

Report of the Interim Director of Planning, Regeneration & Public Realm

Address UNIT 3 CLAYFIELD WAY WEST DRAYTON

Development: Full planning application for proposed attached tiered gantry structure to Unit (LON 7) to provide plant and 4 no. generators.

LBH Ref Nos: 77241/APP/2022/1407

Drawing Nos: Design and Access Statement (Dated June 2022)
70098309-001 Transport Technical Note (Dated 8th June 2022)
Enclosure 1 - Performance Data EM4795
Enclosure 2 Damage Cost
Air Quality Assessment Report - Addendum (Dated 5th December 2022)
LON7.5_A010.01 Rev. FIO1 Proposed Floor Plan - First Floor Level
A110.00 Rev. P01
A115 Rev. P02
A212 Rev. P01
A100-B Rev. FC2
A211 Rev. FC1
A102 Rev. P02
A210 Rev. P02
LON7.5_A010.00 Rev. FIO1 Existing Floor Plan - Ground Level
LON7.5_A110.00 Rev. FIO1 Proposed Floor Plan - Ground Level
LON7.5_A110.01 Rev. FIO1 Existing Floor Plan - First Floor Level
08914/3/1/2 External Plant Assessment (Dated 23rd March 2022)
A110.00 Rev. FC2
A110.02 Rev. P01
A116 Rev. P01
A210 Rev. FC1
A310 Rev. P01
A311 Rev. P01
60671881 Air Quality Assessment Report (Dated April 2022)
Cover Letter (Dated 17th May 2022)
A100 Rev. P1
A100 Rev. P01
Energy Strategy Rev. P03 (Dated 27th October 2022)

Date Plans Received:	29/04/2022	Date(s) of Amendment(s):	10/06/2022
Date Application Valid:	22/06/2022		17/05/2022
			29/04/2022
			03/10/2022
			05/12/2022
			05/10/2022

1. SUMMARY

The proposed erection of a tiered gantry structure to Unit 3 to provide plant and 4 no. generators is considered acceptable in principle and also with regard to its impacts on the character of the area, highways matters and noise environment. Specifically, the impact on local air quality is a concern but it is proposed to be mitigated by the use of conditions and a Section 106 agreement which would secure a financial contribution to address such air quality impacts. The applicant has also agreed to pay a carbon offset contribution in

order to achieve net zero-carbon in order to be policy compliant.

Subject to conditions and a Section 106 agreement, the application is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Deputy Director of Planning and Regeneration to grant planning permission, subject to the following:

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:

(i) Air Quality Contribution: A minimum financial contribution of £118,377, potentially rising up to £411,691 depending on the air pollutant emissions monitoring results in year two post first operation and subsequent years, in accordance with an emission monitoring schedule as defined in Condition 11 (Pollutant Emission Monitoring Plan), with potential additional contributions required if the impact on air quality is found to be worse than anticipated.

(ii) Carbon Offset Contribution: A financial contribution amounting to £191,076 shall be paid to the Council's carbon offset fund. Any additional shortfall identified through the ongoing reporting required by Condition 7 shall form a cash in lieu contribution in accordance with Policy SI2 of the London Plan at a rate of £95/tCO₂ annualised for not more than 30 years beginning on the commencement of development. [i.e if a shortfall is first identified after 5 years the cash in lieu contribution is based on a 25year duration].

(iii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Deputy Director of Planning and Regeneration), delegated authority be given to the Deputy Director of Planning and Regeneration to refuse planning permission for the following reason:

'The applicant has failed to secure the necessary legal obligations associated with the proposed development and provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Air Quality, Carbon Offset, and Project Management and Monitoring). The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020); the adopted Planning Obligations Supplementary Planning Document (July 2014); Policy DF1 of the London Plan (March 2021); and paragraphs 54-57 of the National

Planning Policy Framework (July 2021).'

E) That if the application is approved, the following conditions be imposed:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

A110.00 Rev. P01;
A110.02 Rev. P01;
LON7.5_A110.00 Rev. FIO1;
LON7.5_A110.01 Rev. FIO1;
A116 Rev. P01;
A115 Rev. P02;
A210 Rev. P02;
A212 Rev. P01;
A311 Rev. P01;

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

60671881 Air Quality Assessment Report (Dated April 2022);
Air Quality Assessment Report - Addendum (Dated 5th December 2022);
08914/3/1/2 External Plant Assessment (Dated 23rd March 2022);
Transport Technical Note (Dated 8/6/22); and
Energy Strategy Rev. P03 (Dated 27th October 2022).

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

4 NONSC Noise Levels for Plant, Machinery and Equipment

For the lifetime of the development hereby permitted the rating level of noise caused by the operation of plant, machinery and equipment shall be at least 5 dB below the minimum background noise level, or 35 dB(A), whichever is higher, measured 1 metre outside of

any window of any dwelling, or similarly noise sensitive premises, determined in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

REASON

To safeguard the amenity of the occupants of the surrounding properties in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

5 NONSC Noise Levels for Emergency Plant, Machinery and Equipment

For the lifetime of the development hereby permitted the rating level of noise caused by the testing and operation of emergency plant, machinery and equipment shall no more than 5 dB above the minimum background noise level, or 45 dB(A), whichever is higher, measured 1 metre outside of any window of any dwelling, or similarly noise sensitive premises, determined in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

REASON

To safeguard the amenity of the occupants of the surrounding properties in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

6 NONSC Construction and Environmental Management Plan

Prior to the commencement of the development hereby approved, a Construction Logistics Plan (CLP) and a Construction and Environmental Management Plan (CEMP), in consultation with the Canal and River Trust shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The CLP and CEMP shall include details of (but shall not necessarily be limited to):

- (a) loading and unloading of plant and materials;
- (b) storage of plant and materials;
- (c) programme of works;
- (d) measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (e) details of a vehicle booking system, ensuring construction deliveries are received outside peak hours;
- (f) provision of boundary hoarding and visibility zones of construction traffic routing;
- (g) hours of construction;
- (h) means to prevent deposition of mud on the highway;
- (i) likely noise levels to be generated from plant and construction works;
- (j) a dust risk assessment;
- (k) means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites;
- (l) use of a banksman (if applicable);

- (m) haulage routes;
- (n) a site plan identifying location of site entrance, exit, wheel washing, hard standing hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- (o) bonfire policy;
- (p) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (q) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW must be registered at <http://nrmm.london/>;
- (r) details of any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;
- (s) the arrangement for monitoring and responding to complaints relating to demolition and construction;
- (t) details of cranes and other tall construction equipment (including the details of obstacle lighting);
- (u) all Heavy Goods Vehicles shall comply with the Direct Vision Standard. A rating of 3 stars (or more) will be required;
- (v) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC;
- (w) the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded; and
- (x) the provision of secured restricted access as the sole means of entry to site for cyclists along with secured turnstile entrance for pedestrians.

The development hereby approved shall be implemented in accordance with the approved CLP and CMP.

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, and to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020).

7 NONSC Energy

Prior to commencement of development (excluding demolition), a detailed energy monitoring, recording and reporting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the requirements of the London Plan (policy SI2) and the GLA Energy Assessment Guidance (April 2020 or as amended) and demonstrate that the development will secure the 72% saving in CO2 emissions from the regulated energy load in accordance with the energy strategy (Energy Strategy Rev. P03 Dated 27th October 2022).

