PLANNING COMMITTEE

5th July 2012

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References: 01270/G/P1 P/2012/1029

Site: Land at Ascot Road, Feltham TW14 8QH (Bedfont)

Proposal: Erection of a storage and distribution warehouse (Class

B8) with ancillary offices including associated access and

car parking

Application received 12 April 2012

1.0 SUMMARY

- 1.1 An acceptable scheme for an industrial warehouse unit has been proposed that is in accordance with policy and would not harm the surrounding area, including adjoining Green Belt.
- 1.2 The application is recommended for approval.

2.0 SITE DESCRIPTION

- 2.1 The site is 10,330sqm in size situated between the western and southwestern arms of Clockhouse Roundabout. It is bound to the north by the dual-carriageway of the A30 Staines Road, on the south by Clockhouse Lane, on the east by an Esso Petrol filling station and on the west by Ascot Road, which leads into Ascot Road industrial estate.
- 2.2 The wider surrounding area includes the 'New Square' and 'Lakeshore' office developments to the west, the Bedfont Lakes to the south and West, Ascot Road Industrial Estate to the east and extensive areas of Green Belt, including Mayfield Farm to the north on the opposing side of Staines Road. The nearest residential area to the site is on the eastern side of Clockhouse Roundabout.
- 2.3 The land that is the subject of this application is undesignated within the adopted Unitary Development Plan, although immediately adjoining the site to the east is an area of Green Belt, whilst the Ascot Road Industrial Estate to the west is a Locally Significant Industrial Site and there is further Green Belt to the south of the site. Bedfont Lakes Business Park to the east is designated as a Key Existing Office Location.

3.0 RELEVANT HISTORY

3.1 No relevant planning history

4.0 DETAILS

- 4.1 The proposal is for the erection of a storage and distribution warehouses (Class B8) with ancillary offices and associated development, including access, car parking and landscaping on land adjacent to Ascot Road, Feltham.
- 4.2 The proposed warehouse unit would provide 3,300sqm of B8 floorspace with 440sqm of ancillary office space (Conditions 3 and 4). The building would be 81m x 41.5m and 11.3m in height to the ridge. The internal space has been designed in a flexible way as the end user has not yet been identified. Six delivery loading bays would be provided on the eastern elevation. A two-storey office space would be provided at the south-east corner of the building, with male/female toilet/changing facilities and kitchenette. It is anticipated that the proposal would create approximately 40 full-time staff, although this would be dependent upon the end user.
- 4.3 The warehouse building will be finished with a profile cladding in a palette of colours ranging from dark blue through to light blue and grey/off-white. The roof would have a traditional double pitch, with 10% of the roof area incorporating poly-carb roof lights for natural daylight. The office space would have a flat, Green roof. A number of sustainability measures have been incorporated into the design, including:
 - Daylight-linked lighting controls
 - Ground Source Heat Pump (GSHP) for cooling and heating
 - High efficiency air handling plant incorporating heat recovery
 - Glazing and solar shading
 - Natural ventilation to warehouse
 - Green roof to office area
 - Rainwater harvesting
- 4.4 Access would be created from Ascot Road with a new priority controlled junction and provision of 21 visitor and staff parking spaces, including two disabled user spaces to the east of the building, with five lorry parking and delivery spaces (Condition 11 and 12). Twenty secure cycle spaces would be provided (Condition 12). A Travel Plan has been submitted in conjunction with the application. Designated refuse and recycling storage would be provided on site (Condition 7).
- 4.5 Landscaping will be provided around the site and design to screen the building and parking, provide outdoor amenity space for employees and increase biodiversity with native planting. Existing trees along the northern boundary will be retained (Conditions 8-10).



5.0 CONSULTATION

- 5.1 Neighbouring Notification 7 Neighbouring owners/occupiers were consulted on 18/04/2012. A site notice was displayed on the 19/04/2012 and a press notice on the 27/04/2012. To date no comments have been received.
- 5.2 The Environment Agency (EA) were consulted on 18/04/2012 a number of conditions have been recommended (Conditions 23-26).
- 5.3 BAA commented that they had no aerodrome safeguarding objection to the proposal, but requested that a number of conditions be included with any planning permission (Condition 22)
- 5.4 The Greater London Authority issues their Stage 1 letter on the 6 June 2012. On balance it was deemed that the application does not comply with the London Plan but that the following changes could possibly lead to the application becoming compliant:
 - Design and scale of development improvements made to the elevational treatment to add interest/justification for positioning to enhance landscaped boundary, screen the building, improve the visual appearance and increase biodiversity (7.8-7.9)
 - Sustainable development (7.10)
 - Noise a detailed Environmental Noise Assessment has been submitted
 - Employment and training obligations are to be secured by a S106 legal agreement (8.4)
 - Transport see 5.5 below for issues raised by Transport for London
- 5.5 Transport for London was consulted on 23/04/2012 No objection to the proposal was raised, although clarification on a number of matters was requested:
 - Disabled parking spaces two spaces provided (7.29)
 - Electric vehicle charging points 5 active and 3 passive (7.30)

