

## Minutes



### MAJOR Applications Planning Committee

13 December 2017

Meeting held at Committee Room 5 - Civic Centre, High Street, Uxbridge UB8 1

	<p><b>Committee Members Present:</b> Councillors Eddie Lavery (Chairman), Ian Edwards (Vice-Chairman), Jazz Dhillon, Janet Duncan, Henry Higgins, John Morgan and Brian Stead</p> <p><b>LBH Officers Present:</b> James Rodger (Head of Planning and Enforcement), Mandip Malhotra (Interim Major Applications Manager), Alan Tilly (Transport and Aviation Manager) and Rebecca Yee (Principal Planner), Roisin Hogan (Planning Lawyer) and Neil Fraser (Democratic Services Officer)</p>
101.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillors Oswell and Yarrow. Councillor Khatra was present as Councillor Oswell's substitute.</p>
102.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
103.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE MEETING HELD ON 10 MAY 2017</b> (<i>Agenda Item 3</i>)</p> <p><b>RESOLVED:</b> That the minutes of the meeting held on 10 May 2017 be approved as a correct record.</p>
104.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>The Chairman confirmed that this was an additional meeting of the Majors Planning Committee, to determine the application relating to the former Nestle Factory, Nestles Avenue. It was confirmed that the Committee had recently conducted a visit to the application site, and so were familiar with the application.</p>
105.	<p><b>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED INPUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE</b> (<i>Agenda Item 5</i>)</p> <p>It was confirmed that there were no Part II items, and therefore all business would be conducted in public.</p>

106. **FORMER NESTLE FACTORY, NESTLES AVENUE - 1331/APP/2017/1883** (*Agenda Item 6*)

**Tive Part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3). office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2), 22,663sq.m (GEA) of commercial floorspace (Use Classes B1c/B2/B8 and Data Centre (sui generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works.**

Officers introduced the application, confirming that the application itself was just over 12 hectares in size and located on Nestles Avenue, located on the southern boundary of the site. The site was, in its entirety, designated as a conservation area, and within the site were four locally listed buildings, which included the former Nestle factory building, the former canteen block, (which was proposed to be retained), and a pair of lodge buildings. Railings, which ran along Nestles Avenue, were also locally listed.

Members were informed that the Nestle Factory had been vacant since closing down in 2014 and, when operational, the only vehicular and pedestrian access into the site was via North High Gardens. This access did not provide a through-route from Nestles Avenue on to North High Gardens, and it was proposed that this road layout would remain throughout the redevelopment of the site, though with the addition of new entrances on Nestles Avenue.

The main building facades were proposed for retention as a key feature, and a War Memorial, previously situated at the main entrance and subsequently moved for safekeeping, would be relocated back to the site, post construction. Features on the site, such as logos and heritage artwork, would likely be retained and potentially used in the on-site art strategy.

The eastern portion of the site would provide four new industrial units, delivering circa 22,000 square meters of employment floor space. The industrial development would be accessed via North High Gardens, which was the existing access point. The western part of the site would provide residential development, together with an element of mixed-use development. The canteen building, currently in a significant state of disrepair, was proposed to be retained for residential use by way of D1 and D2 use, and was to be gifted to the local planning authority to be used for community use, once the development was completed. Lodge buildings, previously used by caretakers, were proposed to be demolished.

A restriction proposed on the application seeking to prevent high-intensity use would mean that there would be 20 car parking spaces allocated to the community centre. Some uses, such as banqueting suites and places of worship (which had the potential for significant trip generation) would be precluded from future development.

The site and conservation area were both listed on the Heritage at Risk register due to the deterioration of the site. While the proposals involved a substantial quantum of demolition, much of the demolition proposed sought to remove modern additions to the site, and English Heritage and the local authority were supportive of the removal of these modern additions. The proposals in their current form had sought to demolish the internal fabric of the buildings, which English Heritage had deemed did not substantially harm the character of the conservation area, especially as three facades of the main factory building and the canteen were proposed to be retained. While the proposal would cause harm to the conservation area and the locally listed heritage assets on the site, the proposals aimed to enhance or better reveal the significance of the site's

heritage. In addition, the site had always been closed off to the general public and the proposal would now open the conservation area and the canal frontage to the local community and the wider general public. Officers asserted that the proposals therefore delivered substantial benefits that outweighed the harm, and the proposals accorded with planning policy.

Regarding the retention of the three locally listed facades, it was confirmed that the Council would be proposing to add a condition, or to enhance one of the existing conditions, to seek that the work to the locally listed buildings was completed in a reasonable timeframe, to ensure that the facades did not deteriorate further through what would be an extensive development.

