

Report of the Head of Planning, Transportation and Regeneration

- Address** FORMER NESTLE FACTORY NESTLES AVENUE HAYES
- Development:** Development of 4 no. new buildings comprising residential units (in addition to those approved under planning permission ref: 1331/APP/2017/1883), a basement extension to Block B, flexible commercial uses (Class E) and associated landscaping, access, car parking and other engineering works.
- The plans show a development of 913 residential units (totalling 1,473 units involving a net additional uplift of 84 units from that permitted by planning permission ref: 1331/APP/2017/1883 (as amended)), amendments to Blocks B, C, F3, F4, H, and 206 sq.m of commercial floorspace.
- LBH Ref Nos:** 1331/APP/2019/2314
- Drawing Nos:** Hydrock Letter dated 7/6/19 - Remediation Method Statement (Ref. NES HYD-XX-RMS-CO-GE-0001-P1)
C0065 L2008 Landscape Block B Podium Courtyard GA
C0065 L2009 Landscape Block C Podium Courtyard GA
DM-4-52-55 Block H TYP Floor Plan (2nd-5th
37205/A1/ES2020 Chapter 10 Air Quality November 2020
S73 Application - Desk Study and Ground Investigation 9 May 2019 (ref: 01669-HYD-XX-XX-CO-G-5002)
Remediation Method Statement 21 March 2018 (ref: NES-HYD-XX-REM RP-GE-3000 Rev. P1)
MP 114 Rev. 00
Ecology Reports May 2017 (ref: 4684 EcoApp vf8
Archaeological Desk-Based Assessment May 2017 (ref: PC/CC 22227/17531)
Aviation Consultation Report 11 May 2017 (ref: 71067 001 Issue. 3
Energy Statements May 2017 (ref: ESC54738 Issue 3
Flood Risk and Drainage Assessments May 2017 (ref: R/C151867/001.00 Issue 6)
C151867/R-001 Rev. B Drainage Strategy Statement 15 February 2018
FNF-C-SITE-HYD-DR-08-0600 Rev. P1 Sustainable Urban Drainage Maintenance Strategy Sheet 1
FNF-C-SITE-FNF-C-SITE-HYD-DR-08-0601 Rev. P1 Sustainable Urban Drainage Maintenance Strategy Sheet 2
Heritage Statement, June 2019
Environmental Statement Non-Technical Summary, June 2019 (Ref 30462/A5/NTS Rev. 02)
Environmental Statement, Volumes 1 to 3 as amended by the revised Chapter 10 - Air Quality, November 2020 : Main Text and Figures, June 2021 (Ref. 30462/A5/ES2019 Rev. 04)
Daylight and Sunlight Assessment May 2017
Covering Letter dated 23/9/20 (Ref. 30462/A3/JB/DO
Planning Statement, dated 21 September 2020 (Ref. 30462/A3/JB/DO Rev 2)
Townscape & Visual Impact Assessment, June 2019 (Ref. 24552/A5/2019 Rev. vAUS1.2)
FNF-A-D-MKWR-DR-02-003 Rev. E1 Site Logistics Plan

