

Report of the Head of Planning & Enforcement Services

Address UNIT F, PROLOGIS DISTRIBUTION PARK STOCKLEY ROAD WEST
DRAYTON

Development: Alterations to existing elevations, boundary treatment and landscaping, installation of external plant and associated screening, alterations to access and car parking arrangements, including installation of gate house and gates in connection with use as a Class B8 data centre.

LBH Ref Nos: 68137/APP/2011/2564

Drawing Nos: 30400-PL-101
30400-PL-102
30400-PL-103
30400-PL-104
30400-PL-110A
30400-PL-111
30400-PL-112
30400-PL-113A
30400-PL-114A
A05906
A05952
Acoustic Report
Letter from Energy Provider
Transport Statement
Design and Access Statement
30400-PL-100

Date Plans Received: 19/10/2011 **Date(s) of Amendment(s):**
Date Application Valid: 21/10/2011

1. SUMMARY

This application relates to Unit F at Prologis Park, Stockley Road. The proposal relates to works which are required to facilitate the use of the building as a Data Centre.

Advice from the Council's Legal Advisor is that Appeal Decisions (considered relevant to this current scenario) show that this type of use can be considered a storage (Class B8) use, and as such no permission is required for the use itself, however alterations to the loading and parking areas, as well as security fencing are required and would need planning permission.

While there is not an objection raised to this proposal (which involves significant reductions in the size of the loading area, and a reduction in car parking spaces), the recommendation for approval is on the basis that the building (Unit F) be used as a Data Centre (which has unique characteristics which mean less deliveries are necessary and less staff/visitor parking is required). A condition is recommended to ensure this.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (ii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iii) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (iv) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

5 TL1 Existing Trees - Survey

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem

diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.

(ii) A clear indication of trees, hedges and shrubs to be retained and removed.

(iii) Existing and proposed site levels.

(iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.

(v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with

BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

7 TL3 Protection of trees during site clearance and development

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing

shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Air Quality

Before any part of the development is occupied an environmental fleet management plan shall be submitted for approval to the Local Planning Authority. The said scheme shall include the use of low emission vehicle technologies (e.g. use of electric and/or hybrid vehicles where appropriate, installation of electric charging points), environmentally aware driver training scheme (e.g. no idling), and fleet servicing and maintenance regime. The said scheme shall be implemented for so long as the development is available for use.

REASON:

To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 RPD11 Restrictions on Changes of Uses

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the building (Unit F) shall be used only for a Data Centre and for no other use purposes within Use Classes B1(a) & (c), B2 & B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON

The development will result in a reduction in car parking and loading/servicing areas and facilities, which is only acceptable because of the unique nature/character of Data Centres (which have a reduced need for deliveries, servicing and parking as compared to other uses within the B1(a) & B1(c), B2 and B8 use classes). The condition is necessary to ensure that parking, loading and servicing areas are adequately considered in relation to future occupiers of the site and the facilities provided for any subsequent non data centre uses are commensurate with the need of future uses which may be proposed in the building and to accord with policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

10 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy the London Plan (July 2011) and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), London Plan (July 2011) Policy 5.12 and PPS25.

11 SUS8 Electric Charging Points

Before development commences, plans and details of 1 electric vehicle charging point, serving the development and capable of charging multiple vehicles simultaneously, shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To encourage sustainable travel and to comply with London Plan (July 2011) Policy 5.3

12 OM14 Secured by Design

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3

13 M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

14 H10 Parking/Turning/Loading Arrangements

The roads/turning/loading facilities/sight lines and parking areas (including the marking out of parking spaces) shown on the approved plans shall be constructed prior to occupation of the development, thereafter permanently retained and used for no other purpose.

REASON

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon

Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan . (July 2011).

15 NONSC Plant Noise

The rating level of noise emitted from the mechanical plant at the proposed development shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property during the relevant periods of operation and with all other items of machinery operating together. The measurements and assessment shall be made in accordance with British Standard 4142 'Method for rating industrial noise affecting mixed residential and industrial areas'.

Reason

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

16 NONSC Plant details

Prior to commencement of development, details of any plant to be installed (with respect in particular to the design and noise levels of the equipment installed and noise mitigation measures) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety before the hotel is brought into use and maintained as such thereafter unless written agreement is given to any variations from the Local Planning Authority.

