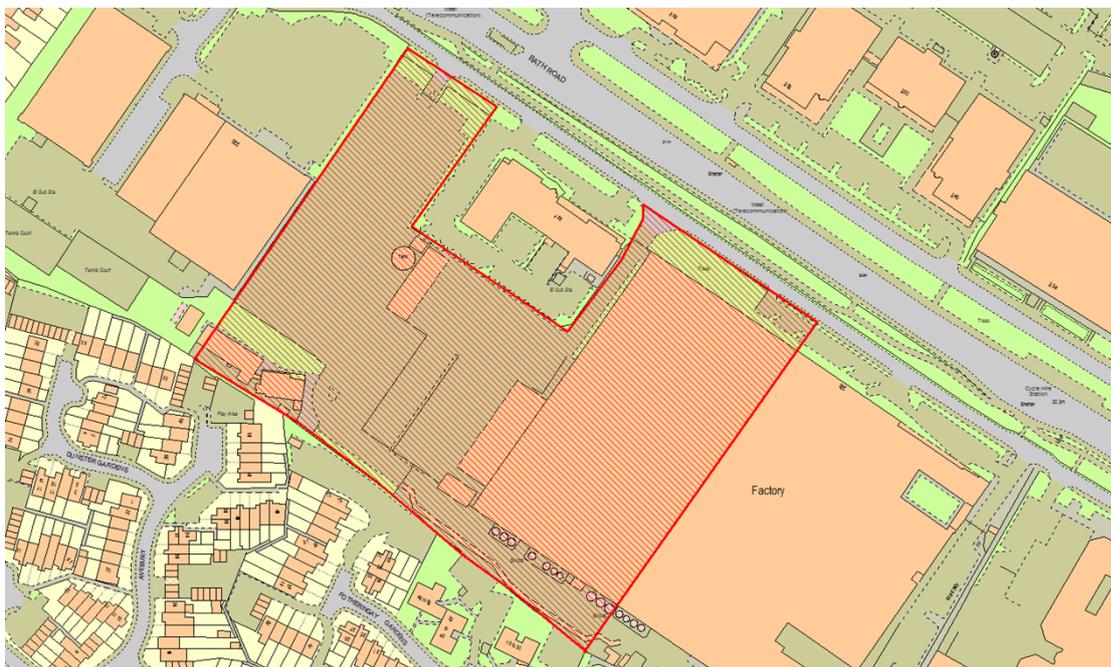


Registration Date:	07-Jun-2018	Application No:	P/00730/087
Officer:	Neetal Rajput	Ward:	Cippenham Green
Applicant:	Segro	Application Type:	Major
		13 Week Date:	6 September 2018
Agent:	Mr. Benjamin Taylor, Barton Willmore 9th Floor, Bank House, 8, Cherry Street, Birmingham, West Midlands, B2 5AL		
Location:	225, Bath Road, Slough, SL1 4AA		
Proposal:	Redevelopment of the site comprising the construction of a Data Centre (Use Class: sui generis), including ancillary offices, emergency generators and flues, vehicle and cycle parking, drainage infrastructure, boundary treatments, landscaping and other ancillary works.		

**Recommendation:** Delegate to Planning Manager to Approve or Refuse



**1.0 SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager: 1) for approval subject to: no substantive new planning comments being received on the close of the consultation period, no objection being raised on surface water grounds, the satisfactory completion of a s106 agreement, finalising conditions, and any other minor changes, or, 2) refuse the application if a satisfactory s106 Agreement is not completed by 1<sup>st</sup> December 2018, unless a longer period is agreed by the Planning Manager.
- 1.2 Under the current constitution, this application is to be determined at Planning Committee as it is an application for a major development comprising more than 1,000 square meters in floor space being created and the site area is over 1 hectare.

**PART A: BACKGROUND**

**2.0 Proposal**

- 2.1 Full planning permission is sought for the redevelopment of the site comprising the construction of a data centre including ancillary offices (Use Class: sui generis), emergency generators and flues, vehicle and cycle parking, drainage infrastructure, boundary treatments, landscaping and other ancillary works. The red line includes a 5m zone for straightening the public footpath to the east of the site, referred to as 'Aspro Alley'.
- 2.2 The application site will be pre-let to CyrusOne, a United States company which specialises in the data centre market. The hours of operation will be 24 hours, 365 day.
- 2.3 The plans that have been submitted show that the proposed data centre, including the generator wings but excluding the office wing will have a footprint of approximately 64m by 195m, with a height of 15.5m to the ridge and 12.5m to the eaves, with a 1.1m overhanging eaves to the building. The ancillary offices measure 31m by 35m, with a height of 13m to the ridge. Four flues are also proposed, located within the generator area and these will measure 16.5m in height. The generators will be enclosed with an acoustic screen and there will also be an acoustic fence erected along the southern boundary. For security purposes, a 3m mesh fence is proposed around the perimeter of the site. There will also be an acoustic fence erected along the south west boundary.
- 2.4 The proposal will provide a building which would sit circa 40m (at its nearest point) from the front of the site and would largely align to the building line of No. 227 Bath Road. The building has been designed to have a two storey element to the front providing ancillary office space.

- 2.5 The main access into the site will be via the Service Road which runs parallel to, and is accessed from, the Bath Road. There will be the provision of 51 car parking spaces with two of these spaces allocated as disabled and 6 spaces with electrical charging infrastructure. There will also be 12 covered cycle parking spaces provided on-site. Within the site on the North West side, and accessed off the Service Road, will be an access track to allow circulation and emergency access to the proposed sub-station and sprinkler tanks at the rear of the site. The sub-station will be 24.5m by 8.8m and 6m in height. As the sub-station and sprinkler tanks details have been submitted during the course of determination application, there has been further neighbour notification in respect of this part of the development.
- 2.6 Prior to the submission of this planning application and on the basis of the pre-application advice, the applicant sought a Screening Opinion as to whether or not an Environmental Impact Assessment (EIA) was required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. An assessment was carried out with the conclusion reached that an EIA was not required.
- 2.7 Information in the form of a construction environment management plan and assessments relating to air quality, noise, sunlight and daylight, sustainable design and contaminated land have been submitted with this application.

### 3.0 **Application Site**

- 3.1 225 Bath Road is a large plot of land of circa 4.4 hectares located south of Bath Road (A4). The application site, known as 'Site B' is 2.87 hectares. Site B is flanked by two other parcels of land within the overall 4.4ha site, which are referred to by the applicant as 'Site A' and 'Site C'; no details have been provided in respect of these two sites. The whole site used to provide the main offices and factory for Sarah Lee and comprised a large building that was constructed in the 1970s. The factory closed in 2016 and since then the buildings have been demolished to allow for the redevelopment of the site. The site is within a designated Existing Business Area.
- 3.2 The site is accessed via an existing service road off Bath Road which has a number of large, mature trees located to the front of the site which complement the greenery and landscape treatment of this section of the road, but also which form part of the wider tree lined character that is repeated in front of the commercial buildings on both sides of the Bath Road.
- 3.3 Unusually, the site wraps around No. 227 Bath Road on three sides. No. 227 was an office building but Prior Approval for the change of use of the building to 58 1-bed flats was granted on 11 May 2017 (Planning Reference: F/00730/081). From a site visit and at the time of writing this report, it is noted that the change of use to residential has not yet been implemented.
- 3.4 To the west of the site is the Westgate Retail Park and to the east of the site beyond 'Site C' is the Community and Religious Centre at 221 Bath Road. The Westgate School and residential properties in Fotheringay Gardens, Avebury and Dunster Gardens are to the south. A row of mature trees and landscaping forms the southern boundary softening the edge of the site that is closest to nearby homes. To the south east is 'Aspro Alley' which is an existing Public Right of Way that connects the Cippenham wards to the employment areas on the Slough Trading Estate to the north.

- 3.5 The land around the site plays an important part in connecting the two Cippenham wards to employment sites. Based on data gathered in 2014 for the Local Plan, the two Cippenham Wards have a combined total population of 22,000 residents. The 'Aspro Alley' footway is one of the few routes to connect these residents with employment and the only one that is not adjacent to a road. It is understood that the Trading Estate currently accommodates approximately 17,500 employees working within around 400 companies. Presently this footway is recognised as being narrow, poorly lit, lacking in natural surveillance and, as a result, is underused.
- 3.6 The opportunities to walk and cycle on Bath Road are very good, with two shared footway/cycleways provided along the southern and northern side of Bath Road. There are signalised pedestrian and cycle crossings provided across Bath Road.
- 3.7 A cycle hire hub scheme has been provided by Slough Borough Council on the opposite side of the A4 Bath Road. This provides the opportunity to hire bicycles to link with journeys via Burnham and Slough railway stations, and various other sites across the Borough. The nearest bus stops to the application site are located on Bath Road, with eastbound and westbound stops both within a few minutes walk. Burnham Station is the nearest railway station to the application site and is located approximately 1.6 kilometres to the west of the site.
- 3.8 The application site lies within Flood Risk Zone 1, whereby there is a low risk of flooding from rivers or seas, with a probability of less than once in a thousand years and the flood risk from surface water very low.

#### 4.0 **Site History**

- 4.1 The site has an extensive planning history which relates to the former factory site.
- 4.2 An outline application, reference P/00730/076 for the redevelopment of the site for B1(c)/B2/sui generis uses as well as Data Centre / Car Showroom (Sui Generis Use), associated infrastructure, car and cycle parking, drainage infrastructure, boundary treatments, landscaping and other ansui generis sui generis cillary works was presented to Slough Planning Committee in May 2017 and the decision is pending subject to the receipt of amended drawings to secure an acceptable layout regarding proposed heights and the realignment of 'Aspro Alley' and completion of the Section 106 Agreement.
- 4.3 The following parameters of the Outline scheme which would inform the detailed proposals for the maximum size and positioning of the building(s) that would be submitted as Reserved Matters applications are:
- A maximum height of 18m and with a reduction to a maximum of 15m within 50m from the rear boundary of the site.
  - Any buildings within 25m of the rear of the site to be 12m height or less.
  - A 5m landscape buffer zone (incorporating any potential noise barrier) to be provided along the rear boundary of the site.