Site Waste Management Plan (Residential Scheme), June 2019
 Health Impact Assessment, June 2019 (Ref. 30462/A5/HIA Rev. 03)
 Construction Management Plan (Residential Scheme) June 2019
 Hydrock Letter dated 25/3/20 - Flood Risk Assessment (Ref. 01669-HYD
 XX-XX-CO-D-5004)
 Utilities Distribution Strategy Report, dated 27/03/20 (Ref. B875-OCSC-XX
 XX-RP-M-S2-1001 Rev. P04)
 DS2 Letter dated 23/9/20 - Financial Viability Assessment (Ref
 DS1478/PLAF)
 Cameo & Partners Ltd Letter dated 16/9/20 - Play Space
 Residential Planning and Vibration Noise Report, Rev. 01, September 2020
 (Ref. 37205/3002 003 Rev. 01)
 External Lighting Strategy Report, Rev. P04 (Ref. B875-OCSC-XX-XX-RP
 M-S2-1002)
 Ventilation Report, Rev. P03 dated 11.09.20 (Ref. B875-OCSC-XX-XX-RF
 M-S2-1000)
 Design and Access Statement Addendum 07 September 2020 (05 October
 2020 Rev. 01)
 MA 250 Rev. P1 Block C - Elevations
 HB 100 Rev. P1 Block C: Ground Floor Plan
 HB 101 Rev. P2 Block C: First Floor Plan
 HB 102 Rev. P2 Block C: Second Floor Plan
 HB 103 Rev. P2 Block C: Third Floor Plan
 HB 104 Rev. P2 Block C: Fourth Floor Plan
 HB 105 Rev. P2 Block C: Fifth Floor Plan
 MA 102 Rev. P2 Block B - Second & Third Floor Plan
 HB 106 Rev. P2 Block C: Sixth Floor Plan
 HB 107 Rev. P2 Block C: Seventh Floor Plan
 HB 108 Rev. P2 Block C: Eighth Floor Plan
 HB 109 Rev. P2 Block C: Ninth Floor Plan
 HB 703 Block C: Servicing Strategy
 HB 701 Block C: Cycle Strategy
 DM-4-20 Rev. P1 Blocks F3 & F4 Ground Floor Plan
 DM-4-21 Rev. P1 Blocks F3 & F4 First Floor Plan
 DM-4-22 Rev. P1 Blocks F3 & F4 Second Floor Plan
 DM-4-23 Rev. P1 Blocks F3 & F4 Third Floor Plan
 DM-4-24 Rev. P1 Blocks F3 & F4 Fourth Floor Plan
 DM-4-25 Rev. P1 Blocks F3 & F4 Fifth Floor Plan
 DM-4-26 Rev. P1 Blocks F3 & F4 Sixth Floor Plan
 DM-4-27 Rev. P1 Blocks F3 & F4 Seventh Floor Plan
 DM-4-28 Rev. P1 Blocks F3 & F4 Eighth Floor Plan
 Pedestrian Level Wind Desk-Based Assessment, October 28, 2020 (Ref.
 RWDI #1601173 REV. E)
 MP 114 (Masterplan: Roof Height Colour Coded
 Internal Daylight Amenity 29th October 2020)
 Transport Assessment, Rev. A dated 16 October 2020
 DM-2-00 Block F1, F2, F3 & F4 South & West Elevations
 DM-2-01 Block F1, F2, F3 & F4 North & East Elevations
 DM-2-02 Rev. P0 Block F3 & F4 North & South Elevations
 DM-2-04 Rev. P0 Block H & I Elevations

Air Quality Assessment May 2017 - Chapter 7 and Appendix 7.1-7.12 (ref: 24552/A5/ES2017)
 Ecological Appraisal Addendum, June 2019um June 2019
 CGMS Heritage Letter dated 29/5/19 - Additional Unit Scheme - Below Ground Archaeology (ref: AR/22227)
 Osprey Consulting Service Letter dated 13/6/19 - Consultation with NATS Energy Statement (Residential Scheme) Updated Energy Statement to support additional units, June 2019
 Optimisation Scheme Equalities Impact Assessment June 2019 Rev. 03 (ref: 30462/A5/HIA)
 MA 100 Rev. P1 Block B - Basement Floor Plan
 MA 101 Rev. P1 Block B - Ground & First Floor Plan
 MA 103 Rev. P1 Block B - Fourth & Fifth Floor Plan
 MA 104 Rev. P1 Block B - Sixth & Seventh Floor Plan
 MA 105 Rev. P1 Block B - Eight & Ninth Floor Plan
 MA 106 Rev. P1 Block B - Tenth & Roof Plan
 MA 201 Rev. P1 Block B - Elevations
 Hydrock Letter dated 25/3/20 - Desk Study and Ground Investigation Report (Ref. 01669-HYD-XX-GI-CO-GE-1002)
 DM-4-29 Rev. P1 Blocks F3 & F4 Ninth Floor Plan
 DM-4-30 Rev. P1 Blocks F3 & F4 Tenth Floor Plan
 DM-4-31 Rev. P0 Blocks F3 & F4 Roof Plan
 DM-4-50 Rev. P1 Block H Ground Floor Plan
 DM-4-51 Rev. P1 Block H First Floor Plan
 DM-4-56 Rev. P0 Block H Roof Plan
 DM-4-52-55 Rev. P1 Block H TYP Floor Plan (2nd - 5th