REASON

To safeguard the amenity of the users of the proposed building given high background noise levels around the application site in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2008.

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 Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved

	Policies, September 2007)
LE2	Development in designated Industrial and Business Areas
LPP 4.1	(2011) Developing London's economy
LPP 4.10	(2011) New and Emerging Economic Sectors
LPP 4.11	(2011) Encouraging a connected economy
LPP 4.12	(2011) Improving opportunities for all
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
PPG13	Transport
PPG24	Planning and Noise
PPS1	Delivering Sustainable Development
PPS20	Renewable Energy
R16	Accessibility for elderly people, people with disabilities, women and children

3 I14 Installation of Plant and Machinery

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

4 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

5 147 **Damage to Verge**

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

6 148 **Refuse/Storage Areas**

The proposed refuse and recycling storage areas meet the requirements of the Council's amenity and accessibility standards only. The proposed storage area must also comply with Part H of the Building Regulations. Should design amendments be required to comply with Building Regulations, these should be submitted to the Local Planning Authority for approval. For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250400).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of Unit F, located within ProLogis Park Heathrow on the eastern side of Stockley Road. Access roads run along the southern and western boundaries of the site.

An area of car parking is located between the building and the southern boundary. Units A and B are located to the west with Unit E to the north. Nos 7-17 Nine Acres Close are located east of the site. An area of Green Belt lies to the north of the application site.

3.2 Proposed Scheme

The proposed scheme involves alterations to the existing elevations, boundary treatment and landscaping, the installation of an external plant and associated screening, and alterations to access and car parking arrangements, including the installation of a gatehouse and gates. These alterations are to allow the use of the building as a Data Centre which is considered to fall within the existing Use Class B8 for the storage of electronic data.

The proposed scheme involves alterations to the existing elevations due to the installation of a number of louvers on the elevations to facilitate ventilation of the proposed mezzanine floor. All louvers and openings will be designed to match the existing colour and profile where applicable.

The existing boundary fence is to be replaced by 3 metre high security welded mesh fencing around the site boundaries and 5 metre high welded mesh fencing around the service yard. The external plant will sit within a louvered compound to provide security, control noise and to screen the external plant.

The scheme also includes alterations to access and car parking arrangements, including the installation of a gatehouse and gates. Vehicular access into the site is off Stockley Road onto the existing estate road serving the whole ProLogis Park site. The vehicular access into the plot will remain as existing, with a separate access for cars to the front of

the building with the gatehouse providing 24 hour security to the site. Access for HGV vehicles into the service yard will be from the road along the west elevation.

3.3 Relevant Planning History

18399/APP/2006/2308 Former M O D Records Office Stockley Road West Drayton

Reserved matters (details of siting, design, external appearance & landscaping) of Unit F (employment component) in compliance with condition 3 of planning permission ref:18399/APP/2005/3415 dated 02/03/06 and variation of conditions 2, 3, 7, 8, 10, 11, 13, 20, 21, 22, 26, 29 & 30 (to allow separate phased submissions of details relating to residential & employment components of the development) of outline planning permission ref:18399/APP/2004/2284 dated 19/08/05 Redevelopment of the site for a mixed-use development comprising Classes B1(a) & (c), B2 & B8 employment uses and Class C3 residential use up to a maximum of 101 units with associated access, parking and landscaping

Decision: 03-11-2006 Approved

18399/APP/2006/3111 Former M O D Records Office Stockley Road West Drayton

DETAILS OF MATERIALS IN COMPLIANCE WITH CONDITION 1 OF PLANNING PERMISSION REF: 18399/APP/2006/547 DATED 12/07/2006 RESERVED MATTERS (DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING) OF UNITS B, E & F (EMPLOYMENT COMPONENT) OF OUTLINE PLANNING PERMISSION REF: 18399/APP/2004/2284 DATED 19/08/2005 REDEVELOPMENT OF SITE FOR A MIXED USE (EMPLOYMENT AND RESIDENTIAL)