The development must proceed in accordance with the approved reporting structure and where there is a failure to achieve the carbon savings as set out in the energy strategy,

the quantum (tCO₂) shall be treated as part of the shortfall and shall result in a cash in lieu contribution in accordance with the formula set out in the S106.

REASON

To ensure the development's onsite carbon savings from regulated energy demand is achieved in perpetuity (i.e. annually over 30years) in accordance with the Policy SI2 of the London Plan (2021).

8 COM7 Materials

Prior to commencement of above ground works, details of all materials shall be submitted to and approved in writing by the Local Planning Authority. Details should include information relating to make, product/type, colour and photographs/images.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

9 NONSC Backup Generator Annual Emission Caps

The emergency backup generators hereby approved shall be of the same emission levels or cleaner, as described in Table 2 Generator Process Conditions of the Air Quality Report addendum submitted to support the planning application. The maximum total annual emissions (tonnes/year) for oxides of nitrogen (NO_x) of 0.461 tonnes/year and of particulate matter of diameter 2.5 microns (PM_{2.5}) of 0.016 tonnes/year as a result of the operation of the 4 backup generators are not to be exceeded as agreed with the Council and as set out in the Emission Reduction and Management Plan in year one (1) which shall be submitted to and approved by the Council.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

10 NONSC Emission Reduction and Management Plan

Prior to operation of the development, or each development phase, an Emission Reduction and Management Plan (ERMP) for the development, shall be submitted to and approved in writing by the Local Planning Authority. This shall outline and commit to a programme for carrying out a viability study to review emissions performance and alternative options for the diesel backup units, with clear time scales, to be submitted no later than year 21. The viability study shall be based on the BAT (best available technology) principle giving weight to sustainability principles and aligned with the objectives of the Borough on improving air quality. This shall include but is not limited to the following:

- (i) A review of options for reducing NO_x and PM_{2.5} emissions impacts for the National Grid power failures;
- (ii) A review of options for reducing NO_x and PM_{2.5} emissions for the testing and maintenance regimes;
- (iii) A review of options for reducing NO_x and PM_{2.5} emissions by improved SCR systems

/alternative retrofitting systems

(iv) A review of options for reducing NO_x and PM_{2.5} emissions by alternative fuels/technologies

(v) A feasibility study including benefit analysis for potential upgrades of the backup generators or other changes to infrastructure (e.g. SCR), type of fuel, generator type and operational regimes on site that could reduce emissions over time; alternative emergency backup solutions are to be also evaluated, e.g. fuel cells¹, etc.

(vi) Use of the above information to propose appropriate changes in the generators type, selection of generators or other potential options for decreasing emissions over time no later than year 21; and

(vii) Proposal of an appropriate timescale for improvements.

Thereafter the development shall be implemented and operated in accordance with these details.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

11 NONSC Pollutant Emission Monitoring Plan

Prior to operation of the development, a schedule for the testing of NO_x and PM_{2.5} emissions of the proposed standby generators for the development, shall be submitted to and approved in writing by the Local Planning Authority. This shall start from year 3 of the proposed development and run throughout the lifetime of the proposed generators in accordance with the agreed schedule. The monitoring of emissions must include all backup generators and allow a frequency that will enable the calculation of total annual emissions per engine for each year stipulated in the Plan.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

12 NONSC Implementations of Selective Catalytic Reduction

Prior to operation of the development, evidence that the backup generators are to be fitted with selective catalytic reduction (SCR) technology achieving at least 86% reduction in relation to the values reported in the air quality report submitted to support the planning application is to be submitted to and approved in writing by the Local Planning Authority. Evidence is to include, but is not restricted to, a written warranty and supporting documentation by the equipment manufacturers that this NO_x emission concentration is to be achieved, within 20 minutes of generator startup.

Thereafter the development shall be implemented and operated in accordance with these details.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMAV 1	Safe Operation of Airports
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D5	(2021) Inclusive design
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G1	(2021) Green infrastructure
LPP G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands

LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF9	NPPF 2021 - Promoting sustainable transport

3 I70 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

4 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).

5

Given the nature of the proposed development it is possible that a crane may be required during its construction. Heathrow Airport Ltd. 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-campaigns/operations-safety/>)

All crane applications should be sent to Heathrow's Works Approval Team via the following address:

Airside_Works_Approvals@heathrow.com

3. CONSIDERATIONS

3.1 Site and Locality

The application site measures approximately 2.49 hectares in size and is located within the north-west corner of the Prologis Park development site, bounded by Horton Road to the north, Iron Bridge Road North to the east, the Grand Union Canal to the south and Horton Close to the west. The site facilitates Data Centre 3 (DC3) (otherwise known as Unit 3 or LON7) which forms part of the Phase 2 development of the site. The site is designated as part of the Green Belt and has a Public Transport Accessibility Level (PTAL) of 1a/1b.

The site is located within the wider Stockley Park development which is characterised by units of a variety of scales which accommodate office, commercial and industrial uses and are set within a planned landscaped environment consisting of trees, hedging and shrubbery, grass verging, topographical features such as grass banks and water features. Surrounding buildings are generally in industrial or commercial use. Numbers 201 to 239 Horton Road are the closest residential receptors to the proposed extension, located circa 140m to the North-West. The travelling showpeople site at Beaches Yard is also located circa 170m to the north of the site to be developed and is subject to a current undecided application (ref. 75221/APP/2022/2968) for industrial development. There are further residential properties located south of the Grand Union Canal along Rutters Close and Summer Drive, set approximately 250m away at the closest point.

3.2 Proposed Scheme

This application seeks permission for the erection of a tiered gantry structure to Unit 3 to provide plant and 4 no. generators.

3.3 Relevant Planning History

37977/APP/2015/1004 Phase 3 Stockley Park Stockley Road West Drayton Middlesex

Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for access, reserved for later determination

Decision: 09-09-2015 Approved

37977/APP/2017/1634 Prologis Park West London Horton Road Yiewsley

Section 73 application for variation of Conditions 5 (approved drawings), 6 (approved documents 25 (insertion of mezzanine floors) and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 dated 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for

access, reserved for later determination.

Decision: 02-08-2017 Approved

37977/APP/2017/3046 Prologis Park West London Horton Road Yiewsley

Reserved matters pursuant to condition 1 of planning permission ref. 37977/APP/2017/1634 date 14-08-2017 for layout, scale, appearance and landscaping for Phase 2 of the development at Prologis Park West London (formerly Stockley Park Phase 3) (Section 73 application for variation of Conditions 5 (approved drawings), 6 (approved documents), 25 (insertion of mezzanine floors and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 date 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space.

Decision: 30-10-2017 Approved

37977/APP/2018/1117 Prologis Park West London Horton Road Yiewsley

Section 73 application for Removal of Condition 27 (Data Centre Use) and variation of Condition (Approved documents) of planning permission 37977/APP/2017/1634 dated 14.08.17 (Section 7 application for variation of Conditions 5 (approved drawings), 6 (approved documents), 25 (insertion of mezzanine floors) and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 dated 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for access, reserved for later determination.)