#### 5.0 **Neighbour Notification**

Decathlon, Unit B Westgate Retail Park, Bath Road, SL1 5PS, 2, Ivy Crescent, Slough, SL1

5DA, 13, Ivy Crescent, SL1 5DA, 28, Westgate Crescent, SL1 5BY, 9, Bramber Court, SL1 5SU, 25, Bramber Court, SL1 5SU, 252, Bath Road, Slough, SL1 4DX, 17, Boarlands Close, Slough, SL1 5DB, 19, Boarlands Close, Slough, SL1 5DB, 14, Ivy Crescent, Slough, SL1 5DA, 61, Fotheringay Gardens, Slough, SL1 5SP, 33, Dunster Gardens, Slough, SL1 5ST, 62, Boarlands Close, Slough, SL1 5DD, 50, Boarlands Close, Slough, SL1 5DD, Ground Floor, 227, Bath Road, Slough, SL1 5PP, First Floor, 227, Bath Road, Slough, SL1 5PP, 227, Bath Road, Slough, SL1 5PP, Second Floor, 227, Bath Road, Slough, SL1 5PP, 258, Bath Road, Slough, SL1 4DX, Ground Floor West Wing, 258, Bath Road, Slough, SL1 4DX, First Floor East Wing And Second Floor, 258, Bath Road, Slough, SL1 4DX, Ground Floor East Wing, 258, Bath Road, Slough, SL1 4DX, First Floor West Wing, 258, Bath Road, Slough, SL1 4DX, 250, Bath Road, Slough, SL1 4DX, Fiat, 240, Bath Road, Slough, SL1 4DX, 10, Dunster Gardens, Slough, SL1 5ST, 47, Dunster Gardens, Slough, SL1 5ST, 45, Dunster Gardens, Slough, SL1 5ST, 43, Dunster Gardens, Slough, SL1 5ST, 41, Dunster Gardens, Slough, SL1 5ST, 49, Dunster Gardens, Slough, SL1 5ST, 45, Avebury, Slough, SL1 5SZ, 230, Bath Road, Slough, SL1 4DX, Segro, 234, Bath Road, Slough, SL1 4EE, Bicycle Docking Station, Bath Road, O2, 260, Bath Road, Slough, SL1 4DX, Telecommunications Mast On Roof, 260, Bath Road, 221, Bath Road, Slough, SL1 4AA, The Westgate School, Cippenham Lane, Slough, SL1 5AH, No's. 2 -18 Egremont Gardens, Slough (even), SL1 5SW, No's. 1 - 75, Fotheringay Gardens, Slough, SL1 5SP (odd & even), 29, Bramber Court, Slough, SL1 5SU, 27, Bramber Court, Slough, SL1 5SU, 23, Bramber Court, Slough, SL1 5SU, 21, Bramber Court, Slough, SL1 5SU, 19, Bramber Court, Slough, SL1 5SU, 17, Bramber Court, Slough, SL1 5SU, 15, Bramber Court, Slough, SL1 5SU, 11, Bramber Court, Slough, SL1 5SU, 7, Bramber Court, Slough, SL1 5SU, 5, Bramber Court, Slough, SL1 5SU, 1, Bramber Court, Slough, SL1 5SU, 3, Bramber Court, Slough, SL1 5SU, 18, Avebury, Slough, SL1 5SY, 20, Avebury, Slough, SL1 5SY, 22, Avebury, Slough, SL1 5SY, 24, Avebury, Slough, SL1 5SY, 26, Avebury, Slough, SL1 5SY, 28, Avebury, Slough, SL1 5SY, 30, Avebury, Slough, SL1 5SY, 32, Avebury, Slough, SL1 5SY, 34, Avebury, Slough, SL1 5SY, 38, Avebury, Slough, SL1 5SY, 36, Avebury, Slough, SL1 5SY, 40, Avebury, Slough, SL1 5SY, 42, Avebury, Slough, SL1 5SY, 44, Avebury, Slough, SL1 5SY, 46, Avebury, Slough, SL1 5SY, 48, Avebury, Slough, SL1 5SY, 50, Avebury, Slough, SL1 5SY, 52, Avebury, Slough, SL1 5SY, 54, Avebury, Slough, SL1 5SY, 56, Avebury, Slough, SL1 5SY, 58, Avebury, Slough, SL1 5SY, 3, Avebury, Slough, SL1 5SZ, 5, Avebury, Slough, SL1 5SZ, 7, Avebury, Slough, SL1 5SZ, 9, Avebury, Slough, SL1 5SZ, 15, Avebury, Slough, SL1 5SZ, 11, Avebury, Slough, SL1 5SZ, 17, Avebury, Slough, SL1 5SZ, 19, Avebury, Slough, SL1 5SZ, 21, Avebury, Slough, SL1 5SZ, 25, Avebury, Slough, SL1 5SZ, 23, Avebury, Slough, SL1 5SZ, 23, Corfe Gardens, Slough, SL1 5SX, 25, Corfe Gardens, Slough, SL1 5SX, 29, Corfe Gardens, Slough, SL1 5SX, 27, Corfe Gardens, Slough, SL1 5SX, 31, Corfe Gardens, Slough, SL1 5SX, 33, Corfe Gardens, Slough, SL1 5SX, 37, Corfe Gardens, Slough, SL1 5SX, 35, Corfe Gardens, Slough, SL1 5SX, 39, Corfe Gardens, Slough, SL1 5SX, 41, Corfe Gardens, Slough, SL1 5SX, 47, Corfe Gardens, Slough, SL1 5SX, 49, Corfe Gardens, Slough, SL1 5SX, 45, Corfe Gardens, Slough, SL1 5SX, 43, Corfe Gardens, Slough, SL1 5SX, 51, Corfe Gardens, Slough, SL1 5SX, 53, Corfe Gardens, Slough, SL1 5SX, 55, Corfe Gardens, Slough, SL1 5SX, 57, Corfe Gardens, Slough, SL1 5SX, 59, Corfe Gardens, Slough, SL1 5SX, 61, Corfe Gardens, Slough, SL1 5SX, 27, Avebury, Slough, SL1 5SZ, 29, Avebury, Slough, SL1 5SZ, 31, Avebury, Slough, SL1 5SZ, 33, Avebury, Slough, SL1 5SZ, 35, Avebury, Slough, SL1 5SZ, 37, Avebury, Slough, SL1 5SZ, No. 1, Dunster Gardens, Slough, SL1 5ST, 3, Dunster Gardens, Slough, SL1 5ST, 5, Dunster Gardens, Slough, SL1 5ST, 9, Dunster Gardens, Slough, SL1 5ST, 7, Dunster Gardens, Slough, SL1 5ST, 15, Dunster Gardens, Slough, SL1 5ST, 11, Dunster Gardens, Slough, SL1 5ST, 19, Dunster Gardens, Slough, SL1 5ST, 17, Dunster Gardens, Slough, SL1 5ST, 39, Avebury, Slough, SL1 5SZ, 41, Avebury, Slough, SL1 5SZ, 43, Avebury, Slough, SL1 5SZ, 53, Dunster Gardens, Slough, SL1 5ST, 51, Dunster Gardens, Slough, SL1 5ST, 39, Dunster Gardens, Slough, SL1 5ST, 12, Dunster Gardens, Slough, SL1 5ST, 8, Dunster Gardens, Slough, SL1 5ST, 6, Dunster Gardens, Slough, SL1 5ST, 4, Dunster Gardens, Slough, SL1 5ST, 2, Dunster Gardens, Slough, SL1 5ST, 37, Dunster Gardens, Slough, SL1 5ST, 35, Dunster Gardens, Slough, SL1 5ST, 31, Dunster Gardens, Slough, SL1 5ST, 29, Dunster Gardens, Slough, SL1 5ST, 27, Dunster Gardens,

Slough, SL1 5ST, 25, Dunster Gardens, Slough, SL1 5ST, 23, Dunster Gardens, Slough, SL1 5ST, 21, Dunster Gardens, Slough, SL1 5ST, 52, Boarlands Close, Slough, SL1 5DD, 54, Boarlands Close, Slough, SL1 5DD, 56, Boarlands Close, Slough, SL1 5DD, 58, Boarlands Close, Slough, SL1 5DD, 60, Boarlands Close, Slough, SL1 5DD, 1, Boarlands Close, Slough, SL1 5DB, 3, Boarlands Close, Slough, SL1 5DB, 5, Boarlands Close, Slough, SL1 5DB, 7, Boarlands Close, Slough, SL1 5DB, 11, Boarlands Close, Slough, SL1 5DB, 9, Boarlands Close, Slough, SL1 5DB, 13, Boarlands Close, Slough, SL1 5DB, 15, Boarlands Close, Slough, SL1 5DB, 21, Boarlands Close, Slough, SL1 5DB, 59, Cippenham Lane, Slough, SL1 5BZ, 57, Cippenham Lane, Slough, SL1 5BZ, 55, Cippenham Lane, Slough, SL1 5BZ, 53, Cippenham Lane, Slough, SL1 5BZ, 37, Boarlands Close, Slough, SL1 5DB, 35, Boarlands Close, Slough, SL1 5DB, 33, Boarlands Close, Slough, SL1 5DB, 31, Boarlands Close, Slough, SL1 5DB, 29, Boarlands Close, Slough, SL1 5DB, 27, Boarlands Close, Slough, SL1 5DB, 25, Boarlands Close, Slough, SL1 5DB, 23, Boarlands Close, Slough, SL1 5DB, Flat 2, 2, Ivy Crescent, Slough, SL1 5DA, 2, Ivy Crescent, Slough, SL1 5DA, 2, Ivy Crescent, Slough, SL1 5DA, Flat 1, 2, Ivy Crescent, Slough, SL1 5DA, 4, Ivy Crescent, Slough, SL1 5DA, 6, Ivy Crescent, Slough, SL1 5DA, 8, Ivy Crescent, Slough, SL1 5DA, 10, Ivy Crescent, Slough, SL1 5DA, 12, Ivy Crescent, Slough, SL1 5DA, 16, Ivy Crescent, Slough, SL1 5DA, 18, Ivy Crescent, Slough, SL1 5DA, 20, Ivy Crescent, Slough, SL1 5DA, 21, Ivy Crescent, Slough, SL1 5DA, 19, Ivy Crescent, Slough, SL1 5DA, 17, Ivy Crescent, Slough, SL1 5DA, 15, Ivy Crescent, Slough, SL1 5DA, 11, Ivy Crescent, Slough, SL1 5DA, 9, Ivy Crescent, Slough, SL1 5DA, 7, Ivy Crescent, Slough, SL1 5DA, 7, Ivy Crescent, Slough, SL1 5DA, Currys, Westgate Retail Park, Unit A, Bath Road, Slough, SL1 5PS, Brantano Footwear, Westgate Retail Park, Unit B, Bath Road, Slough, SL1 5PS, 229, Bath Road, Slough, SL1 5PP, 231, Bath Road, Slough, SL1 5PP, Telecommunications Mast At, 231, Bath Road, 233, Bath Road, Slough, SL1 5PP, 235, Bath Road, Slough, SL1 5PP, 46, Westgate Crescent, Slough, SL1 5BY, 45, Westgate Crescent, Slough, SL1 5BY, 44, Westgate Crescent, Slough, SL1 5BY, 43, Westgate Crescent, Slough, SL1 5BY, 42, Westgate Crescent, Slough, SL1 5BY, 41, Westgate Crescent, Slough, SL1 5BY, 40, Westgate Crescent, Slough, SL1 5BY, 39, Westgate Crescent, Slough, SL1 5BY, 38, Westgate Crescent, Slough, SL1 5BY, 37, Westgate Crescent, Slough, SL1 5BY, 36, Westgate Crescent, Slough, SL1 5BY, 35, Westgate Crescent, Slough, SL1 5BY, 34, Westgate Crescent, Slough, SL1 5BY, 33, Westgate Crescent, Slough, SL1 5BY, 32, Westgate Crescent, Slough, SL1 5BY, 31, Westgate Crescent, Slough, SL1 5BY, 30, Westgate Crescent, Slough, SL1 5BY, 29, Westgate Crescent, Slough, SL1 5BY, 27, Westgate Crescent, Slough, SL1 5BY, Play Area, Avebury, Dunelm, Westgate Retail Park, Bath Road, Slough, SL1 5PS

