

## Report of the Head of Planning, Sport and Green Spaces

**Address** BRUNEL UNIVERSITY KINGSTON LANE HILLINGDON

**Development:** Installation of 10 freestanding smoking shelters

**LBH Ref Nos:** 532/APP/2015/3602

**Drawing Nos:** BUSMSH-GW-00-LOC-001 Sheet 1 of 2 Rev. A  
BUSMSH-GW-00-LOC-001 Sheet 2 of 2 Rev. A  
Photographs  
BUSMSH-GW-00-LOC-001 (Location Plan 1:2500)  
BUSMSH-GW-00-DET-001

**Date Plans Received:** 28/09/2015      **Date(s) of Amendment(s):** 28/09/2015

**Date Application Valid:** 28/09/2015

### 1. SUMMARY

The application site is located within the major developed site of Brunel University and the Metropolitan Green Belt as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The application seeks planning permission for the installation of 10 free-standing smoking shelters at 10 separate locations within the Brunel University Campus. The proposed development is considered to be in keeping with the existing character of the area and would safeguard its visual amenity in line with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13 and BE19 of the Hillingdon Local Plan - Saved UDP Policies (November 2012) and would not harm the openness of the Green Belt.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 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 BUSMSH-GW-00-LOC-001 Sheet 1 of 2 Rev. A, BUSMSH-GW-00-LOC-001 Sheet 2 of 2 Rev. A and BUSMSH-GW-00-DET-001 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: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

#### 3 COM9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall include details of hard landscaping associated with each shelter and shall demonstrate provision of a suitable means of ensuring users can access the shelter in all weathers without detriment to any surrounding soft landscaping or grass. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13 and BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### INFORMATIVES

#### 1 159 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### 2 147 **Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

#### 3 152 **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).

#### 4 153 **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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

BE13	New development must harmonise with the existing street scene.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
LPP 7.16	(2015) Green Belt
NPPF	National Planning Policy Framework

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site lies within a Major Developed Site located within the Metropolitan Green. The university campus occupies land to the west of Cleveland Road extending to High Street, Cowley and to the east where it is bounded by Kingston Lane. The site accommodates teaching facilities, student halls of residents and all ancillary buildings within a parkland setting together with associated footpaths, service roads and car parks. The campus is noted and described in Hillingdon's Landscape Character Assessment, (chapter 4, Townscape Character Type: Institutional Development)

#### 3.2 Proposed Scheme

The application seeks planning permission for the installation of 10 free-standing smoking shelters at 10 separate locations within the Brunel University Campus. Each canopy would measure 2.45m in height and would comprise of a canopy constructed of Durapol material measuring 1.4m x 2m supported by coated steel posts.

#### 3.3 Relevant Planning History

532/ADV/2014/40                      Brunel University Kingston Lane Hillingdon  
Installation of 4 x non-illuminated flag and banner poles

**Decision:** 03-09-2014    Approved

532/APP/2013/1586                Elliott Jaques Building, Brunel University Kingston Lane Hillingdon  
Single storey structure to accommodate 3 x test chambers and associated roof plant for a temporary period of 10 year, following demolition of existing building.

**Decision:** 24-09-2013    Approved

532/APP/2013/3688                Chadwick Building, Brunel University Cleveland Road Uxbridge  
Retention of two storey pre-fabricated building for a period of three years.

**Decision:** 11-02-2014    Approved

532/APP/2014/2160                Brunel University Kingston Lane Hillingdon  
Installation of 15 additional parking spaces

**Decision:** 27-11-2014 Approved

532/APP/2014/2161 Brunel University Kingston Lane Hillingdon  
Installation of 52 additional parking spaces

**Decision:** 27-11-2014 Approved

532/APP/2014/2163 Brunel University Kingston Lane Hillingdon  
Installation of 42 additional parking spaces

**Decision:** 27-11-2014 Approved

532/APP/2014/30 Brunel University Kingston Lane Hillingdon  
Construction of a research building, together with associated substation, stores, car parking access and landscaping.

**Decision:** 16-06-2014 Approved

532/APP/2014/3445 Brunel University Kingston Lane Hillingdon  
Installation of vehicular crossover serving Brunel University sports pitches from Kingston Lane (Retrospective)

**Decision:** 05-12-2014 Refused

532/APP/2014/54 Brunel University Cleveland Road Uxbridge  
Installation of 44 car parking spaces (Retrospective Application)

**Decision:** 12-03-2014 Approved

532/APP/2015/1522 Bannerman Centre, Brunel University Kingston Lane Hillingdon  
Installation of a lobby to north entrance and installation of additional fire exit to east elevation

**Decision:** 01-09-2015 Approved

#### **Comment on Relevant Planning History**

There is an extensive planning history at this site, the most recent of which is detailed above.