Date Plans Received:	10/07/2019	Date(s) of Amendment(s):	15/07/2020
Date Application Valid:	09/08/2019		30/10/2020
			27/11/2020
			11/07/2020
			30/09/2020
			15/04/2020
			09/08/2019
			15/08/2019
			11/07/2019

1. SUMMARY

This application is for the development of 4 no. new buildings comprising residential units (in addition to those approved under planning permission ref: 1331/APP/2017/1883), a basement extension to Block B, 206sqm of flexible commercial uses (Class E) and associated landscaping, access, car parking and other engineering works.

The 4 blocks (Blocks B, C, F3/F4 and H) have substantially been granted permission previously (1331/APP/2017/1883 amended by 1331/APP/2019/1666 dated 11/9/20) and this application is a 'drop-in' application, seeking full planning approval for the 4 no. blocks, to provide a total of 913 residential units as opposed to the 829 units which were previously permitted, and therefore only an additional 84 new units are now being proposed, mainly within new upper floors to parts of the blocks. Across the wider Nestle

site, the proposals would result in the delivery of 1,473 units across the site.

The main planning issues affecting the application site have been assessed with regard given to: the principle of development; affordable housing; housing mix; residential design, amenity & privacy; daylight & sunlight; open space, children's play space and trees; heritage; transport and car parking; townscape, visual impact and tall buildings; air quality; noise and vibration; wind; aviation; ecology' energy and sustainability (including overheating); archaeology and flood risk & drainage. The planning application is supported by a range of reports and technical addendum's following the approval of planning permission Ref.1331/APP/2019/1666.

In the overall assessment of the scheme, the proposed development would deliver a significant number of public benefits, as follows:

- The addition of 84 residential units (resulting in 1,473 units across the whole Nestle Factory site) positively contributes to the wider area and will help to meet the principles of strategic planning policy and Housing Zone aspirations.
- The proposed development will continue to promote permeability and linkages with neighbouring sites, particularly to Hayes Town Centre.
- The enhancement of the Conservation Area and on-site heritage assets, to include the retention of locally Listed Buildings, structures and main factory building facades.
- High quality architectural design responding to the constraints and opportunities presented by the application site.
- The proposed residential units have been designed to be high quality and to comply (and where possible exceed) with the National Technical Standards and the Mayor's and Hillingdon's Housing Design Standards.
- 2251 cycle parking spaces will be provided in total across the residential development. A total of 914 car parking spaces will be provided.
- The proposed development will also generate a range of financial benefits, including New Homes Bonus, Council Tax generation, Zero Carbon Homes, Community Infrastructure (CIL) and other site-specific planning mitigation measures.

The proposed additional units all benefit from adequate outlook, do not result in any undue overlooking (as the units are all located with the existing footprint of the buildings and there are no changes to relationships between blocks), and meet minimum space standards.

Additional amenity space has been provided that maintains a very similar level of amenity space provision accepted under the original planning permission. Furthermore cycle parking, motorcycle parking and waste storage has been increased to reflect the increase in units. Additional car parking spaces are proposed which would maintain the car parking ratio at the previously consented level (0.6 spaces per residential unit).

There are no changes proposed to the industrial element of the scheme, therefore this report does not consider this element of the scheme.

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning, Transportation and Regeneration, to GRANT planning permission subject to the following:

A) Entering into a variation to the original Section 106 Agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure (For the Residential Land only):

