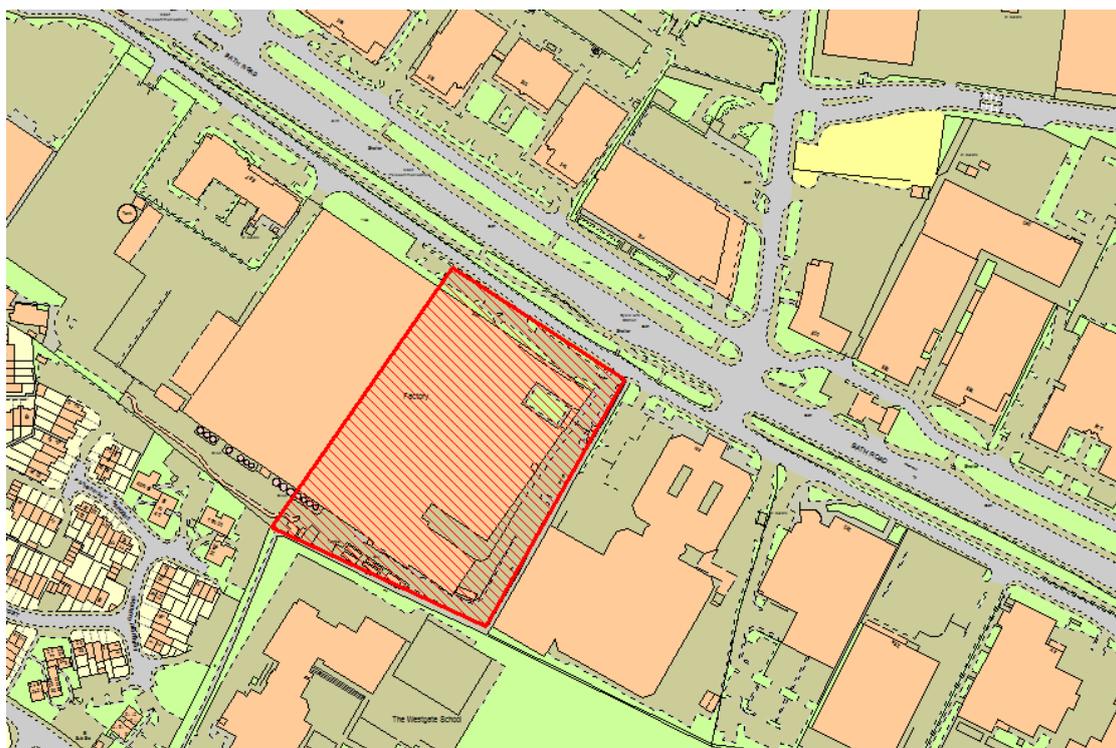


Registration Date:	15-Feb-2019	Application No:	P/00730/091
Officer:	Michael Scott	Ward:	Cippenham Green
Applicant:	N/A, SEGRO (225 Bath Road) Limited	Application Type:	Major
		13 Week Date:	17 May 2019
Agent:	Benjamin Taylor, Barton Willmore 9 <sup>th</sup> Floor, Bank House, 8 Cherry Street, Birmingham, B2 5AL		
Location:	Land Adjacent to, 225 Bath Road, Cippenham, Slough, Berkshire		
Proposal:	Redevelopment of the site comprising the construction of a Data Centre (Sui Generis), including ancillary offices, emergency generators and flues, vehicle and cycle parking, drainage infrastructure, boundary treatments, landscaping and other ancillary works.		

**Recommendation:** Delegate approval to the Planning Manager for approval subject to completion of a satisfactory S106 Agreement and conditions as set out in 1.1 below.



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: 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 3<sup>rd</sup> December 2019, unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee

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 metres 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 (sui generis) including ancillary offices, emergency generators and flues, vehicle and cycle parking, drainage infrastructure, boundary treatments, landscaping and other ancillary works. The red line includes a 5m zone on the western edge of the site to enable the straightening the public footpath – Aspro Alley - that currently runs along the southern edge and then the eastern side of the site.