Decision: 12-03-2007 Approved

18399/APP/2006/524 Former M O D Records Office Stockley Road West Drayton

RESERVED MATTERS (DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING) OF THE RESIDENTIAL COMPONENT (101 UNITS) IN COMPLIANCE WITH CONDITION 3 OF PLANNING PERMISSION REF. 18399/APP/2005/3415 DATED 27/01/2006: 'VARIATION OF CONDITIONS 2,3,7,8,10,11,13,20, 21,22,26,29 & 30 (TO ALLOW SEPARATE PHASED SUBMISSIONS OF DETAILS RELATING TO RESIDENTIAL AND EMPLOYMENT COMPONENTS OF THE DEVELOPMENT) OF OUTLINE PLANNING PERMISSION REF.18399/ APP/2004/2284 DATED 19/08/2005: REDEVELOPMENT OF THE SITE FOR A MIXED-USE DEVELOPMENT COMPRISING USE CLASSES B1(a) & (c), B2 AND B8 EMPLOYMENT USES AND C3 RESIDENTIAL USE (UP TO A MAXIMUM OF 101 UNITS) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING'.

Decision: 26-07-2006 Approved

18399/APP/2007/2724 Former M O D Records Office Stockley Road West Drayton

RESERVED MATTERS (DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING) OF UNITS C AND D (EMPLOYMENT COMPONENT) IN COMPLIANCE WITH CONDITION 3 OF PLANNING PERMISSION REF.18399/APP/2005/3415 DATED 27/01/2006: VARIATION OF CONDITIONS (TO ALLOW SEPARATE PHASED SUBMISSIONS OF DETAILS RELATING TO RESIDENTIAL AND EMPLOYMENT COMPONENTS OF THE DEVELOPMENT) OF OUTLINE PLANNING PERMISSION REF.18399/ APP/2004/2284 DATED 19/08/2005: REDEVELOPMENT OF THE SITE FOR A MIXED-USE DEVELOPMENT COMPRISING USE CLASSES B1(a) & (c), B2 AND B8 EMPLOYMENT AND C3 RESIDENTIAL USE (UP TO A MAXIMUM OF 101 UNITS) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING.

Decision: 17-12-2007 Approved

18399/APP/2007/2725 Former M O D Records Office Stockley Road West Drayton

RESERVED MATTERS (DETAILS OF SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING) OF UNITS C, D AND G (EMPLOYMENT COMPONENT) IN COMPLIANCE WITH CONDITION 3 OF PLANNING PERMISSION REF.18399/APP/2005/3415 DATED 27/01/2006: VARIATION OF CONDITIONS (TO ALLOW SEPARATE PHASED SUBMISSIONS OF DETAILS RELATING TO RESIDENTIAL AND EMPLOYMENT COMPONENTS OF THE DEVELOPMENT) OF OUTLINE PLANNING PERMISSION REF. 18399/APP/2004/2284 DATED 19/08/2005: REDEVELOPMENT OF THE SITE FOR A MIXED-USE DEVELOPMENT COMPRISING USE CLASSES B1(a) & (c), B2 AND B8 EMPLOYMENT USES AND C3 RESIDENTIAL USE (UP TO A MAXIMUM OF 101 UNITS) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING.

Decision: 17-12-2007 Approved

Comment on Relevant Planning History

Planning History for the Site (Prologis Park Unit F)

18399/APP/2004/2284 - 'Redevelopment of the site for a mixed- use comprising (Classes B1(a) & (c), B2 and B8) employment uses and (Class C3) residential (up to a maximum of 101 units) with associated access, parking and landscaping (outline application)'Outline Planning permission granted.

18399/APP/2006/2308 - Reserved matters (details of siting, design, external appearance & landscaping) of Unit F (employment component) in compliance with condition 3 of planning permission ref:18399/APP/2005/3415 dated 02/03/06 and variation of conditions 2, 3, 7, 8, 10, 11, 13, 20, 21, 22, 26, 29 & 30 (to allow separate phased submissions of details relating to residential & employment components of the development) of outline planning permission ref:18399/APP/2004/2284 dated 19/08/05 Redevelopment of the site for a mixed-use development comprising Classes B1(a) & (c), B2 & B8 employment uses and Class C3 residential use up to a maximum of 101 units with associated access, parking and landscaping. Permission Granted.

The following Appeal is also considered relevant to this application Ref: APP/Y0435/X/09/2103771 (Plot 310, Crossley Drive, Magna Park, Milton Keynes). In that appeal decision the appeal inspector concluded that storage of electronic data is a storage use within Class B8.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.24 To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing.