Decision: 19-06-2018 Approved

37977/APP/2018/4339 Prologis Park West London Horton Road Yiewsley

Details pursuant to the discharge of Condition 35 (Air Quality - Backup Power) of planning permission reference 37977/APP/2018/1117 [Section 73 application for Removal of Condition 27 (Data Centre Use) and variation of Condition 6 (Approved documents) of planning permission 37977/APP/2017/1634 dated 14.08.17 (Section 73 application for variation of Conditions 5 (approved drawings), 6 (approved documents), 25 (insertion of mezzanine floors) and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 dated 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for access, reserved for later determination.]

Decision: 21-05-2019 Approved

37977/APP/2019/1453 Prologis Park West London Horton Road Yiewsley

Full planning application for proposed attached tiered gantry structure to unit DC4 to provide no.4 plants and erection of no.16 generators within the loading area, alongside associated green wall screening, landscaping and security fencing

Decision: 16-10-2019 Approved

37977/APP/2020/1874 Unit 3, Phase 2, Prologis Park, West London Horton Road Yiewsley

Details pursuant to the partial discharge of Condition 9 (Landscaping Scheme), 16 (Disabled Access) and 28 (Substation) in relation to Unit 3 of Phase 2 attached to planning permission reference 37977/APP/2018/1117 dated 19.10.2018 (Section 73 application for Removal of Condition 27 (Data Centre Use) and variation of Condition 6 (Approved documents) of planning permission 37977/APP/2017/1634 dated 14.08.17 (Section 73 application for variation of Conditions 5 (approved drawings), 6 (approved documents), 25 (insertion of mezzanine floors) and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 dated 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for access, reserved for later determination.)

Decision: 16-09-2020 Approved

37977/APP/2021/2571 Prologis Park West London Horton Road Yiewsley

Details pursuant to the partial discharge of Conditions 9 (Landscaping Scheme), 27 (Energy) and 28 (Substation) in relation to Units 3 and 4 (Phase 2) attached to planning permission reference 37977/APP/2018/1117 dated 19.10.2018 (Section 73 application for Removal of Condition 27 (Data Centre Use) and variation of Condition 6 (Approved documents) of planning permission 37977/APP/2017/1634 dated 14.08.17 (Section 73 application for variation of Conditions 5 (approved drawings), 6 (approved documents), 25 (insertion of mezzanine floors) and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 dated 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for access, reserved for later determination.)

Decision: 27-08-2021 Approved

Comment on Relevant Planning History

Application reference 37977/APP/2018/1117 was granted approval on 19/10/18 for:

'Section 73 application for Removal of Condition 27 (Data Centre Use) and variation of Condition 6 (Approved documents) of planning permission 37977/APP/2017/1634 dated 14.08.17 (Section 73 application for variation of Conditions 5 (approved drawings), 6 (approved documents), 25 (insertion of mezzanine floors) and 27 (use as data centre) as attached to planning permission ref. 37977/APP/2015/1004 dated 14-12-2015: Hybrid Application for the phased comprehensive redevelopment of the site to provide an overall maximum gross floorspace of 45,000sqm of light industrial uses (Use Class B1c and/or Use Class B2) and/or storage and distribution uses (Use Class B8) and ancillary offices, together with servicing, parking, access roads and open space. Full planning permission is sought for Phase 1 containing 18,900sqm of floorspace in two buildings up to 16.2 metres in height (to ridge), together with associated highways works, open space, hard and soft landscaping, car parking and associated infrastructure. Outline planning permission is sought for Phase 2 for up to 26,100sqm of floorspace with all matters, except for access, reserved for later determination.)'

This secured Condition 35 which stated:

Prior to occupation of the units within Phase 2, details of any backup power supplies which will be provided shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- [a] A programme for the timing and duration of testing of backup supplies, and the methods to reduce cumulative impacts with other facilities in the area where possible; and
- [b] The specifications for the standby supplies which will demonstrate technology that restricts emissions to a NO_x emission rate of 0.7 g/kWh or less.

The development must proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON

To ensure the proposed development does not contribute excessive air quality pollution in an air quality management area in accordance with Policy EM8 of the Local Plan (Part 1).

Condition 35 was discharged under application reference 37977/APP/2018/4339. This confirms that 36 generating sets have been approved across Phase 2 (Units 3 and 4) and that a Unilateral Undertaking was agreed to pay £416,000 towards air quality monitoring and mitigation initiatives.

4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation
- PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- DMAV 1 Safe Operation of Airports
- DMCI 7 Planning Obligations and Community Infrastructure Levy
- DMEI 1 Living Walls and Roofs and Onsite Vegetation
- DMEI 12 Development of Land Affected by Contamination
- DMEI 14 Air Quality
- DMEI 2 Reducing Carbon Emissions
- DMEI 4 Development on the Green Belt or Metropolitan Open Land
- DMEI 7 Biodiversity Protection and Enhancement
- DMEI 9 Management of Flood Risk
- DMHB 11 Design of New Development
- DMHB 14 Trees and Landscaping
- DMHB 15 Planning for Safer Places
- DMT 1 Managing Transport Impacts
- DMT 2 Highways Impacts
- DMT 6 Vehicle Parking
- LPP D11 (2021) Safety, security and resilience to emergency
- LPP D12 (2021) Fire safety
- LPP D13 (2021) Agent of change
- LPP D14 (2021) Noise
- LPP D5 (2021) Inclusive design
- LPP DF1 (2021) Delivery of the Plan and Planning Obligations

LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G1	(2021) Green infrastructure
LPP G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF9	NPPF 2021 - Promoting sustainable transport

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th July 2022**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Letters were sent to neighbouring properties, a site notice was displayed to the front of the site and an advert was posted in the local paper. All forms of consultation expired on 4th August 2022. No comments from residents have been received.

HEATHROW AIRPORT LTD:

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, if a crane is needed for installation purposes, we would like to draw your attention to the following:

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-campaigns/operations-safety/>)

All crane applications should be sent to Heathrow's Works Approval Team via the following address:

Airside_Works_Approvals@heathrow.com

NATIONAL AIR TRAFFIC SERVICES:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

MINISTRY OF DEFENCE:

The application site occupies the statutory safeguarding zone(s) surrounding RAF Northolt. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 5.35 km from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

CANAL AND RIVER TRUST:

The site is located to the north of the Grand Union Canal which is in a cutting at this point. The proposed development would be set back significantly from the canal boundary, and it would appear to be largely screened from view by the existing buildings on the site.

The canal and its users should be considered as sensitive receptors to noise /air quality impacts though they do not appear to have been considered as such in the submitted assessments. However, considering the setback from the canal in this instance the Trust would defer to the advice of your Environmental Protection Officer on this matter.

Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures provided. This could be addressed by the imposition of a condition requiring the submission of a Construction and Environmental Management Plan.

Internal Consultees

HIGHWAYS OFFICER:

The Highway Authority have reviewed this application and note the loss of 40no. car parking spaces. However taking into account the small number of people that would work on the site and that the development would still provide 100no. car parking spaces there are no highway objections to this proposal. It is not considered to have any impact upon road safety, the free flow of traffic or contribute towards parking stress.

