

Report of the Head of Planning & Enforcement

Address DATA CENTRE BUILDING (ANTONIN ARTAUD), BRUNEL UNIVERSITY
KINGSTON LANE HILLINGDON

Development: Installation of Supply Generator and associated fuel tank.

LBH Ref Nos: 532/APP/2010/509

Drawing Nos: 60102068-DC-PA-E001 Rev B (Data Centre Location Plan)
60102068-DC-PA-E004 Rev A (Antonin Artaud Elevations)
Design and Access Statement
60102068-DC-PA-E002 (Proposed Generator Location Plan)
60102068-DC-PA-E003 (Proposed Generator Floor Plans)
E-mail from Turner & Townsend Project Management received 25/05/2010
at 15:12

Date Plans Received: 08/03/2010 **Date(s) of Amendment(s):** 08/03/2010

Date Application Valid: 19/03/2010

1. SUMMARY

The application seeks the installation of an emergency supply generator, contained within an acoustic enclosure, and emergency fuel tank in the south eastern corner of the existing service yard to the south of the Antonin Artaud Building, which contains the University's Arts Centre and Data Centre. The proposed generator is to supply emergency power to the Data Centre.

The structure represents inappropriate development within the Green Belt, however the principle of the proposed generator within Site 2 of Brunel University, a major developed site, is considered acceptable.

The proposed generator has been located to minimise its impacts and would not be detrimental to the character or appearance of the area. In addition nearby trees would be retained which will assist with integrating this structure into this Green Belt setting.

Subject to an appropriate conditions the proposal would not be detrimental to the amenity of nearby occupiers.

Accordingly, the proposal is considered to comply with relevant planning policy and approval is recommended.

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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Fuel Tank Height

The fuel storage tank hereby approved shall be no greater than 2.2m in height from existing ground level.

REASON

To ensure that the external appearance of the development is satisfactory and minimise impacts on the openness of the site in compliance with Policies OL1 and BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Planning Policy Guidance 2 - Green Belts.

4 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).

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 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 TL21 Tree Protection, Building & Demolition Method Statement

Prior to development commencing on site, a method statement outlining the sequence of development on the site including demolition, building works and tree protection shall be submitted to and approved by the Local Planning Authority, and the scheme thereafter implemented in accordance with the approved method statement.

REASON

To ensure that trees can be satisfactorily retained on the site in accordance with Policy

BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 NONSC Noise Mitigation & Testing Restriction

Noise emitted from the standby generator hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises. The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power. Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on Saturdays, Sundays, Bank or Public holidays.

REASON

To safeguard the amenity of the surrounding area in accordance with Policies OE1 and OES of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

10 NONSC Removal and Reinstatement of land

The generator and fuel storage tank hereby approved shall be removed from the land and the land restored to its former condition within 1 month of it no longer being required for emergency/essential supply purposes associated with the University Data Centre.

REASON

To minimise the impacts on the character and appearance of the area and to control to the level of development within the Green Belt in accordance with Policies OL1, BE13 and PR22 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policy 3D.9 of the London Plan and Planning Policy Guidance 2 - Green Belts.

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 (February 2008) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
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.
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
AM7	Consideration of traffic generated by proposed developments.
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

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

You are advised that the specification and installation of the fuel storage tank hereby approved should be carried out in accordance with the most recent guidance from OFTEC and The Environment Agency in order to ensure that it complies with The Control of Pollution (Oil Storage) (England) Regulations 2001 and any related legislation.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a service yard to the southern side of the Antonin Artaud building within Site 2 of Brunel University Campus which represents a major developed site within the Metropolitan Green Belt.

To the north of the site is the Antonin Artaud building which houses the University Arts Centre and Data Centre, to the south runs the Southern Perimeter Road which is bounded

by car parking, grassed strips and trees. This area of the campus is primarily associated with engineering type courses, and there are a number of service yards with various storage buildings in the surrounding area.

The campus boundary benefits from a generous landscaping strip to the south and west, with the closest residential properties at 1 and 1a Church Road being approximately 54m away and separated from the application site by this landscape buffer.

3.2 Proposed Scheme

The application seeks the installation of an emergency supply generator, contained within an acoustic enclosure, and emergency fuel tank in the south eastern corner of the existing service yard to the south of the Antonin Artaud Building, which contains the University's Arts Centre and Data Centre. The proposed generator is to supply emergency power to the Data Centre.