PT1.23 To encourage industry and warehousing to located within existing Industrial and Business Areas and offices and other business uses, shops and public buildings employing or attracting large numbers of people to located within Town Centres or other areas identified for such purposes.

Part 2 Policies:

AM14 New development and car parking standards.
AM7 Consideration of traffic generated by proposed developments.
BE13 New development must harmonise with the existing street scene.
BE15 Alterations and extensions to existing buildings
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LE2 Development in designated Industrial and Business Areas
LPP 4.1 (2011) Developing London's economy
LPP 4.10 (2011) New and Emerging Economic Sectors
LPP 4.11 (2011) Encouraging a connected economy
LPP 4.12 (2011) Improving opportunities for all
OE1 Protection of the character and amenities of surrounding properties and the local area
OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
PPG13 Transport
PPG24 Planning and Noise
PPS1 Delivering Sustainable Development
PPS20 Renewable Energy
R16 Accessibility for elderly people, people with disabilities, women and children

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **11th November 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

56 neighbours were consulted and no comments were recieved.

BAA:

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal. The applicants' attention is drawn to 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.

NATS:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

Please be aware that this response applies specifically to the above consultation based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NERL in regard to this application (including the installation of wind turbines) which become the basis of a full, 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.

Internal Consultees

LEGAL OFFICER:

Provided the installation of a mezzanine floor affects only the interior of the building (or does not materially affect the exterior) it will not fall within the definition of development (see Section 55(2)(a) of the TCPA 1990). The control over the installation of mezzanine floors only attaches to buildings used for the retail sale of goods other than hot food (see Article 3(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2010). The above being the case, the installation of a mezzanine floor within a B8 unit does not require planning consent.

In my view, the appeal decision APP/Y0435/X/09/2103771 (Plot 310, Crossley Drive, Magna Park, Milton Keynes) does support the argument that a data centre should be classified as B8 Storage. It would be legitimate for you to rely on this appeal decision as a material consideration.

It is likely that an inspector would follow the previous appeal decision and therefore you would have to lodge a S288 appeal in the high court to get the precedent definitively overturned.

EPU:

The site is in an area of poor air quality within the AQMA. It was agreed an air quality assessment was not going to be required in this instance as local emissions were likely to go down based on the proposed use. It is understood there would be no on site power generation resulting in emissions to air (except for back up generators) and Highways have not requested any junction improvement works. If this is to change for any reason (due to possible impacts from the Cross Rail works site) we may need to reconsider.

The following conditions are suggested towards improving air quality in the area where NO2 is slightly below the annual European Union limit Value of 40 mg/m3.

No travel plan has been submitted for the change of use application. This needs to be given due consideration to ensure sustainable modes of transport are available to staff.

Air Quality Condition 1 - Green Travel Plan

Before the development is occupied a Green Travel Plan shall be submitted for approval to the Local Planning Authority for each unit. Due to the development being within the AQMA, the Travel Plan submitted should include the consideration of providing a personalised travel planning service to maximise the take up of more sustainable modes of transport.

REASON: To safeguard residential amenity in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Notes: If the development is within the AQMA and close to public transport a more detailed Travel Plan should be sought. The provision of a personalised travel planning service can help to enhance the uptake of more sustainable modes of transport. Advice on approach can be found in the following DfT publication:

<http://www.dft.gov.uk/pgr/sustainable/travelplans/ptp/personalisedtravelplanningev5774>

This development is within the boundaries of the London Low Emission Zone (LEZ) which sets strict pollutant emissions criteria for entry of certain types of diesel vehicles into the area within the M25. However, as this development is also within a declared AQMA and within an area of poor air quality a detailed environmental management plan aimed at reducing emissions from the fleet is also required for the operational phase of the development. This should include, for example, selecting delivery companies who can demonstrate their commitment to following best practice such as the Freight Operator Recognition Scheme (FORS).

Air Quality Condition 2 - Environmental Fleet Management

Before any part of the development is occupied an environmental fleet management plan shall be submitted for approval to the Local Planning Authority. The said scheme shall include the use of low emission vehicle technologies (e.g. use of electric and/or hybrid vehicles where appropriate, installation of electric charging points), environmentally aware driver training scheme (e.g. no idling), and fleet servicing and maintenance regime. The said scheme shall be implemented for so long as the development is available for use.