NOISE SPECIALIST:

A noise report has been submitted in support of the application ref 08914/3/1/2 dated 23/3/22 and this has been reviewed. The use of a design rating level of background -5 dB reported at 3.1.4 is consistent with the Council's approach, being derived from the application of recognised guidance. The nearest residential premises are reported as being about 250 metres away from the proposed plant. The analysis presented in the report indicates that this criterion would be achieved. It is recommended that no objection is made on noise grounds subject to suitable conditions hence: 'For the lifetime of the development hereby permitted the rating level of noise caused by the operation of plant, machinery and equipment shall be at least 5 dB below the minimum background noise level, or 35 dB(A), whichever is higher, measured 1 metre outside of any window of any dwelling, or similarly noise sensitive premises, determined in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound' 'For the lifetime of the development hereby permitted the rating level of noise caused by the testing and operation of emergency plant, machinery and equipment shall no more than 5 dB above the minimum background noise level, or 45 dB(A), whichever is higher, measured 1 metre outside of any window of any dwelling, or similarly noise sensitive premises, determined in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

CONTAMINATED LAND OFFICER:

No comment.

AIR QUALITY OFFICER:

Summary of Comments

The proposed development is located within the LBH Air Quality Management Area (AQMA) and in close proximity to the most sensitive Air Quality Focus Area (AQFA) within the Borough - the Hayes Focus Area (approx. 750m) - which is an area of known poor air quality and high human exposure. Whereas the area surrounding the site is predominantly a range of large industrial buildings, to the west there are predominantly 2 storey semi-detached and terraced residential properties.

As per the London Plan (GLA, 2021) and the LBH Air Quality Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive locations. As per the plan, LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor. Furthermore, policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

The Mayor of London has implemented the requirements to reduce PM2.5 concentrations to achieve the WHO interim target of 10ug/m³ through the London Plan and has placed a requirement on Local Authorities to reduce PM2.5 concentrations in their areas (London LAQM Policy 2019 Guidance:

para 5.11. reads "Boroughs are expected to work towards reducing emissions and concentrations of PM2.5 in their areas"). The current proposal will be against the requirement to reduce this pollutant over time as the proposed backup generators will emit significant levels of this pollutant on an annual basis, over the next 30 years. As the point source model used is usually not verified (nor adjusted) for the backup generator sets, no Root Mean Square Error (RMSE) of the model is calculated. Therefore, an inherent level of uncertainty is associated with the PM2.5 modelled results.

The proposed development is not air quality neutral and not air quality positive which is contrary to both regional (the London Plan) and local policies. Therefore, should this application be approved, an appropriate mitigation level needs to be secured using a conservative approach, given the nature of pollutants involved. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach for both pollutants of concern: NOx and PM2.5 emissions.

The calculations undertaken to estimate annual emissions in the air quality report submitted to support this planning application for 4 (four) units only, are based on the assumptions that the units will have emission rates of Caterpillar EM4795 generator sets, as per specification datasheets of this model (as in Appendix A of this note). Should the Committee be minded of approving this application, a suitable level of mitigation is to be secured and agreed with LBH to offset the total annual pollutant emissions over the life cycle of the proposed development.

Mitigation

In order to ascertain the level of mitigation necessary, total emissions have been calculated for NOx and PM2.5 in association with the four proposed emergency backup generators proposed as a result of the operation of the proposed development in accordance with the activity details presented in the Air Quality Report Addendum submitted on the 5th December 2022 (attached in Appendix B of this note for ease). The total level of relevant pollutant emissions into the atmosphere to be mitigated were monetised using Defra's damage cost tool as per LBH standard practice. A section 106 agreement with the LAP is therefore to be paid for Hillingdon to deliver its air quality local action plan and/or implement specific measures that reduce local emissions and/or reduce human exposure to pollution levels.

The total level of mitigation required to the proposed development for the emissions of the 4 diesel backup generators has been calculated using the central damage cost approach and using the high sensitivity level as an average worst-case scenario (please note the value to be paid could be much higher should the emission caps be exceeded over the life cycle of the generators), assuming NOx and PM2.5 emission rates from the Caterpillar EM4795 generator set specification datasheet. As a note for context/clarity, these four additional generators and associated elements of the proposal have been informally referred to as "LONDON7.5" (as an inference to an extension to the existing LONDON7 data centre).

Damage Cost and S106 Agreement

A financial contribution shall be paid to the Council to address air quality impacts arising from the development, amounting to a sum of £118,377 (at the central present value (damage cost 1) and rising up to at least £411,691 (damage cost 2) or above depending on the air pollutant emissions monitoring results in year 2 and subsequent years, in accordance with an emission monitoring schedule as defined in Condition Pollutant Emission Monitoring Plan.

At each monitoring year scheduled in the Pollutant Emission Monitoring Plan (Condition C), the collected emission monitoring data shall be submitted to the LA to verify the generators' emission performance and compare real world annual emissions with the annual emissions on which the damage cost was calculated. Any shortfall against the assumed emission performance assumed

(damage cost (1)) shall be calculated and submitted to the LPA no later than end of first month of year of monitoring +1. Should the total annual emissions for NOx and or PM2.5 be higher than the accounted for in the damage cost calculations, the LA will be entitled to require further payment to action the London Borough of Hillingdon's Local Air Quality Action Plan to further protect residents from exposure to local pollution levels. The calculations are to be based on g/s per backup generator at 5% O2, multiplied by the total operating hours (testing + maintenance, etc) to derive annual emission in tonnes/year.

Air Quality Conditions

A - Backup Generator Annual Emission Caps

The emergency backup generators hereby approved shall be of the same emission levels or cleaner, as described in Table 2 Generator Process Conditions of the Air Quality Report addendum submitted to support the planning application. The maximum total annual emissions (tonnes/year) for oxides of nitrogen (NOx) of 0.461 tonnes/year and of particulate matter of diameter 2.5 microns (PM2.5) of 0.016 tonnes/year as a result of the operation of the 4 backup generators are not to be exceeded as agreed with the Council and as set out in the Emission Reduction and Management Plan in year one (1) which shall be submitted to and approved by the Council.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

B - Emission Reduction and Management Plan

Prior to operation of the development, or each development phase, an Emission Reduction and Management Plan (ERMP) for the development, shall be submitted to and approved in writing by the Local Planning Authority. This shall outline and commit to a programme for carrying out a viability study to review emissions performance and alternative options for the diesel backup units, with clear time scales, to be submitted no later than year 21. The viability study shall be based on the BAT (best available technology) principle giving weigh to sustainability principles and aligned with the objectives of the Borough on improving air quality. This shall include but is not limited to the following:

- (i) A review of options for reducing NOx and PM2.5 emissions impacts for the National Grid power failures;
- (ii) A review of options for reducing NOx and PM2.5 emissions for the testing and maintenance regimes;
- (iii) A review of options for reducing NOx and PM2.5 emissions by improved SCR systems /alternative retrofitting systems
- (iv) A review of options for reducing NOx and PM2.5 emissions by alternative fuels/technologies
- (v) A feasibility study including benefit analysis for potential upgrades of the backup generators or other changes to infrastructure (e.g. SCR), type of fuel, generator type and operational regimes on site that could reduce emissions over time; alternative emergency backup solutions are to be also evaluated, e.g. fuel cells¹, etc.
- (vi) Use of the above information to propose appropriate changes in the generators type, selection of generators or other potential options for decreasing emissions over time no later than year 21; and
- (vii) Proposal of an appropriate timescale for improvements.

