

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 19th June 2014

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PART I

FOR DECISION

PROPOSED ADOPTION OF THE SLOUGH TRADING ESTATE SIMPLIFIED PLANNING ZONE (SPZ)

1. Purpose of Report

1.1` The purpose of this report is to inform Members of the results of the public consultation on the Deposit Draft Simplified Planning Zone (SPZ) scheme for Slough Trading Estate, propose some minor amendments and recommend that Cabinet adopt the new SPZ scheme.

2. Recommendation(s)/Proposed Action

2.1 The Committee is requested to recommend:

- (a) That the consultation responses to the Deposit Draft Simplified Planning Zone (SPZ) be noted.
- (b) That the proposed minor amendments to the SPZ be agreed; and
- (c) That Cabinet adopt the new Slough Trading Estate Simplified Planning Zone Scheme which will come into effect on the 12th November 2014 for 10 years.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan

3a. Slough Joint Wellbeing Strategy Priorities –

The SPZ forms part of the Council's planning framework which is an important element of Slough Joint Wellbeing Strategy and will help to contribute to the following emerging priorities:

- Economy and Skills
- Regeneration and Environment

Economy and skills and regeneration and environment are key priorities for the Council. Slough's Wellbeing Strategy names both of these with the following visions that:

Economy and Skills

“By 2028, Slough will be an accessible location, competitive on the world stage with a sustainable and varied business sector and strong knowledge economy, supported by a local workforce who have the skills to meet local businesses changing needs”

Regeneration and Environment

“By 2028, Slough will be distinctive from our competitors, harnessing the diversity and creativity of our people and our cultural and physical fabric to create an attractive local environment for our residents and businesses”

Regeneration of the Slough Trading Estate through the Simplified Zone Scheme will facilitate access to employment opportunities and improve the image of the town.

Joint Strategic Needs Assessment

The SPZ contributes to achieving one of the priorities of the Joint Strategic Needs Assessment:

- Increase skills and employment opportunities.

Corporate Plan 2013-14

The SPZ contributes to the priorities in the Corporate Plan by delivering local and national change through supporting economic growth through provision of high quality employment premises and maintaining and increasing employment opportunities in the town; and delivering high quality services to meet local needs through supporting the Aspire Centre and a range of sustainable transport measures.

4. Other Implications

(a) Financial

If the SPZ scheme is approved for adoption it will provide economic benefits to the local economy, and hence the Council, from increased business rates, local employment, and funds and delivery of planning obligations to mitigate its impacts.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
None identified	None identified	None identified

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications.

(d) Equalities Impact Assessment

An Equalities Impact Assessment (EIA) Initial Screening was carried out. The EIA did not identify any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

(e) Workforce

Renewal of the SPZ is part of the current work programme for the Planning Policy Team.

5. Supporting Information

5.1 Simplified Planning Zones (SPZs) were introduced in the Town and Country Planning Act 1990. The first SPZ for Slough Trading Estate ran from 1994 to 2004 and the second one is due to expire in November 2014.

5.2 An SPZ effectively grants planning permission in advance for specified types of development within defined areas. On the Trading Estate the permitted uses include industrial units, warehouses and data centres. Potentially inappropriate uses such as B1(a) offices, major retail or development at the power station are not permitted. Any development proposals which fall outside of the scope of the SPZ, either in terms of their scale, use or the permitted conditions have to apply for planning permission in the normal way.

5.3 Members will recall that the Planning Committee in November 2013 agreed the deposit draft Slough Simplified Planning Zone Scheme for public consultation.

5.4 Public Consultation Exercise

5.5 The public consultation on the Deposit Draft SPZ scheme was open for seven weeks from 10th January- 28th February 2014. The consultation material highlighted the changes being proposed to the SPZ such as allowing a series of building height zones, with taller buildings (up to 23m) permitted in defined central areas. It also emphasised that the SPZ is effectively a ten year 'permitted development' permission which means residents will not be consulted on individual proposals.