One objection from residents at no. 52 Avebury has been received, summarised as:

- Some of the reports and drawings make little reference to properties in Avebury and therefore difficult to be sure whether the potential impact has been carried out on these properties.
- Noise – increasing number of data centres have been constructed in Slough. Operate 24/7 – noise generated is continuous and can vary in output. The data centre located on Buckingham Avenue has continuous loud noise, which would be inappropriate if it was located close to residential properties.
- NPPG – people’s perception are their reality and our ears are our noise receptors. Should similar noise to the data centre on Buckingham Avenue be emitted, it would have the outcome of ‘Significant Observed Advance Effect Level’ – suggest that Officers visit the Buckingham Avenue to hear the noise. Extremely concerned about the impact of the proposed data centre with 16 large air-cooled chillers and how this could be regarded as acceptable when located so close to residential properties.
- 227 Bath Road, approval to change of use from commercial to residential – condition that mitigation measures were put in place before any development was carried out. No mitigation measures being put in place for the existing

residential properties.

- One of the vehicle accesses will be at the entrance closest to the residential properties in Avebury. If this is the case, concerned that this would result in an increase in noise, vibrations to the properties and increase in exhaust fumes. This will continue to increase as and when additional planning applications are submitted for the remaining vacant sites.
- Outline application (P/00730/076) – condition relating to hours/days of loading and unloading and hours of operation restricted – the same conditions with restrictions be applied and to the collection of commercial waste to minimise disturbance to residents.
- Screening – boundary closest to Avebury – there are gaps and when trees lose their leaves, the screening is significantly reduced. We note that some trees may be removed and this is of concern due to the size of the building to be erected. Therefore, request that steps be taken to fill these gaps as part of the screening programme.
- Lighting – careful consideration be given to the location of industrial lighting to ensure it does not shine through the rear windows of the properties in Avebury, closest to the boundary. This has been the case in the past – lighting is so powerful that it shines through the rear window through to the front of the house.
- Environmental impact – concerned about the pollution from the diesel emergency generators when they are tested or are needed in the event of a power failure as these can result in fugitive dust. Close proximity to residents, local school and play area.

Officer comment: This objection is addressed in the main body of the report.

**Publicity:** In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, site notices were displayed at the site - 5<sup>th</sup> June 2018 and 19<sup>th</sup> July 2018. The application was also advertised on the 8<sup>th</sup> June 2018 (as a 'major' development) and on the 20<sup>th</sup> July 2018 (as 'a development affecting a Public Right of Way' editions of the Slough Express. The consultation ends on 10<sup>th</sup> August 2018.

## 6.0 **Consultations**

### 6.1 **Thames Water**

#### *Waste comments*

Thames Water confirms they are happy for the foul water condition referenced, to be discharged based on the information submitted.

#### *Surface water*

Thames Water confirm they are happy for the surface water condition referenced to be discharged based on the information submitted.

#### *Water comments*

The proposed development is located within 15m of our underground water assets and as such recommend an informative. This has been included.

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission. This has been attached and can be found in the list of draft conditions.

#### *Supplementary Comments*

Having reviewed the drainage documents provided, Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application provided that details of site drainage works as laid out in drawing ref ED046/503 P2 dated 28th June 2018 are adhered to.

### 6.2 Lead Local Flood Authority (LLFA)

The LLFA have been consulted. Any comments received will be reported to Councillors in the Amendment Sheet. The Highway Authority have commented on the surface water drainage for the site but they are not a statutory consultee – the relevant body is the LLFA.

### 6.3 Highways & Transport

#### *Access*

- Layout agreed in principle, each access to be a minimum of 30m apart radius to radius.
- Radii to the data centre car park appears to be approx 12m. This needs to be reduced as it leads to excessively long distances for pedestrians to cross the junction and is unnecessary in this location. I would recommend an 8m radii to reduce the crossing width/distance. The low number of vehicle movements means it is acceptable for larger vehicles to use both lanes of the private access road on the site to swing in/out. Swept path drawings should be provided to demonstrate access in/out of the site off the Bath Road service road and the radii should be kept to a minimum. The agreed Radii should be marked on the drawing.
- Pedestrian dropped kerbs and Tactile paving should be provided on all bellmouth access points but this can be addressed in the s278 detailed design.

#### *Public Right of Way Layout*

- The (re-aligned) public right of way has been shown on the correct alignment at a width of 5m however it is not clear where the landscaping will be. The 3m path should have a 1m landscaped strip either side of the path to create a feeling of openness.

#### *Trip Generation*

- The proposed use is considered to generate substantially less trips than the previous use therefore I have no further comment

#### *Junction Assessment*

- No further junction assessment work is required

#### *Car Parking / Lorry Parking / Cycle Parking*

- Confirm that the car, lorry and cycle parking is acceptable for the use as a data centre however details of the cycle store have not been provided and this should be secured by condition or provided at this stage. The cycle store must be covered and secured.

### *Servicing and Deliveries*

- Confirm that the servicing/delivery arrangements are suitable for a data centre.

### *Construction Traffic*

- Routing of the construction HGV traffic should avoid the AQMAs in Slough.

### *Visibility Splays*

- Pedestrian visibility splays of 2.4x2.4m. do not appear to have been demonstrated, these must be demonstrated on a suitable plan. If the splays can be adequately demonstrated I confirm no further pre-commencement conditions will be required in this respect.
- Vehicular visibility splays of 2.4x43m have been demonstrated within the transport statement and therefore a condition is not required in this respect.

### *Travel Plan*

- Not required as this is an application for a data centre and therefore cannot be used for any other purpose without a further full planning application and the proposed uses has very limited potential for traffic generation and low staff numbers.

### *Mitigation*

- As set out in the S106 instruction below with minor amendments to previous comments

### *Recommendation*

No highway objection subject to the following S106 and planning conditions.

### *S106 / S278*

The applicant will need to enter into a section 106 agreement with Slough Borough Council, this s106 agreement will obligate the developer to:

- Dedicate the path as a public right of way/Bridleway under a s25 creation order liaising with the Council's public rights of way officer.
- Enter into a section 278 agreement for the satisfactory implementation of the works identified in the highways and transport schedule below;

The highways schedule includes:

- Temporary access point (as necessary)
- Installation of crossover / junctions – (accesses to be located 30m apart radius to radius)
- Widen the southern service road at the proposed site access junctions taking account of the proposed HGV movements ingressing and egressing from the access junctions where necessary
- Reconstruct the footway fronting the application site (as necessary)
- Reinstatement of redundant access points to standard footway construction
- Installation of street lighting modifications (as necessary)
- Drainage connections (as necessary)
- Retaining wall (as necessary)
- Construction and dedication as highway maintainable at the public expense, free of charge, the widened Aspro Alley public right of way to form a lit cycle/pedestrian route (4m in width) along the eastern and southern boundaries of the site;
- Construction of a path link between the existing cycleway and the Bath Road

service road opposite the end of the re-aligned Aspro Alley;

The transport schedule:

- CCTV provision and signage of Aspro Alley connected to the Council's CCTV centre;
- Routing agreement for HGVs travelling to the site avoiding AQMAs in the borough – i.e. accessing the site via M4 J7;
- Electric Vehicle charging points in accordance with IAQM guidance.

6.4

#### Land Contamination

I have reviewed the reports submitted for the above application, together with our database of Potentially Contaminated Sites.

**A. “DESK STUDY”** (Report. no. D3099-13, dated July 2013) and prepared by ESG:

- The report was carried out before the fate of the site was clearly known. The study identifies all the potential pollution linkages that could be active at the site, and recommends further investigation is carried out, once plans and designs are proposed for the site.
- The report concludes with some recommendations for the elements to be included in a future intrusive site investigation.

**B. “Phase II Environmental Site Investigation”** (Project no. UK14-19775, dated April 2014) and prepared by Environ:

- During the site investigation visual and olfactory signs of hydrocarbon contamination were encountered at depths between 2.0m and 3.0m bgl, in a couple of the boreholes, mainly in the southern corner of the site. Asbestos fibres were also detected in the made ground at two locations.
- A number of exceedances were recorded for PAHs in soil and TPHs in Groundwater, above the ENVIRON volatilisation GAC for residential use (mg/l).
- Section 6.2.1 mentions the groundwater flow is towards the south-west; however, no evidence was brought as to why this is so and how it was calculated. The applicant should provide these evidence/calculations.
- Section 7 summarised the risk associated with the ground gas concentrations recorded during one ground gas monitoring session. The assessment puts the site in a Characteristic Situation (CS) 1: very low risk. However, it is likely that further monitoring will be required before site can be deemed suitable for use.
- Table 8.1 revises the Source-Pathway-Receptor Risk Assessment for a residential development with plant uptake, and makes some initial recommendations for mitigating some of the potentially active pollution pathways.
- Through the report there are recommendations to carry out further monitoring and/or risk assessment to identify the risk associated with the contaminants found on site, which I recommend it is completed before development can commence. However, as an alternative the applicant may choose to skip to remediation, case in which a Site Specific Remedial Strategy should be prepared and submitted for review to the Local Planning Authority.

Based on the above, I recommend two conditions referring to remediation and validation.