Thereafter the development shall be implemented and operated in accordance with these details.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

C - Pollutant Emission Monitoring Plan

Prior to operation of the development, a schedule for the testing of NO_x and PM_{2.5} emissions of the proposed standby generators for the development, shall be submitted to and approved in writing by the Local Planning Authority. This shall start from year 3 of the proposed development and run throughout the lifetime of the proposed generators in accordance with the agreed schedule. The monitoring of emissions must include all backup generators and allow a frequency that will enable the calculation of total annual emissions per engine for each year stipulated in the Plan.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

D - Implementations of Selective Catalytic Reduction equipment (SCR)

Prior to operation of the development, evidence that the backup generators are to be fitted with selective catalytic reduction (SCR) technology achieving at least 86% reduction in relation to the values reported in the air quality report submitted to support the planning application is to be submitted to and approved in writing by the Local Planning Authority. Evidence is to include, but is not restricted to, a written warranty and supporting documentation by the equipment manufacturers that this NO_x emission concentration is to be achieved, within 20 minutes of generator startup.

Thereafter the development shall be implemented and operated in accordance with these details.

REASON

As the application site is within an Air Quality Management Area, within a LBH Air Quality Focus Area and in close proximity to sensitive receptors, and to reduce the impact on air quality in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, Policy SI 1 of the London Plan (2021), and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

PLANNING SPECIALIST TEAM MANAGER (ENERGY):

1. The proposed development is to undertake works to the existing building to create a data centre. An energy assessment is required to demonstrate the development will achieve zero carbon status in accordance with London Plan Policy SI2
2. The energy statement (Revision P03, October 22) sets out the predicted energy performance of the development having applied the London Plan energy hierarchy, 'be lean, be clean, be green'.
3. I object to the proposed development due to the failure of the applicant to agree to providing a

carbon offset agreement to make up for the shortfall in the zero carbon target. The conclusion in the report states:

Based upon the power not being from certified renewable sources, the carbon contribution would be £191,076.14. However, for this development the power will be 100% renewable, so there are no carbon emissions which need to be offset, resulting in a zero payment.

4. Full details are set out below in the section 'Objection Justification'.

5. I have no objections to the methodology used to present the data in the report and the information presented is broadly in line with the Energy Assessment

6. Should the applicant be prepared to commit to a cash in lieu contribution to the Council's Carbon Offset Fund then I would have no objection subject to the following:

Condition

Prior to commencement of development (excluding demolition), a detailed energy monitoring, recording and reporting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the requirements of the London Plan (policy SI2) and the GLA Energy Assessment Guidance (April 2020 or as amended) and demonstrate that the development will secure the 72% saving in CO₂ emissions from the regulated energy load in accordance with the energy strategy (Clayfield Road, October 22).

The development must proceed in accordance with the approved reporting structure and where there is a failure to achieve the carbon savings as set out in the energy strategy, the quantum (tCO₂) shall be treated as part of the shortfall and shall result in a cash in lieu contribution in accordance with the formula set out in the S106.

Reason

To ensure the development's onsite carbon savings from regulated energy demand is achieved in perpetuity (i.e. annually over 30years) in accordance with the London Plan Policy SI2 of the London Plan.

Section 106 Requirement

Prior to commencement of development (excluding demolition), the shortfall identified in the Energy and Sustainability Statement shall form a cash in lieu contribution to the Council's carbon offset fund at £95/tCO₂ annualised over 30 years i.e. $67.04\text{tCO}_2 \times 30 \times 95 = £191,076$

Any additional shortfall identified through the ongoing reporting required by condition [energy] shall form a cash in lieu contribution in accordance with Policy SI2 of the London Plan at a rate of £95/tCO₂ annualised for not more than 30years beginning on the commencement of development. [i.e if a shortfall is first identified after 5 years the cash in lieu contribution is based on a 25year duration].

Objection Justification

7. I have no objections to the methodology used to present the data in the report and the information presented is broadly in line with the Energy Assessment guidance of the London Plan. The savings are primarily linked to the 'be lean' application of the energy hierarchy. The baseline of 239.32tCO₂ per annum is reduced to 67.04tCO₂ per annum through be lean measures. These are very high savings that will need to be monitored closely to ensure they transition from the modelling to

implementation.

8. Consequently, the development has a shortfall of 67.04tCO₂ per annum. The London Plan states where the development doesn't achieve onsite savings the shortfall can be secured through either:

1) a cash in lieu contribution to the borough's carbon offset fund, or

2) off-site provided that an alternative proposal is identified and delivery is certain.

9. These will be referred to as Option 1 and Option 2 below.

10. The cash in lieu contribution (Option 1) would be 67.04 x £95 (carbon price set out in the London Plan) x 30 (the estimated time period for the National Grid to move to renewable energy). This equates to a payment of £191,076 and should be secured through a S106. The funds are spent and administered in compliance with the GLA guidance on carbon offset funds. The funds secure onsite carbon savings elsewhere in the Borough.

11. However, the applicant has indicated that they would prefer to apply option 2 above, i.e. to provide an alternative proposal to secure the savings.

12. The applicant has stated that this would be through securing renewable energy direct from the National Grid through renewable energy guarantee of origin (REGO) certificates. These are intended to show the energy the end user consumes is from renewable sources.

13. I do not consider that REGOs are suitable to achieve the outcomes required by Policy SI2 and the requirements of Option 2. The following comments are all related to the shortfall.

Renewable Energy

14. The use of REGOs does not actually mean that the energy provided to the development is from renewable sources. The energy comes from the National Grid which is a mix of renewable and carbon intensive fuels. The REGO would simply attribute the energy used by the applicant to renewable energy produced by the supplier; renewable energy that would be produced regardless of the new development.

15. Consequently, the development doesn't reduce its own carbon footprint, doesn't reduce the demand on the national grid in terms of energy supplies, nor does it secure a guaranteed reduction in its own carbon footprint.

16. Conversely, the cash in lieu contribution is to be used by the Council in securing actual carbon reduction at the end user, for example, through improved lighting, insulation, clean (i.e. improved boilers) energy production or renewable energy generation (i.e. solar panels). These solutions guarantee at source reduction in carbon footprints and reductions in energy demands. In effect the actual renewable energy certified by the REGO could be used by another user and this development could be using fossil fuels.

17. The use of REGOs to manage the shortfall doesn't improve the development itself. The apparent improvements are simply attributed to what the national grid would be doing anyway. In effect, the REGOs would direct attributable renewable energy away from other users to enable a new development to reduce its own need; the applicant is not directly securing the savings via the development. This is not within the context of London Plan Policy SI2.

Onsite or Offsite Saving

18. As a result of the above, the development cannot be said to be achieving the required savings onsite, or through a combination of onsite and offsite measures.

Certifying

19. Option 2 also requires the alternative approach to be certain of delivery. REGOs expose the end user (who may not be the applicant in perpetuity) to a volatile energy market. At present some REGOs are available for up to 5 years, but in reality, they are reviewed on an annual basis. The cost of REGOs is increasing dramatically and there are concerns over their long term viability in the energy markets to cover the expected demand.

20. The applicant has not presented any information or evidence on how they intend to secure REGOs, who would be the provider, how long they could secure initially and how these would be monitored.

