons present on the site it is possible to ensure that an over intensified use of the site does not occur given its location within the Airport Safeguarding Area for Heathrow Airport in accordance with guidance given in Circular 01/2010.

No external tany system shall be used outside the hours of 7.00 am to 22.00 pm daily without first obtaining in writing the approval of the Local Planning Authority.

REASON To prevent unnecessary external noise nuisance to nearby residential occupiers and to accord with Planning policy Guidance 24.

34. Reversing beepers used by fork lift trucks and lorries shall be deactivated between the hours of 22.00pm and 7.00am daily.

REASON To prevent unnecessary external noise nuisance to nearby residential occupiers and to accord with Planning policy Guidance 24.

Informative(s)

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.caa.co.uk/srg/aerodrome).

2. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at www.aoa.org.uk/publications/safeguarding.asp). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.
3. The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in bird strike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at www.aoa.org.uk/publications/safeguarding.asp).
4. 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.
5. This site, or part of this site, lies within the Public Safety Zone. Please refer to DFT Circular 1/2010 'Control of Development in Airport Public Safety Zones' for further information.
6. 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.
7. The applicant is advised that if it is intended to use soakaways as the method of dealing with the disposal of surface water then the permission of the Environment Agency will be necessary.
8. 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.
9. 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.
10. This permission shall not be deemed to confer any right to obstruct the Public Right of Way crossing or abutting the site which shall be kept open and unobstructed until legally stopped up or diverted under section 257 of the Town and Country Planning Act 1990.
11. This decision has been taken having regard to the policies and proposals in the Local Plan for Slough 2004 and the Slough Local Development Framework, Core Strategy 2006 - 2026, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

National Policy Guidance:

PPS1: Delivering Sustainable Development (2005)

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

PPG4: Planning for Sustainable Economic Growth (2009)

PPG13: Transport

PPS22: Renewable Energy (2004)

PPS23: Planning and Pollution Control (2006)

PPG24: Planning and Noise (1994)

PPS25: Development and Flood Risk (2006)

The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008. Relevant Policies are the overarching Core Policy 1 (Spatial Strategy) Core Policy 5 (Employment) Core Policy 7 (Transport) Core Policy 8 (Sustainability & the Environment) Core Policy 10 (Infrastructure)

The Adopted Local Plan for Slough 2004. Relevant Policies are EMP2 - Criteria for Business Developments; EMP9 - Lakeside Road Estate, Galleymead Road and the Poyle Estate; EN1 - Standard of Design; EN3 - Landscape Requirements; EN5 - Design and Crime Prevention CG10 - Heathrow Airport Safeguarding Area; T2 - Parking Restraint.

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section on 01753 477340.