- Cycle storage and staff facilities (7.31)
- Goods vehicles trip generation (7.33)
- Modal split assessment to ascertain extra demand on non-car bases modes of transport – (7.34)
- Travel plan (7.34)
- Provision of a pedestrian/cycle route through and to/from the site be further considered – this is to be secured through a S106 legal agreement
- Construction Logistics Plan and a Delivery & Servicing Plan required secured by condition (Conditions 21 and 22) (7.34)
- 5.6 The application was presented to the West Area Committee for comment on the 31/05/2012. The following comments were made:
 - Concerns were expressed regarding the large vehicles that would be entering the site from Clockhouse Lane, which is a narrow road – (7.32)
 - Concerns were raised regarding the accessibility of the site by public transport (7.34)
 - That plans to construct a pedestrian footbridge and cycle path on the Clockhouse Lane Bridge be re-visited given the increase in traffic that these applications would create (7.33)
 - The enforceability of timescales for construction given the failure of the developers to implement previous approvals – this would be beyond the control of the Local Planning Authority
 - The Section 106 funds could lead to longstanding improvements in employment opportunities for local residents, which was a good way to mitigate the harm caused by the developments – noted (8.4)
- 5.7 Other external consultees include the following:
 - Spelthorne Borough Council no response to date

6.0 POLICY

Determining applications for full or outline planning permission

6.1 When determining applications for planning permission, the authority is required to have regard to (a) the development plan, so far as is material, (b) any local finance considerations, so far as is material, and (c) to any other material considerations.

6.2 In addition, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework

6.3 The National Planning Policy Framework (NPPF) came into force on 27 March 2012 and has replaced national policies and guidance formerly contained in Planning Policy Statements and Planning Policy Guidance notes and some other documents. The Local Planning Authority (LPA) considers that, where pertinent, the NPPF is a material consideration and as such, it will be taken into account in decision-making as appropriate.

The Development Plan

6.4 The Development Plan for the Borough comprises the Council's Unitary Development Plan (other than those policies that are wholly inconsistent with the National Planning Policy Framework), Employment Development Plan Document, Brentford Area Action Plan and the London Plan.

The emerging Core Strategy

6.5 On 12 July 2011, the Council's Cabinet approved that the Core Strategy "Preferred Strategy" should go out to consultation. As emerging policy, the Local Planning Authority (LPA) considers that the emerging Core Strategy is capable of being a material consideration. Given that the emerging Core Strategy is still in the consultation stages, the LPA considers that in general limited weight can be given to it at this stage and that where a specific core strategy policy is engaged by an application greater weight may be attached.

7.0 PLANNING ISSUES

- 7.1 The main planning issues to consider are:
 - 1. The principle of the new employment development
 - 2. Impact of the proposal on the surrounding environment
 - 3. Transport large vehicle movements & pedestrian movements
 - 4. Sustainable principles

1. Acceptability of the proposed employment development in principle

Employment Policy

7.2 The National Planning Policy Framework (NPPF) states that new applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state (Paragraph 111) that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

- 7.3 Policy EP5 of the Council's Employment Development Plan Document (EDPD) directs new industrial/warehousing to the Borough's 'Preferred Industrial Locations', 'Industrial Business Parks', 'Locally Significant Industrial Sites', and other existing industrial sites.
- 7.4 The application site is outside of these designated industrial sites and is unallocated within the adopted Development Plan. Consequently, in accordance with Policy EP5 of the EDPD, industrial uses outside these areas would be assessed against the following criteria:
 - Compatibility with uses in the area surrounding the proposal and potential impacts on those uses;
 - Capacity and impact on the road network and access by sustainable modes of transport
- 7.5 The proposal is policy compliant for the following reasons:
 - The site is located in area whereby employment uses, in particular, industrial warehousing uses, are not uncommon with Ascot Road Industrial Estate immediately to the west (less than 50m). There are no residential properties close to the site and large areas of Green Belt surround the site to the north, east and south. It is considered that the site is located within an area that is characterised by industrial uses and the proposal would be compatible with these existing uses.
 - There is capacity on the road network (See Issue 3 below) and the proposal would make a positive contribution to the economic viability of the local area and provide further employment opportunities for local residents, all of which is in accordance with the EDPD and adopted UDP.
- 7.6 In order to maximise potential employment opportunities for local people who need work, supplementary planning guidance for planning obligations states that the Council will secure obligations relating to job-brokerage and skills training, including graduate apprenticeship schemes. The redevelopment of this site provides such an opportunity and recruitment of local people could potentially increase their skills and training, reduce travel to work distance and increase local household income. As such, it is appropriate to secure an obligation in relation to job-brokerage and skills training.
- 7.6 Therefore the principle of the redevelopment of the site is acceptable, notwithstanding the other planning issues which will be discussed in turn.

