

Report of the Head of Planning, Transportation and Regeneration

Address BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

Development: Out of borough consultation for Buckinghamshire County Council: Outline planning application with all matters reserved except for principal points of access for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation

LBH Ref Nos: 39707/APP/2021/4456

Drawing Nos:

Date Plans Received: 02/12/2021

Date(s) of Amendment(s):

Date Application Valid: 02/12/2021

1. SUMMARY

Buckinghamshire Council have requested the London Borough of Hillingdon's comments on an application which seeks Outline Planning Permission for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

Notably, the site covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt. The Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150 of the NPPF (2021). The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

The proposed development would result in a significant increase in built footprint and volume, not only from the three new data centre buildings, but also from the substation, battery storage facility (separate application), roads and ancillary security structured (e.g. any fences or security huts). The volume of the three large buildings alone would be vast and cause significant harm to the openness of the Green Belt. This harm is given substantial weight and is not considered to be outweighed by the very special circumstances presented under the application submission. As such, it is considered that very special circumstances do not exist.

Further, it is considered that the proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

For the reasons outlined within the main body of the report, Hillingdon Council raise an objection to the proposed development.

2. RECOMMENDATION

1 NON2 Objection - Green Belt

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021).

2 NON2 Objection - Design

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views. As such, the proposed development conflicts with Paragraphs 126 to 136 of the National Planning Policy Framework (2021).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the Woodlands Park Landfill Site situated on land to the south of Slough Road predominately arranged to the east of the M25 between junction 16 (M40) to the north and junction 15 (M4) to the south. The site measures approximately 52.4 hectares and is located within the Buckinghamshire Council administrative area only but immediately adjoins the western Hillingdon Council boundary.

The application site is demarcated to the west by the M25 and to the east by the River Colne and comprises an area formerly worked for gravel and subsequently used for landfill in the mid to late 20th Century. To the south of the landfill are a number of fields either side of Palmer's Moor Lane, extending as far as the rear of properties on the B470 Iver Lane. The northern site boundary is defined by a fence-line across the landfill surface, with an access track connecting up to the A4007 Slough Road.

Within Hillingdon Council's administrative area, the site adjoins the West London Industrial Park (a Strategic Industrial Location), and the River Colne which is a designated Conservation Site of Metropolitan or Borough Grade I Importance. The adjoining land also

forms part of designated Green Belt land and the Colne Valley Archaeological Priority Zone

3.2 Proposed Scheme

This out of borough consultation for Buckinghamshire County Council relates to an application which seeks Outline Planning Permission for the redevelopment of the former landfill site to comprise a data centre development (B8 (Data Centre)) of up to 163,000 sqm (GEA) delivered across 3 buildings. The scheme includes site wide landscaping and the creation of Parkland. The data centre buildings include ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

4. Planning Policies and Standards

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

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF3	NPPF 2021 - Plan Making
NPPF4	NPPF 2021 - Decision-Making

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

None.

Internal Consultees

PLANNING POLICY OFFICER:

The Council's Planning Policy Officer provided comments on the following matters:

- Data Centre;
- Green Belt;
- Colne Valley Regional Park
- Tall Building; and

- Impact on Electrical Capacity.

These comments are outlined within the main body of the report.

HIGHWAYS OFFICER:

A planning application has been received by Buckinghamshire County Council seeking permission to build three Data centres on a site just beyond the Borough boundary in Buckinghamshire. Vehicular access to the site would be from the A4007 which links Uxbridge town centre with Iver Heath and onwards via the A412 to Slough. The A4007 forms part of the Boroughs classified route network.

The Highway Authority recognises that Data Centres hold static IT equipment where the distribution of what is being stored is made electronically and not by vehicle. Subsequently the number of vehicle trips the development would generate is anticipated to be low without any detriment to road safety or the free flow of traffic in Hillingdon. Taking this into account there are no highway objections to the proposal.

FLOOD AND WATER MANAGEMENT OFFICER:

Buckinghamshire LLFA to comment on any FRA submitted.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

DATA CENTRE

The proposal involves constructing three large buildings up to 163,000 sqm and their ancillary requirements on a substantial parcel of undeveloped strongly performing Metropolitan Green Belt. Compared to the biggest commercial industrial permissions approved in 2021, it would have been the 9th largest in England. The submission has significant cross-boundary implications for the London Borough of Hillingdon but is also premised on meeting the stated requirements of an entire region that expands beyond two districts. By any definition, the proposal should be considered strategic and complex in nature. The submission would indicate that the applicant has been in discussion with the determining authority since June 2021, however it should be clear that there has been no engagement with the London Borough of Hillingdon to date. Indeed, it is not clear if there has been any engagement with the Mayor of London either.