21. To have certainty of delivery of Option 2 the Council would need to monitor the carbon savings attributed to REGOs annually. This would most likely require analysis of the energy contracts of the development user on an annual basis.

22. The Option presented by the applicant lacks certainty of resource or management both within the end user and at the Council to secure the viability of the preferred approach.

London Plan Energy Guidance

23. The GLA produced Energy Assessment Guidance (2022) provides further advice on the approach to the offset solution:

The applicant should confirm in the energy assessment the value of the offset payment which will be made to the borough. Alternatively, boroughs may agree that the developer can directly offset any shortfall in carbon dioxide reductions from a development by installing measures off-site, e.g. photovoltaic panels on a local school. If this approach is being used then this should be confirmed in the energy assessment along with evidence of discussions with the borough's energy officer and following the guidance provided in the GLA's Carbon Offset Fund Guidance.

24. Option 1 allows for the Applicant to contribute to the Council's own offset fund. However, the guidance above indicates that should the Applicant propose an alternative approach (Option 2), then this should follow the same framework and objectives for Option 1. The example given above is a direct intervention being secured in a school to reduce its emissions; this is exactly the type of project the Council would be considering as part of its own obligations when administering its Carbon Offset Fund.

25. Option 2 provides opportunities for a developer to secure savings that meet the aims of the carbon offset payment that otherwise may not be available to the Local Authority. The criteria for delivering Option 1 is replicated for Option 2 and this is to ensure consistency of meeting objectives. However, what is not advocated in the carbon offset guidance is attributing the shortfall to REGOs. The Council cannot use the Carbon Offset Fund to secure REGOs to lay claim to a reduced carbon footprint and nor should the Applicant through the use of Option 2.

Conclusion

26. The proposed approach by the Applicant does not result in the required carbon savings associated with the development. The solution to attribute renewable energy generation within the national grid to the development results in no change pre and post development; the National Grid will be producing 'x' energy from renewable sources prior to commencement of development and

will be producing the same 'x' post completion of the development. The shortfall in the development is therefore not being appropriately addressed in accordance with Policy SI2, the Energy Guidance and Carbon Offset Guidance.

27. In summary, the application fails to:

- i. Achieve the required carbon savings onsite, or through a combined onsite and offsite solution.
- ii. Provide certainty of delivery of the REGO option 2 even if it is considered a viable proposal

PLANNING OFFICER:

The applicant has confirmed agreement to paying £191,076 as a cash in lieu contribution to the borough's carbon offset fund. This resolves the objection noted above.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy E4 of the London Plan (2021) states that a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions should be provided and maintained.

Policy E7 of the London Plan (2021) states that development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land.

The proposed development is primarily an attached tiered gantry structure to unit DC3 to provide no.4 generators. This is for the purposes of a mains power failure when back up generators are required and would support the already approved use of the unit as a data centre. The proposed structure is not for the purposes of people to access on a regular basis and is only meant for the storage and maintenance of plant and generator equipment. Based on these considerations, the proposal is not considered to be contrary to Policies E4 and E7 of the London Plan (2021).

7.02 Density of the proposed development

Not applicable to the consideration of the application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to the consideration of the application.

7.04 Airport safeguarding

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) The Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

B) In consultation with the Airport Operator, the Council will ensure that:

- i) areas included in Airport Public Safety zones are protected from development which may lead to an increase in people residing, working or congregating in these zones; and
- ii) sensitive uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

The National Air Traffic Services (NATS), Ministry of Defence and Heathrow Airport Ltd have been consulted and have confirmed that the proposed development raises no safeguarding objection. The only concern raised was from Heathrow Airport Ltd. who advised of the need for further consultation should the works require the use of a crane(s). An informative has been added.

As such, the proposal is considered to accord with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020).

7.05 Impact on the green belt

The site is located within Green Belt land and is subject to the planning policy considerations below.

In terms of local policy, the Hillingdon Local Plan: Part 1 (2012) gives strong protection to Green Belt land. Policy EM2 states that the Council will seek to maintain the current extent of the Green Belt and any proposals for development in the Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances (VSCs) test.

Policy DMEI 4 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

- i) the height and bulk of the existing building on the site;
- ii) the proportion of the site that is already developed;
- iii) the footprint, distribution and character of the existing buildings on the site;
- iv) the relationship of the proposal with any development on the site that is to be retained; and
- v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

The above is supported by Policy G2 of the London Plan (2021).

Paragraph 147 of the NPPF (2021) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 148 continues this, stating:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Paragraph 149 of the NPPF (2021) states that the construction of new buildings is inappropriate in the Green Belt, except for (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The application site forms part of Prologis Park West London which comprises four industrial units, including unit DC3. Specifically, unit DC1 and DC3 which are located to the south and south-west respectively have received approvals for similar gantry structures with generators and plant equipment.

The approved unit DC3 measures approximately 17.6 metres in height, 123.3 metres in depth and 133.4 metres in width, equating to approximately 289,488.7m³ in built volume. The proposed attached tiered gantry structure would measure 15.7 metres in height, 85.8 metres in depth and 14 metres in width, equating to 18,858.8m³ in built volume. The proposed structure would therefore equate to an approximate 6.5% increase in the built

volume of the structure relative to the currently approved built structure. As such, the extension would not result in disproportionate additions over and above the size of the original building.

The extension would be located in between DC3 and DC4 and as such would not be particularly visible from Horton Road or the Grand Union Canal. The peripheral tree planting to the west of the site also screen the proposal from views of the site from the west. In the main, views of the development are limited to within the wider Prologis Park site itself.

The proposed development is considered to be in character for the application site and proportional to the existing building. In the main, the development would also be screened by the existing development and would not significantly impact the visual amenities of the Green Belt. Based on these considerations, the proposed development is considered to accord with Policy EM2 of the Hillingdon Local Plan: Part 1 (2012), Policy DME1 4 of the Hillingdon Local Plan: Part 2 (2020), Policy G2 of the London Plan (2021) and the NPPF (2021).

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part 1 (2012) requires all new development to improve and maintain the quality of the built environment to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

- A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:
- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
 - ii) ensuring the use of high quality building materials and finishes;
 - iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
 - iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
 - v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

The proposed attached tiered gantry structure would measure 15.7 metres in height, 85.8 metres in depth and 14 metres in width, equating to 18,858.8m³ in built volume. The proposed structure would therefore equate to an approximate 6.5% increase in the built volume of the structure relative to the currently approved built structure.

The proposed structure would also be set in 60 metres from the east site boundary, 0.75 metres from the southern site boundary, and 7 metres in from the west site boundary. The extension would be located in between DC3 and DC4 and as such is not particularly visible from Horton Road or the Grand Union Canal. The peripheral tree planting to the west of the site also screen the proposal from views of the site from the west. In the main, views of the development are limited to within the wider Prologis Park site itself.

The structure would utilise cladded externals to match the material treatment of the existing building. If recommended for approval, the details of the materials would be secured by condition.

The proposed development is considered to be in character for the application site and proportional to the existing building. The development would also be screened by the existing development. As such, the proposal is considered to accord with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7.08 Impact on neighbours

Numbers 201 to 239 Horton Road are the closest residential receptors to the proposed extension, located circa 140m to the North-West. The travelling showpeople site at Beaches Yard is also located circa 170m to the north of the site to be developed and is subject to a current undecided application (ref. 75221/APP/2022/2968) for industrial development. There are further residential properties located south of the Grand Union Canal along Rutters Close and Summer Drive, set approximately 250m away at the closest point.