2. Impact of the proposal on the surrounding environment

Design and scale of development

7.7 The proposed development would provide 3,300sqm of storage and warehouse (B8) floorspace and ancillary office space (440sqm). The

proposed building would have a maximum height of 11.3m to the ridge and 9.5m to the eaves. It is considered that such a size building would be comparable in size to other industrial warehouse units located to the west of the site within the Ascot Road Industrial Estate (these being upwards of 13m in height to the eaves level and footprints in excess of 8,239sqm) and subsequently would not be out of place in terms of size and scale with surrounding development or the area in general.

- 7.8 The proposed layout would ensure the retention of existing mature trees along the northern boundary, as well as enhanced vegetation planting to the south, east and west of the site, helping to screen and soften the appearance of the proposed building (Conditions 8-10).
- 7.9 The elevational treatment of the new building is such that it creates interest without appearing overly dominant. The gradual coloured cladding appearance helps to soften the visual appearance of the new building when viewed from the surrounding area, in particular when travelling along Clockhouse Lane where views would be limited due to the enhanced landscaping around the southern portion of the site (Condition 2).
- 7.10 The proposed building would have a modern, functional design that would be compatible with other similar buildings in the vicinity of the application site. Whilst the proposal would represent a significant addition to this site in terms of built form, it is considered that the scale of development would be appropriate to the site.
- 7.11 The proposal is acceptable in design terms and would complement adjoining development and would not harm the visual appearance of the surrounding area in accordance with UDP policy ENV-B.1.1.

Impact on the Green Belt

- 7.12 Policy ENV-N.1.4 of the UDP requires any development proposals near the Green Belt to be designed so that they do not detract from the open aspect or visual amenities of the Green Belt.
- 7.13 The new building has been positioned away from the Green Belt, helping to ensure the open character of this area is retained. Landscape planting would be reinforced along this boundary to further project the Green Belt and the views from this land towards the application site. Even in considering the cumulative harm of the two applications in this area (this application and at land at Clockhouse Lane approximately 182m to the north-east), it is not considered these would have an unacceptable impact on the Green Belt.
- 7.14 Whilst it is considered the proposal would not have a significant impact on the open character of the adjoining Green Belt or the visual appearance of this area, it is considered that the proposal represents an opportunity to secure improvements to these areas of Green Belt land through a Section 106 obligation which would look to include the provision of a new footpath/cycle lane through the adjoining Green Belt land.

Impact on adjoining properties

- 7.15 The proposed building would be positioned in the context of other warehouse uses adjoining the site (less than 50m to the west). As such, it is considered that there would not be any impact on adjoining properties with regard to noise, odour or air pollution.
- 7.16 The nearest residential units are over 500m away. The proposal would not harm neighbours living conditions.

Air Quality

- 7.17 The whole Borough has been declared an Air Quality Management Area (AQMA) as monitoring and modelling indicates that the national objectives for air quality are not likely to be met at present. However, whilst the designation of the AQMA is indicative of a certain level of air quality, this in itself does not prevent development. New development should not result in an increase in airborne pollutants without mitigation.
- 7.18 In this instance, owing to the nature of the building proposed and its use, location and scale, the development is not likely to significantly increase vehicle trips or polluting industrial activities beyond that of the surrounding area despite the lack of existing development on the site at present and no mitigation is considered necessary. Air quality is also governed by other statutory controls such as the Clean Air Act and further permissions would be necessary for any polluting processes, though given the nature of the buildings, heavy industry or manufacturing uses are not envisaged.
- 7.19 The air quality assessment submitted in conjunction with the application indicates that road traffic from the development is forecast to be insignificant, with increases in traffic flows not exceeding the criteria set out in the Environmental Protection UK¹ guidance. The criteria set out in the EPUK guidance can identify whether detailed investigation is needed. The relevant criterion to identify the need for an air quality assessment is:
 - A change in annual average daily traffic exceeding 5% on a road with more than 10,000 annual average daily traffic in an Air Quality Management Area
- 7.20 Since the annual average daily traffic would not exceed the above criterion, a detailed investigation is not required and the proposed development would be acceptable from an air quality perspective.