Paragraph 13 of the National Planning Policy Framework (NPPF) (2021) states that the planning system should be genuinely plan-led. This proposal is being put forward on an unallocated site that has not been released from its designation as Green Belt. It is evident that the proposal does not conform with the Development Plan. It is unsurprising that the applicant has sought to progress this outside of the plan-making process. If this type of need was raised as part of the plan-making process, it would clearly be considered a strategic issue that crossed multiple administrative boundaries, which consequently would create an opportunity to discuss the capacity for other planning authorities to meet this need in more appropriate locations.

This is particularly pertinent when one considers the relatively footloose nature of these facilities. Whilst the applicant's submission tries to justify in one section that data centres must be delivered in an area between Slough and West Drayton, it also concludes at multiple points that, in a no development scenario, the need would be met internationally across different parts of Europe. For example, on Page 5 of the Economics Report it states:

'There is a strong likelihood that the major investment in the hyperscale data centre would go to alternative competing centres in Europe. This competition includes: (a) the established and fast growing centres in Frankfurt and Paris (which are also major competitors to London/the UK for other global technology and knowledge-based services investments); and (b) other locations such as Dublin or, increasingly, Scandinavia which have proved attractive to some hyperscale data centre operators.'

On Page 31 it states how Paris and Frankfurt have greater capacity to deliver data centres:

'However, London accounts for a lower share of new data centre capacity under construction (27%) and the rate of increase in capacity is much slower in London than in Paris and Frankfurt. Both these centres, according to JLL, are seeing strong increases in supply. The H1 2021 report notes the constraint on supply in London as being "lack of available power in core submarkets" and also it notes the "rise of self-build hyperscale campus" in London.'

On Page 35 it outlines how the investment could go to another country and suggests that it may even be advantageous for data centre operators:

'Data centre operators have many alternative choices as to where they locate within Europe. As noted earlier, there are other successful and growing data centre locations in Europe that offer some, if not quite all, of London's locational advantages (and may be slightly cheaper). These are the other FLAP-D centres, but most notably Frankfurt and Paris which are also vying with London to attract other internationally footloose service sectors businesses serving the European market (such as HQs, financial services firms etc). This competition has speeded up since and has been highlighted by Brexit (especially in the financial services sector).'

On Page 30, it also concludes that agreed data equivalence between the EU and the UK has removed concerns for data centre and other sectors about data protection and security equivalence arrangements. Put simply, one cannot logically come to the conclusion that new data centre capacity can only be achieved between Slough and West Drayton, whilst also suggesting that the same demand will otherwise be met in Europe.

Notwithstanding the above, it is clear that need for data centres generated by centralised demand in London is being met across an entire region. The data centre is said to be required to serve sectors operating out of London, including financial services, business and professional services, research and development and the creative sectors (eg publishing and advertising and research). It is important to note that these services are not based near the application site, but predominantly within Inner London. These needs are already being met and planned for on suitable brownfield sites across the entire region and there is a significant pipeline of planning permissions being attained by the market. Whilst there is no complete map of data centres within the region, attempts at mapping these areas are publicly available on sites like Colo-X.com and datacentermap.com. It clearly shows that data centres do not need to be limited to the Site Search Area being suggested by the applicant. Page 36 of the Economic Benefits and Needs Assessment Report ('Econ Report') outlines that both Slough and Docklands to the east of the City of London serve as primary locations for the clustering of data centres. There is nothing to suggest that they will not continue to do so in the future. Furthermore, this report also overlooks how data centres are being constructed in other areas in and around London, as can be viewed on the aforementioned public maps. Locations as far as Hemel Hempstead and Farnborough have clusters of data centres (three or more). Strangely there is no reference to Park Royal

in West London, which also has a prominent cluster of data centres that continues to grow, with a number of new permissions in the pipeline.