The proposed generator enclosure and fuel tank would be 9.4m long x 3m deep x 3.9m high (although this height is not across the entire area) and 6m long x 1.6m deep x 2.2m high, respectively. The generator is proposed to be coloured cream, although the applicant has indicated that alternative colour schemes could be utilised.

Trees adjacent to the service yard are proposed for retention.

3.3 Relevant Planning History

Comment on Relevant Planning History

Brunel University has an extensive planning history, the majority of which is not considered to directly impact on the current proposal.

Application 532/APP/2006/3414, which is referenced above is considered relevant because the potential to implement this planning permission is considered to limit potential alternative sitings for the proposed generator and fuel tank.

4. Planning Policies and Standards

Policy PR22 of the Saved Policies UDP relates specifically to Brunel University. It states that "Brunel University Campus shall be reserved for development associated with the University's functioning as a centre for academic learning and research. In order to safeguard the function and open nature of the Green Belt across the Campus, infill and development will be encouraged on site 2 providing it does not harm the environment...". The policy goes on to specify a number of specific considerations for development at the University, of these only point (vii) which seeks to protect local residential amenity is considered relevant to the current application.

Planning Policy Guidance 2 - Green Belt, in particular Annex C which relates to major developed sites within the Green Belt is also considered relevant. Policy C3 of Annex C states:

"Limited infilling at major developed sites in continuing use may help to secure jobs and prosperity without further prejudicing the Green Belt. Where this is so, local planning authorities may in their development plans identify the site, defining the boundary of the present extent of development and setting out a policy for limited infilling for the continuing use

within this boundary. Such infilling should:

(a) have no greater impact on the purposes of including land in the Green Belt (paragraph

- 1.5) than the existing development;
- (b) not exceed the height of the existing buildings; and
- (c) not lead to a major increase in the developed proportion of the site."

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
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.
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
AM7	Consideration of traffic generated by proposed developments.
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th April 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was posted and 10 nearby owner/occupiers including the Cleveland Road Residents Association and Cleveland Road Neighbourhood Watch.

1 objection has been received raising the following concerns:

- (i) Concerns that the plans are inaccurate (incorrect road name);
- (ii) Concern that the generator will give rise to noise, which may be detrimental to the amenity of no.1a Church Road;
- (iii) The application states that the new development is not visible from any public place. But it is certainly visible from our residence, as it is 1.6 metres higher than the existing fence. The description of it being generally concealed is questionable, when in fact it is only partially concealed;
- (iv) In section 24, no hazardous substances are listed. However diesel fuel will be stored on site;
- (v) Concern that deliveries to refill the fuel tank may have a detrimental impact on amenity; especially if carried out at night; and
- (vi) Safety concerns should the fuel catch fire.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

No objection. If this planning application is approved, please ensure the following condition is

applied:

Noise emitted from the standby generator hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises. The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power. Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on Saturdays, Sundays, Bank or Public holidays.

REASON

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

TREES AND LANDSCAPE

No objection, subject to conditions TL1, TL2, TL3 and TL21.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Issues relating to the principle of development are addressed in the 'Impact on the green belt' section of this report.

7.02 Density of the proposed development

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

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

The application site is not located within an archaeological priority area, Conservation Area, or Area of Special Local Character. Nor is it located in proximity to any Listed Buildings.

7.04 Airport safeguarding

The proposal would not have any detrimental impacts on airport or aerodrome safeguarding.

7.05 Impact on the green belt

Policy OL1 indicates that limited infilling at Brunel University is acceptable in principle provided it complies with the criteria detailed in paragraphs C3 to C8 of Annex C to PPG2. Policy PR22 provides further clarification regarding which areas of Brunel are suitable for limited infilling.

Policy OL2 states that where development is acceptable in accordance with Policy OL1, landscape improvements will be sought where appropriate.

The application site is within Site 2, which is specified as suitable for limited infilling. It is not considered that the current proposal, which is sited within an existing enclosed service yard, would significantly impact on the purposes of including the land in the Green Belt. In particular it is not considered that the proposal would significantly impact on the openness of the site. Nor would the proposal exceed the height of existing structure or lead to a major increase in the developed proportion of the site.