5.6 A range of publicity for the consultation sought professional, statutory, and residents' views. A Public Notice was published in the London Gazette and Slough Observer; letters were sent to all statutory consultees and adjoining Boroughs; a leaflet was hand dropped to all residents that adjoin the SPZ and SEGRO notified all of its tenants. The Council and SEGRO also made individual Press Releases and attended three Public Exhibitions on the SPZ proposals at the Aspire Centre in Slough Trading Estate (22nd, 23rd January and 3rd February 2014). Details of the consultation were also publicised on the Slough Borough Council and SEGRO websites.

5.7 Result of Public Consultation

5.8 A total of 12 representations were received: 7 from statutory consultees, one from the Power Station, and 4 from local residents.

5.9 None of the representations were considered to be 'substantive objections' which means that legally there is no need to hold a local inquiry.

5.10 A table of the comments received and a considered response to them is provided in Appendix B. A summary is provided below.

5.11 Summary of responses

5.12 A letter was received from the Secretary of State for Environment at the **Department of Communities and Local Government** (DCLG) which acknowledged the Council's intention to renew the SPZ.

5.13 The **Environment Agency (EA)** requested a number of minor changes that have been integrated into the SPZ's conditions (see appendix A for details). The following condition has also been included at their request to address assessing the risk to groundwater from building foundations:

'Piled building foundations that penetrate through the superficial sand and gravel deposits into the underlying bedrock of the Lambeth Group and/or Chalk shall not be permitted until after it has been established that the risks to groundwater in the Chalk aquifer are acceptable to the Environment Agency'.

5.13 **Network Rail** did not make any fundamental comments. However revisions to an existing informative and two new informatives have been included in the SPZ relating to work near railway land, and maintaining a 2 metre gap between new buildings and Network Rail land. Further details of the new informative can be seen in Appendix A.

5.14 **English Heritage** made no objections but made a comment that provision should be made for consultation with the Councils conservation Officer if development affected a heritage structure. They also recognised the circumstances where their significance would be further harmed are likely to be rare.

5.15 **The Highways Agency** raised no objections but recommended the SPZ sought opportunities to encourage trips outside the peak periods both during construction and operation, and suggested Travel Plans as a way of achieving this.

5.16 The S106 package includes a Generic 'Umbrella' Travel plan for the whole of Slough Trading Estate and individual occupier Travel Plans for B2 and B8 uses if new development proposed exceeds the council's existing thresholds.

5.20 **Natural England (NE)** did not consider that the proposals pose any likely or significant risk to the natural environment. NE asked that protected species are considered before development commences.

5.21 Protected species would be considered as part of any development. Reference is currently included in the 'other permissions and licenses' Section to the need to obtain a licence from NE where development permitted by the SPZ may impact on protected species.

5.22 One comment of support for renewal of the SPZ was received from **Slough Heat and Power**.

5.23 Less than 10 representations were received from **local residents**. These were generally pragmatic or supportive, e.g. of the introduction of height zones, but raised concerns about the amenity impacts of the estate, e.g. noise, odour, security, and TV reception interference. These included issues that are not under control of the SPZ, or are appropriate for a trading estate.

5.25 Three comments were made at the SPZ exhibition with two from local residents. As a result SEGRO accepted a request to present their plans to Cippenham Residents Association.