## 6.5 Tree Officer

The proposal for this site retains most of the trees on the site, and suggests a management plan for the improvement of the retained trees. These manage proposals are long overdue and should be required to be carried out as part of any planning permission if this is to be granted.

The proposal does however require the removal of 7no. trees, 5no of which are very prominent on the A4 boundary of the site and these are only being removed to facilitate the development, the other 2no. being removed for good arboricultural management reasons. It is regrettable to lose the 5no. trees on the A4 and their loss will be noticeable not least because of the trees size, position and maturity. In mitigation for this loss and to enhance the site in general the application is supported by a landscape proposal including the planting of semi mature trees along the A4 boundary and other boundaries. In my opinion these do go some way to re-establishing a good arboricultural feature on the site to mitigate the tree loss.

If planning permission is granted I would recommend that it is conditional on the implementation of the landscape proposals. I would also recommend that a full site specific Arboricultural Method Statement (AMS) is required as a pre commencement condition.

I suggest that the tree management proposals should also be required in this pre commencement condition and are carried at the same time as the tree protection to accelerate the benefits of the proposed work. The aims of this work is to redress the neglect of the trees that has taken place in previously, by thinning out of existing trees achieved by selectively removing the poor, weak and dead trees to help the development of the trees to be retained.

## 6.6 Crime Prevention Design Advisor

No comments received at the time of writing this report. An update will be provided on the Amendment Sheet should comments be received.

## 6.7 Environmental Protection Officer

Comments on air quality and noise have been received. The Officer raises no objection. This is addressed below in the main assessment.

## 6.8 National Grid Gas PLC

Considerations in relation to gas pipeline/s identified on site, an informative has been included.

## 6.9 Southern Electric

No comments received at the time of writing this report. An update will be provided on the Amendment Sheet should comments be received.

6.10 Thames Valley West District, Transco

No comments received at the time of writing this report. An update will be provided on the Amendment Sheet should comments be received.

6.11 Environment Agency South East

Evidence of contamination from previous land uses have been submitted in conjunction with this application and it is within our remit to protect groundwater quality. The previous use of the site as a pharmaceuticals works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

A previous application was responded to in August 2017 on the 225 Bath Road site (EA Ref: WA/2017/123969/02-I01) albeit a slightly larger site area than the application site associated with this planning application. This application no longer sits within the area of the historic landfill.

The application site lies within a Source Protection Zone (SPZ) 2 and SPZ 3. Source Protection Zones are designated to protect the quality of groundwater used for human drinking supply. The site is also situated on a Principal Aquifer and a Secondary A Aquifer.

**Environment Agency Position**

We consider that planning permission could be granted for the proposed development as submitted if the planning conditions. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to this application.

The previous use of the proposed development site as a pharmaceuticals works presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site:

- is within Source Protection Zone 2/3
- is located upon a Principal Aquifer and Secondary A Aquifer.

The report submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

## 6.12 Environmental Quality

### *Noise Impact Assessment of Scheme*

Summary of comments on Technical Note EQUUS dated 29th June

- Noise from the chillers during the day and night and is not significant at 227 Bath Road based on the BS4142 assessment for chiller noise.
- Noise from the testing of generators in the day remains is not significant at 227 Bath Road based on the BS4142 assessment for generator noise.
- Noise from the testing of generators in the night would be audible outside 227 Bath Road based on the BS4142 assessment for generator noise – the harm would not be significant because there is a condition at 227 Bath Road for non opening glazing and ventilation system with an appropriate level of sound reduction.

The off-load testing, load bank testing and on load testing - the hours of the testing and outside school term hours should be made a planning condition requirement for off load testing.

- Each generator will be tested for nineteen hours per year.
- The worse case scenario with all generators operating in an emergency situation indicates the noise impact during the day at all residential receptors including 227 Bath Road will not be significant.
- The worse case scenario with all the generators operating in an emergency situation indicates the noise impact during the night at Fortheringay Gardens and the east/south elevation of 227 Bath Road will not be significant.
- The worse case scenario with the generators operating in an emergency situation indicates the noise impact during the night at Dunster Gardens would be marginal but with a window open (offering 10-15dB attenuation) the internal noise levels are likely not to be significant.
- The worse case scenario with the generators operating in an emergency situation indicates the noise impact during the night west/south elevation 227 Bath Road would be marginal but as windows are non openable would not lead to significant harm.

To conclude noise impact from the developments generators and chillers will not detrimentally harm the neighbouring residential and school amenities and the application should not be refused on noise grounds.

Recommended Conditions:

- 1) The hours of generator testing should be controlled by a planning condition.
- 2) Noise during the construction phase of the scheme should be assessed using BS5228. Best practicable means and noise mitigation should be included within a construction environmental management plan this can be covered by a

planning condition.

The hours of the generator testing will be conditioned and the agents have now submitted a construction environmental management plan which includes details of noise which will be reviewed and if acceptable a condition to ensure it is complied with will be attached.

#### *Scope of Air Quality Assessment and Cumulative Effects*

- The 151 two way movements associated with Site B – consisting of 74 two-way movements to the west and 77 two-way to the east this is below the IAQM guidance which stipulates a threshold of 100 vehicles per day within an AQMA requires an air quality assessment. The impact of road traffic emissions has been scoped out of the assessment but taken into account within the cumulative effects. It is accepted for Site B a traffic air quality assessment is not required.
- The cumulative impact of trip movements associated with Site B (151 two way movements) and Site C (177 two way movements) will result in a combined 161 movements per day travelling west along the A4 Bath Road towards the Tuns Lane and Bath Road AQMA. However it is stated the traffic would distribute further such that by the time that it reaches the Slough AQMAs it will be at or below the threshold of 100 vehicles per day for an air quality assessment to be necessary.
- The assessment considers the impacts and effects on local air quality and human health from the emergency generators this is accepted. The assessment also considers the cumulative air quality impact of operating the data centre at site C which will operate thirteen Cummins 3516C diesel generators. An air quality assessment completed by Air Quality Consultants has been included in appendix G of this air quality assessment report.

#### *Assessment Criteria*

NO<sub>2</sub> annual mean and 1 hour mean (short term) means have been considered. The 1-hour objective has to be exceeded more than 18 times to be considered a breach of the national air quality objective.

#### *Relevant Exposure*

The 1-hour mean (short term) is most relevant objective to consider within the context of impact on human health from emergency generators due to their limited operation during the test cycles.

#### *Impact assessment Criteria*

The impact assessment criteria as outlined within the IAQM guidance has been used and is acceptable.

There is no formal guidance in the UK on how to assess the significance of air quality impacts of a new development, the assessment of significance this is down to a number of factors – the prevailing pollution levels and whether there are breaches of the national air quality objectives, the number of receptors adversely impacted and the degree of impact (slight, moderate, substantial), the sensitivity of those receptors (schools and homes), the magnitude of the impact, whether new areas of

exceedances are predicted.

- The school is considered a very sensitive receptor due to fact air pollution impacts tend to affect children and the elderly health more than general adult population.

#### *Assessment*

- The EA guidance: Emissions from generators, Guidance on dispersions modelling for oxides of nitrogen assessment from generators, version 1 this is acceptable.
- During the test cycles this assessment predicts the likelihood of exceeding the 1-hour mean objective given the number of hours that the generators will be tested per year – this is appropriate.
- The emergency use of generators assessment works on the basis how long the generators can operate simultaneously in any one year with a 1% chance of exceeding the 1-hour mean objective. In reality black outs do not tend to last for long periods of times.

#### *Modelling methodology*

- ADMS 5 modelling has been used to predict the dispersion of emissions from the proposed emergency generators. This is acceptable.
- The modelling inputs appear to be reasonable.

#### *Diesel Generator Emissions and MCPD Regulations*

- The proposed data centre at Site B, 225 Bath Road, Slough involves the installation of sixteen AJ power diesel generators. Emissions data have been taken from the manufacturer's data sheets for engines being considered for the development this will made assumptions on emission rates, flow rates exhaust temperature etc.
- The NO<sub>x</sub> emission concentrations from the generators comply with the Medium Combustion Plant Directive (MCPD).
- This facility will need an environmental permit from the Environment Agency under the Industrial Emissions Directive (IED) at the net thermal input is above 50MW. Therefore emission controls and limits will be imposed by a permit and do not need to be replicated within the planning permission, save for hours of testing operation outside term time to reduce potential exposure to children.

#### Cumulative Effects

Road Traffic – the consultant stated the combined impact from both Site B and Site C is unlikely to be significant based on the trip generation.

#### *Mitigation*

- The installation of EV charging points based on a one in ten car parking space provision is accepted. This is a planning policy requirement for all new development.
- Testing regimes should be arranged for both Site B and Site C out-side School hours

and should be staggered. This is accepted.

To conclude air quality impacts from the developments diesel generators will not detrimentally harm the neighbouring residential and school amenities and the application should not be refused on air quality grounds.

Recommended Conditions:

- 1) The assessment of dust impact from the construction of the data centre should be assessed using IAQM guidance. The dust mitigation measures shall be included within the CEMP.

The agent has now submitted a construction environmental management plan which includes information on dust and this will be reviewed.

6.13

#### Berkshire Archaeology

Berkshire Archaeology responded to a previous, similar application for this site (P/00730/076) in 2016. Although this is smaller scale of development to the previous application, the current application area is still of significant size (2.87ha) and therefore we re-iterate our previous advice as follows.

Berkshire Archaeology's Historic Environment Record (HER) indicates that the application site lies within an area of archaeological potential. Immediately to the west of the application site, archaeological investigations in 1995 recorded elements of a ditched Roman field system. Finds recovered from the site included Roman pottery of 1st century AD date. One of the Roman field ditches is projected to lie within the western portion of the red line application boundary. The report on the excavations concluded that 'the pottery found could result from manuring or may indicate a nearby settlement' (Howell and Durden 2003, 117\*).

The wider archaeological potential is demonstrated by the results of investigations in advance of housing in the Cippenham area in the 1990s. Widespread excavations recorded rare evidence for Neolithic (4,300 – 2,100 BC) activity, Middle Bronze Age (1,700 – 1,000 BC) settlement and burial and near continuous farming from the Middle Iron Age (500 – 200 BC) to the end of the Roman period (AD 410). These results and the known prehistoric and Roman remains indicate that the gravel and brick earth terraces in this area to the north of the River Thames were extensively settled and farmed from the Neolithic period onwards.

Although this application site has undergone significant past development, it is a site of considerable size where areas of minimal past ground disturbance are likely to exist and where important buried remains may survive.