#### **4. Planning Policies and Standards**

#### **UDP / LDF Designation and London Plan**

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

The following UDP Policies are considered relevant to the application:-  
AM14 New development and car parking standards.

BE13 Policies: New development must harmonise with the existing street scene.

BE38 Retention of topographical and landscape features and provision of new planting  
PT1.BE1 (2012) Built Environment and Landscaping in development proposals.

PT1.HE1 (2012) Heritage acceptable open land uses and restrictions on new development

OL4 Green Belt - replacement or extension of buildings

LPP 7.16 (2015) Green Belt

NPPF National Planning Policy Framework

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **28th October 2015**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

The Avenue Residents Association, The Cleveland Road Residents Association and The Cleveland Road Neighbourhood Watch Group were consulted by letter dated 30.9.15 and a site notice was displayed which expired on 28.10.15. No responses have been received.

### Internal Consultees

Landscape Officer:

No trees or other landscape features of merit will be affected by the proposal.

The proposed structures are relatively discreet, comprised of a 2000mm x 14000mm canopy supported by two mild steel poles.

Two of the structures are proposed near the student halls to the west of Cleveland Road and eight will be dispersed among the rest of the site.

Most, of the proposed locations are within areas of grass/soft landscape. If these are used by large numbers or in wet weather they will quickly become eroded/muddy patches. An area of paving will be required. This should be conditioned.

If the application is recommended for approval, a hard landscape condition should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

Conservation Officer:

There are no objections in conservation or design terms to this proposal.

Floodwater Management Officer:

Confirm no comments in respect of this application.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The application site forms part of the Green Belt. Green Belt policy as now contained within the National Planning Policy Framework states at Paragraph 89 that the construction of new buildings within the Green Belt is inappropriate, except in certain circumstances. Such exceptions include:

- (i) the provision of appropriate facilities for outdoor sport and outdoor recreation where the openness of the Green Belt is preserved and does not conflict with the purposes of including land within it; and
- (ii) limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Given the nature of this scheme, which would provide shelter to smokers at the university campus, comprising of 10 x small structures within a developed site, the proposal does not represent inappropriate development within the Green Belt and there are no objections in principle to the proposal.

#### **7.02 Density of the proposed development**

Not applicable to this application.

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

There are a number of architecturally important structures, both Locally Listed Buildings and Grade II listed buildings within the Campus. The Council's Conservation Officer has advised that none of these buildings are considered to be detrimentally affected by the proposed development.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

As the whole of the University campus is located within the Green Belt, a Green Belt siting cannot be avoided for the proposed smoking shelters. The proposed shelters would form modest and open structures, which would allow views through so that it is considered that the structure would not be harmful to the openness of the Green Belt. The proposal is considered to comply with Policies OL1 and OL4 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

#### **7.07 Impact on the character & appearance of the area**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policy BE19 of the Hillingdon UDP states that new development must improve or complement the character of the area.

The smoking shelters, due to their size in relation to the existing development on site would have very little impact upon the character and appearance of the area. They would not be apparent from outside of the site and would not be considered to result in an intrusive form of development in terms of its impact on the landscape or streetscene. The proposal is therefore considered to comply with Policy BE19 of the Hillingdon UDP (Saved Policies)

#### **7.08 Impact on neighbours**

The application site does not have any nearby neighbouring properties and therefore the proposal would not have an impact upon residential amenity.

The proposed shelters will be positioned around buildings within the campus. However, in each instance it is considered that there would be sufficient separation maintained to prevent their use by smokers becoming detrimental to the amenity of people within these

nearby buildings.

#### **7.09 Living conditions for future occupiers**

Not relevant to the consideration of this application.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The proposal would not give rise to any negative concerns regarding parking, traffic generation, highway safety or pedestrian safety owing to the scale and location of the development.

#### **7.11 Urban design, access and security**

Due to the size and scale of the proposed development in relation to the existing buildings on the site, it is considered that the proposal would have minimal impact.

#### **7.12 Disabled access**

Not applicable to this application.

#### **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. Whilst the proposed shelters would not have any impact upon existing trees, the landscape officer has requested that hardstanding be conditioned to ensure that the soft landscaped areas upon which the shelters are proposed to be sited would not be eroded in times of wet weather. It is therefore considered that subject to a landscaping condition to secure details of hard surfacing under each shelter, that the proposal is acceptable in accordance with Policy BE38 of the Local Plan.

#### **7.15 Sustainable waste management**

Not applicable to this application.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application

#### **7.17 Flooding or Drainage Issues**

The application site is located within Flood Zone 1, less than 1 hectare and not within 20m of a main river and therefore a Flood Risk Assessment is not required. The Council's Floodwater Management Officer has further confirmed that no comments are raised in respect of this application.