1. 40% affordable housing on site (as per the extant planning permission), to include early and late stage review mechanisms and securing the DMS units to ensure the relevant affordability criteria for intermediate ownership are met and that the discount is appropriately passed on to future 'eligible buyers' in perpetuity,
2. S278 works at:
 - Dawley Road/Botwell Common Road;
 - Dawley Road/Kestral Way/Betam Road/Blyth Road;
 - Harold Avenue/North Hyde Road;
 - Station Road/North Hyde Road;
 - Harold Avenue/North Hyde Road; and
 - Station Road/Clayton Road zebra crossing.
3. Car parking permit restriction for existing and future parking management zone (for residents and employees) excluding blue badge holders
4. £5,317 towards an extension of the parking management zone
5. £1,063,465 for Bulls Bridge improvements
6. £464,734 for additional bus capacity
7. Travel Plan (plus £20,000 bond) for all uses and a travel plan coordinator plus monitoring sum of £6,000
8. On site car club of up to 10 spaces, free membership for 3 years plus £50 credit for one person in each unit
9. Legible London signage £9,571
10. Multi modal transport scheme on Nestles Avenue, transfer of land for implementation of scheme
11. Contribution of up to £464,734 towards the Nestles Avenue road widening works;
12. S38 works to provide cycle way, footpath and landscaping as part of MTS road widening proposals
13. Safeguarding of land for future provision of a pedestrian bridge over Grand Union Canal
14. £372,213 contribution for canalside improvements
15. Unfettered access to public open space being provided on site
16. £335,999 Contribution towards Cranford Park improvements
17. Employment and training Strategy for construction phase and industrial development (end users)
18. Canteen building; Gifted to the LPA for community uses on a long leasehold (999 years)
19. Peppercorn rent to be offered for the community storage unit in Block F4
20. On site Public Art
21. Contribution of up to £855,601 for Air Quality mitigation
22. Contribution of up to £1,589,447; Carbon offset fund
23. £72000 contribution towards Child Play Space
24. Monitoring contribution (equivalent to 5%)

THERE WILL BE NO CHANGES TO THE INDUSTRIAL SITE HEADS OF TERMS AS AGREED UNDER THE ORIGINAL PLANNING PERMISSION

B) That the applicant meets the Council's reasonable costs in preparation of the variation to the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.

C) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) If the Legal Agreements have not been finalised by 8 March 2021 (or such other timeframe as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse the application for the following reason:

'The applicant has failed to deliver necessary offsite highway works and to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of affordable housing, Highways improvements, travel plan, bus capacity improvements, Multi Modal Transport Scheme, Nestles Avenue Road Widening, Canalside Improvements, Cranford Park Improvements; Canteen Building, Public Art, Provision, Air Quality, Carbon Offset Contribution and employment training. The scheme therefore conflicts with Policy DMCI 7, DMH 7, DMEI 1, DMEI 3, DMEI 8, DMEI 14, DMHB 18, DMHB 19, DMT 1 and DMT 4 of the Hillingdon Local Plan: Part Two Development Management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations (2014), Policy DF1 of the London Plan Intend to Publish Version (2019), Policy 8.2 of the London Plan (2016) and paras 54-57 of the NPPF 2019.'

E) That subject to the above, the application be deferred for determination by the Head of Planning, Transportation and Regeneration under delegated powers, subject to the variation to the original Section 106 Agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Head of Planning, Transportation and Regeneration prior to issuing the decision:

1 RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 NONSC Non Standard Condition

Prior to commencement (excluding demolition) of each phase of the development, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall follow the strategy set out in 'Flood Risk Assessment', produced: Segro - Capita - Industrial

CS-075666-PE-16-121-R Rev. H Flood Risk Assessment and Drainage Strategy
CS/075666 Drainage Strategy - Rev. E (27 March 2018)
SuDS Flows and Volumes - LLFA Technical Assessment Proforma Rev. C (27 March

2018)

Drainage Layout and External Levels 1 of 2 - 075666-CA-0-GF-DR-S-010-P05

Drainage Layout and External Levels 2 of 2 - 075666-CA-0-GF-DR-S-011-P05

Percentage Runoff Calculation

Hydrock Correspondence dated 10 November and 24 November 2017

CS075666 Technical Design Note (12 March 2018)

Barrett - Hydrock - Residential

R/C151867/001.06 Flood Risk Assessment & Drainage Strategy (Residential Scheme)