2.2 The plans that have been submitted show that the proposed data centre, including the two-storey offices to the Bath Road frontage would have a footprint of approximately 65m by 96m with the long axis running north-south adjacent to the re-aligned public footpath. The height of the building would broadly match that approved on site B; namely, a height of 16.6m to the ridge and 13.6m to the eaves, with a 1.1m overhanging eaves to the building. The ancillary offices measure 65m by 8m, with a height of 13m to the ridge. The two generator wings would lie adjoining the eastern and southern elevations - one of 40m in width (tapering to 35m to the front) by 51m in length and the other 69m in width by a maximum of 32m projecting from the rear of the main building. The open south-eastern corner of the site would accommodate a freestanding switch-room, sprinkler tank and pump house. Four flues are proposed on the eastern side and three further flues would be located to the rear serving the generators - these would be 16m 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 the erection of a 4.5m acoustic fence along the rear of the site.

- 2.3 The proposal entails a building which would sit circa 26m (at its nearest point) from the front of the site. The building has been designed to have a two storey element to the front providing ancillary office space.
- 2.4 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 47 car parking spaces with two of these spaces allocated as disabled and four spaces with electrical charging infrastructure. There will also be 12 covered cycle parking spaces provided on-site. Within the site on the east, there will be a switchroom, sprinkler house and pump house. There will also be a secondary access road provided along the footpath to allow for emergency access to the rear generators.
- 2.5 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.
- 2.6 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.
- 2.7 The site lies in the Westgate Existing Business Area and as a cleared and vacant site constitutes "brownfield" land. There are no designated heritage assets at the site. There are no Tree Preservation Orders relating to the site and it does not lie in a conservation area. The site lies in Flood Zone 1 where there is a Low Risk and no Flood Risk Assessment is required.

### 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 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. This application relates to that part of the site known as 'Site C', which entails 1.86 hectares at the eastern end of the overall site.
- 3.2 Site C 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 To the east of 'Site C' is the Community and Religious Centre at 221 Bath Road. To the west of the site is Site B. The Westgate School lies 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. On the western boundary 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.

- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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 is 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/B8 uses as well as Data Centre / Car Showroom (Sui Generis Use), associated infrastructure, car and cycle parking, drainage infrastructure, boundary treatments, landscaping and other ancillary 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 informed the detailed proposals for the maximum size and positioning of the building(s) that would follow:
- 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.
- 4.4 A detailed planning application P/00730/087 was approved 7<sup>th</sup> November 2018 for the redevelopment of the site [Sites A and B] 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.

**Neighbour Notification**

Decathlon, Unit B Westgate Retail Park, Bath Road, Slough, SL1 5PS, 2, Ivy Crescent, Slough, SL1 5DA, 13, Ivy Crescent, Slough, SL1 5DA, 28, Westgate Crescent, Slough, SL1 5BY, 9, Bramber Court, Slough, SL1 5SU, 25, Bramber Court, Slough, 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, 2, Egremont Gardens, Slough, SL1 5SW, 4, Egremont Gardens, Slough, SL1 5SW, 6, Egremont Gardens, Slough, SL1 5SW, 8, Egremont Gardens, Slough, SL1 5SW, 10, Egremont Gardens, Slough, SL1 5SW, 14, Egremont Gardens, Slough, SL1 5SW, 12, Egremont Gardens, Slough, SL1 5SW, 16, Egremont Gardens, Slough, SL1 5SW, 18, Egremont Gardens, Slough, SL1 5SW, 9, Fotheringay Gardens, Slough, SL1 5SP, 7, Fotheringay Gardens, Slough, SL1 5SP, 5, Fotheringay Gardens, Slough, SL1 5SP, 3, Fotheringay Gardens, Slough, SL1 5SP, 1, Fotheringay Gardens, Slough, SL1 5SP, 6, Fotheringay Gardens, Slough, SL1 5SR, 10, Fotheringay Gardens, Slough, SL1 5SR, 14, Fotheringay Gardens, Slough, SL1 5SR, 8, Fotheringay Gardens, Slough, SL1 5SR, 2, Fotheringay Gardens, Slough, SL1 5SR, 4, Fotheringay Gardens, Slough, SL1 5SR, 12, Fotheringay Gardens, Slough, SL1 5SR, 24, Fotheringay Gardens, Slough, SL1 5SR, 18, Fotheringay Gardens, Slough, SL1 5SR, 26, Fotheringay Gardens, Slough, SL1 5SR, 30, Fotheringay Gardens, Slough, SL1 5SR, 28, Fotheringay Gardens, Slough, SL1 5SR, 20, Fotheringay Gardens, Slough, SL1 5SR, 16, Fotheringay Gardens, Slough, SL1 5SR, 22, Fotheringay Gardens, Slough, SL1 5SR, 42, Fotheringay Gardens, Slough, SL1 5SR, 38, Fotheringay Gardens, Slough, SL1 5SR, 44, Fotheringay Gardens, Slough, SL1 5SR, 46, Fotheringay Gardens, Slough, SL1 5SR, 32, Fotheringay Gardens, Slough, SL1 5SR, 36, Fotheringay Gardens, Slough, SL1 5SR, 34, Fotheringay Gardens, Slough, SL1 5SR, 40, Fotheringay Gardens, Slough, SL1 5SR, 62, Fotheringay Gardens, Slough, SL1 5SR, 50, Fotheringay Gardens, Slough, SL1 5SR, 48, Fotheringay Gardens, Slough, SL1 5SR, 58, Fotheringay Gardens, Slough, SL1 5SR, 52, Fotheringay Gardens, Slough, SL1 5SR, 54, Fotheringay Gardens, Slough, SL1 5SR, 60, Fotheringay Gardens, Slough, SL1 5SR, 56, Fotheringay Gardens, Slough, SL1 5SR, 72, Fotheringay Gardens, Slough, SL1 5SR, 68, Fotheringay Gardens, Slough, SL1 5SR, 64, Fotheringay Gardens, Slough, SL1 5SR, 66, Fotheringay Gardens, Slough, SL1 5SR, 70, Fotheringay Gardens, Slough, SL1 5SR,