Noise

7.21 Policy ENV-P.1.5 of the UDP states that the Council will not allow any development that could result in unacceptable noise nuisance to nearby of future occupiers. As stated previously, no residential properties are located close to the application site and consequently it is not considered that the proposal would result in an unacceptable increase in noise for nearby

¹ Environmental Protection UK, Development Control: Planning for Air Quality (2010 Update)

- residential properties. Furthermore, the presence of other industrial uses adjoining the site would ensure the compatibility of this use with the surrounding area.
- 7.22 Given the location of the site and distance to the nearest residential properties, it is considered the proposal would not be unacceptable in terms of noise generation/creation and would be compatible with the adjoining land uses and general environment of the surrounding area in this respect. An Environmental Noise Assessment has been submitted which demonstrates that when taking into consideration fixed plant and vehicle movements a "perceptible" change in loudness at the nearest noise receptor is likely. This would be in the order of a 3-5 dB(A) change in sound level which would be noticeable, but given the location of the site a substantial distance from the nearest residential property (approximately 500m) this would not be unacceptable. An appropriate condition will be included in any approval to restrict the addition of any fans, louvres, ducts or other external plant without prior approval from the Local Planning Authority (Condition 5).

Contaminated land

7.23 Owing to the history of uses on the site, which includes industrial works, there is potential for some contamination of the land. The NPPF advises that for instances where there is suspicion that the site might be contaminated, or where evidence suggests that there may be some contamination, planning permission may be granted subject to condition that development will not be permitted to start until a site investigation and assessment have been carried out and that the development itself will incorporate any remedial measures shown to be necessary. Therefore a condition requiring the findings of the site investigation in regards to monitoring and any necessary remedial work to be carried out could be included in any approval (Condition 19).

Flood Risk and Water Quality

- 7.24 UDP policy ENV-P.1.3 states there is a general presumption against new developments generating surface water runoff likely to result in adverse impacts such as an increased risk of flooding. The EA indicative flood map shows that the site lies outside Flood Zone 1. This area is defined as being at little or no flood risk at all, with a 1 in 1000 annual probability (0.1% chance) or less of flooding from rivers or the sea in any one year.
- 7.25 A Flood Risk Assessment (FRA) has been submitted in conjunction with the application to determine that surface water runoff can be minimised to Greenfield rates in accordance with London Plan Policy 5.13. This FRA has been assessed by the EA who are satisfied that the contents of the report are achievable subject to safeguarding conditions (Conditions 23-26).

3. Transport - large vehicle movements & pedestrian movements

7.26 The site scores a Public Transport Accessibility Level of 1 (Very Poor). In this case, access to public transport is limited to the 116 bus services

running along the A30 to the north of the site and the H26 running along Bedfont Road.

Parking

7.27 Policy T.1.4 of the Unitary Development Plan states that all developments must provide parking and servicing facilities in accordance with the Council's standards as found in Appendix 3. These can be summarised as follows:

UDP standard	Maximum	Proposed Spaces
1 car space/200m ²	19 car	21 car
	(includes 2 disabled)	(includes 2 disabled)
1 lorry space/500m ²	7 lorry	7 lorry
1 cycle/850m ²	Min. of 5	20

- 7.28 As the above table shows the proposal would result in a surplus of two car parking space from the Council's maximum standards for this type of development. Appropriate disabled user parking spaces have been provided. The requisite number (20% active = 4 spaces; 10% passive = 2 spaces) of charging facilities for electric vehicles would be provided (Condition 12).
- 7.29 Cycle parking has been provided in accordance with the standards contained within the London Plan and adopted UDP (Condition 12). Facilities would also be provided in a secured and safe location, with adequate changing and shower facilities on site to encourage staff to cycle to work.

Access

7.30 Access to the site would be from a new priority controlled junction with Ascot Road. A swept path analysis of an articulated vehicle entering the site, gaining access to the loading area, and leaving the site in forward gear has been provided and is satisfactory. The access has been arranged to allow for two articulated vehicles to simultaneously make use of the proposed access without encroaching on either vehicle, such an arrangement is welcomed and would ensure vehicles could safely manoeuvre into the site.