C151867/C/001 P6 Proposed Drainage Strategy Sheet 1

C151867/C/002 P6 Drainage Layout Sheet 2

C151867/C/100 P2 Existing Catchment Areas

C151867/C/101 P10 Proposed Drainage Catchment Area to TW

C151867/C/102 P10 Proposed SW Attenuation

C151867/C/104 P6 Proposed Drainage Catchment Area to Canal

C151867/C/109 P3 Sections

C151867/C/110 P1 Exceedence Flood Water Storage Locations

C151867/C/111 P1 Ingress and Egress and Flood Water

Comments from Hydrock Sergio Meeting (6 February 2018) with Hydrock Response (15 February 2018)

C151867/R-001 Drainage Strategy Statement

C151867/R-002 Methodology for the Control of Surface Water During the Construction Phase

Drainage Calculations Canal

Drainage Calculations TW Letter (13 July 2016)

TW SW Correspondence (20 February 2018)

Prior to commencement of each phase of development, a detailed drainage and water management scheme shall be provided that details:

1 - How that phase will connect to the approved site wide strategy

2 - The interim drainage solutions to ensure that surface water run off will not increase the risk of flooding to or from the development.

3 - How the relevant phase will further contribute to the efficient use of water through a scheme for the collection, storage and reuse of rainwater. The scheme shall:-
[a] include plans showing the methods for collection and storage; and
[b] set out the clear arrangements in place for the reuse of the stored water; e.g. through on site landscape management plans and through the encouragement of residents to use stored water for external uses.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to: Policy EM6 Flood Risk Management in The Local Plan: Part 1 - Strategic Policies (2012), Policy DMEI 10 Water Management, Efficiency and Quality in The Local Plan: Part 2 - Development Management Policies (2020), Policy 5.12 Flood Risk Management of the London Plan - Consolidated With Alterations (March 2016) and to be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of The London Plan - Consolidated With Alterations (2016), and Conserve water supplies in accordance with Policy 5.15 Water use and supplies of The

London Plan - Consolidated With Alterations (2016), National Planning Policy Framework (2019), and the Planning Practice Guidance (March 2014).

3 RES5 General compliance with supporting documentation

Each phase of the Residential Land development hereby permitted shall not be occupied until each phase has been completed in accordance with the specified supporting plans and/or documents:

Hydrock Letter dated 7/6/19 - Remediation Method Statement (Ref. NESHYD-XX-RMS-CO-GE-0001-P1)
37205/A1/ES2020 Chapter 10 Air Quality November 2020
FNF-C-SITE-HYD-DR-08-0600 Rev. P1 Sustainable Urban Drainage Maintenance Strategy Sheet 1
FNF-C-SITE-FNF-C-SITE-HYD-DR-08-0601 Rev. P1 Sustainable Urban Drainage Maintenance Strategy Sheet 2
Heritage Statement, June 2019
Environmental Statement Volume 1 to 3
Environmental Statement Non-Technical Summary, June 2019 (Ref. 30462/A5/NTS Rev. 02)
Revised Chapter 10 - Air Quality, November 2020 (Ref. 37205/A1/ES2020)
Covering Letter dated 23/9/20 (Ref. 30462/A3/JB/DO)
Planning Statement, dated 21 September 2020 (Ref. 30462/A3/JB/DO Rev. 2)
Townscape & Visual Impact Assessment, June 2019 (Ref. 24552/A5/2019 Rev. vAUS1.2)
FNF-A-D-MKWR-DR-02-003 Rev. E1 Site Logistics Plan
Site Waste Management Plan (Residential Scheme), June 2019
Health Impact Assessment, June 2019 (Ref. 30462/A5/HIA Rev. 03)
Drainage Strategy Statement, Rev. B dated 15/2/18 (Ref. C151867/R-001)
Flood Risk Assessment & Drainage Strategy Report (Ref. R/C151867/001)
Hydrock Letter dated 25/3/20 - Flood Risk Assessment (Ref. 01669-HYD-XXXX-CO-D-5004)
Utilities Distribution Strategy Report, dated 27/03/20 (Ref. B875-OCSC-XXXX-RP-M-S2-1001 Rev. P04)
DS2 Letter dated 23/9/20 - Financial Viability Assessment (Ref. DS1478/PLAF)
Cameo & Partners Ltd Letter dated 16/9/20 - Play Space
Residential Planning and Vibration Noise Report, Rev. 01, September 2020 (Ref. 37205/3002 003 Rev. 01)
External Lighting Strategy Report, Rev. P04 (Ref. B875-OCSC-XX-XX-RPM-S2-1002)
Ventilation Report, Rev. P03 dated 11.09.20 (Ref. B875-OCSC-XX-XX-RPM-S2-1000)
Design and Access Statement Addendum 07 September 2020 (05 October 2020 Rev. 01)
HB 703 Block C: Servicing Strategy
HB 701 Block C: Cycle Strategy
Pedestrian Level Wind Desk-Based Assessment, October 28, 2020 (Ref. RWDI #1601173 REV. E)
Internal Daylight Amenity 29th October 2020
Transport Assessment, Rev. A dated 16 October 2020
Ecological Appraisal Addendum, June 2019
CGMS Heritage Letter dated 29/5/19 - Additional Unit Scheme - Below Ground Archaeology
Osprey Consulting Service Letter dated 13/6/19 - Consultation with NATS
Energy Statement (Residential Scheme) Updated Energy Statement to support additional units, June 2019
Optimisation Scheme - Equalities Impact Assessment, June 2019 (Ref. 30462/A5/HIA Rev. 03)