Reason: To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Notes: This condition is used to ensure that the end development use does not increase pollutant emissions in the surrounding area. The environmental management plan should, where relevant, address issues such as environmental fleet management, travel plan etc.

TREES/LANDSCAPE OFFICER:

The site is occupied by warehouse, unit F, a vacant shed in the recently completed industrial park. Drawing No. 30400-PL-01 shows the existing site layout, including an approved landscape buffer with a necklace of specimen trees planted around the south and west boundaries. A woodland planted bund screens the site from the residential estate to the east. Trees around the site have been planted in accordance with approved landscape details.

PROPOSAL:

The proposal is to change the use of the building to a data centre with associated alterations to the building, boundary treatment and landscaping. Specific external alterations include the provision of a security gate house and upgraded security fencing to the boundary.

LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- Access to the site will utilise the existing entrance off the southern access road. The new layout includes the provision of a new gatehouse set back from the entrance, involving the loss of two existing parking spaces. According to drawing No. 30400-PL-110A no trees or other landscape features will be removed as a result of the proposal. However, the proposed installations are close to the existing trees and they should be safeguarded during the construction/installation operations.
- The main amendment to the landscape is the replacement of the existing perimeter fence high security welded mesh fencing to 3 metres in height around the boundaries. This will be increased to

a height of 5 metres around the service yard.

RECOMMENDATIONS:

No objection, subject to the above considerations and conditions TL1, TL2 and TL3.

ACCESS OFFICER:

The Access Officer was consulted but stated that as no changes were proposed to the disabled parking layout he had no comments to make.

SUSTAINABILITY OFFICER:

As the change of use to the Data Centre does not require permission there is no requirement for the Council to stipulate renewable energy technology or reduction in energy consumption.

Even if the application were to require permission, the London Plan energy reduction targets only refer to regulated energy and would not have much impact on this development.

I therefore have no objections to the development.

HIGHWAYS: No objection is raised subject to a condition ensuring that when the data centre use ceases the service yard, loading bays and car park be reinstated to its present state.

OFFICER COMMENT: A condition restricting the use of the site to a data centre and no other use with use classes B1, B2 or B8 will address these issues.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Appeal decisions are relevant to this application, in particular the appeal decision APP/Y0435/X/09/2103771 (Plot 310, Crossley Drive, Magna Park, Milton Keynes) is considered to support the argument that a data centre should be classified as B8 Storage. In this regard the use of Unit F as a Data Centre does not require permission.

This application does not involve a change of use, and as such there is no objection raised in principle to the development.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

BAA have raised no objection to this proposal.

7.05 Impact on the green belt

Initial consideration of the impact of the development, of which Unit F forms part, on the adjacent Green Belt land to the south of the site was undertaken at the outline planning stage. It was determined that sufficient area was available to screen and soften the impact of any new built form.

Unit F is well screened from the adjoining Green Belt land by the provision of a landscaped buffer up to 13 metres in width along the southern boundary of the site. Additional landscaping also exists within the site with planting being provided along the internal boundaries of the unit. These areas of planting result in a good visual enclosure of the site ensuring the adjoining Green Belt is not unduly affected by the scale of the unit.

The proposed changes to the building would not change this situation and the development is therefore considered to comply with Policy OL5 of the Unitary Development Plan.

7.07 Impact on the character & appearance of the area

The main scope of work would not be easily visible from any residential properties and would be set behind boundary treatment.

Conditions are recommended to ensure that landscaping is introduced to soften the appearance of the boundary treatment and parking area. The applicant proposes screening of the plant areas (so these would not be easily visible from the road way).

7.08 Impact on neighbours

Unit F forms part of a wider development site which included a residential development of 101 units immediately to the east of this unit. As part of the outline planning permission (Ref. 18399/APP/2004/2284) a landscaped buffer was constructed in order to provide a visual and acoustic barrier between the employment and residential components of the development. In addition, acoustic fencing was provided along the eastern boundary of the service yard of Unit F. In view of this it is not considered that the installation of plant in the service yard together with associated screening, the reduction in loading bays, the alterations to the parking and access arrangements, including the installation of a gate house and gates would have any material impact on the amenities of the new residential units being constructed on the adjoining site.