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application.

#### **7.19 Comments on Public Consultations**

No comments received to date.

#### **7.20 Planning obligations**

Not relevant to the consideration of this application.

#### **7.21 Expediency of enforcement action**

Not relevant to the consideration of this application.

#### **7.22 Other Issues**

No other issues raised.

### **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 relevant to the consideration of this application.



## **10. CONCLUSION**

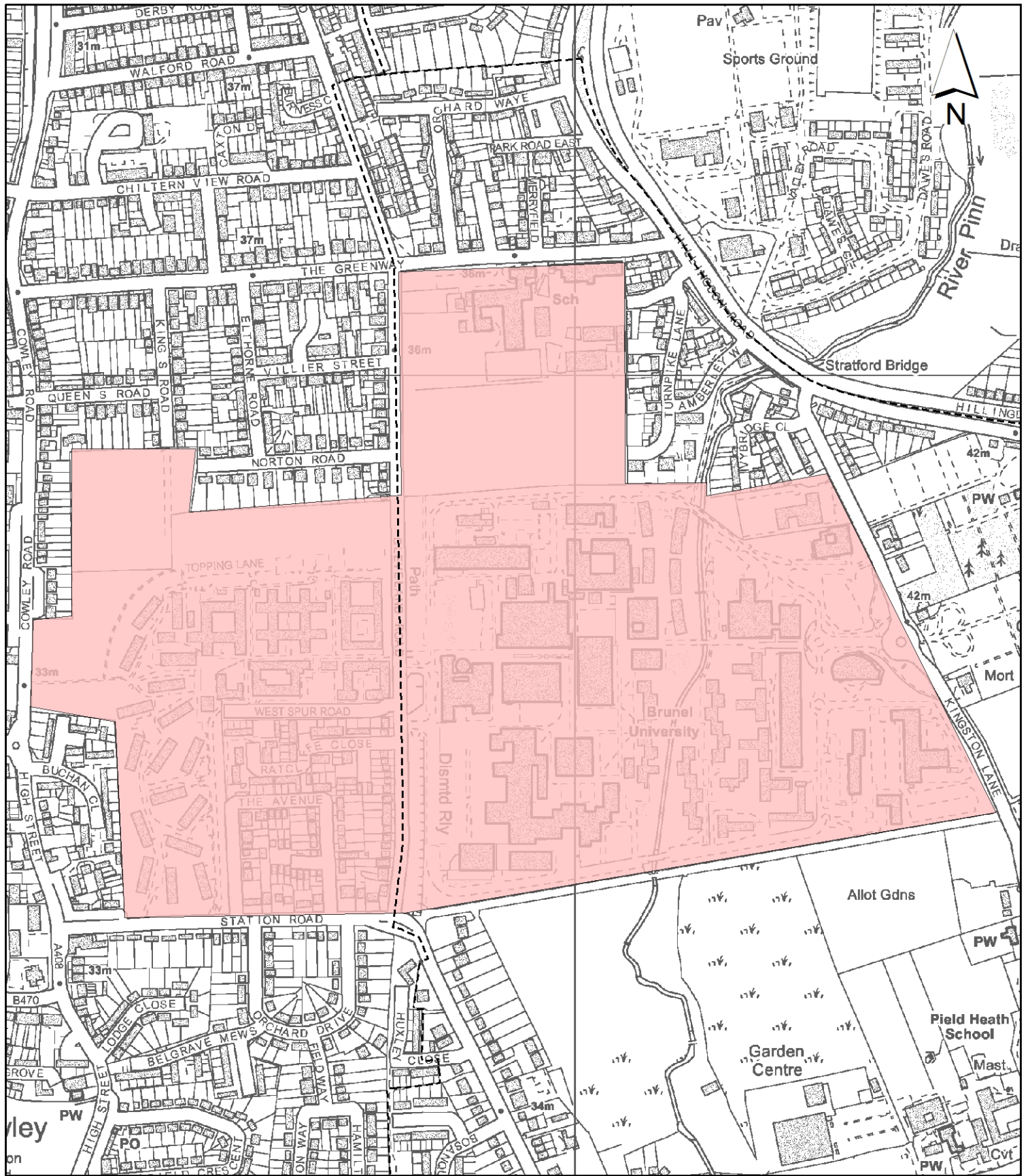
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## **11. Reference Documents**

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
London Plan (March 2015)  
National Planning Policy Framework

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Brunel University  
 Kingston Lane  
 Hillingdon**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:

**532/APP/2015/3602**

Scale:

**1:6,000**

Planning Committee:

**Central and South**

Date:

**November 2015**



**HILLINGDON**  
 LONDON