In relation to Policy OL2 there are existing trees in the vicinity of the application site and it is not considered the provision of additional landscaping is necessary in this case.

Accordingly, there is not considered to be any objection to the principle of the proposed development within the Green Belt. Nevertheless, a condition should be imposed requiring the removal of the generator and fuel store once they become redundant in

order to minimise and control the level of built form within this Green Belt site.

7.07 Impact on the character & appearance of the area

This area of the Brunel University Campus is generally associated with engineering and other similar studies and accordingly contains a number of service yards and storage/maintenance structures, which are generally not of significant design merit or amenity value. However, the landscaping abutting the southern perimeter road does contribute to the amenity of this part of the site.

The proposed generator would be of a standard industrial appearance and would protrude up to 1.9m above the fencing of the service yard therefore being visible in views along the Southern Perimeter Road.

While the service yard subject to the application is not the most discreet service yard in the vicinity, the applicant has advised that it is necessary for the generator to be located adjacent to the data centre it will serve. The applicant has also demonstrated that they have considered the potential to locate the generator in the neighbouring service yard; however this has been discounted as it would prejudice vehicular movements (including emergency vehicles) within that service yard, would be unacceptably close to existing hazardous material stores and would conflict with an existing permitted extension to the neighbouring building. It is therefore considered that the applicant has investigated potential alternative siting and that the generator has that the proposal is located in the most discrete place feasible.

While the generator would not serve to enhance the appearance of the area; it would be somewhat screened by the adjacent landscaping, buildings and fencing and would not be at odds with other structures in the area and therefore would not have a significant detrimental to the character and appearance of this part of Brunel. Nevertheless, given the prominent siting and size it is considered that a condition should be imposed requiring the removal of the generator once it is no longer required, this would also contribute to controlling the level of built form within this green belt site. A condition is also necessary to ensure an appropriate colour scheme, such as dark grey, which would better blend with the facade of the neighbouring building.

The fuel tank at 2.2m high, would be barely visible above the 2m high fence from most vantage points and as such would have no significant impact on the character of the area.

Subject to the above conditions it is considered that the proposal would comply with Policy BE13 of the Saved Policies UDP.

7.08 Impact on neighbours

The proposed generator would not be in close proximity to or visible from residential properties and accordingly would not impact on residential occupiers by way of overdominance, loss of privacy or loss of light. The proposal would therefore accord with Policies BE20, BE21 and BE24 of the Saved Policies UDP.

Issues relating to the impact of noise are addressed within the relevant section of this report.

7.09 Living conditions for future occupiers

This consideration is not applicable to the current application which seeks permission for an emergency supply generator.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed generator and fuel stores are located within an existing service yard.

Vehicular access to the service yard would be maintained and would also enable servicing and refuelling of the generator.

The only vehicular movements associated with the generator would relate to servicing and refuelling which would only occur on an irregular basis, in particular having regard to its purpose as an emergency supply generator.

It is not considered that the proposal would have any detrimental impacts on the operation of the highway network, pedestrian or highway safety due to its siting or associated traffic generation. Accordingly, the proposal is considered to comply with Policy AM7 of the Saved Policies UDP.

7.11 Urban design, access and security

Issues of design and appearance are addressed within the 'Impact on the character & appearance of the area' section of this report.

The proposal is not considered to have any significant implications with regard to access or security.

7.12 Disabled access

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

7.13 Provision of affordable & special needs housing

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Saved Policies UDP seeks to preserve existing landscape feature of merit and provide new landscaping where appropriate. Policy OL2 seeks comprehensive landscaping improvements to achieve enhanced visual amenity and other open land objectives where appropriate.

There are a number of trees located along the Southern Perimeter Road and adjacent to the service yard, which forms the application site.

Two of these trees, which are shown retained within the application, are located in proximity of the proposed generator and fuel store. The generator and fuel store would be placed on top of the existing hard surfacing and accordingly are unlikely to damage roots, however there is some risk that the canopy of these trees could be damaged during their installation.

The Council's Trees and Landscape Officer has reviewed the proposal and considers that the trees would be capable of retention alongside the proposal, subject to appropriate tree protection conditions.

Due to the nature of the University operations in this part of the campus it is characterised to some extent by service yards, storage and maintenance buildings. However, the Southern Perimeter Road is generally attractively landscaped and a grass verge planted with trees abuts the application site.