The entirety of the application site was designated as a strategic industrial location under adopted London Plan and local policies. Officers confirmed that designated strategic industrial land, (SIL locations), were designated as such, in order to promote, manage and protect employment land for employment purposes. However, the Council was currently preparing the Local Plan part two, within which were proposals to release this site from the SIL. The principles which underpinned this proposed release were set out in the Hillingdon 2014 Employment Land Study, which was a published document which supported the Local Plan part two. The study recommended that ten hectares of land within the wider site be de-designated as SIL to avoid the site becoming derelict, and this was supported by emerging policy SA5 of the site DPD. The policy guided the site to provide a mixed-use development of employment and residential uses. The application site was within the Hayes Housing Zone and was a designated opportunity area; therefore the principle of its redevelopment was considered to be acceptable, despite not being wholly in accordance with some of the adopted Local Plan policies.

The application proposed to deliver 35% affordable housing, totalling 475 affordable units, of which 60 units were to be three-bedroom, family units. The proposal sought to deliver an affordable housing tenure on the site comprising 30% London affordable rentals and 70% shared ownership or intermediate rent. This proposed tenure split was not in accordance with the adopted London Plan, however the Mayor of London had recently adopted the affordable housing and viability SPG in August 2017, which offered greater flexibility in the delivery of affordable housing, subject to local needs. Though the SPG was only guidance, it was a material planning consideration and the Council's housing officer had deemed that the proposed tenure met an identified need at this time. The proposals therefore accorded with the Mayor's SPG, and met that identified local need.

The Council had recently approved proposals to implement a Parking Management Scheme (PMS) along Nestles Avenue and nearby roads, which was due to be implemented in the near future. The scheme sought to prevent commuter parking along Nestles Avenue, which had been of significant concern to local residents. The PMS would be implemented prior to the work commencing on Nestles Avenue.

The siting of the industrial and residential blocks, together with amenity space and associated parking provision, was outlined.

The industrial development site proposed 213 car parking spaces alongside loading and servicing bays. The residential access was to be located off Nestles Avenue, and a total of 852 parking spaces were to be located within the residential part of the site. 832 of those were to be residential parking spaces, which equated to 0.6 car parking spaces per unit. It was acknowledged that the level of car parking provision did not accord with the Council's parking standards; however through the course of the application, officers had worked to secure ways to improve the sustainability of the site.

One of the measures proposed was a multi-modal transport scheme (MTS). The MTS scheme would comprise a new bus route into Nestles Avenue, which would remove buses from some of the more congested local areas to provide a new north-south bus route which linked the north of the Borough to the south. In its present configuration, Nestles Avenue was not of a sufficient size to accommodate a bus route however, the applicants had agreed to release a portion of the site along the full length of Nestles Avenue to facilitate the delivery of this bus route, inclusive of a bus stop and a turning circle.

To ensure that the MTS scheme was implementable, road widening was proposed, together with a new off-road cycle lane and footway. To address a question raised by Members at the recent site visit, the road widening was proposed to occur on Council land rather than public highway. This would also ensure the retention of as many trees as possible. It was confirmed that the applicants had agreed to contribute to the delivery of the additional bus service as well as the funding of a review of the PMS, to assess the need to potentially extend the PMS as a result of the development.

In addition, it was proposed that the development include 5 on-site car club spaces located along Canal Street. 5 bays were to be provided from day one, and the S106 agreement would trigger a review of the need to provide an additional 5 car-club bays, should the demand arise at a later date. As a result of the proximity of the site to the nearby Crossrail station, together with the on-site parking and enhanced cycle paths, the north-south bus route and the expansion of the PMS, officers asserted that the development would not result in severe harm to the local highway network, and the level of car parking was deemed to be acceptable.

Regarding separation distance, there was approximately 34 meters between the application site and the existing residential development on Nestles Avenue, and there was more than 70 metres when considering the separation of the north of the site to High Point Village. Several breaches within the proposed development had been identified, and these related primarily to Unit F1, which was part of the retained locally listed facade and comprised 54 units. These would outlook, via the front elevation, onto what was to be gardens; however the outlook to the rear, which should have a separation distance of 15 meters, was only 13.4 metres to the flank elevation of Unit 4.

There were also two units on the first floor of the residential block which would look out onto the roof of the canteen building, which had been identified as a minor concern. However, as they were to look out onto the roof of the building, rather than a blank elevation of the canteen building, it was considered that this was not a material concern. Impact on privacy, outlook, daylight and sunlight for all units had been reviewed and assessed, and the development met local planning policy requirements.

The addendum was highlighted, with officers setting out updates to the plan list. In addition, reference was made to a letter received prior to the meeting that had raised two issues relating to affordable housing and the road widening scheme. These issues were confirmed to have been addressed as part of the earlier presentation.

Housekeeping on various conditions was set out, with several conditions to be removed or amended due to duplication or redundancy. Regarding condition 34, it was suggested that the Committee may wish to recommend that the developer provide a global figure for cycle parking for the development.

A letter addressed to the Head of Planning had also been received, wherein the developer had pointed out that the Council had not referenced the sizeable CIL

contribution from the applicant within the officer's report. The reason for this was that the final CIL contribution figure was still to be agreed, though given the scale of the development it was to be of significant value.