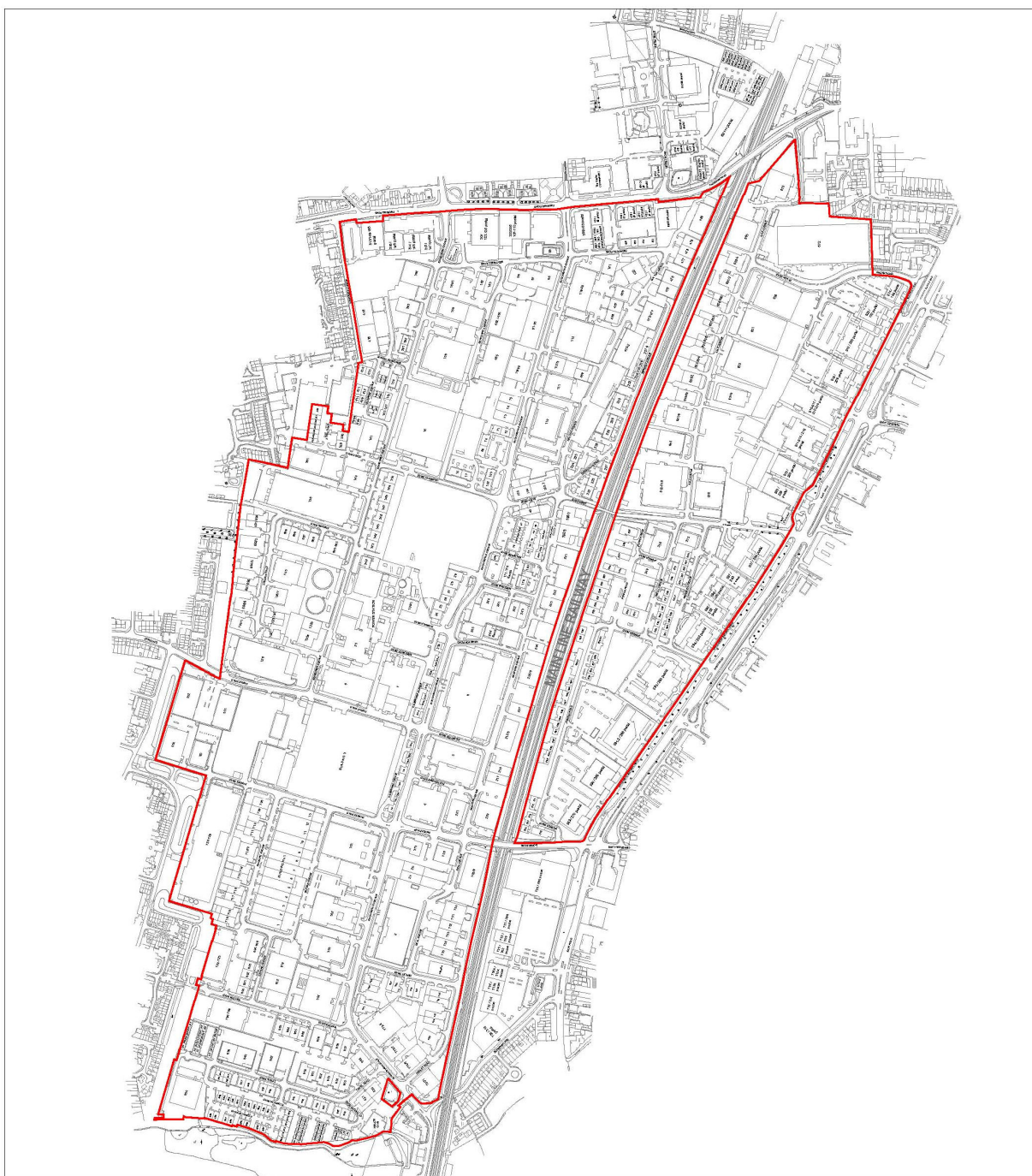
Proposed Changes to the SPZ

5.28 Appendix B includes the **general changes** made as a result of the consultation (in the last column). These were predominantly corrections to informatives and conditions requested by statutory consultees.

5.29 Discussions about **altering the boundary of the SPZ** have resulted in the decision to exclude all of the area currently in SEGROs ownership that falls to the east of the

Farnham Road and adjoins Whitby Road, including the former tax office building, the WHSmiths Depot and the Whitby Road sensitive sub-zone as below.

Plan showing boundary of SPZ 2014-2014



5.30 The flexibility in the SPZ can work well when the area is in single ownership as the developer can ensure development occurs comprehensively and takes account of adjoining occupiers' visual and operational amenity. This same flexibility may not be effective where there is multiple ownership as occupiers could build their sites out in isolation that does not deliver a balanced design and setting or intensity of use.

5.31 The approach to **archaeology** on the estate has involved extensive discussions between Berkshire Archaeology and SEGRO's specialist consultant. These centred on seeking to establish the likelihood of finding archaeological remains on sites within the SPZ scheme area, and building on work done for the LRCC.