Subject to the retention of existing trees identified above it is not considered that the provision of additional landscaping would significantly enhance visual amenity of contribute to the purpose of including the land within the Green Belt. Accordingly, the application is considered to comply with Policies BE38 and OL2.

7.15 Sustainable waste management

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

7.16 Renewable energy / Sustainability

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

7.17 Flooding or Drainage Issues

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

7.18 Noise or Air Quality Issues

Policies OE1 and OE3 of the Saved Policies UDP seek to resist developments which would cause nuisance to residential occupiers by way of noise, unless appropriate mitigation measures can be secured.

The closest residential properties to the application site are nos 1 and 1a Church Road, approximately 54m away, and 34 Cleveland Road, approximately 120m away. These properties would all be separated from the generator by the significant landscape screening on the southern and western boundaries of the Campus.

The Council's Environmental Protection Unit has reviewed the proposal and consider that any potential impact on neighbouring properties could be appropriately mitigated by way of a condition controlling the level of noise and the use of the generator.

Subject to the above condition, it is considered that noise arising from the proposal would not have a detrimental impact on nearby residential occupiers and would comply with Policies OE1 and OE3 of the Saved Policies UDP.

The proposed generator would be utilised in emergencies only, as defined by the recommended condition. Given the limited level of use it is not considered that the proposed generator would have any significant implications in relation to Air Quality.

7.19 Comments on Public Consultations

Point (i) refers to the incorrect labelling of a lane (Nursery Lane) on the submitted location plan. Officer Comment - This lane lies outside the application site and University Campus and the correct occupiers have been identified and consulted by the Planning Department. The plans are both clear and concise with regard to the scope of the proposals.

Point (ii) raises concern that the generator will give rise to noise, which may be detrimental to the amenity of no.1a Church Road. Officer Comment - The proposed generator will be housed within an acoustic housing and the Council's Environmental Protection Unit have reviewed the proposals in detail. It is considered that any noise arising from the operation of the generator could be sufficiently addressed by way of the recommended condition.

Point(iii) Concern that the development, which will protrude above the adjacent fence will be visible from 1a Church Road. Officer Comment - The development is approximately 54m from this property and separated from it by a significant boundary screen. At this distance the visual impact of the development, which would nevertheless be softened by the planting, would not have any detrimental impact on these occupiers.

Point (iv) Concern that diesel is a hazardous substance. It is acknowledged that diesel represents a controlled hazardous substance under The Planning (Hazardous

Substances) Act 1990 (as amended) in quantifies above 2500 tonnes. Officer Comment - However, the proposed storage tank would have a maximum capacity of circa 13.3 tonnes, significantly below the controlled level, and it is not considered that the storage of this amount of diesel would give rise to any significant risks.

Point (v) Concern over the number of deliveries and associated impact on amenity. The proposal is for an emergency supply generator. Officer Comment - Given the generator would only be used in emergencies, such as a power failure, there would be extremely limited occasions on which the fuel would be used and resupply necessary. Accordingly, it is not considered that deliveries associated with the generator would give rise to any significant impacts on residential properties located over 54m away.

Point(vi) Safety concerns should the fuel catch fire. Officer Comment - It is not considered that storage of the proposed amount of diesel would present a significant safety risk.

7.20 Planning obligations

This consideration is not considered applicable to the current application which seeks permission for an emergency supply generator.

7.21 Expediency of enforcement action

Not applicable.

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

The application seeks the installation of an emergency supply generator, contained within an acoustic enclosure, and emergency fuel tank in the south eastern corner of the existing service yard to the south of the Antonin Artaud Building, which contains the University's Arts Centre and Data Centre. The proposed generator is to supply emergency power to the Data Centre.

The structure represents inappropriate development within the Green Belt, however the principle of the proposed generator within Site 2 of Brunel University, a major developed site, is considered acceptable.

The proposed generator has been located to minimise its impacts and would not be detrimental to the character or appearance of the area. In addition nearby trees would be retained.

Subject to an appropriate condition the proposal would not be detrimental to the amenity of nearby occupiers.