Traffic Generation

7.31 The submitted Transport Statement considered the TRAVL Database in order to obtain details of trip generations for both the office (B1) and the warehousing (B8) elements of the proposals. This data shows that the proposed development would generate 80 two-way HGV trips between 07:00-19:00. Given the location of the proposal close to a major trunk road and the proposed access arrangements to the site, as well as recent improvements to the Clockhouse Lane roundabout (in particular signalling

improvements) and the junction of Ascot Road and Clockhouse Lane, the expected trip generations for this site would not have an unacceptable impact on the local highway network and as such any enhancements to the Clockhouse Lane Bridge would not be considered justifiable as part of this application.

- 7.32 An assessment of the modal split of trip generation has been undertaken as part of the Transport Statement. This has demonstrated that a total of 11 trips associated with the site will be undertaken by public transport in conjunction with the measures proposed by the Travel Plan. It is therefore not expected that the proposed development would significant impact upon the capacity of the public transport network and that current measures would be able to adequately deal with the increased demand from this development.
- 7.33 A satisfactory Travel Plan has been submitted and will be secured as part of any S106 legal agreement. A Construction Logistics Plan and a Delivery & Servicing Plan will be secured by condition, which should include measures to demonstrate that the end users of the site will encourage the routing of traffic away from Staines Road West and Clockhouse Lane and associated transport junctions (Conditions 20 and 21).
- 7.34 Given the level of parking provided on site, the proposed use and the capacity of the local road network the proposal would not have a prejudicial impact on traffic movements in and around the site and would ensure highway safety was maintained for all road users in accordance with adopted UDP policies T.1.2, T.1.4 and T.4.4.

Sustainable principles

- 7.35 Sustainability underpins many London Plan and UDP policies, which require developments not only to be sustainable in transport terms but also; to include appropriate recycling facilities and to minimise waste; to include energy efficiency measures and promote the use of renewable energy; and not to increase significantly the requirement for water supply or surface water drainage.
- 7.36 Policies ENV-B.1.1, ENV-P.1.3, ENV-P.2.1, ENV-P.2.4 and ENV-P.2.5 require that all developments should include recycling facilities and minimise waste, include energy efficiency measures, be sustainable in transport terms, promote the use of renewable energy and not significantly increase the requirement for water supply or surface water drainage.
- 7.37 As a large new building, the proposal can make a contribution to sustainable development in the Borough and it is important that their design recognises and adopts sustainable development principles. It is proposed that the development would make a significant contribution towards sustainable design principles, incorporating ASHP technology and minimising the use of energy with a high building fabric to minimise heat loss; rainwater harvesting techniques and a Green roof over the office space.

- 7.38 The proposed sustainability measures would be in accordance with the London Plan and aim to reduce CO2 emissions by 25% from 2010 Building Regulations. The provision of a Green Roof and rainwater harvesting measures are welcomed, as is the future-proof for the connection to a new decentralised energy network of the development. These measures are to be secured by relevant conditions (Conditions 13-16).
- 7.39 With regards to Sustainable Urban Drainage Systems, in accordance with London Plan Policy 5.13, it is anticipated that measures such as rainwater harvesting, the conservation and re-use of other water supplies and the minimisation of surface water run-off aiming for Greenfield levels would need to be secured by condition to ensure compliance with the London Plan (Condition 17). However, it is noted that a large portion of the site would be landscaped which would allow for a significant level of infiltration of surface water within the site boundaries. In addition to this, the Environment Agency have recommended a number of conditions to further minimise surface water run-off and the potential for flooding (Conditions 23-26).

8.0 PLANNING OBLIGATIONS

- 8.1 Unitary Development Plan policy IMP6.1 states that the Council will seek to ensure that a developer enters into a planning obligation to secure planning benefits related to the proposed development. A payment or other benefit offered pursuant to a Section 106 agreement is not material to a decision to grant planning permission for a development, or any part of a development, that is capable of being charged the community infrastructure levy (whether there is a local levy in operation or not) and shall not be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (regulation 122), which provide that the planning obligation must 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.
- 8.2 Accordingly, it is mandatory that each criterion be satisfactorily addressed prior to granting planning permission subject to a Section 106 agreement or unilateral undertaking.
- 8.3 The Council's Supplementary Planning Document on Planning Obligations contains guidance on the imposition of planning obligations. These obligations may offset shortfalls in the scheme or mitigate the impacts of the development.
- 8.4 If approval were to be considered, the main areas for inclusion into any Section 106 agreement would be:
 - Employment and Job Brokerage provisions for local people (£100,000 – based on an expected job creation of 40 full-time staff)
 - Construction training provisions for local people (£17,120 based on construction costs of £6.848M)