- 5.32 This involved identifying areas for trenching and further investigation, but as the majority of the estate is built out and has been redeveloped numerous times it has been time consuming identifying suitable locations that suit SEGRO and Berkshire Archaeology's requirements.
- 5.16 The result has been a Condition that requires a written scheme of archaeological investigation to be undertaken/ implemented in identified areas, and an accompanying informative about the process behind the condition.

Section 106 Agreement

- 5.33 Discussions on the Draft SPZ have focused upon how the impacts of the proposal could be suitably but simply addressed in a S106 to accompany the SPZ; and complement/ support the measures already agreed in the S106 for the LRCC.
- 5.44 The broad principles identified are currently being refined and drawn up with SEGRO and the Council in a joint legal agreement which both parties will sign up to. The key elements of this are as follows:
- (a) Continued financial support for the Hoppa Bus service (or equivalent) through the lifetime of the SPZ
 - (b) Improvements to pedestrian, cycle and bus access and signage into and around the estate, including around Burnham Station, and pedestrian and cycle routes in from the north and east
 - (c) Creation of Travel Plans to help deliver modal shift committed to in the LRCC and meet new development impacts.
 - (d) Continued support for the Skills, Training & Education centre (5 years) delivered ahead of the LRCC
 - (e) Agreement around supporting the car parking cap linked to the Core Strategy and LRCC.
- 5.45 The main contribution secured through the Sec 106 will be for the continued financial support of the Hoppa Bus service that routes between Slough and Burnham Stations. Provision is made for reviews to ensure that the most appropriate service frequency and routing is provided taking into account any changes in circumstances such as the introduction of the Crossrail service to Burnham station.
- 5.46 A contribution is also proposed for improvements to pedestrian, cycle and bus circulation around Burnham station in anticipation of increased use when Crossrail is introduced.
- 5.47 A financial contribution may also be offered towards delivering a number of outstanding measures within the current S106's Integrated Transport Strategy. This will not cover the entire cost, but in return SEGRO will not be prescriptive about which outstanding measures the Council wants to prioritise or deliver. . These could include improved pedestrian/cycle links to the residential areas north of Estate, the drawing up of preferred freight routes to access the estate and the upgrading of a pedestrian crossing.
- 5.48 There is also a requirement to prepare and implement occupier Travel Plans for larger developments as well as SEGRO having an "Umbrella" Travel Plan for the Trading estate as a whole.

- 5.49 Other sustainable transport measures will be provided such as on street cycle parking and financial support for a car sharing scheme and allocation of staff time to deliver travel plans.
- 5.50 The agreement requires SEGRO to continue to support the existing Skills, training and Education Centre for five years after which it is assumed that will be picked up by the requirements of the Leigh Road Commercial Core (LRCC2) permission which has not yet been implemented.
- 5.51 Finally the Sec 106 will ensure that the SPZ schemes do not result in a cumulative increase in the number of car parking spaces being made available on the Trading Estate which would be contrary to the parking cap set out in the Core Strategy and built into the LRCC2 planning permission. This would ultimately be enforced by preventing new SPZ schemes from being implemented if they have an increased number of parking spaces.
- 5.52 Various provisions for monitoring have been included in the Sec 106.

5.53 **Timetable**

- 5.54 Approval for the SPZ is being sought from Cabinet at its meeting on 21st June. This will be subject to the completion and signing of the Section 106 legal agreement with SEGRO who are the owners of the Trading Estate.
- 5.55 The regulations then require that the intension to adopt the SPZ has to be advertised for a minimum of six weeks. This will be carried out in time to adopt the SPZ on the 12th of November 2014 which is the day after current SPZ expires.
- 5.56 There will then be a six week period in which the adoption can be subject to a High Court Challenge.
- 5.57 Assuming there are no legal objections, the SPZ will then run for a period of 10 years unless it is revoked by the Council.

6. **Conclusion**

- 6.1 In order to finalise the new SPZ for Slough Trading Estate Members are being asked to note the responses to public consultation and the proposed changes and to recommend that Cabinet should adopt the new scheme which would come into effect on the 12th November 2014 for 10 years.