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, 27, 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 resident at no. 50 Avebury has been received, summarised as:

- Loss of privacy from overshadowing from land that is adjacent to my property; due to height of building, positioning and inadequate landscaping to shield building frame from home owners view, currently looking out of place and an eye sore without the appropriate landscaping of trees as indicated from correspondence at first planning stage.

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 on 27<sup>th</sup> March 2019. The application was also advertised on the 22<sup>nd</sup> April 2019 (as a 'major' development) and on the 2<sup>nd</sup> May 2019 (as 'a development affecting a Public Right of Way' editions of the Slough Express).

## 6.0 Consultations

### 6.1 Thames Water

Have set out comments with suggested condition and informatives which are included at the end of this report.

### 6.2 Lead Local Flood Authority (LLFA)

Have commented that the submission addresses their concerns and that they have no further comments.

### 6.3 Highways & Transport

Have identified some detailed amendments to the configuration and layout of landscaping features along the frontage in order to ensure pedestrian/vehicular intra-visibility complies with standards. Revised scheme drawings awaited. No written comments received at the time of writing this report. An update will be provided on the Amendment Sheet should comments be received.

### 6.4 Land Contmination

I have previously reviewed all the reports now submitted for the above application, and the only outstanding issue is the remediation Validation Report, which needs to cover the whole site.

Please see below a summary of my previous comments on each of these reports:

#### 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.

**C. “Remediation Strategy and Verification Plan”** (Project no. 17-0300.03, dated July 2018) and prepared by Delta Simons Ltd:

- The report is acceptable for the proposed end use of the development.
- The tasks outlined in Sections 3.2.1, 3.3, 4.0, 5.0 and 10.0 should be carried out as described in order to make the site suitable for use. Once works are completed the Final Validation Plan should include details of how these tasks were carried out, in order to ensure a reduced risk to human health and the environment during development and after occupation.

Based on the above, I recommend the following the following condition is placed on the Decision Notice.

**1. Remediation Validation**

*No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the report: “**Remediation Strategy and Verification Plan**” (Project no. 17-0300.03, dated July 2018) and prepared by Delta Simons Ltd. shall be occupied until a full **Final 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 report 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 Core Strategy 2008.*

#### 6.5 Tree Officer

The site is brown field and does not have any trees of merit within the site which is confirmed by the submitted arboricultural impact assessment.

There are a number of important trees around the edge of the site on adjoining land that the tree survey has correctly included within the survey. These trees are shown on the Tree Constraints Plan 4685-PL-007.