- Green Belt Improvements (£11,099.34 or off-set against the provision of new public footpaths on the adjoining Green Belt)
- Green Travel Plan
- Section 106 monitoring fees (£500 per obligation and £3000 per Travel Plan)

9.0 EQUALITIES DUTIES IMPLICATIONS

9.1 In response to its Equalities Duties and the Equality Act 2010, following a relevance test, available at:

http://www.hounslow.gov.uk/index/council_and_democracy/equality/eias/environment_eias.htm

9.2 It is considered that there are no relevant implications arising that the Council needs to assess further in this case and that in determining this application the Council will be acting in compliance with its duties.

Relevant Section of Relevance	9 General
Test	Industry/Storage/Warehousing
Test	industry/Storage/warenousing

10.0 LOCAL FINANCE CONSIDERATIONS

10.1 Local finance considerations means the Community Infrastructure Levy, or a grant or other financial assistance that has been, or will or could be, provided to a relevant authority (such as the Council, the Mayor of London, the Homes and Communities Agency, etc.) by a Minister of the Crown.

COMMUNITY INFRASTRUCTURE LEVY

- 10.2 The owners or developers of some new developments granted planning permission on or after 1st April 2012 will be liable to pay Community Infrastructure Levy (CIL) to the Mayor of London with respect to the funding of Crossrail. This is at the rate of £35 per m2 of new floor space.
- 10.3 For this proposal, the Mayor of London has received, will or could receive £129,492.30 as Community Infrastructure Levy (GIA = 3699.78sqm).

11.0 CONCLUSION

11.1 It is considered that the proposal would represent an appropriate use for the site taking into consideration its proximity to an existing Locally Significant Industrial Site and other adjoining land uses. The proposal is acceptable in design terms and would not have a detrimental impact on adjoining land uses, in particular the adjoining areas of Metropolitan Green Belt. There would be appropriate parking provision for this use on site and it is not considered there would be a prejudicial impact on the local road network in terms of trip generation or highway safety generally. A range of

sustainability measures have been included within the design as well as enhanced landscaping measures. No objections have been received and consequently the application is recommended for approval subject to a S106 legal agreement to secure financial contributions towards employment and/or training provisions for local people and to secure a Green Travel Plan.

12.0 RECOMMENDATION

- 1. That planning permission be granted subject to referring the application back to the GLA for Stage II comments and the following conditions and securing the abovementioned planning obligations by the prior completion of a satisfactory legal agreement or unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 and or other appropriate legislation, the exact terms of which shall be negotiated by appropriate officers within the Department of Environment on the advice of the Borough Solicitor.
- 2. The satisfactory legal agreement or unilateral undertaking outlined above shall be completed and planning permission issued by 27/07/2012 or such extended period as may be agreed in writing by appropriate officers within the Department of Environment or Borough Solicitor's Office.
- 3. If the legal agreement or unilateral undertaking is not completed by the date specified above (or any agreed extended period), then the Director of Environment or Assistant Director Environment Department (Regulatory & Development Services) or Development Control Support Manager is hereby authorised to refuse planning permission for the reason that the proposal should include planning obligations required to make the development acceptable in planning terms in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, development plan policies and the Planning Obligations SPD, as described in Section 8.0 of this Report.
- 4. Following the grant of planning permission, where (a) requested to enter into a deed of variation or legal agreement in connection with the planning permission hereby approved and by the person(s) bound by the legal agreement authorised in paragraph 1 above, and (b) where the planning obligations are not materially affected, and (c) there is no monetary cost to the Council, the Director of Environment or Assistant Director Environment Department (Regulatory & Development Services) or Development Control Support Manager is hereby authorised (in consultation with the Chair of SDC and upon the advice of the Borough Solicitor) to enter into a legal agreement(s) (deed of variation) made under Sections 106 and/or 106A of the Town and Country Planning Act 1990 and or other appropriate legislation.
- 5. If planning permission is refused, the Director of Environment or Assistant Director - Environment Department (Regulatory & Development Services) or Development Control Support Manager (in consultation with the Chair of the Sustainable Development Committee) is hereby authorised to

approve any further application for planning permission validated within 12 months of the date of refusal of planning permission, provided that it (a) duplicates the planning application, and (b) that there has not been any material change in circumstances in the relevant planning considerations, and (c) that a satisfactory legal agreement or unilateral undertaking securing the obligations set out in the Report is completed within any specified period of time.