Please see the 'Noise or Air Quality Issues' section of the report. In all other respects, the proposal is not considered to have a detrimental impact on neighbour amenity due to the location of the site a significant distance away from any neighbouring residential properties

7.09 Living conditions for future occupiers

Not applicable to the consideration of the application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

CAR PARKING PROVISION

The proposed development would result in the loss of 40 no. car parking spaces. It is noted that the site is used for purposes of a data centre and as such does not necessitate that many employees are on site at any one time. The site would continue to provide 100 no. car parking spaces which is considered to be sufficient by the Highways Officer.

TRIP GENERATION

The proposed development is primarily an attached tiered gantry structure to unit DC3 to provide no.4 generators. This is for the purposes of a mains power failure when back up generators are required and would support the already approved use of the unit as a data centre. The proposed structure is not for the purposes of people to access on a regular basis and is only meant for the storage and maintenance of plant and generator equipment. As such, the proposal would not generate anymore trips than already approved.

SUMMARY

The proposed development would not be considered to prejudice conditions on the local highways network, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020) and Policies T4 and T7 of the London Plan (2021).

7.11 Urban design, access and security

URBAN DESIGN

Please see Section 07.07 of the report.

ACCESS

Please see Section 07.12 of the report.

SECURITY

The proposed development would not compromise the security of the site.

7.12 Disabled access

Not applicable to the consideration of the application.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of the application.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy DMEI 1 of the Hillingdon Local Plan: Part 2 (2020) states that all development proposals are required to comply with the following:

- i) All major development should incorporate living roofs and/or walls into the development. Suitable justification should be provided where living walls and roofs cannot be provided; and
- ii) Major development in Air Quality Management Areas must provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) states:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

There are no Tree Preservation Orders or Conservation Area designations affecting the site and there are no trees with the site to be developed. In essence, the proposal would redevelop an area of hardstanding.

The proposed scheme is required to facilitate the operation of the data centre use and as such, there is no space for tree planting. Due to the physical constraints of the site, it is also noted that there is no space to practically install and maintain a successful green wall. There is also no roof on the proposed structure to facilitate a green roof. Although non-provision of such features is not ideal, it is considered unreasonable to strictly apply the policy in this instance, given that views of the proposed structure would be restricted mainly to within the wider Prologis Park site.

Given the above, the proposal is not considered to be contrary to Policy G1 of the London Plan and Policies DMEI 1 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020).

URBAN GREENING FACTOR

Policy G5 of the London Plan (2021) states:

- a. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
- b. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.

Paragraph 8.5.5 of the London Plan (2021) states that this target score does not apply to Class B2 and B8 uses, but these uses will still be expected to set out what measures they have taken to achieve urban greening on-site and quantify what their UGF score is.

As noted above, the proposal is required to facilitate the operation of the data centre use and as such, there is no space to facilitate urban greening. It is also noted that these targets do not strictly apply to B8 uses, this being the class that the Council currently considers data centres to fall under. The proposal is not considered contrary to Policy G5 of the London Plan (2021).

ECOLOGY

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

As explained above, there is no space to provide any green wall, green roof or planting. The site does, however, form part of a larger site which includes tree planting and green infrastructure features. In this case, it is not practical to require ecological enhancement of the site. As such, the proposal is not considered contrary to the NPPF (2021), Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

7.15 Sustainable waste management

Waste management activities are to remain as existing.

7.16 Renewable energy / Sustainability

GREENHOUSE GAS EMISSIONS

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 (2020) requires that:

- A) All developments make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets;
- B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved;
- C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, if the Council is minded to approve the application despite not meeting the carbon reduction targets, then it will seek an off-site contribution to make up for the shortfall. The contribution will be sought at a flat rate at of £/tonne over the lifetime of the development, in accordance with the current 'allowable solutions cost'.

This is supported by Policy EM1 of the Hillingdon Local Plan: Part 1 (2012).

Policy SI 2 of the London Plan (2021) states that major development should be net zero-carbon, in accordance with the energy hierarchy: Be lean: use less energy and manage demand during operation; Be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly; Be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site; and Be seen: monitor, verify and report on energy performance.

Specifically, part (E) of Policy SI 2 of the London Plan (2021) states that major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. un-regulated emissions.

The updated Energy Strategy Rev. P03 (Dated 27th October 2022) sets out that there will be a 72% on-site saving and that the remaining 28% would be offset through "certified renewable sources". No information regarding these "certified sources" has been submitted and as such a carbon offset calculation has been applied instead. The carbon offset amount would be £191,076 and this would be secured as an obligation in the legal agreement, alongside a condition which requires the energy usage of the site to be monitored so that if future savings are not achieved, an additional financial contribution would be sought.

Subject to the condition and Section 106 planning obligation, the proposed development would not be considered contrary to Policy SI 2 of the London Plan (2021), Policy EM1 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMEI 2 of the Hillingdon Local Plan: Part 2 (2020).

ENERGY INFRASTRUCTURE

Policy SI 3 of the London Plan (2021) states that major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system:

- 1) the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
 - a) connect to local existing or planned heat networks
 - b) use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)

- c) use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
- d) use ultra-low NOx gas boilers
- 2) CHP and ultra-low NOx gas boiler communal or district heating systems should be designed to ensure that they meet the requirements in Part B of Policy SI 1 Improving air quality
- 3) where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.

There is no available space for CHP infrastructure to be installed under the current application submission. As above, significant on site savings are achieved via 'be lean' measures, meaning there is less need for 'be clean' measures. The proposed development is not considered contrary to Policy SI 3 of the London Plan (2021).

OVERHEATING

Policy SI 4 of the London Plan (2021) states:

- A) Development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.
- B) Major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:
 - 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;
 - 2) minimise internal heat generation through energy efficient design;
 - 3) manage the heat within the building through exposed internal thermal mass and high ceilings;
 - 4) provide passive ventilation;
 - 5) provide mechanical ventilation; and
 - 6) provide active cooling systems.

The proposed development is primarily an attached tiered gantry structure to unit DC3 to provide no.4 generators. The proposed structure is not for the purposes of people to access on a regular basis and is only meant for the storage and maintenance of plant and generator equipment. As such, internal overheating is not applicable in this instance. The proposal is not considered contrary to Policy SI 4 of the London Plan (2021).

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) requires that development proposals ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) also requires that development proposals utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). Notably, proposals that fail to make appropriate provision of flood risk and surface water flooding mitigation will be refused.

The proposed development is primarily an attached tiered gantry structure to unit DC3 to provide no.4 generators. This is for the purposes of a mains power failure when back up generators are required and would support the already approved use of the unit as a data centre. The sustainable water management measures for the site have already been

implemented and the proposed development would not have a material impact on this consideration. As such, the proposal is not considered contrary to Policies SI 12 and SI 13 of the London Plan (2021), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020).