Hydrock Letter dated 25/3/20 - Desk Study and Ground Investigation Report (Ref. 01669-HYD-XX-GI-CO-GE-1002)
Planning Statement (Barton Willmore);
Economic Statement (Barton Willmore);
Health Impact Assessment (Barton Willmore);
Heritage Assessment (Turleys); letter dated 15 August from Turleys;
Noise and Vibration Reports (PBA) dated June 2017
Accommodation Schedule
Archaeological Desk Based Assessment (CgMS);
Air Quality Assessment (PBA);
Demolition Reports (Capita) Updated Demolition Report dated 15 Aug 2017; Letter dated 21/11/17 ref CS075666-WF-17-194-L;
Design and Access Statement (Makower Architects, Hawkins Brown, dMFK, MSA and Gillespies);
Statement of Community Involvement (HardHat);
Structural Survey and Conditions Report (Elliot Wood);
Townscape and Visual Impact Assessment (Barton Willmore)
Travel Plans (PBA and Markides Associates)
Environmental Impact Assessment (Barton Willmore, Markides Associates, PBA, Capita, Hydrock and Turleys)
Transport Assessment (prepared by Markides Associates); Technical Note prepared by Markides Associates dated 14 August 2017; Note from Project Centre dated 13 and 21 September 2017;
Gillespies Sketchbook dated Aug 2017 Rev 0.0;
Existing Buildings Conversion analysis dated June 2016;
Equalities Impact Assessment dated May 2017, amended Nov 2017;
Low Emission Strategy; prepared by PBA ref 37205/3004 rev Draft
Energy Statement (BBS) Issue 4;
Land Contamination Assessments (Hydrock);
Flood Risk/Drainage Assessments (Hydrock R/C151867/001.06) addressed via response from LBH drainage on 11/11/2017 and 13/11/2017;
Bay Study Elevations Access Officer Response (David Bonnett Associates);
Waste and Recycling Response Note (AECOM);
Affordable Housing Statement (Gerald Eve);
Aviation Report (Osprey)
Daylight and Sunlight Assessment (Point2) and Addendum dated 28 Nov 2017;
Ecological Report (Aspect);
Sustainability Statements (including Overheating Reports) (BBS);
Utilities Assessment (Whitecode);
Ventilation and Extraction Report (Whitecode);
Lighting and CCTV Report (Whitecode);
Flood Risk/Drainage Assessment (Hydrock);
Wind Assessment (RWDI);
Arboricultural Impact Assessment and Tree Survey (Aspect);
Construction Management Plan (Barratt London);
Site Waste Management Plan (Barratt London);
R/C151867/001.06 Flood Risk Assessment & Drainage Strategy (Residential Scheme)
C151867/C/001 P6 Proposed Drainage Strategy Sheet 1
C151867/C/002 P6 Drainage Layout Sheet 2
C151867/C/100 P2 Existing Catchment Areas
C151867/C/101 P10 Proposed Drainage Catchment Area to TW
C151867/C/102 P10 Proposed SW Attenuation
C151867/C/104 P6 Proposed Drainage Catchment Area to Canal