Historic England's Good Practice Advice on Managing the Historic Environment - Note 2 states (paragraphs 30 and 31) that some heritage assets 'will currently hold only archaeological interest, in that nothing substantial may be known about the site and yet there is a credible expectation that investigation may yield something of strong enough interest to justify some level of protection. For sites with archaeological

interest, whether designated or not, the benefits of conserving them are a material consideration when considering planning applications for development’.

Therefore, in view of the site’s potential, Berkshire Archaeology recommends that an appropriately worded condition is attached, should permission be granted. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should ‘require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’.

In view of the nature of the site, it may be appropriate that initially a desk-based archaeological impact assessment is undertaken to assess the location and extent of past impacts and thereby establish if and where any areas of the site retain an archaeological potential and which may be adversely impacted by the proposed development. This assessment could be informed by the results of any geotechnical investigations. The results of the assessment may lead to a phase of exploratory trial trenching prior to the commencement of development in order to establish if any archaeological remains are present and, if so, how they might best be recorded.

If permission is granted, the applicant should therefore ensure that their programme provides for an appropriate period of archaeological investigation prior to the commencement of development.

Berkshire Archaeology would be pleased to meet with the applicant on site to consider the scope of works, should permission be granted.

## 7.0 **PART B: PLANNING APPRAISAL**

### 7.1 **Policy Background**

#### National Planning Policy Framework, 2012 and the Planning Practice Guidance

- Core Policies - Achieving sustainable development
- Chapter 1: Building a strong, competitive economy
- Chapter 4: Promoting sustainable transport
- Chapter 7: Requiring good design
- Chapter 10: Meeting the challenge of climate change, flooding and coastal change
- Chapter 11: Conserving and enhancing the natural environment

#### Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, Adopted 2008

- Core Policy 1 – Spatial Strategy
- Core Policy 5 – Employment
- Core Policy 7 – Transport
- Core Policy 8 – Sustainability and the Environment
- Core Policy 9 – Natural and Built Environment
- Core Policy 10 – Infrastructure

- Core Policy 11 – Social Cohesiveness
- Core Policy 12 – Community Safety

#### The Local Plan for Slough, Adopted March 2004

- Policy EMP2 – Criteria for Business Developments
- Policy EMP12 - Remaining Existing Business Areas
- Policy EN1 – Standard of Design
- Policy EN3 – Landscaping Requirements
- Policy EN5 – Design and Crime Prevention
- Policy EN34 - Utility Infrastructure
- Policy T2 – Parking Restraint
- Policy T7 – Rights of Way
- Policy T8 – Cycling Network and Facilities
- Policy T9 – Bus Network and Facilities

#### Other Relevant Documents/Guidance

- Local Development Framework Site Allocations Development Plan Document
- Slough Borough Council Developer's Guide Parts 1-4

#### Composite Local Plan – Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Local Planning Authority has published a self assessment of the Consistency of the Slough Local Development Plan with the National Planning Policy Framework using the PAS NPPF Checklist.

The detailed Self Assessment undertaken identifies that the above policies are generally in conformity with the National Planning Policy Framework. The policies that form the Slough Local Development Plan are to be applied in conjunction with a statement of intent with regard to the presumption in favour of sustainable development.

It was agreed at Planning Committee in October 2012 that it was not necessary to carry out a full scale review of Slough's Development Plan at present, and that instead the parts of the current adopted Development Plan or Slough should all be republished in a single 'Composite Development Plan' for Slough. The Planning Committee endorsed the use of this Composite Local Plan for Slough in July 2013.

## 7.2

The planning considerations for this proposal are:

- Principle of development
- The impact on the character and appearance of the area

- The impact on amenity of neighbouring occupiers and future occupiers of the development
- The impact on highway safety and convenience
- The impact on air quality and noise
- Landscaping, Aspro Alley improvements and safety
- Surface water drainage
- Sustainable design and construction

## 8.0 Principle of development

8.1 The Trading Estate is identified as an Existing Business Area. Whilst a Simplified Planning Zone Scheme is in operation for the Trading Estate, the proposed development would fall outside of the scope of this and as such planning permission is required.

8.2 Under outline application ref. P/00730/076 it has been established that the use of the site to provide employment-generating uses such as a data centre would generally be in line with the objectives of Core Policies 1 and 5 of Slough Core Strategy (2006-2026).

Furthermore, the Spatial Vision of the Slough Local Development Framework, Core Strategy 2006- 2026, includes the following strategic objectives:

- *“Make the best use of existing buildings, previously developed land and existing and proposed infrastructure.*
- *To ensure that the existing business areas continue to provide sufficient employment-generating uses in order to maintain a sustainable, buoyant and diverse economy.*
- *To encourage investment and regeneration of employment areas.”*

Since the site is located within an established Existing Business Area with good access to the strategic road network, it is recognised that the proposal would provide an employment-generating use (albeit with a potential net reduction on number of employees compared with the historic use on the site). The proposal is considered acceptable in principle, and supported by other local policies, namely EMP2 and EMP12.

8.3 The government expects significant weight to be given to the economic benefits of planning permission. Paragraph 18 of the Framework states *“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.”*

The proposed development would provide considerable direct and indirect employment opportunities for the local area, during both the construction and end user phase. The Planning Statement accompanying this application states that the benefits in the construction phase have been quantified as 65 direct and 58 indirect jobs. With regard to employment, the proposed development will create 68 operational jobs. It is also estimated that £1 million will be generated through Business Rate income. The proposal would play a part in the regeneration of the Trading Estate, as sought by development plan policies, and also assist in attracting inward investment, creating jobs and offering opportunities for improving skills and training to local people.

8.4 In light of recent changes to permitted development rights, a condition is recommended to ensure that the building shall only be used for a data centre and ancillary office purposes in the interests of ensuring that there may be no loss of the defined Existing Business Area to non-employment generating uses in the future and to ensure there are no implications in terms of intensification on highway matters, such as parking numbers and vehicle movements.

## 9.0 **The impact on the character and appearance of the area**

9.1 Paragraph 56 of the NPPF says: “...*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” As such, good design is imperative and covers issues such as massing, bulk, materials, scale, density and pattern of development.

Core Policy 8 of Slough Core Strategy 2006-2026 require all development proposals to provide with high quality, sustainable designs that respect the location and its surroundings. Policy EN1 of the Adopted Local Plan for Slough sets out detailed design criteria which development proposals are required to comply with.

9.2 This part of Bath Road is characterised by large plots with modern commercial “*headquarter buildings*” of mixed appearance, although given their massing, form and materials have a unique style that add to the visual amenity of this section of Bath Road.

9.3 The set back distance between Bath Road and its service road and pavements as well as the set-back layout from the main frontage of the buildings and soft landscaping allows scope for larger scale buildings to be provided without imposing upon the street scene as would be the case in more narrow roads.

9.4 The footprint of the building is considerable and it would occupy a large floor area when compared to other neighbouring sites within the vicinity of the Trading Estate. However, when assessing the design, the operational and functional requirements, including the deliverability of the proposed development must be taken into consideration. The proposed data centre will house extensive racks of servers and require cooling measures which, in turn, govern the overall footprint and height of the building. As such, the layout, scale and massing of the development is principally driven by the operational requirements of the future occupier.

9.5 The proposed development comprises of two storey ancillary offices fronting Bath Road with a curved-roof data hall building extending across the centre of the site, with eaves at 12.5m above ground level, rising to approximately 15.5m at the centre of the roofline. These heights are below those set out in the parameters set in the Outline Application (P/00730/076), with the exception of a small area on the south-western edge of the data centre, where the eaves would be in a parameter zone for built form up to 8m.

9.6 At either end of the data centre (to the south-east and north-west) lie enclosed flue towers of 16.5m in height, a total of four flues are proposed. There will also be the provision of a re-aligned route for the footpath (public right of way), flanking the south-eastern boundary, including shrub and high-level columnar tree planting. A service yard to the rear, including a sub-station, 4.5m timber acoustic fencing along the south-western boundary, alongside retained and, in parts reinforced vegetation and an access route along the north-western boundary, linking with the Bath Road service road, to the north-west of 227 Bath Road is proposed.

- 9.7 Townscape is made up of buildings, structures and spaces. It is the combination of these elements, their character and how they relate to each other that give the townscape an identity. The application is accompanied by a Townscape and Visual Impact Assessment (TVIA), this has identified three principal areas of townscape character in the vicinity of the site, summarised below:
- A4 corridor and Slough Trading Estate (STE) to the north: characterised principally by a mature landscape framework including canopy trees; a grid of access roads; and substantial built form, notably in the form of rear-of-plot data centre buildings and prestigious office headquarters buildings.
  - Mixed-use to the south-west of the A4: characterised principally by a lack of the well-established and maintained landscape structure evident in the STE, substantial built forms, including a variety of uses and scales; extensive car parking and utilitarian boundary features to the residential area to the south, including coniferous tree belts.
  - Residential area to the south-west of the site: characterised principally by 20th century suburban development, with varying degrees of structural landscaping and tranquillity, both of which are lacking on the edge of this area nearest to the mixed-use development south of the A4.

9.8 The TVIA assessed a number of key townscape and visual opportunities and constraints to guide the design of the development and mitigate from the baseline analysis. An outcome was to provide a positive built form of the data centre on the street scene and to harmonise the building frontage with the wider character of the office premises within the estate.

9.9 Furthermore, given the proximity of the residential occupiers at Avebury and Fotheringay Gardens and future occupier's of No. 227 Bath Road, the design of any requisite security and acoustic fencing should be sensitive, to provide enhanced visual amenity over the existing situation. It must be acknowledged that although screening along the residential boundary is proposed along the rear of the site, these trees will lose their leaves in the winter months and there will be through views of the proposed development given it's scale and bulk. Notwithstanding, further trees have been requested to fill some of the gaps along the southern boundary of the site to help break the views of the proposed development when viewed from the residential dwellings. An amended drawing has been submitted which now includes a further tree to fill the gap between the existing conifers and this is welcomed to help screen the development from the views of the occupiers at Avebury and Fotheringay Gardens.