REASONS

The proposed development would make a positive contribution to the economic viability of the local area and provides further employment opportunities for local residents. Additionally, subject to safeguarding conditions the development would not significantly affect traffic and parking conditions in the locality and would be of an appropriate design for the site and surrounding area. Therefore it is considered to be in accordance with the objectives of the adopted Unitary Development Plan (UDP) and Employment Development Plan Document in particular UDP policies ENV-N.1.4, ENV-B.1.1, ENV-P.1.5, ENV-P.1.9, T.1.2, T.1.4 and T.4.4 and policy EP5 of the EDPD.

CONDITIONS:

1. (A1A) Time limit for commencement of development (3 years).

Reason: Standard

2. (B5) Development to be carried out in accordance with approved plans.

LW(PL)001, LW(PL)002, LW(PL)011, LW(PL)012, LW(PL)030, 369-01, 659.01 (Phase One Ecology), Design & Access Statement, Hounslow Sustainability Checklist, Planning Statement, Energy and Sustainability Statement, Air Quality Assessment, Environmental Noise Survey (18051/ARIU/ENS1), Daylight Assessment (AH/SB/ROL6695), Tree Survey Schedule, Ecology Report, Transport Statement (CCE/K181/Reports/2012), Desk Study & Preliminary Land Quality Risk Assessment (416-03992-00001) Received 12/04/2012

LW(PL)003-P2, LW(PL)004-P2, LW(PL)020-P1, LW(PL)021-P2, LW(PL)040-P2, 369.02-A Received 28/05/2012

Flood Risk Assessment (FRA/8605 Rev 2), SK001-P1, Provisional Boiler Section Received 31/05/2012

LW(PL)010-P2, Framework Travel Plan (CCE/K181/Reports/ATP2012 Rev B) Received 01/06/2012

Reason: Standard.

3. (C13) Office space to be ancillary to "B8 use".

Reason: To ensure the office space is not used independently.

4. (C16) Mezzanine Floor (No additional floorspace).

Reason: In order not to prejudice the Local Planning Authority's standards for provision for car parking spaces and servicing facilities.

5. (C23) No external plant to be installed without prior approval.

Reason: Visual amenity and protection from noise.

6. (C29) Hours of demolition and construction

- 8:00am to 6:00pm Mondays to Fridays
- 9:00am to 1:00pm Saturdays
- No work on Sundays or Public Holidays

Reason: So as not to prejudice highway safety and ensure the free-flow of traffic on the local road network

7. (D4) Refuse Storage (Design Proposals)

Reason: To ensure details of refuse and recycling arrangements are satisfactory.

8. (E1) Landscape Design Proposals

Reason: To ensure a satisfactory appearance of the site and improve the visual amenities of the locality in accordance with policy ENV.B.1.1 New development

9. (E15) Provision for tree planning

Reason: To ensure a satisfactory appearance of the site and improve the visual amenities of the area

10. (E16) Existing trees which are to be retained

Reason: To enable the Local Planning Authority to ensure the retention of the maximum number of trees on the site and their protection from damage, in the interests of visual amenity area and to accord with policies ENV.B.1.1 New development.

11. (F12) Highway works

Reason: In the interests of road safety highway and to accord with policy ENV.B.1.1 New development and policy T.4.4 Road Safety.

12. (G3) Parking

Before first occupation of the buildings the loading, unloading and turning space, parking spaces (including spaces for people with disabilities and electric vehicle charging points) and cycle parking shall be provided within the curtilage of the site in accordance with the scheme shown on drawing No. LW(PL)004-P2 and such spaces shall be permanently available and not be used for any other purpose.

Reason: In order to prevent obstruction and inconvenience to users of the adjacent highway and the premises, and in the interests of road safety available in accordance with policies ENV.B.1.1 New development, T1.4 Car and Cycle Parking and servicing facilities for developments and T4.4 Road Safety.

13. In accordance with Energy and Sustainability Report

Reason: To comply with the London Plan Policies 5.1-5.7 and to ensure the overall environmental sustainability of the development.

14. BREEAM Pre-Assessment

Reason: To comply with the London Plan Policies 5.1-5.7 and to ensure the overall environmental sustainability of the development.

15. BREEAM Interim (Design Stage) Certificate

Reason: To comply with the London Plan Policies 5.1-5.7 and to ensure the overall environmental sustainability of the development.

16. BREEAM Final (Post-Construction) Certificate

Reason: To comply with the London Plan Policies 5.1-5.7 and to ensure the overall environmental sustainability of the development.