225 Bath Road Site C Layout showing proposed trees to be retained or removed TPP 1431-05 Rev D provides sufficient details to secure the retention of trees on adjoining land for the main construction phases.

There is a risk that new fencing, CCTV and other minor aspects to this development that may affect the trees on adjoining land. Therefore, an arboricultural method statement (AMS) is needed to cover this aspect of the works. An AMS can be a condition of any approval.

Landscape:

Layout showing proposed soft landscape details for planning 1431-02 Sht 3 Rev I.

The general design and species selected are acceptable and will provide a good level of visual amenity in the local area. However the use of Lombardi poplar around the back of the site is not appropriate, it harks to the 1950/60 landscape around industrial units that in the long term did not achieve the desired amenity or screening. This approach must be reconsidered adding more textures and colours.

A revised landscape plan can be a condition of any approval.

The site has not ecological interest, the new landscape will improve this situation. However more could be achieved with green roofs, bird and bat boxes etc. as directed by an ecologist.

Ideally a 25 year landscape and ecological management plan should be secured.

#### 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 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.

6.8 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.

6.9 Environment Agency South East

Have set out comments as suggested conditions which are included at the end of this report.

6.10 Environmental Quality

Air Quality Background

Slough Borough Council (SBC) has designated 5 Air Quality Management Areas (AQMA) due to elevated concentrations of Nitrogen Dioxide (NO<sub>2</sub>, annual average), including:

- Slough Town Centre
- M4
- Tuns lane
- Brands Hill
- Bath Road

While particulate matter concentrations do not breach EU Limit Values, levels in Slough are higher than both the national and regional averages and it is estimated that 1 in 19 deaths are attributable to PM2.5 in Slough (PHE).

SBC adopted the Slough Low Emission Strategy 2018-25 on the 17<sup>th</sup> September. This application has been assessed in relation to air quality considerations in line with the Slough Low Emission Strategy Technical Report: 'Land-Use planning and Development Management' Guidance (Section 3.3). The LES Technical Report can be found on the SBC Low Emission Strategy web page - <http://www.slough.gov.uk/pests-pollution-and-food-hygiene/low-emission-strategy-2018-2025.aspx>

Where mitigation is required and refers to the 'Slough Electric Vehicle Plan' this can be found in Section 4.3 of the LES Technical Report.

The Slough Low Emission Strategy also includes a Low Emission Programme. Again, details can be found on the SBC LES web page.

Air Quality Comments

Slough Borough Council has adopted the Low Emission Strategy, therefore assessment and mitigation should be in line with this Strategy. Due to the significance of air quality impacts, Slough Borough Council reserve the right to determine scheme impact in accordance with published Low Emission Strategy, which forms part of the air quality action plan and paragraph 181 of the National Planning Policy Framework.

The scheme is considered a MAJOR development, as the development includes 16 diesel generators and 296 AADT cumulatively from Site B and Site C which will impact Tuns Lane AQMA. It is not specified within the air quality assessment how many parking spaces will be available, which may also affect AADT.

Although the modelling indicates a small increase in emissions, the development does not sustain compliance with national air quality objectives in line with paragraph

181 of the National Planning Policy Framework.

To offset the impact of this development, the following mitigation measures must be implemented:

#### *Mitigation Requirements*

- Electric vehicle re-charging infrastructure should be provided in line with table 7 of the LES Technical Report. Electric vehicle charging points should be provided for 10% of the parking spaces.
- Construction Environmental Management Plan (CEMP) shall be produced and shall include non-road mobile machinery (NRMM) controls in line with table 10 of the LES Technical Report.
- All construction vehicles shall meet a minimum Euro 6/VI Emission Standard.
- All heating systems shall meet the emission standards laid out in table 7 of the LES Technical Report.
- Generators must be connected to the gas grid if possible, and all generators must be fitted with selective catalytic reduction and particle traps.
- All commercial vehicles must operate at Clean Air Zone standards whilst the development is in operation.
- Testing of generators must be conducted outside of school hours and Site B and Site C testing must be staggered.
- Mitigation costs calculated within the air quality assessment which shall be paid to Slough Borough Council as a contribution to local air quality action plans.