9.10 A landscaped buffer is also proposed between the data centre and No. 227 Bath Road, including multi-layered planting of native species shrubs, columnar canopy trees and ivy climbers on a framework extending up the façade of the building. This form of greenery adds visual interest to the building in terms of outlook and helps to break the overall bulk and mass of the building. In addition, with respect to residential properties located on Fotheringay Gardens, Dunster Gardens, Avebury and No. 227, the Townscape and Visual Impact Assessment states that:

*'the design of the rear façade of the building, which would be visible in partial views from near distances and glimpsed views across the wider townscape; and the façade to the new residential use of 227 Bath Road, should employ use of textural and colour variation, potentially in banded or random panelled arrangement of increasingly recessive colour, moving up the building. The objectives are to minimise the perception of the jump in vertical scale and perception of horizontal massing in near-*

*distance views and, in views across wider townscape, readily assimilate the proposed built form with the existing skyline of substantial built form and diminish its perceived mass.*

9.11

It further goes to state that the ‘*use multi-layered and vertically-structured vegetation to further diminish the perceived horizontal and vertical massing in views from 227 Bath Road.*’

9.12

Full details of the elevations and appearance of the building have been provided. The architectural style proposed for the data centre uses graded banding of increasingly recessive colours, moving up the building. The ancillary offices facing onto Bath Road will be broken up with windows that will provide a more interesting and active façade onto Bath Road, in keeping with its surroundings.

9.13

The development would be set back a minimum of 40 metres from the Bath Road frontage where the proposed trees will help to soften and break up the scale of the development. A detailed landscaping strategy has been provided and it is considered that this greenery will take away the harshness of the proposed bulk and mass of the building.

9.14

Overall the design and appearance of the development is considered to be in keeping with other modern industrial buildings found elsewhere within the area and with the ancillary offices providing a high quality frontage to Bath Road which would in turn attribute positively to the appearance of the site.

10.0

#### **The impact on amenity of neighbouring occupiers and future occupiers of the development**

10.1

In comparison to the previous scheme outline application and the pre-application advice given relating to the current proposals, there have been several amendments to the design to reduce impacts upon nearby residential properties, in particular, the two storey low rise block of flats at Fotheringay Gardens and two storey dwellings at Dunster Gardens and at Avebury, as well as the future occupiers at No. 227 Bath Road. During the pre-application meetings, Officers have raised concerns relating to the massing, height and bulk of the built form given its overall size, as such the building has been reduced in height by lowering the structural slab level (resulting in a corresponding lowering of the ground level), reducing the space needed for services at each floor level and using a more efficient structural frame. As such, the proposed height represents the lowest height it can be without compromising the functionality of the building.

10.2

With regard to the residential properties towards the rear of the application site, in particular Avebury, Dunster Gardens and Fotheringay Gardens, these benefit from existing screening from conifers along the southern boundary. The existing planting along the southern boundary will be enhanced with a coppice mix to further screen the proposed development. In addition, the acoustic fencing of 4.5m in height along the southern boundary will also provide screening from the proposed development.

The separation distances of the boundaries of the closest residential properties to the rear elevation of the proposed building is as follows:

- 21m to the rear wing elevation of No. 227 Bath Road;
- 25m to No. 58 Avebury;
- 39m to No's. 73 and 75 Fotheringay Gardens;
- 46m to No's. 70 and 72 Fotheringay Gardens;

- 47m to No's. 48 to 68 Fotheringay Gardens; and
- 46m to No's 16 to 30 Fotheringay Gardens.

It is considered that the separation distances as listed above are acceptable so would not result in a detrimental harm to the living conditions of the existing and future occupiers in terms of outlook and overlooking. Given the siting of the proposed offices and relationship with No. 227 Bath Road, there will not be any potential direct overlooking. In terms of the offices and the elevation drawings submitted demonstrate that the proposed height is lower than the previous Sara Lee building, although it must be noted that the footprint is larger. Where the proposed building is closest to No. 58 Avebury (distance of 25m), this element houses the generators which is single storey in nature and measures 7m in height. Furthermore, it should be acknowledged that the properties located on Avebury are at an oblique angle to the application site which means that the building will not be particularly visible in outlook from within the houses and when in the rear gardens it is considered that there would not be any unacceptable impacts given the separation distances. Furthermore, the CGIs in the TVIA illustrate that the proposed development will be significantly screened from residential properties to the south. The screening alone would not make the development acceptable, it is considered that as a result of the separation distances of the proposed development to neighbouring dwellings and the proposed height of the development, no objection is raised to residential amenity.

- 10.3 In terms of sunlight and daylight, the applicant has provided a technical report based on British Research Establishment guidance, which has assessed the level of light that can reach the inside of the proposed flats at No. 227 Bath Road. It should be noted that the prior approval application to change the offices at No. 227 Bath Road to residential development has not yet been implemented but nevertheless represents a material consideration. The findings indicate that the proposed development would have a minor impact adverse on the quantity of daylight entering the affected windows of 227 Bath Road. It concludes that there will be a minimal impact in terms of a loss of light for future residents at 227 Bath Road. Further to the Sunlight and Daylight Assessment, the proposed building complies with the 25° angle projections in BR209 BRE Digest. The submitted Daylight and Sunlight Assessment results indicate that the majority of windows meet the recommended annual and winter probable sunlight hours in both the baseline condition and with the proposed development. With the proposed development in place, there is an increase in Probable Sunlight Hours for the windows at the eastern end of the building. This is due to the removal of an existing building to the east of the site in the proposed scheme. There are three windows that do not achieve the recommended values with the proposed development. These windows are overshadowed by the external fire escape staircase, a situation that exists irrespective of the proposed development for two of the windows, and is made slightly worse by the proposed development for one of the windows.
- 10.4 In terms of the visual impact to No. 227 Bath Road, the scheme incorporates landscaping along the northern elevation of the proposed building including ivy that will grow up the building on supporting structures and new trees Fagus (Beech) that will be planted in between the ivy screen panels. The species have been chosen to ensure they can be established and maintained adequately over the lifetime of the development. The elevational treatment and proposed landscaping will work in combination to break up the perceived massing and scale of the building, as well as adding visual interest.
- 10.5 The submitted TVIA has assessed the potential impact upon neighbouring properties which identifies that, on balance, there would be adverse effects on the views from the residential use of 227 Bath Road due to the size of the proposed building. At present

there is no screening/landscaping which softens views from the neighbouring properties. This impact would be reduced over a ten year as a result of the ongoing establishment of the proposed multi-layered and vertically structured vegetation on the north-eastern façade of the data centre. It should be noted that the change of use of No. 227 to residential was via a Prior Approval scheme and therefore took no account of potential redevelopment of the adjoining site or the potential impacts on living conditions. The application site itself has been designated to provide employment uses, and any redevelopment of the site would inevitably introduce a change. Notwithstanding this, the change of outlook to the future occupiers of no. 227 is limited by the separation distance of 21m and further mitigation in the form of the proposed planting screen to help ensure an acceptable impact on outlook.

10.6 In light of the above, it is considered that the development complies with Core Strategy Policy 8 and paragraph 17 (Core Planning Principle 4) of the NPPF.

#### 11.0 **The impact on highway safety and convenience**

11.1 The National Planning Policy Framework states that planning should seek to development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 32 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

Core Policy 7 of the Core Strategy states that there should be no increase in car parking numbers permitted within commercial redevelopment schemes. Policy EMP2 (Criteria for Business Developments) of the Local Plan states that:

*"Proposals for business developments will only be permitted if they comply with all of the following criteria:*

*c) the proposed development can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem;*

*d) appropriate servicing and lorry parking is provided within the site;*

*e) appropriate contributions are made to the implementation of any off-site highway works that are required and towards other transport improvements such as pedestrian and cycle facilities, that are needed in order to maintain accessibility to the development without increasing traffic congestion in the vicinity or in the transport corridors serving the site".*

11.2 The main access into the site will be via the Service Road, off Bath Road and there will be the provision of 51 car parking spaces with two of these spaces allocated as disabled and 6 spaces with electrical charging infrastructure. There will also be 12 covered cycle parking spaces provided on-site. Another shared access road is also proposed to allow circulation and emergency access to the proposed sub-station at the rear of the site. A neighbour objection has been received with respect to the use of the rear service area, the agents have confirmed that this access is only required for maintenance of the site and an appropriate condition has been attached accordingly.

11.3 The application has been assessed by the Local Highway Authority and no objection

has been raised subject to conditions and securing mitigation via a s106 Agreement.

## 12.0 **The impact on air quality and noise**

### *Air Quality*

12.1 An Air Quality Assessment, dated May 2018 has been prepared by Peter Brett Associates which describes the existing air quality, assesses the impact of construction and operational activities on air quality in the surrounding area and considers the suitability of the site for the proposed development.

12.2 It should be noted that the application site is not situated within an Air Quality Management Area (AQMA).

12.3 The Air Quality Assessment identifies the main air quality impacts are likely to be associated with the testing and emergency use of the back-up diesel generators. For the testing of the diesel generators, there are no predicted breaches of the annual NO<sub>2</sub> objectives. An Emergency Generator Testing Statement has been submitted which sets out the frequency of use, testing regime and management. Overall the total hours of testing per generator will be 19 hours per year and the total hours of 4 generators coincidentally operating will be 6 hours per year, this has been conditioned accordingly. The Air Quality Assessment has been assessed by the Council's Environmental Quality Officer and the air quality impacts from the developments diesel generators will not detrimentally harm the neighbouring residential and school amenities and the application should not be refused on air quality grounds.

12.4 The proposals are considered to accord with Core Strategy Policy 8 and paragraph 109 of the NPPF.

### 12.5 *Noise*

12.6 A Noise Impact Assessment (April 2018) has been prepared by The Equus Partnership that determines the existing noise climate of the site and assesses the potential noise impact of the proposed development on the nearest sensitive receptors, namely at Dunster Gardens, Fotheringay Gardens, Avebury and No. 227 Bath Road. Further information was requested by Officers to assess the impact of the proposed development and a Technical Note was issued to the Council. This has been assessed by the Council's Environmental Quality Officer and it has been concluded that noise impact from the developments generators and chillers will not detrimentally harm the neighbouring residential and school amenities and the application should not be refused on noise grounds. A neighbour representation has also objected on noise grounds, the Noise Impact Assessment and the strategy for testing the generators will be conditioned to ensure that the amenities of the residential properties are protected.

## 13.0 **Landscaping, Aspro Alley improvements and safety**

13.1 The submitted Arboricultural Survey assessed all the existing trees within and adjoining the site, the quality and value of tree stock have been disseminated in accordance with BS 5837 '*Trees in relation to design, demolition and construction*' recommendations 2012, '*Cascade chart for tree quality assessment*'. The grading system can be summarised below:

- A Grade** – trees of high quality and value with a life expectancy of more than 40 years  
**B Grade** – trees of moderate quality and value, with a life expectancy of more than 20 years  
**C Grade** – trees of low quality and value, with a life expectancy of more than 10 years  
**U Grade** – trees for removal, with a life expectancy of less than 10 years

The majority of the trees on and adjacent to Site B have been classified in qualitative terms as Category B (34 no. on Site and 21 no. offsite) and Category C (6 no. on site and 16 no. offsite).