All London Boroughs, through the adoption of the new Spatial Development Strategy (London Plan 2021), have in place development plan policies to protect and intensify designated and non-designated industrial sites across Greater London. In particular, Policy E7 of the London Plan (2021) has added support for the intensification of industrial sites through higher plot ratios, the addition of basements and the construction of multi-storey units. This has successfully started to lead to the intensification of industrial land for denser buildings, which in particular has seen a rise in applications for large data centres. One can utilise the Mayor of London's referable applications portal to see that planning permission for 13 sites have been put forward on previously developed land since the first publication of the plan in 2018. Most of these are large enough to meet the 'hyperscale' floorspace definition in Paragraph 2.10 of the applicant's Economic Report. It should be noted that these sites are only for applications that, due to their scale, have been made referable to the GLA. There are undoubtedly other applications that have been determined or are being processed of a non-referable scale, including smaller scale data centres, refitting of existing B8 units and extensions of existing data centres.

The author of these comments only has access to more detailed data from its district (the London Borough of Hillingdon). However, Table 1 outlines the new data centre capacity alone in the London Borough of Hillingdon that is subject to planning permission. As you can see, through an entirely brownfield first policy, the Council has been able to deliver new data centre capacity in the borough, which includes one of the largest data centre campuses in Europe. It also has an approved pipeline of planning permissions and a large applicant awaiting determination of a permission. It should be noted that four out of five of these sites meet the 'hyperscale' definition provided in Paragraph 2.10 of the applicant's Economic Report. The Council's development plan continues to protect multiple large industrial parks and includes a complementary policy on intensification, which will continue to bring forward individual sites for redevelopment if they are not undermined by proposals on low value Green Belt sites.

New Data Centre Capacity in the London Borough of Hillingdon that is subject to the planning application process:

- Application reference 38421/APP/2021/4045: Optimum Data Centre, Beaconsfield Road, UB4 0SL (Redevelopment progressed by Colt DCS) - 39,814sqm floorspace, hyperscale on brownfield land (application process ongoing)
- Application reference 75111/APP/2020/1955: Union Park, North Hyde Gardens, UB3 4DG (Redevelopment progressed by Ark Data Centres) - 56,000sqm floorspace, hyperscale on brownfield land (application approved)
- Application reference 1331/APP/2017/1883: Segro Park Hayes, West London, North Hyde Gardens, UB3 4QR - 22,265sqm floorspace, hyperscale on brownfield land (application approved)
- Application reference 37977/APP/2015/1004: Virtus Stockley Park Data Centre Campus (LON 5, 6, 7 & 8), Stockley Park - 45,000sqm floorspace, hyperscale on brownfield land (development complete)
- Application reference 54795/APP/2000/817: Digital Realty W. Drayton, 1 Airport Gate, Bath Rd - 4,000sqm floorspace, not hyperscale on brownfield land (development complete)

Whilst it is accepted that there are some locational factors that make some sites more attractive for data centres (e.g. proximity to high capacity fibre cable networks), this clearly

does not need to lead to the conclusion that data centres must be provided between Slough and West Drayton. It is clear from the evidence above that there are a whole host of other localities with brownfield sites where data centres are and will continue to be delivered. The applicant's approach of disguising preferential parameters as absolute necessities has unsurprisingly led them back to their own site, in the hope of adding significant potential use value to an unallocated greenfield site.

It is noticeable that the applicant states within the submission that they do not know the demand for data centres in the London Area. On Page 3 of the Economics Report, it states the following:

'There are no specific long-term forecasts of need or demand for data centres in the London area. However, given the underlying growth rates and the historic performance, it is highly likely historic rate of growth, or something close to them, would continue if there are suitable sites for data centres in and around London. During 2021, London is forecast to account for 40% of the absorption (take-up) of data centre capacity in the key European centres. However, other European centres, particularly Frankfurt and Paris, are experiencing rapid growth in the supply of data centres and, to some degree, are catching up with London.'

However, elsewhere the submission appears heavily reliant on the premise that there is a need for 15 hyperscale data centres in the London area. This is merely based on an estimate of increasing the existing number of data centres by 25%. Even if this could be relied upon, the applicant would have needed to engage with the data on just quite how many other new brownfield sites were being built and could be brought forward in the future. This information is completely absent from the submission and therefore there is not an accurate representation of data centre supply being portrayed to decision-makers. Indeed, if this position was put forward, it clearly would show the extent of growth that is happening and is possible in the future, without the need to develop on the Green Belt.