#### Environmental Noise Comments

The report states that a package of noise control measures are to be installed in conjunction with the chillers and associated diesel generators. This includes:

- Acoustic enclosures with intake and discharge attenuators
- Chillers are located on steel gantries
- Engine exhausts fitted with high performance reactive attenuators
- Imperforate acoustic barrier 4.5m high along entire south-western boundaries for Site B and Site C

The noise assessment concludes that once these noise attenuation measures are implemented, noise levels from the chillers and generators, and both Site B and Site C operating simultaneously, results in noise levels below the background level. This is not the case however for emergency situations where generators could run during the night, whereby noise levels are in excess of the background noise level by 5 dB. It is stated in the report that this is very rare, occurring 18.92 seconds on average per year.

To avoid impact on surrounding receptors, testing of generators must be conducted outside of school hours and Site B and Site C testing must be staggered.

The mitigation measures outlined shall be installed on site prior to first operation of the development and shall be maintained in a usable condition at all times thereafter.

It is required that a follow up noise survey is conducted once the site is operational, to ensure that the mitigation measures are adequate and achieve the predicted results, to ensure surrounding residents are not disturbed by plant noise and to comply with policy 8 of the Core Strategy 2006 - 2026 adopted 2008, and the requirements of the National Planning Policy Framework 2019.

## 6.11 Berkshire Archaeology

The planning application was submitted alongside a trial trench report, detailing the results of an archaeological trenching exercise undertaken in September 2018. Much of the existing site has been previously basemented with a large access slope to the basement for vehicle access. A single trench was excavated in an area which may have retained some archaeological potential but it failed to identify any archaeology.

Therefore, due to the known extent of disturbance in the plot, and the lack of evidence for archaeological remains it is likely that the redevelopment of the study site would not have either a significant or widespread archaeological impact.

No further archaeological mitigation measures are recommended in this this particular instance.

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

### 7.1 **Policy Background**

#### National Planning Policy Framework (2019) and the Planning Practice Guidance

Section 2: Achieving sustainable development

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: 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

#### Slough Local Development Plan and the NPPF - PAS Self Assessment Checklist, February 2013

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 revised version of the National Planning Policy Framework (NPPF) was published on 19<sup>th</sup> February 2019.*

*Planning Officers have considered the revised NPPF which has been used together with other material planning considerations to assess this planning application.*

The NPPF states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

It should be noted that the Council published a self assessment of the Consistency of the Slough Local Development Plan with the 2012 National Planning Policy Framework using the PAS NPPF Checklist and found that it was generally in conformity. The Council will need to assess whether the changes of the revised NPPF mean that the Local Plan is still generally in conformity.

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 80 of the Framework states *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

- 8.4 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 50 direct and 44 indirect jobs. With regard to employment, the proposed development will create 68 operational jobs. 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.

- 8.5 In light of the workings of 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.

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

- 9.1 Paragraph 124 of the NPPF says: *“...Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* 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 As with the development of Sites A & B, the proposal for Site C entails a building with a large floor area, in order to accommodate the operational and functional requirements of the end user. 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 barrel-vaulted roof data hall building extending behind, 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) and correspond with the heights of the approved buildings on Sites A & B.
- 9.6 To the side and rear of the Site C building data centre (to the south-east and north-west) would be enclosed flue towers of 16m in height, a total of seven flues are proposed. A service yard to the rear, including a free-standing plant, would be enclosed by a 4.5m timber acoustic fencing along the southern boundary, alongside retained and, in parts reinforced vegetation.
- 9.7 The Town Visual Impact Assessment (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.
- 9.8 The proposals for Site C are considered to be an acceptable form and mass, as there would be a satisfactory relationship in visual terms with the scale and mass of the adjacent buildings at Site B to the west, Westgate School to the south and the Gurdwara to the east. Furthermore the scale and mass of the proposals for Site C would relate to the characteristic form of the Bath Road corridor.
- 9.9 Landscaping is a key component of integrating the proposed buildings at Site C into the setting and follows the structural planting strategy agreed for Sites A & B. Measures are included to enhance the boundary to the rear when the existing public footpath is replaced by the new direct route from the south to Bath Road to the north. Landscape works to the frontage and flanks of the site would ensure the full and satisfactory introduction of the building in this location.