7.18 Noise or Air Quality Issues

NOISE

Policy D13 of the London Plan (2021) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

This is supported by Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

The Council's Noise Specialist has reviewed the information submitted and notes that acceptable noise conditions would be achieved subject to two compliance conditions. Subject to these conditions, the proposal would accord with Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

AIR QUALITY

Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors. Policy SI 1 of the London Plan (2021) further supports this.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) states:

- A) Development proposals should demonstrate appropriate reductions in emissions to

sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

- i) be at least "air quality neutral";
- ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and
- iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The application site is located within the Hillingdon Air Quality Management Area and within close proximity to the Hayes Air Quality Focus Area, one of Hillingdon's most sensitive Focus Areas which is known for poor air quality and high human exposure. Although the area surrounding the site is predominantly industrial, residential development is sited a short distance to the west along Horton Road.

In order to meet the electrical demand for the proposed data centre in the event of a grid failure, the proposed development requires 4 no. diesel backup generators. As confirmed by the Council's Air Quality Officer, the proposed development is not air quality neutral or air quality positive. The worst case scenario damage cost has been calculated and equals £411,691. It is proposed that part of this cost is paid as an upfront 'day one' operation sum (equal to £118,377) which could rise up to £411,691 depending on the performance of the generators and monitoring results.

If recommended for approval, planning conditions which secure the backup generator annual emission caps, an emission reduction and management plan, pollutant emission monitoring plan and selective catalytic reduction would be required. In conjunction with this, a Section 106 planning obligation would secure the damage cost required to mitigate the impact of the proposed development of local air quality.

Subject to such planning obligations and conditions, the proposal is not considered contrary to Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy SI 1 of the London Plan (2021).

7.19 Comments on Public Consultations

Please see Section 06.1 of the report.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

- i) to secure the provision of affordable housing in relation to residential development schemes;
- ii) where a development has infrastructure needs that are not addressed through CIL; and
- iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the

following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

(i) Air Quality Contribution: A minimum financial contribution of £118,377, potentially rising up to £411,691 depending on the air pollutant emissions monitoring results in year two post first operation and subsequent years, in accordance with an emission monitoring schedule as defined in Condition 11 (Pollutant Emission Monitoring Plan), with potential additional contributions required if the impact on air quality is found to be worse than anticipated.

(ii) Carbon Offset Contribution: A financial contribution amounting to £191,076 shall be paid to the Council's carbon offset fund. Any additional shortfall identified through the ongoing reporting required by Condition 7 shall form a cash in lieu contribution in accordance with Policy SI2 of the London Plan at a rate of £95/tCO₂ annualised for not more than 30 years beginning on the commencement of development. [i.e if a shortfall is first identified after 5 years the cash in lieu contribution is based on a 25 year duration].

(iii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

COMMUNITY INFRASTRUCTURE LEVY (CIL):

The scheme would not be liable for payments under the Community Infrastructure Levy.

7.21 Expediency of enforcement action

Not applicable to the consideration of the application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the

application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed erection of a tiered gantry structure to Unit 3 to provide plant and 4 no. generators is considered acceptable in principle and with regard to its impact on the character of the area, highways matters and noise environment. Specifically, the impact on local air quality is a concern but is proposed to be mitigated by the use of conditions and a Section 106 agreement which secures a financial contribution to address such air quality impacts. The applicant has also agreed to pay a carbon offset contribution in order to achieve net zero-carbon and policy compliance.

Subject to conditions and a Section 106 agreement, the application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

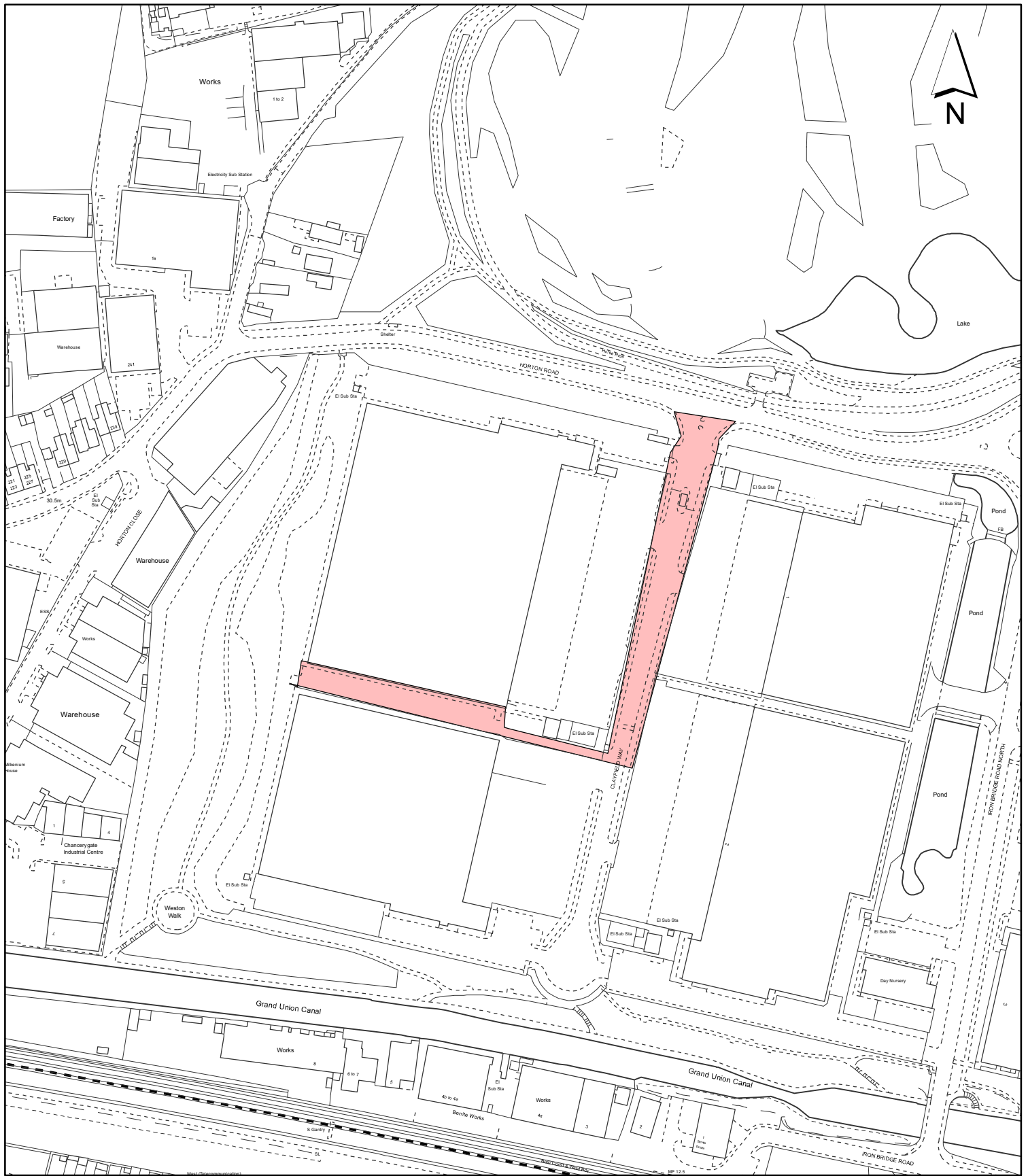
Hillingdon Local Plan: Part 2 - Site Allocations and Designations (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Michael Briginshaw

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Notes:

 Site boundary

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**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

77241/APP/2022/1407

Scale:

1:2,500

Planning Committee:

Major

Date:

January 2023



HILLINGDON
 LONDON