Of the 81 individually identifiable trees/tree groups located within or directly adjacent to the Site, 2 no. Category U trees have been recommended for removal due to both poor and declining health, and 4 no. Category B trees and 1 no. Category C tree are required for removal to facilitate the development. All trees proposed to be retained will be protected during the construction of the development and this has been conditioned.

- 13.2 It is regrettable that there will be the removal of 7 trees, 5 of which are prominent and contribute to the public realm of Bath Road. However, the loss of the existing on-site trees will be mitigated through a comprehensive tree re-planting programme, which will include the planting of approximately 64 no. semi mature and advanced nursery stock trees, including 29 no. along the proposed straightened footpath/cycle way (i.e. there will be a net gain of 57 trees as a result of the development). This will comprise six different tree species to broaden the age class and diversity on site. Therefore, in the long term, the landscape proposals, which includes the planting of semi mature trees along the A4 boundary, will mitigate the loss of the trees and result in a development which will contribute positively to the character and appearance of the area.
- 13.3 There will be the straightening of 'Aspro Alley', which has been a longstanding aspiration of the Council. The straightened 'Aspro Alley' will comprise a 5 metre wide, re-aligned footway and cycleway that will run in between Sites B and C to provide significant public realm improvements. The submitted plans show that there will be high level tree planting along the footpath to add to visual amenity and the overall public realm. It is noted that there will be no passive surveillance along the footpath, although the offices will have windows which face onto this elevation and will provide a sense as you enter from Bath Road that there is some overlooking. Furthermore, a plan has been submitted which shows that there will be three CCTV cameras located along the footpath to ensure that it is safe and secure. The CCTV will be operated by 'Business Watch', which is equipped with the latest CCTV monitoring and recording equipment, and is staffed 24 hours a day, 365 days a year by experienced Security Industry Authority, this has been conditioned.
- 13.4 Paragraph 69 of the NPPF requires planning decisions to promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. These objectives are consistent with Core Strategy policies 8 and 12, and Local Plan Policy EN5.
- 14.0 **Surface water drainage**
- 14.1 A Ministerial Statement from December 2014 confirms the Government's commitment to protecting people from flood risk. This Statement was as a result of an independent review into the causes of the 2007 flood which concluded that sustainable drainage

systems (SuDS) were an effective way to reduce the risk of 'flash flooding'. Such flooding occurs when rainwater rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface. Both Core Strategy Policy 8 and paragraph 103 of the NPPF requires developments to not increase flood risk.

- 14.2 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development.
- 14.3 The agent has submitted a Flood Risk Assessment (FRA). The FRA states that there will be the installation of two soakaways which will restrict the peak runoff, thus significantly reducing the volume of runoff and there will be no runoff for a 5mm rainfall event. The Local Lead Flood Authority has been consulted and comments are awaited. Any comments received will be reported through the Amendment Sheet.

15.0 **Sustainable design and construction**

- 15.1 The Council's current Core Strategy Policy 8 combined with the Developers Guide Part 2 and 4 requires both renewable energy generation on site and BREEAM for new developments.
- 15.2 The applicant will provide an air tight building to meet with Building Regulations. The building will achieve a BREEAM 'Very Good' rating which has been conditioned. With regard to carbon emissions, the Energy Statement, dated May 2018 confirms that the site is targeting a 10.75% reduction in the overall carbon emissions from the development. This will be achieved via some building efficiency, such as LED lighting and Lighting controls that have a presence detection. The Developer's Guide states that major developments must include renewable or low carbon energy equivalent to 10% of the developments carbon emissions, this has been complied with it has been conditioned accordingly.

16.0 **Section 106 Requirements**

- 16.1 Core Policy 10 of the Core Strategy states that development will only be allowed where there is sufficient existing, planned or committed infrastructure. All new infrastructure must be sustainable. Where existing infrastructure is insufficient to serve the needs of new development, the developer will be required to supply all reasonable and necessary on-site and off-site infrastructure improvements.
- 16.2 The developer has indicated that they are willing to enter into a Section 106 Agreement and a draft Heads of Terms has been submitted as part of the application. This includes the following:
- 1) Implementation of the straightening of Aspro Alley to provide a 5 metre wide re-aligned footway/cycleway that will run between Site B and C. The existing 'dog-leg' path around Site C will closed off when the realigned footway becomes operational and this land will be dedicated back to SEGRO to compensate for the land required to straighten the route.
  - 2) The provision of 6 electric vehicle charging points.
  - 3) Clause relating to Euro VI vehicles passing through the AQMA.
  - 4) Section 278 Agreement obligation for the satisfactory implementation of the works to accesses and southern service road.

- 16.3 Based on the information assessed to date, such obligations would be considered to comply with Regulation 122 of The Community Infrastructure Levy Regulations 2010 in that the obligations are considered to be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

## 17.0 **Planning Conclusion**

- 17.1 It is considered that the parameters at the outline stage fully considered the scale and form of development that would be acceptable on the site and the proposed development broadly follows the parameters set at the outline stage.

The proposal redevelops an allocated and vacant employment site, improves a recognised poor quality footpath and introduces a new planting scheme that will contribute positively to the appearance of the site and the surrounding area generally.

The moderate impact on the private views of a small number of local residents is not considered to have a significant detrimental impact on the amenities of residents given the separation distances, and there will be positive benefits for adjoining properties due to the landscaping strategy and footpath improvements.

Approval is recommended accordingly.

## 18.0 **PART C: RECOMMENDATION**

- 18.1 Having considered the relevant policies set out below, and comments that have been received from consultees and neighbouring occupiers, and all other relevant material considerations it is recommended the application be delegated to the Planning Manager: 1) for approval subject to: no substantive new planning comments being received on the close of the consultation period, no objection being raised on surface water grounds, the satisfactory completion of a s106 agreement, finalising conditions, and any other minor changes 2) refuse the application if a satisfactory s106 Agreement is not completed by 1<sup>st</sup> December 2018, unless a longer period is agreed by the Planning Manager.

## 19.0 **PART D: LIST OF CONDITIONS AND INFORMATIVES**

- 19.1 Please note that this is not the final list of conditions and amendments may be made prior to planning permission being granted.

### **1. Time limit**

The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

### **2. Approved Plan**

The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- (a) Site Location Plan, Drawing No. 4590-PL-001, Dated 13/02/18, Recd On 21/05/2018
- (b) Site Plan, Drawing No. 4590-PL-002 Rev A, Dated 15/06/18, Recd On 18/07/2018
- (c) Ground Floor Plan, Drawing No. 4590-PL-010, Dated 01/12/17, Recd On 21/05/2018
- (d) First Floor Plan, Drawing No. 4590-PL-011, Dated 01/12/17, Recd On 21/05/2018
- (e) Elevation, Drawing No. 4590-PL-020, Dated 01/12/2017, Recd On 21/05/2018
- (f) Elevation, Drawing No.4590-PL-021, Dated 19/03/18, Recd On 07/06/18
- (g) Drawing No.4285-PL-032, Dated 14/06/18, Recd On 18/07/2018
- (h) Drawing No. 4590-PL-043, Dated 17/04/18, Recd On 21/05/2018

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 Local Plan for Slough, 2004.

### **3. Details of external materials**

Samples of external materials to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before the scheme is commenced on site and the development shall be carried out in accordance with the details approved.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of the Adopted Local Development Framework Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EN1 of the Adopted Local Plan for Slough, 2004.

### **4. Details of surfaces**

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

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of the Adopted Local Development Framework Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EN1 of the Adopted Local Plan for Slough, 2004.

### **5. Maximum floor space**

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended) (or any order revoking and re-enacting that Order and the Town and Planning Act 1990) the total gross internal floor space of the building hereby permitted shall not exceed 17,446.6sqm (comprising of offices ground to first floor and data hall ground and mezzanine) and no extension or alteration either external or internal, including the provision of an increase in floor space of the

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 onsite parking.

#### **6. Limit on ancillary office space**

Ancillary office space shall not cover more than 2,211sqm total gross internal floor space and only used in-conjunction with the use of the Data Centre hereby approved 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 Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EMP9 of the Adopted Local Plan for Slough, 2004.

#### **7. Removal of Permitted Development**

Notwithstanding the provisions of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order), the building shall only be used for purposes of a data centre (sui generis Use) of the Town and Country Planning (Use Classes) Order 1987 (and in any provision equivalent to the Class in any statutory instrument revoking or re-enacting that order) and for no other purpose. sui generis sui generis

REASON In the interests of ensuring that there is no loss of the defined Existing Business Areas to non-employment generating uses and to protect the amenities of the neighbouring residents from noise and disturbance. To also prevent the intensification of the site of highways in terms of parking numbers, car parking layout and vehicle movements associated with the use. This is in accordance with Core Policies 5, 7 and 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

#### **8. Renewable and low carbon energy**

At least a 10% reduction in regulated energy carbon emissions from the new build area of the development shall be secured from renewable and low carbon technologies, in accordance with submitted Energy Strategy, prepared by Watkins Payne, dated September 2014. The approved details shall be implemented in accordance with the Energy Strategy and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON In order to comply with the requirements of Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

#### **9. BREEAM 'Very Good' Rating**

Evidence confirming that the development achieves a BREEAM New Construction rating of no less than 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority. The evidence required shall be provided in the form of a post construction assessment, conducted by an accredited Assessor and supported by relevant BRE accreditation certificate, shall be submitted within 6 months following the

first occupation of the development.

REASON In order to comply with the requirements of Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

### **10. Refuse**

Prior to the first occupation of the development hereby approved, details of refuse storage, refuse collection and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and made available for use prior to the development hereby approved first being brought into use.

REASON To ensure that adequate onsite servicing can take place and in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

### **11. Delivery Vehicles**

All loading and unloading of delivery vehicles shall only take place within the boundary of the site. No vehicles for delivery purposes may arrive, depart, be loaded or unloaded except between the hours of 08:00 and 19:00 Mondays to Saturdays and at no times on Sundays and Public/Bank Holidays.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway in accordance with Policy T2 of The Local Plan for Slough 2004.

### **12. Cycle parking**

Prior to first occupation, details of 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 Local Plan for Slough 2004, and to meet the objectives of the Slough Integrated Transport Strategy.