Regarding concerns relating to fire safety raised at the Member site visit, it was suggested that an informative be added to set out the Council's expectation that fire safety measures be in place as part of the development. In addition, Members had raised concerns about potential anti-social behaviour. Officers confirmed that there were measures that the Metropolitan Police could implement to prevent anti-social behaviour.

With reference to the landscaping condition, this was confirmed to have omitted reference to motorcycle spaces. Council standards mandated that for every 20 car parking spaces, there should be 1 motorcycle space, and it was suggested that an amendment be made to the landscaping condition to ensure this was in place.

Regarding the War Memorial, following advice from the Council's legal officer, it was suggested that a condition be imposed that effectively secured that the War Memorial was reinstated on site.

The Head of Planning and Enforcement requested that delegated authority be given, to agree any further minor changes to conditions, following feedback from the GLA, together with any required revisions to the phasing of the development as a result of ongoing talks with the applicant.

Members sought clarity on a number of points, which included:

Regarding vehicles and traffic generation as a result of the development, officers were requested to confirm what actions were to be taken to promote traffic movement and limit congestion. Officers confirmed that, following review, 5 junctions were recommended for mitigation measures. In addition, the proximity of the site to the town centre, which had a range of local transport services including bus services and train services, together with the proposed new bus route, should limit the need to travel by the private car thereby reducing potential congestion.

With reference to the scale of the development, Members sought clarity on why there did not appear to be any consideration for the installation of retail sites for residents to use. Officers confirmed that such sites were not part of the application, as the nearby North Side Road had a small parade of shops for resident use. In addition, the Council viewed the development site as part of a wider master plan for the development of all land north of Nestles Avenue and there was an expectation that, when other developments came forward for those parcels of land, these would include commercial or retail developments.

Regarding parking provision, what was in place to ensure parking spaces were expandable, to meet growing demand? Officers confirmed that from day one, the site would include 5 car club bays. The S106 agreement would then secure a review of demand and the feasibility for 5 additional bays, once development was operational and occupied.

With reference to the industrial units to be in place on site, Members requested clarity on whether there was to be any noise restrictions on those units. Officers confirmed that there were two noise conditions set out within the report, to limit the level of noise that could be heard by residential units.

Regarding the public realm beneath the railway bridge, was there any provision for improvements to that space within the S106 agreement or CIL contributions? Officers confirmed that there was £400K set aside for canal improvements as a whole, and that this could extend to address the area underneath the railway bridge.

Members went on to recommend a number of conditions and informatives, which included:

A request that further consideration be given to artwork on site and outlook for residents, with specific reference to Blocks F1 and F2, to ensure that the view from their homes was not onto a plain or industrial wall.

That the Metropolitan Police be consulted regarding the discharge of the landscaping condition, to help safeguard future residents from potential criminal activity such as burglaries.

That a communication strategy be added to the construction management plan, in order to ensure that local residents were kept up to date with the development, and that the impact of piledriving be considered as part of the construction management plan.

That landscaping conditions be amended to include the planting of specific tree species that efficiently absorbed pollution.

That lorry routes be appropriately managed to limit the impact on local residents.

Members recommended that an affordable housing viability review mechanism be included.

The officer's recommendation, together with the suggested conditions and informatives, was moved. This was seconded and, when put to a vote, unanimously agreed.

#### **RESOLVED:**

- 1. That the application be approved;**
- 2. That the Head of Planning be delegated authority to agree the following conditions and informatives:**
  - a) That a Communication Strategy be included within the Construction Management Plan (Condition 28);**
  - b) That motorcycle parking spaces, as per the Council's car to motorcycle parking space ratio, be added (Condition 34);**
  - c) That the War Memorial be reinstated on site (secured by new condition to be added);**
  - d) That a global condition relating to cycle spaces be added;**
  - e) That the demolition condition be amended to require the timely completion of phase 1 (i.e. prior to commencement of Phase 3, or prior to any occupation at the site - to be discussed further with applicants);**
  - f) That condition 50 be removed (duplication of condition 56);**
  - g) That the landscaping condition be amended to require consultation with the Metropolitan Police Force and the Design Officer regarding the discharge of the landscaping condition;**
  - h) That further Public Art works be added on site, with specific reference to blocks F1 and F2 (additional condition);**

- i) That a new informative regarding the use of pollution absorbent trees be included within tree planting measures;
- j) That piledriving be considered as part of the Construction Management Plan (new informative requiring these details to be submitted under condition 28);
- k) That a new informative be added requiring the Construction Management Plan to secure minimum construction traffic via Dawley Road;
- l) That an Affordable Housing Review Mechanism be included within the Heads of Terms;
- m) That a new informative be added requiring that CRT contribution must also go towards works to the canal bridge.

3. That the Head of Planning be delegated authority to agree any minor changes to conditions following feedback from the GLA, together with further revisions to the phasing of the development as a result of ongoing talks with the applicant.

The meeting, which commenced at 7.00 pm, closed at 8.30 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.**