- 9.10 Full details of the elevations and appearance of the building have been provided and these follow the design ethos agreed for Sites A & B. 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.
- 9.11 The development would be set back a minimum of 26 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.
- 9.12 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.
- 9.13 Based on the above factors, the proposals are considered to not be harmful to the character and appearance of the area and they would comply with Policy EN1 of the Local Plan for Slough March 2004, Core Policy 8 of The Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document, and the requirements of the NPPF 2019.

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

- 10.1 The proposals for Site C lie between: Westgate School to the rear (to the south); Site B to the west with the proposed re-aligned public footpath between these two parts of the Data Centre complex; and, the Gurdwara to the east. The frontage faces Bath Road.
- 10.2 With regard to the nearest residential properties, these are two blocks in Forthingay Gardens; namely, 2 to 14 and 16 to 30. These lie at an oblique angle to the closest part of the proposed building complex at Site C with a separation of some 45 metres (when measured from the built form – rear generator) which lies beyond the acoustic fence and tree screen. Furthermore, there would be an intervening tree screen which will be supplemented by adding trees following the taking-up of the existing public footpath to enable landscaping. In addition, the acoustic fencing of 4.5m in height along the southern boundary will also provide screening from the proposed development.
- 10.3 In the consideration of the proposals for Sites A & B, it was stated that separation distances of over 20 metres would be sufficient to avoid 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 on the Bath Road, there will not be any potential direct overlooking of adjacent neighbours. 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. It is concluded that there is no objection to the proposals for Site C in terms of impact on the amenities of the residents in the vicinity.
- 10.4 One objection has been received from the occupier of 50 Avebury – as set out above – but this property lies some 140 metres west-south-west of the nearest part of Site C. As such, it is considered that the proposed building would have no impact on their outlook and would not overshadow any part of their demise. In terms of the mitigation

to the nearest sensitive receptors, there will be a 4.5m acoustic fence and tree scene, these measures are considered to be sufficient in terms of reducing noise impact on those sensitive receptors.

10.5 In light of the above, it is considered that the development complies with Core Strategy Policy 8 and 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 109 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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 Access into Site C would be via the Service Road, off Bath Road. There would be two access points – one at the western end of the frontage, which would provide access along the entire western flank and to the rear and the eastern plant areas and the other at the eastern end of the frontage which would provide access to all the on-site parking, bin-storage, cycle storage facilities and the entrance to the ancillary offices.

11.3 There will be the provision of 47 car parking spaces with two of these spaces allocated as disabled and 5 spaces with electrical charging infrastructure. There will also be 12 covered cycle parking spaces provided on-site.

11.4 The application has been assessed by the Local Highway Authority and no objection has been raised subject to conditions and securing works under section 278 via a section 106 Agreement.

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

### *Air Quality*

- 12.1 The fundamental issue is to ensure the cumulative impact of Site C with the earlier development of Sites A & B. An Air Quality Assessment, dated September 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; and addresses the fundamental cumulative impact of the sites together.
- 12.2 It should be noted that the application site is not situated within an Air Quality Management Area (AQMA) but the inclusion of 16 diesel generators taken together with vehicular movements would have an impact on the Tuns Lane 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 would be 10 hours per year. The Air Quality Assessment has been assessed by the Council's Environmental Quality Officer and the air quality impacts from the developments diesel generators should be offset by a variety of mitigation measures (as detailed above). The developer has confirmed their acceptance of these measures which will be included in conditions and a s.106 Agreement accordingly.
- 12.4 The proposals are considered to accord with Core Strategy Policy 8 and the NPPF.

### *Noise*

- 12.5 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. Subject to the mitigation measures set out above in paragraph 6.10, there are no objections to the proposals in terms of unacceptable levels of harm to those receptors.

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

- 13.1 The proposals for Site C follow the strategy agreed for Sites A & B, which entails the mitigation of the loss of trees and landscape due to the overall planning and layout of the new structures and uses on the site, with new planting to supplement the remaining specimens which would be protected during the course of construction.
- 13.2 Approximately 64 no. semi mature and advanced nursery stock trees would be introduced, including 29 no. along the proposed straightened footpath/cycle way. There would be the loss of a single tree within the development site. This tree has been identified as having a limited life expectancy of less than 10 years. The overall benefit of the proposed tree planting would outweigh this loss.