### **13. Pedestrian Visibility Splays**

No part of the development shall be occupied until the pedestrian visibility splays of 2.4 x 2.4 metres (measured from the back of footway) have been provided on both sides of the new vehicular access points and the area contained within the splays shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

REASON To provide adequate intervisibility 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 Core Policy 7 of the Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

#### **14. External storage**

No goods, materials or plant shall be deposited or stored outside the building except for temporary periods during loading/unloading of delivery vehicles.

REASON To safeguard the visual amenities of the area and residential amenities of neighbouring occupiers, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004 and Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008.

#### **15. Drainage**

The surface water control measures shall be carried out in accordance with the Flood Risk Assessment by John Tooke and Partners (Report Ref. No. ED046, Dated 08/05/2018) and retained thereafter. The drainage system shall be managed and maintained for the lifetime of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that surface water discharge from the site is satisfactory and shall not prejudice the existing sewerage systems in accordance with Policy 8 of the adopted Core Strategy 2006 - 2026.

#### **16. Boundary Treatment**

Prior to first occupation of the development hereby approved, details of the proposed boundary treatment including position, external appearance, height and materials shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the details approved prior to the first occupation of the development 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.

#### **17. Landscaping**

The landscaping shall be carried out in accordance with:

(a) Drawing No's. 1431-01 Sht.1 Rev D, 1431-02 Sht. 1 Rev E, 1431-02 Sht.2 Rev E, Dated 24/06/2018, Recd On 18/07/2018

The trees and shrubs to be retained and/or removed and the type, density, position and planting heights, along with staking/guying, mulching, feeding, watering and soil quality, of new trees and shrubs, and details of hardsurfaces which shall include compliance with the surface water drainage mitigation as approved under condition 15 of this planning permission.

The approved scheme of soft landscaping shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and

size as agreed in the landscaping tree planting scheme by the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and accordance with Policy EN3 of The Adopted Local Plan for Slough 2004, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

### **18. External Lighting**

Construction of the development above damp proof course level shall not commence until details of a lighting scheme (to include the location, nature and levels of illumination) has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal. The external lighting shall be provided in accordance with these details prior to the first occupation of the development and shall be retained at all times in the future for this purpose.

REASON So as not to prejudice the visual amenity of the locality in accordance with Core Policy 8 of the Adopted Local Development Framework Core Strategy 2006-2026, Development Plan Document, December 2008 and Policy EN1 of the Adopted Local Plan for Slough, 2004.

### **19. Construction Management Plan**

The construction shall be carried out in accordance with the Construction Management Plan, Revision C, prepared by Kier, Dated 25/06/2018, Received on 19/07/2018.

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

REASON To protect the residential amenity and 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 Adopted Local Development Framework, Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

### **20. Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy (LPA)**

Development works shall not commence until a quantitative risk assessment has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the Local Planning Authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the Local Planning Authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to,

details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.

REASON: To ensure that potential risks from land contamination are adequately assessed and remediation works are adequately carried out, to safeguard the environment and to ensure that the development is suitable for the proposed use and in accordance with Policy 8 of the Adopted Local Development Framework, Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

#### **21. Remediation Validation (LPA)**

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full validation report for the purposes of human health protection has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

REASON: To ensure that remediation work is adequately validated and recorded, in the interest of safeguarding public health and in accordance with Policy 8 of the Adopted Local Development Framework, Core Strategy 2006 – 2026 (Development Plan Document, December 2008).

#### **22. Acoustic fence**

Details of the acoustic fencing (including the siting, materials, colour) shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall be erected prior to occupation of the proposed development and shall be maintained in perpetuity thereafter.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

#### **23. CCTV**

Prior to first use of the site, the CCTV shall be implemented in accordance with the Cover Letter, Ref 28456/A3/JE/BT/sw, Dated 04/07/2018 and Drawing No. 4590-PL-007 Rev P2, Dated 21/06/18 and retained operational thereafter.

REASON To reflect the permitted CCTV locations in the Adopted Simplified Planning Zone, November 2004. To ensure the public's safety throughout all stages of the development in accordance with Core Policy 12 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

#### **24. Thames Water**

The development shall not be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or – an infrastructure phasing plan has been agreed with Thames Water. Where a infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

REASON The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

#### **25. Berkshire Archaeology**

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological works, which may comprise more than one phase of investigation, in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

REASON The site lies within an area of archaeological potential, specifically within an area of prehistoric and Roman potential. A programme of archaeological work is required to mitigate the impacts of development and to record any surviving remains so as to advance our understanding of their significance in accordance with Paragraph 141 of the NPPF and local plan policy.

#### **26. Environment Agency**

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

1. A preliminary risk assessment which has identified:

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

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

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

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

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

REASON To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

#### **27. Environment Agency**

Prior to any part of the proposed development being brought into use a verification report demonstrating the completion of works set out in the approved remediation

strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

**28. Environment Agency**

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

REASON To ensure that the proposed potential piling does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework

**29. Environment Agency**

No infiltration of surface water drainage into the ground at 225 Bath Road, Slough SL1 4AA is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilized contaminants in line with paragraph 109 of the National Planning Policy Framework.

**30. Noise Impact Assessment & Generator Testing**

The proposed building shall not be occupied until its noise mitigation measures as set out in the Noise Assessment Report (Dated April 2018), Technical Note 001 (Dated 29/06/2018) produced by The Equus Partnership and the Generator Testing Regim, prepared by J Dunton Associates have been installed in accordance with the approved details. The testing of the generator system shall only be carried out between the hours of 07:00 – 09:00 and 15:00 – 18:00 and at no times on a Saturday, Sunday or Bank Holidays. The approved mitigation measures shall be retained thereafter.

REASON To protect local residents and the school from nuisance caused by excessive noise and poor air quality in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008, and the National Planning Policy Framework.

**31. Tree Protection**

No development shall commence until the tree protection measures detailed in the submitted Arboricultural Impact Assessment, Rev A prepared by Viewpoint Associates LLP, Dated 01/05/18 have been implemented, in accordance with the recommendations set out in BS 5837:2012 – Trees in relation to design, demolition and construction. Recommendations. These measures shall be implemented prior to works beginning on site, and shall be provided and maintained during the period of

construction works.

REASON To ensure the satisfactory protection of trees to be retained in the interest of visual amenity and to meet the objectives of Policy EN3 of The Local Plan for Slough 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the National Planning Policy Framework.

### **32. No windows**

Notwithstanding The Town & Country Planning Act 1990 (as amended), no window(s), other than hereby approved, shall be formed in any of the elevations.

REASON To minimise any loss of privacy to occupiers of residential properties, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

#### Informative(s):

1. The applicant will need to apply to the Council's Local Land Charges on 01753 875039 or email to [0350SN&N@slough.gov.uk](mailto:0350SN&N@slough.gov.uk) for street naming and/or numbering of the unit/s.
2. 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. In order to comply with this condition, the developer is required to submit a longitudinal detailed drawing indicating the location of the highway boundary.
3. 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.
4. 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.
5. 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.
6. Prior to commencing works the applicant will need to enter into a Section 278 Agreement of the Highways Act 1980 with Slough Borough Council for the implementation of the works in the highway works schedule. The applicant should be made aware that commuted sums will be payable under this agreement for any requirements that burden the highway authority with additional future maintenance costs.
7. Thames Water

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Should you require further information please contact Thames Water.

Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

The developer can request information to support the discharge of Thames Water condition by visiting the Thames Water website

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development>. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

## 8. Cadent

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

## 9. Environment Agency

### *Remediation Strategy*

The site is underlain with Langley Silt (Unproductive stratum) over Taplow Gravel Formation (Principal Aquifer) over the Lambeth Group Clay (Secondary A Aquifer) over the Newhaven and Seaford Chalk Formations (Principal

Aquifer). We need to protect these aquifers from any potential contamination (which may be in the soils as a result of previously contaminative uses of the site) and which could be mobilized during construction or the use of piling.

We have reviewed the 'Environ Phase II Environmental Site Investigation dated April 2014 for 225 Bath Road, Slough' submitted with this application. Total Petroleum Hydrocarbons (TPH) and Polycyclic Aromatic Hydrocarbons (PAH) impact has been measured in groundwater below this site in both shallow and the deeper groundwater. Whilst the geology under this site is Langley Silt the contamination has been identified in the gravel deposits. A partial basement was associated with the previous use, and we need to know if the basement penetrated through the Langley Silt removing any protection that this Brick Earth may have afforded to the underlying Principal Aquifer (Gravel).

This report states that the underlying clay of the Lambeth Group (likely to be present to approximately 25m bgl) is expected to act as a barrier to downwards migration (of contaminants) to the Chalk aquifer. However, a feature of the Lambeth Group is that it often contains sandy lenses that can act as preferential pathways for contamination to reach the Chalk at depth. Indeed these sandy lenses have been identified in the Drillers' log for borehole BH2. We therefore do not agree that the risk to controlled waters (Principal Aquifer in the Chalk) is low. We note that the report does not address the risk of the contamination under this site to the Taplow Gravel Aquifer (Principal Aquifer) as a receptor.

The report also considers that the shallow groundwater in the River Terrace deposits is unlikely to be continuous with surface water features in the locality, therefore the risks to surface water are considered to be low. We struggle with this concept, considering that the surface water features in this area are likely to be base fed by the gravels. Only two wells on the southern and eastern boundary (WS1 and WS2) were used to infer groundwater flow in the superficial deposits. However, the Drillers' Log for Window Sampler hole WS2 – a 1.4 m deep well - shows that the response zone is mostly through made ground with only 0.33 m of gravels being monitored at the bottom of this well. Therefore additional site investigation is required to determine the groundwater flow direction in the gravels and groundwater wells should be constructed to have response zones within the aquifers of concern. We would expect to see results of groundwater quality monitoring that should include chlorinated solvents.

#### *Piling*

This site is underlain with Langley Silt (Unproductive stratum) over Taplow Gravel Formation (Principal Aquifer) over the Lambeth Group (Secondary A Aquifer) over the Newhaven and Seaford Chalk Formations (Principal Aquifer). We need to protect these aquifers from any potential contamination (which may be in the soils as a result of previously contaminative uses of the site) and which could be mobilized during construction or the use of piling. We will need to see the results of the additional site investigation before we can comment on any proposed foundation design.

#### *Infiltration of Surface Water Drainage*

This site is underlain with Langley Silt (Unproductive stratum) over Taplow Gravel Formation (Principal Aquifer) over the Lambeth Group (Secondary A Aquifer) over the Newhaven and Seaford Chalk Formations (Principal Aquifer). In order to protect these aquifers from mobilisation of contamination due to the

use of soakaways, we need to know the contaminative status of this parcel of land. We need to see the results of the additional site investigation.

10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.