17. Sustainable Urban Drainage

Reason: In the interests of sustainability, the management of surface water run off and policy 5.13 of the London Plan

18. Construction Zone Controls (wheel washing)

Reason: In order to safeguard the amenities of adjoining residential properties, the amenities of the locality, and highway safety, and to enable

the Council to monitor works on site to ensure that it is carried out in a safe and neighbourly fashion for the above reasons in accordance with Polices ENV-B.1.1 (New Development), ENV-P.1.5 Noise Pollution, ENV-P.1.6 Air Pollution, and ENV-P.1.7 (Light Pollution).

19. (J12) Phase Contamination Condition.

Reason: Contamination is known or suspected on the site due to a former land use. The LPA therefore wishes to ensure that the development can be implemented and occupied with adequate regard for public and environmental safety.

Supporting notes:

- a. An initial phase 1 desk study must be submitted with the original application and will include the aims and objectives, data collection, site reconnaissance (walk over survey), and development of the initial Conceptual Model (CM), which identifies all potential pollutant linkages on the site. The report should also make recommendations for the further gathering of information and or intrusive investigation. The full site investigation must include intrusive testing for soil and groundwater contamination, soil gasses, and leachate. The investigation shall be carried out at such points and at such depths as the LPA may stipulate. Risk assessments must adhere to current UK guidance and best practice.
- b. The scheme for decontamination shall provide details of how each potential pollutant linkage, as identified in the conceptual model, will be made safe.
- c. In some instances the LPA may require work on site to be ceased whilst the nature of additional contamination is investigated fully.
- d. The validation report shall revisit the site conceptual model, and provide evidence that each aspect of the decontamination scheme was carried out correctly and successfully. This report shall prove that the development is suitable for its new use.
- e. We request that site investigation reports or site plans be sent electronically to landquality@hounslow.gov.uk or by post on a cd or dvd wherever possible.

20. Delivery & Services Plan

Reason: In order to safeguard the amenities of adjoining residential properties and the safety and efficiency of the highway network.

21. Construction Logistics Plan

Reason: In order to safeguard the amenities of adjoining residential properties and the safety and efficiency of the highway network.

22. Bird Hazard Management Plan (BAA Condition)

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

 management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.
The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached * See Informative 1 below for information *

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the shallow pitched roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

23. EA Condition 1

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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons 1: To protect groundwater in the area.

24. EA Condition 2

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

Reasons 2: Infiltration of surface water is not permitted in historic landfill due to the risk of mobilising contaminants which could then reach the groundwater.

25. EA Condition 3

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason 3: Piling or any other foundation designs using penetrative methods can result in risks to groundwater by creating preferential pathways. The applicant needs to demonstrate that any proposed piling will not result in contamination of groundwater in the principal aquifer below the site.

26. EA Condition 4

The development hereby permitted shall not be commenced until such time as a surface water drainage scheme as outlined in the Flood Risk Assessment (FRA) dated 28/05/2012 reference FRA/8605 by Power Tolner and Associates, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the following measures:

- Limiting surface water run-off to the calculated Greenfield run-off rates for all events up to and including the 1 in 100 year storm event.
- Surface water storage to be provided on site to attenuate all storms up to and including the 1 in 100 year critical duration storm event, including an appropriate allowance for climate change.
- Surface water storage to be achieved through the use of Sustainable Drainage Systems including infiltration basins and swales, porous paving and green roofs.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason 4: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Informatives:

1. Bird Hazard Management Plan

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

2. Cranes

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

3. Landscaping

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at http://www.aoa.org.uk/policy-safeguarding.htm).

4. Advice to applicant regarding Condition 4

Infiltration Half Drain Time

The Flood Risk Assessment (FRA) has adopted a conservative infiltration rate of 1x10-5 mls based upon the rate achieved at an adjacent development in Ascot Road which was higher. The drainage calculations included in the Appendix show that half drain times for the basins are significantly higher than the recommended 24 hour half drain times in accordance with BRE Digest 365. At the detailed design stage we will expect soakage tests and test locations to be submitted which are site specific. Infiltration basins or swales should be designed to accommodate the critical duration 1 in 100 year storm event 20% climate change allowance and calculations should demonstrate that half drain times are below 24 hours or 1440 minutes.

Detailed Design Stage

In order to check that the proposed storm water system meets the Agency's requirements, we will require that the following information be provided:

- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of the critical storm duration.
- Where infiltration forms part of the proposed storm water system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- Where on site attenuation is achieve through attenuation ponds or tanks, calculations showing the volume of these are also required.

- Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.