- 13.3 A comprehensive Tree and Landscape Management Plan ensures that the proposals for Site C would harmonize with the scheme under construction on Site B and enhance the setting of the new buildings in the local scene. In response to comments by the Tree Officer, it has to be noted that as the approved selected tree species on Site B has been the Lombardy Poplar, the applicant has identified the same for Site C, and the landscaping work and tree protection measures are subject to appropriate conditions.
- 13.4 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. There will be an 8.5m separation distance from the flank wall of the proposed data centre to the footpath, this is considered to be sufficient distance to avoid the data centre appearing to enclosure or an overbearing impact on it's future users. 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.
- 13.5 Paragraph 91 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 155 of the NPPF requires Local Planning Authorities to direct development to areas of low 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 the development scheme would employ a strategy of soakaways to restrict the peak runoff, thus significantly reducing the volume of runoff. The Local Lead Flood Authority considers that the submission addresses their concerns and that they have no further comments.

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 September 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 are operable on the detection of staff. 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 be 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 5 electric vehicle charging points.
- 3) Clause relating to Euro VI vehicles passing through the AQMA.
- 4) Section 278 Agreement obligations for the satisfactory implementation of the works to accesses and southern service road.
- 5) A financial contribution of £25,241 to the implementation of the Low Emission Strategy.

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 On balance, there is strong merit in supporting a scheme that intensifies an allocated employment site, and simultaneously exploits an opportunity to improve a recognised poor quality footway. Officers are content that the proposed footway will be far more attractive to users. As such the proposal will deliver wider community / social gains and benefits. Furthermore the proposals will not have a harmful impact upon air quality, noise or upon highway safety and convenience.

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: 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 3<sup>rd</sup> December 2019, unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee.

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 unless otherwise agreed in writing by the Local Planning Authority.

- (a) Drawing No. 4685-PL-001, Dated 12/07/18, Recd On 15/02/2019
- (b) Drawing No. 4685-PL-002 Rev. C, Dated 24/05/19, Recd On 24/05/2019
- (c) Drawing No. 4685-PL-003 Rev. B, Dated 24/05/19, Recd On 24/05/2019
- (d) Drawing No. 4690-PL-004 Rev. B, Dated 24/05/19, Recd On 24/05/2019
- (e) Drawing No. 4685-PL-005, Dated 12/07/18, Recd On 15/02/2019
- (f) Drawing No. 4685-PL-006, Dated 01/12/17, Recd On 15/02/2019
- (g) Drawing No. 4685-PL-007, Dated 14/08/18, Recd On 15/02/2019
- (h) Drawing No. 4690-PL-008, Dated 17/04/18, Recd On 15/02/2019
- (i) Drawing No. 4685-PL-009 Rev. B, Dated 24/05/19, Recd On 24/05/2019
- (j) Drawing No. 4685-PL-010 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (k) Drawing No. 4685-PL-011 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (l) Drawing No. 4685-PL-020 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (m) Drawing No. 4685-PL-021, Dated 14/09/18, Recd On 15/02/2019
- (n) Drawing No. 4685-PL-022 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (o) Drawing No. 4685-PL-030 Rev. A, Dated 30/01/19, Recd On 15/02/2019

- (p) Drawing No. 4685-PL-031 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (q) Drawing No. 4685-PL-032, Dated 14/08/18, Recd On 15/02/2019
- (r) Drawing No. 4685-PL-033 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (s) Drawing No. 4685-PL-034 Rev. A, Dated 30/01/19, Recd On 15/02/2019
- (t) Drawing No. 1431-01-Sht.2 Rev. I, Dated 13/06/19, Recd On 19/06/2019
- (u) Drawing No. 1431-02-Sht.3 Rev. I, Dated 13/06/19, Recd On 19/06/2019
- (v) Drawing No. 17563/2017/SK003, Dated 17.06.2019, Recd On 19/06/2019

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.

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

The external materials to be used on the buildings hereby approved shall be carried out in accordance with:

- Drawing No. 4685-PL-022 Rev A, Dated 30/01/19, Recd On 15/02/2019

Unless otherwise agreed in writing by the Local Planning Authority.