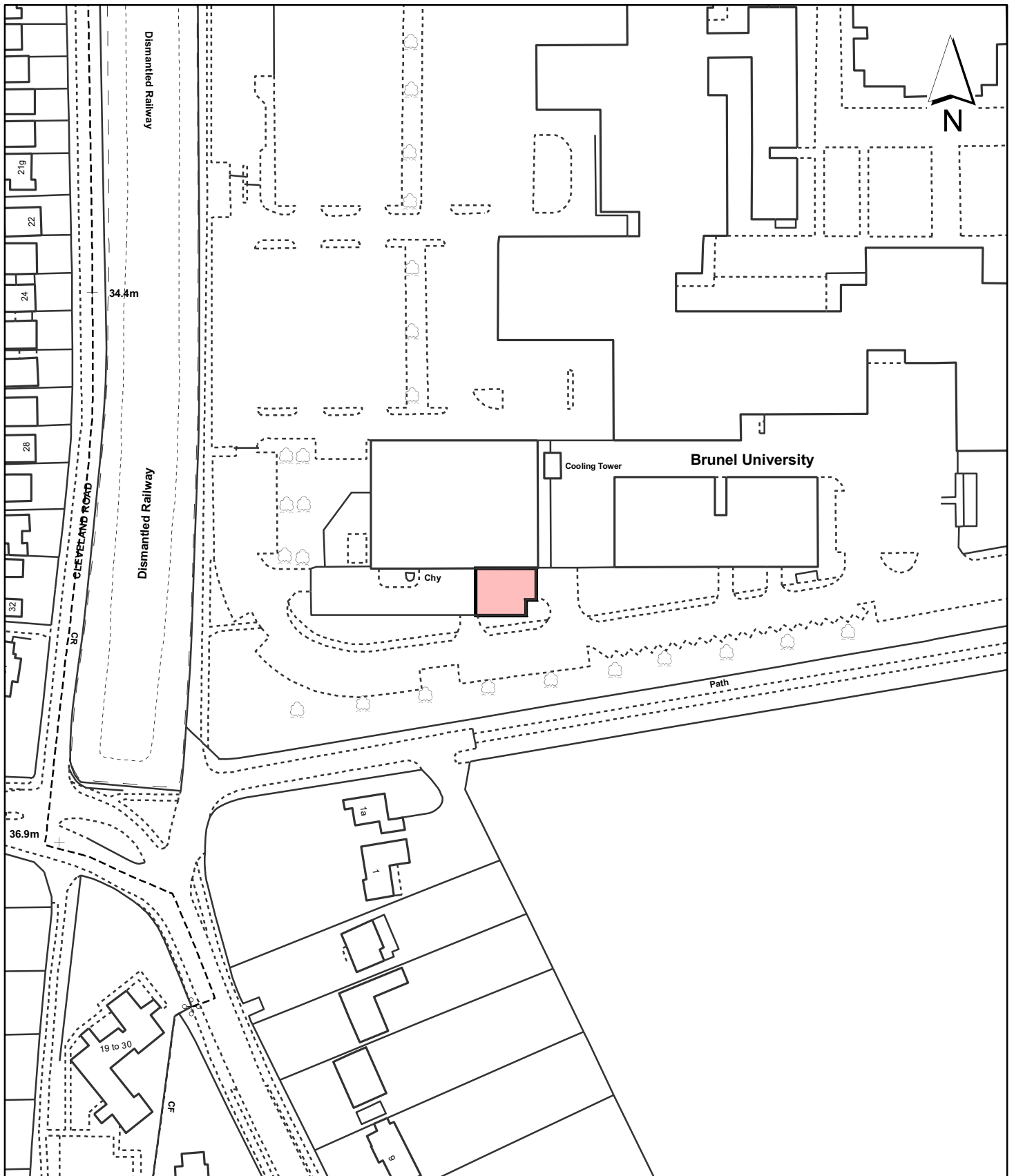
Accordingly, the proposal is considered to comply with relevant planning policy and approval is recommended.

11. Reference Documents


- (a) Planning Policy Guidance 2 - Green Belts
- (b) Circular 04/00: Planning controls for hazardous substances
- (c) The London Plan

Contact Officer: Adrien Waite

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address	
Data Centre Building (Antonin Artaud) Brunel University Kingston Lane, Hillingdon	
Planning Application Ref:	Scale
532/APP/2010/509	1:1,250
Planning Committee	Date
Central and South	May 2010

LONDON BOROUGH OF HILLINGDON

Planning & Community Services

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



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