7. **Appendices Attached**

‘A’ Summary of deposit consultation representations and proposed responses

‘B’ Draft SPZ to be Adopted

8. **Background Papers**

‘1’ The Local Plan for Slough (2006)

‘2’ Slough Local Development Framework Core Strategy 2006–2026 (Adopted December 2008)

- '3' Slough Local Development Framework Site Allocations DPD (Adopted November 2010)
- '4' Simplified Planning Zone for Slough Trading Estate (2004)
- '5' Slough Borough Council Planning Committee Report of 19th June 2012
Slough Borough Council Planning Committee Report of 28TH November 2013

Appendix A- Slough Trading Estate – renewal of the Simplified Planning Zone
Summary of deposit consultation representations and proposed responses

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
1. Berkshire Archaeology	<ul style="list-style-type: none"> - Notes that has been in contact with SEGRO's consultant and that matters are moving forward. 	<ul style="list-style-type: none"> - Trial trenching underway and is expected to be completed by 15th March. - Subject to findings and completion of acceptable report, no further archaeology work should be required. 	- No	- None
2. Department of Communities and Local Government	<ul style="list-style-type: none"> - Acknowledges the Council's intention to renew the SPZ. 	<ul style="list-style-type: none"> - The response is an acknowledgement and no detailed comments are provided on the content of the SPZ. 	- No	- None
3. English Heritage	<ul style="list-style-type: none"> - Note that both Leigh Road Bridge and a mile marker both lie outside the SPZ. - State provision should be made for consultation with the Council's Conservation Officer if development may affect the significance of these structures. - Acknowledge that given their existing setting, circumstances where their significance would be 	<ul style="list-style-type: none"> - Noted 	- No	- None

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
	further harmed are likely to be rare.			
4. Environment Agency	<ul style="list-style-type: none"> - Note that not all of their comments from the Pre-deposit consultation response have been incorporated. - Suggest additional wording to condition 15 so that it is explicit that there should be an 8 metre buffer zone along the boundary to the Haymill Valley. - Have commented that condition 42 is weak and that much of the data will not be scrutinized until 12 months after the completion of the development. Suggest changes to when the EA should be consulted where there is potential contamination of controlled waters. - Revised condition reads: - The Environment Agency (or equivalent regulatory body) shall be consulted <u>and an approved strategy agreed</u> when potential contamination to controlled waters including groundwater and surface water is found <u>in order to ensure all risks are adequately dealt with.</u> - Notwithstanding our informative (viii) that relates to the use of piled foundations and carrying out 	<ul style="list-style-type: none"> - Boundary fence is 8 metres from Chalvey ditch so suggested condition is acceptable - Agreed 	<ul style="list-style-type: none"> - Yes - Yes 	<ul style="list-style-type: none"> - Amend SPZ to read as: Any development adjacent to the Haymill Valley must maintain a minimum 2 metre high fence <u>and 8 metre buffer zone</u> along the boundary to the Haymill Valley. (underlined text is proposed additional text) -Change to: "The Environment Agency (or equivalent regulatory

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
	<p>the relevant risk assessment to ensure groundwater is not at risk of pollution, the EA have suggested alternative wording to cover this issue, within Condition 42. The suggested wording is:</p> <ul style="list-style-type: none"> - <u>'Building foundations that penetrate through the superficial sand and gravel deposits into the underlying bedrock of the Lambeth Group and/or Chalk shall not be permitted until after it has been established that the risks to groundwater in the Chalk aquifer are acceptable to the Environment Agency'</u>. - Address stated in informative iv) is incorrect <p>Typo noted in informative vi) b</p>	<ul style="list-style-type: none"> - The condition refers to development not being permitted, which is contrary to how the SPZ works in practice. - Include reference to piled foundations. - Correct address provided – update SPZ accordingly - Correct typo. 	<ul style="list-style-type: none"> - Yes - Yes - Yes 	<p>body) shall be consulted and an approved strategy agreed when potential contamination to controlled waters including groundwater and surface water is found in order to ensure all risks are adequately dealt with”</p> <p>- Proposed change:</p> <p>'Piled building foundations that penetrate through the superficial sand and gravel deposits into the underlying bedrock of the Lambeth Group and/or Chalk shall not be permitted until after it has been established that the</p>