If it was assumed that 15 hyperscale data centres were required and they needed to go on very large undeveloped sites in this part of the Green Belt, it would set a very significant precedent for the destruction of London's Metropolitan Green Belt outside of the plan-making process. It would open up nearly all of London's Green Belt to speculative applications for 14 more hyperscale data centres, each of which would consume a staggering amount of Green Belt. Any low value undeveloped site near to preferential parameters could argue that they were meeting some form of estimated need which would outweigh significant harm to the Green Belt and other factors. That would clearly be contrary to the great importance that national policy attaches to Green Belts and the aim of protecting their openness. One of the core purposes of the Green Belt is to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Approving this application would quite clearly be contrary to this purpose and fundamentally undermine the work of data centre companies who continue to regenerate brownfield sites across the region. Indeed, it is clear that the submission has failed to understand this fundamental purpose of the Green Belt, as it states that proposal would somehow be beneficial to this purpose within the Planning Statement on Page 66:

'To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

10.41 The development is located on former mineral workings and landfill so is recycling a derelict land albeit within the Green Belt. The proposed data centre will help facilitate urban

regeneration by acting as a catalyst for wider upgrades in infrastructure and existing employment land. A single data centre can provide the IT function for thousands of businesses, either directly or indirectly via a cloud computing business, cited within a data centre.'

7.02 Density of the proposed development

Not applicable to the consideration of this out of borough consultation.

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

Not applicable to the consideration of this out of borough consultation.

7.04 Airport safeguarding

Not applicable to the consideration of this out of borough consultation.

7.05 Impact on the green belt

The proposal is located within the Green Belt. The site boundary covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt, particularly in terms of preventing unrestricted sprawl and the merger of Uxbridge/Cowley with northern parts of Iver, as well as preventing encroachment into Colne Valley Park. The Metropolitan Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Contrary to suggestions in the submission, there is no national policy support for building over the Metropolitan Green Belt simply because of the existence of the M25. Indeed, such an approach would clearly constitute encroachment into and the urbanisation of the Green Belt. The existence of the M25 does not prevent people being able to cross over and under the M25 at multiple points and enjoying the openness of the Green Belt on either side. Indeed, this point is demonstrated on Page 18 of the D&S, which shows existing commonly used walking paths over the M25.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150. The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (including that identified by other consultees). Comments on the perceived need for a data centre in this location have been made above. There is also commentary on the other perceived benefits below, as well as harm that may not have been identified.

The National Planning Practice Guidance (NPPG) outlines what factors should be taken into account when considering the potential impact of development on the openness of the Green Belt. From a spatial perspective, there would be a considerable increase in built footprint, not only from the three new data centre buildings, but also from the substation, battery storage facility (separate application), roads and ancillary security structures (e.g. any fences or security huts). The volume of the three large buildings alone would be vast and cause significant harm to the openness of the Green Belt. The Landscape Visual Impact Assessment (LVIA) also shows how the proposal would be very visible from multiple receptors, obscuring views through the Green Belt at points, as well as having a significant urbanising effect on an area of undeveloped land. In terms of measuring increases in activity, the site is currently undeveloped land that presumably attracts very

little activity at present. The new development is of a significant scale. Whilst it is noted that the position on the exact number of vehicle trips is still to be determined, what is clear is that there will be a significant number of staff and daily deliveries required as part of this development, which will represent a clear and continuous increase in trip generation and activity on site from the current position. All of the harm identified about would be permanent.

It is not considered that such significant harm to the openness of the Green Belt alone is outweighed by the very special circumstances being presented. This argument is likely to be weakened further when harm in relation to other matters is considered (including those outside the scope of these comments).

7.07 Impact on the character & appearance of the area

The proposed development comprises three data centre buildings, including ancillary offices, internal plant and equipment and emergency back-up generators and associated fuel storage. The development may also include cycle and car parking, internal circulation routes, soft and hard landscaping, security perimeter fence, lighting, earthworks, District Heating Network, sustainable drainage systems, ancillary infrastructure and a substation.

Paragraphs 126 to 136 of the National Planning Policy Framework (2021) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide (2021), and the National Model Design Code (2021) illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 40 of the National Design Guide (2021) states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The application site adjoins the western boundary of the London Borough of Hillingdon's administrative area. The site forms part of designated Green Belt and is characterised by greenfield land. Accordingly, the existing site complements the purpose of its Green Belt designation by preserving openness.

The Uxbridge Industrial Park is located to the west and is notably separated from the site by the River Colne, as well as the administrative boundary.