7.09 Living conditions for future occupiers

Not strictly applicable to this application (as it is not for residential development). However the proposal would provide adequate facilities for future workers and comply with relevant disabled access requirements.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application would result in the loss of 6 parking spaces and the majority of the loading/servicing area.

The application was referred to the Council's Highways Officer who has advised that the unique nature of data centres is such that there are few deliveries and less staff are required than would be expected to occupy a typical warehousing operation.

The Highways Officer has considered the evidence submitted by the applicant to justify parking and loading, and considers that subject to the use being limited to a Data Centre, then there would be no objections to the scheme.

7.11 Urban design, access and security

The proposal does not raise concerns in Urban Design terms. Conditions are suggested to ensure detailed security considerations and the implementation of CCTV in key areas.

7.12 Disabled access

The application does not involve a change of use or alterations internally which require planning permission. The external works proposed, subject to conditions, would meet accessible requirements.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

The proposal will utilise the existing entrance off the southern access road with the provision of a new gatehouse set back from the entrance. The new gatehouse will result in the loss of two existing parking spaces but will not result in any changes to existing trees and landscape features. As the proposed installations and alterations are located close to existing trees, tree protected measures are needed to safeguard the trees during the construction and installation operations.

The existing boundary treatment is to be replaced by 3 metre high security welded mesh fencing around the boundaries and 5 metre high security welded mesh fencing around the service yard.

The Trees/Landscape Officer considers the proposed landscaping to be acceptable.

7.15 Sustainable waste management

Policy 5.17 of the London Plan sets out the Spatial Policy for Waste Management in London and states that all developments should provide adequate storage facilities for waste and recycling.

In this case the proposal relates to primarily parking and loading areas and not to the use of the building itself. There would be ample room internally to accommodate refuse storage (the use itself is not one which results in any significant generation of waste/recycling). No objection is raised.

7.16 Renewable energy / Sustainability

The application was referred to the Council's Sustainability Officer, who noted that as no change of use was involved, the scheme is essentially limited to works to the parking and loading areas. As such this scheme does not generate a requirement to offset carbon emissions.

7.17 Flooding or Drainage Issues

The site does not lie within a designated flood risk zone. Accordingly, the consideration of flood risk is not relevant to the current proposal.

Policy 5.13 of the London Plan, encourages developments to adopt sustainable urban drainage solutions to manage surface water runoff. Subject to the imposition of a condition requiring the design and implementation of a sustainable drainage scheme, no objection is raised to this scheme.

7.18 Noise or Air Quality Issues

The application site is located in an area of poor air quality within the AQMA. The proposed use will result in a decreased level of local emissions as, except for backup generators, there would be no on-site power generation resulting in emissions to air. The development is also within the boundaries of the London Low Emission Zone (LEZ) which sets strict pollutant emissions criteria for entry of certain types of diesel vehicles into the area within the M25. Therefore, as the development is located within an area of poor air quality, a detailed environmental management plan aimed at reducing emissions from vehicles entering the site is required for the operational phase of the development.

Subject to an environmental management plan, the Environmental Protection Unit considers the proposal to be acceptable.

The supporting noise report was subject to detailed consideration with regard to noise impacts. This review has regard to the proposed use of the site, which would be a source of noise. It was concluded that the development would achieve an appropriate environment for neighbouring occupiers subject to conditions securing noise mitigation measures and controlling the use of the plant.

7.19 Comments on Public Consultations

No response received from neighbour consultations. Other matters raised by internal and external consultees have either been dealt with in the body in the report or by way of recommended planning conditions.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

This application relates to Unit F at Prologis Park, Stockley Road. The proposal relates to works which are required to facilitate the use of the building as a Data Centre.

This type of use can be considered a storage (Class B8) use, and as such no permission is required for the use itself, however alterations to the loading and parking areas, as well as security fencing are required and would need planning permission.

While there is not an objection raised to this proposal (which involves significant reductions in the size of the loading area, and a reduction in car parking spaces), the recommendation for approval is on the basis that the building (Unit F) be used as a Data Centre (which has unique characteristics which mean less deliveries are necessary and less staff/visitor parking is required).

Subject to the recommended conditions approval is recommended.