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**

Details of external materials to be used on the external surfaces hereby approved shall be carried out in accordance with:

- Drawing No. 4685-PL-003 Rev. B, Dated 24/05/19, Recd On 24/05/2019

Unless otherwise agreed in writing by the Local Planning Authority.

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 12151.2 sq.m. (comprising of offices ground & first floor and data hall ground & 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 891.8 sq.m. 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.

REASON In the interests of ensuring that there is no loss of the defined Existing Business Areas to non-employment generating uses in accordance with Core Policy 5 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 and unregulated energy consumption or carbon emissions from the new build area of the data centre development shall be secured from energy efficient systems, in accordance with submitted Energy Strategy, prepared by Hoare Lea (Ref: REP-1520671-8-PK-20180921-Energy Statement Rev02); Dated 21 September 2018. 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 shall be 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 and servicing vehicles shall only take place within the boundary of the site. No vehicles for delivery and maintenance 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, except for in emergency situations.

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**

The cycle parking shall be provided prior to occupation in accordance with Drawing No. 4685-PL-002 Rev. C, Dated 24/05/19, Recd On 24/05/2019 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) shown on Drawing No. 17563/2017/SK003, Dated 17.06.2019, Recd On 19/06/2019 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 inter-visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access, in accordance with 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 and servicing 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. ED001, Dated 17<sup>th</sup> September 2017) and retained thereafter. The drainage system shall be managed and maintained for the lifetime of the development in accordance with the submitted details unless otherwise agreed in writing with 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, the boundary treatment shall be implemented in accordance with the following details and retained thereafter unless otherwise agreed in writing with the Local Planning Authority:

- Drawing No. 4690-PL-004 Rev. B, Dated 24/05/19, Recd On 24/05/2019

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:

- Drawing No's. 1431-01 Sht.2 Rev I, 1431-02 Sht.3 Rev I, Dated 13/06/2019, Recd On 19/06/2019

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 hard surfaces 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**

Prior to first occupation of the development hereby approved, the external lighting shall be implemented in accordance with the following details and retained thereafter unless otherwise agreed in writing by the Local Planning Authority:

Drawing No. 3103160-HL-XX-XX-GA-U-630-001 Rev P1, Dated 24/05/2019, Recd on 28/05/2019

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 B, prepared by Kier, Dated 18/04/2019, Received on 09/05/2019.

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. Remediation Validation (LPA)**

No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the report: "Remediation Strategy and Verification Plan" (Project no. 17-0300.06, dated November 2018) and prepared by Delta Simons Ltd. shall be occupied until a full Final 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 report 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).

## **21. 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.

## **22. CCTV**

Prior to first use of the site, the CCTV shall be implemented in accordance Drawing No. 44685-PL-009 Rev B, Dated 24/05/19 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.

## **23 Thames Water**

No properties shall 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 to allow additional properties to be occupied. Where an 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.

## **24 Environment Agency**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON To ensure that the development does not contribute to, and is not put at acceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with paragraph 170 of the NPPF.

## **25 Environment Agency**

Prior to any part of the development hereby approved being brought into use, a verification report demonstrating the completion of the 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 the 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 in accordance with paragraph 170 of the NPPF.

## **26 Generator Testing**

The generators shall be tested in accordance with the Generator Testing Regime, prepared by J Dunton Associates Dated 06/09/2018. The normal testing of the generator system shall only be carried out between the normal working hours of 07:00 – 18:00 and outside of school hours of 09:00-15.00 in term time and at no times on a Saturday, Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

REASON To protect local residents from nuisance caused by excessive noise 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.

## **27 Tree Protection**

No development shall commence until the tree protection measures detailed in the submitted Arboricultural Impact Assessment, Rev B prepared by Viewpoint Associates LLP, Dated 10/09/2018; Recd On 15/02/2019 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.

## **28 No windows**

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those hereby approved, shall be formed in any elevations of the development without the prior written approval of the Local Planning Authority.

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.

### 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

#### Waste Comments

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

## Water Comments

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 the following condition be added to any planning permission. No properties shall 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 to allow additional properties to be occupied. Where an 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” The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning). 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>

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/building water](https://thameswater.co.uk/building-water).

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. 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)

8. 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.