In terms of the height of the buildings specifically, it is useful to note that the 23m height (27m with external flues) would meet the definition of tall buildings held within the London Plan (18m). Whilst the application is not subject to the London Plan (2021), this definition was introduced as a specific intervention from the Secretary of State, in order 'to avoid forms of development which are often considered to be out of character'. The scale of development proposed would result in a form of development which would be visible from land located within Hillingdon Council's administrative boundary. There is clearly no existing precedent for buildings of such a height in this location and it evidently does not reflect local character.

The proposed development, by reason of its siting, size, scale and design, is considered to be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider

townscape/landscape context in long-range views.

7.08 Impact on neighbours

Not applicable to the consideration of this out of borough consultation.

7.09 Living conditions for future occupiers

Not applicable to the consideration of this out of borough consultation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Vehicular access to the proposed data centre campus would be from the A4007 which links Uxbridge town centre with Iver Heath and onwards via the A412 to Slough. The Council's Highways Officer confirms that the number of vehicle trips generated by a data centre use is considered to be low and without detriment to road safety or the free flow of traffic in Hillingdon. As such, no objection is raised with respect to highways matters.

7.11 Urban design, access and security

Not applicable to the consideration of this out of borough consultation.

7.12 Disabled access

Not applicable to the consideration of this out of borough consultation.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this out of borough consultation.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Not applicable to the consideration of this out of borough consultation.

ECOLOGY

The site adjoins the River Colne, a Nature Conservation Site of Metropolitan or Borough Grade I Importance. Any impact on the ecological value of the site and connecting habitats should be considered by Buckinghamshire Council's Ecology Specialist.

7.15 Sustainable waste management

Not applicable to the consideration of this out of borough consultation.

7.16 Renewable energy / Sustainability

Not applicable to the consideration of this out of borough consultation.

7.17 Flooding or Drainage Issues

Any impact on the flood and water management should be considered by Buckinghamshire Council's Flood and Water Management Specialist.

7.18 Noise or Air Quality Issues

NOISE

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on the nearest residential noise environment is not considered to be applicable to the consideration of this out of borough consultation.

AIR QUALITY

The site is located next to the Hillingdon Air Quality Management Area and Uxbridge Air Quality Focus Area. However, it is acknowledged that generator specification requirements will be determined by Buckinghamshire Council. Traffic generation is also considered to be low in relation to data centre uses. As such, no objection is raised with regard to air quality matters.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

COLNE VALLEY REGIONAL PARK

The proposal indicates that it would offset the harm to the Colne Valley Regional Park caused by the development. Much has been written in the comments about the perceived poor quality of the landscape on this site, however it is considered that these comments needs to be viewed in light of the restoration requirements that have been put on the site from previous planning applications, whether these have been correctly implemented and the time required for them to embed.

A listed benefit of the proposal is stated to be the 'creation of new parkland'. However, this essentially amounts to a path north to south (a route that can already be accessed via the canal), in addition to an irregular piece of land that one can already walk by and view from the rural road. The extent of the new public routes is deemed to be minimal and essentially would just cut out a small bit of Iver Lane.

It is also noted that there is a 5% commitment to biodiversity gain. The method of achieving this has not been scrutinised by Officers, however it should be noted that a 10% gain is being introduced as a minimum national benchmark and therefore achieving only 5% on a undeveloped greenfield site should not be seen as a significant benefit.

IMPACT ON ELECTRICAL CAPACITY

It is noted that the application has been submitted with a written submission from Pivot Power outlining that they have secured a connection from the National Grid's Iver substation and that they can supply power to this proposed development.

However, it is not clear what the ramifications would be of using the National Grid's capacity on this unplanned site. The National Grid currently needs to support a number of existing and planned developments in the area, which are reported to the National Grid on a consistent basis. Indeed, there is business growth already identified in the allocated employment areas of Uxbridge, North Uxbridge SIL and Uxbridge Industrial Estate (SIL). These sites have been allocated for intensification over the plan period and therefore capacity must exist to allow these sites and their businesses to continue growing.

As this application is being progressed outside of the plan-making process, there has been no holistic view as to its infrastructure requirements and how these affects those already identified in Local Plans. Whilst it would not be uncommon for small windfall sites to come forward outside of the plan-making process, this is a very large site on a greenfield site and therefore should only be progressed through the plan-making process.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views and the wider townscape/landscape context in long-range views.

Accordingly, Hillingdon Council raise an objection to the proposed development.

11. Reference Documents

National Planning Policy Framework (July 2021)
National Design Guide (January 2021)
National Model Design Code (June 2021)

Contact Officer: Michael Briginshaw

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