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
				<p>risks to groundwater in the Chalk aquifer are acceptable to the Environment Agency’.</p> <ul style="list-style-type: none"> - Insert: Environment Agency Red Kite House Howbery Park Crowmarsh Gifford Oxfordshire OX10 8BD - Remove ‘al’ from Environmental Agency
5. Highways Agency	<ul style="list-style-type: none"> - Will be concerned if the proposals have the potential to impact on the M4, however they do not object to the proposed renewal. - Recommend we seek opportunities to encourage trips outside the peak periods during construction and operational phases. - Cite Travel Plans as one way of achieving this. - Suggest engaging with the HA for any proposed growth options at the SPZ that may have significant transport implications. 	<ul style="list-style-type: none"> - Noted and ‘no objection’ welcomed - Generic Estate Wide Travel Plan has been drafted and individual occupier Travel Plans proposed if new development exceeds thresholds in SBC Developers Guide 	- No	- None

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
6. Natural England	<ul style="list-style-type: none"> - NE do not consider that the proposals pose any likely or significant risk to those features of the natural environment. - Ask that protected species are considered before development commences - Ask that impacts on adjacent SINCS or LWS are considered. - Ask to consider whether there are opportunities to incorporate features which are beneficial to wildlife within new developments. - Notes that there may be opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment. 	<ul style="list-style-type: none"> - Noted - Protected species would be considered as part of any development. Reference is currently included in the 'Other Permissions and Licenses' Section to the need to obtain a licence from NE where development permitted by the SPZ many impact on protected species. 	<ul style="list-style-type: none"> - No 	<ul style="list-style-type: none"> - None
7. Network Rail	<ul style="list-style-type: none"> - Suggested informatives to be updated to refer to Asset Protection Manager instead of Property Manager - State that no drainage soakways should be constructed within 20 metres of Network Rail's property. - Suggest revisions to informative (xiii) so that it reads as: "If not already in place, the Developer/applicant 	<ul style="list-style-type: none"> - Noted - Previously this had referred to 5 metres – suggested change is not acceptable - It is a more comprehensive informative and would require a higher fence if 	<ul style="list-style-type: none"> - Yes - No - Yes 	<ul style="list-style-type: none"> - SPZ to be updated to refer to Asset Protection Manager - No change proposed - As per Network Rail's suggestion

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
	<p>must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail’s boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail’s existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail’s boundary must also not be disturbed.”</p> <p>- Two new informatives are proposed which read as:</p> <p>“No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail’s structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail email AssetProtectionWestern@networkrail.co.uk</p>	<p>development were to take place adjacent to Network Rail land</p> <p>Suggested informatives noted and are acceptable</p>	<p>Yes</p>	<p>- As per Network Rail’s suggestion</p>

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
	<p>before works begin.”; and nd</p> <p>“It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.”</p>			
8. Mr Tim Lodge (local resident)	- Comments on existing noise, odour and TV reception issues.	- Existing issues that are not directly related to the SPZ	- No	- None
9. Mr and Mrs Cunningham	- Worried about security threat to Data Centres - Welcome taller buildings to be located in middle of the Estate away from residential properties.	- Noted	- No	- None

SUMMARY OF COMMENTS FROM PUBLIC EXHIBITIONS

Consultee	Summary of key points	Comments	Alter SPZ?	Suggested changes
1. Mr Ken Houghton (local resident)	Suggested SEGRO arrange a meeting with Cippenham Residents	Following the Exhibition, SEGRO presented to Cippenham Residents Associated	No	None
2. Mr Alan Waite (local resident)	Welcomed progress but expressed concern about noise at unsocial times	Noise is an existing issues that is not directly related to the SPZ	No	None

3. Andrew Ellis – Slough Heat and Power (local employer)	Supported the renewal of the SPZ	Support welcome	No	None
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