11. Reference Documents

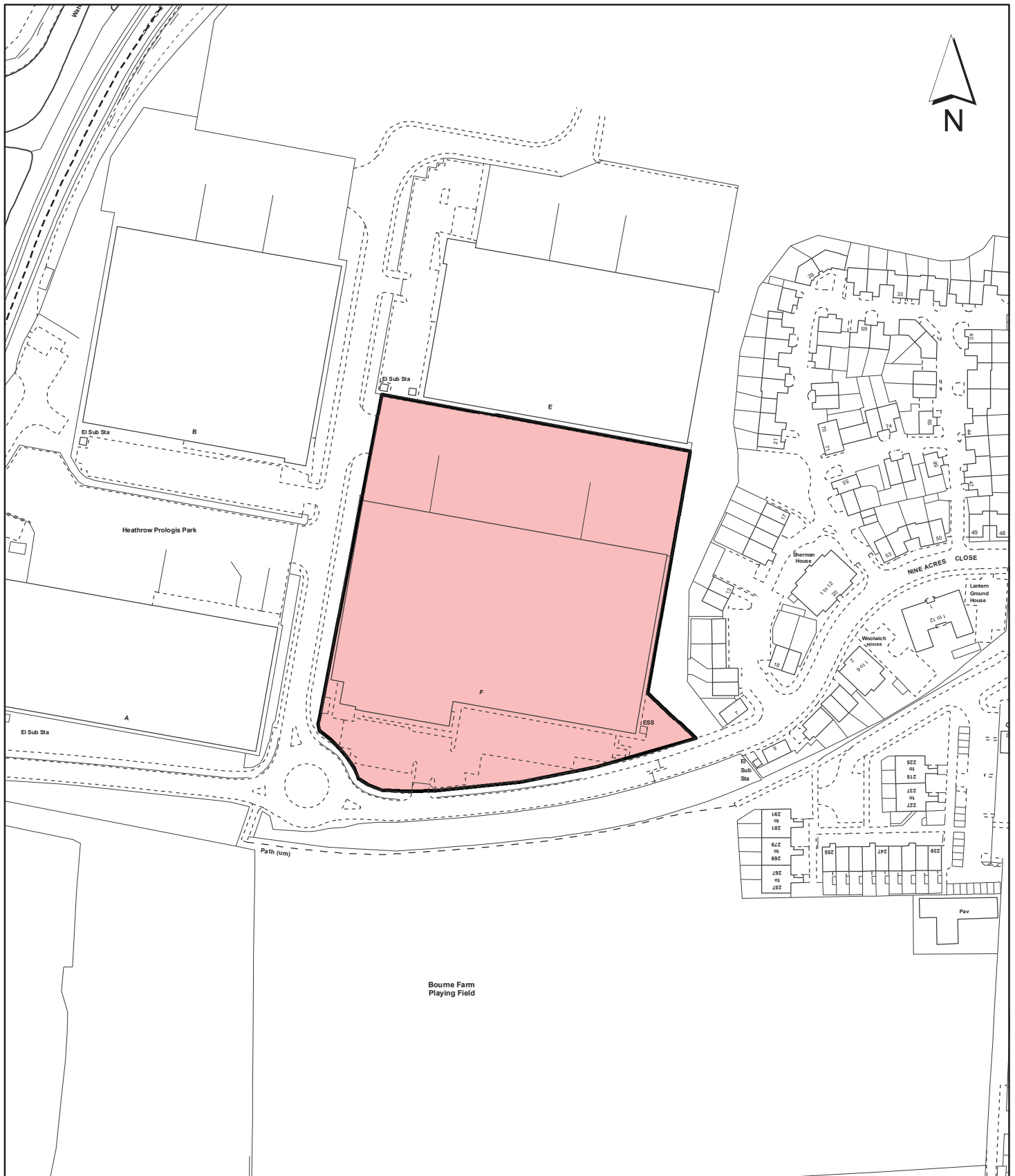
The London Plan (July 2011)

Hillingdon Unitary Development Plan Saved Policies (September 2007)

Accessible Hillingdon Supplementary Planning Document (January 2010)

Contact Officer: Matt Kolaszewski

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2011 Ordnance Survey 100019283

Site Address

**Unit F, Prologis Distribution Park
Stockley Road
West Drayton**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

68137/APP/2011/2564

Scale

1:2,000

Planning Committee

Central and South

Date

**December
2011**



HILLINGDON
LONDON