C151867/C/109 P3 Sections
 C151867/C/110 P1 Exceedence Flood Water Storage Locations
 C151867/C/111 P1 Ingress and Egress and Flood Water
 Comments from Hydrock Sergo Meeting (6 February 2018) with Hydrock Response (15 February 2018)
 C151867/R-001 Drainage Strategy Statement
 C151867/R-002 Methodology for the Control of Surface Water During the Construction Phase
 Drainage Calculations Canal
 Drainage Calculations TW Letter (13 July 2016)
 TW SW Correspondence (20 February 2018)
 Acoustic Strategy (RBA) (2018)
 Acoustic Technical Note (RBA) (May 2019)
 Drainage Technical Note (Hydrock) (May 2019)
 Flood Risk Assessment Technical Note (Hydrock) (May 2019)
 Heritage Statement Addendum: (Turley) (May 2019)
 Ground Investigation Desk Study Technical Note (Hydrock) (May 2019)
 Transport Statement Technical Note (Markides Associates) (April 2019)
 Play Space Technical Report (Cameo and Partners) (April 2019)
 Wind assessment Memorandum (June 2019)
 S73 Addendum Planning Amendments Planning Document Rev 03 (10/03/2020) (prepared by Makower Architects)
 Geosyntec Consultants Limited; Phase I Environmental Assessment of the Nestle UK Ltd Facility in Hayes, Middlesex; Ref. GCU0124020; dated September 2013.
 Geosyntec Consultants Limited; Phase 2 Environmental Assessment of the Nestle UK Ltd Facility in Hayes, Middlesex (Final); ref. GCU0124024; dated June 2014.
 Geosyntec Consultants Limited; Subsurface Asbestos Investigation: main Building Undercroft & South-Eastern Surrounding Area, Nestle Hayes, Middlesex; ref. GCU0124025; dated July 2014
 Capita Property and Infrastructure Limited; Project Lightning, Geo-environmental Investigation and Assessment; Revision A; dated 24 November 2014.
 Capita Property and Infrastructure Limited; Former Nestle Factory, Hayes Proposed Commercial Development; Further Geo-environmental Assessment; Ref CS-075666-PE-16-113-R, Revision A; dated 6/6/2016.
 Capita Property and Infrastructure Limited. Former Nestle Factory, Hayes Proposed Commercial Development. Remediation Strategy. CS-075666-PE-16-131-R, dated 11 July 2016.
 Hydrock Consultants Limited, Former Nestle Factory, Hayes Middlesex, Desk Study and Ground Investigation. R/151867/002, dated April 2017
 Hydrock Consultants Limited, Remediation Method Statement; NES-HYD-XX-REM-RP-GE-3000, dated 21/03/2018.
 Hydrock Consultants Limited; Letter titled, Former Nestle Factory, Hayes - S73 Application - Desk Study and Ground Investigation; Ref. 01669-HYD-XX-XX-CO-G-5002; dated 9 May 2019.

Thereafter the relevant parts of the Residential Land development shall be retained/maintained in accordance with these details for as long as the development remains in existence, unless otherwise agreed in writing with the local planning authority.

REASON

To ensure that the development complies with the objectives of Policies in The Local Plan: Part 2 - Development Management Policies (2020).

4 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

HB 100 Rev. P1 Block C: Ground Floor Plan
HB 101 Rev. P2 Block C: First Floor Plan
HB 102 Rev. P2 Block C: Second Floor Plan
HB 103 Rev. P2 Block C: Third Floor Plan
HB 104 Rev. P2 Block C: Fourth Floor Plan
HB 105 Rev. P2 Block C: Fifth Floor Plan
HB 106 Rev. P2 Block C: Sixth Floor Plan
HB 107 Rev. P2 Block C: Seventh Floor Plan
HB 108 Rev. P2 Block C: Eighth Floor Plan
HB 109 Rev. P2 Block C: Ninth Floor Plan
MA 250 Rev. P1 Block C - Elevations
DM-4-20 Rev. P1 Blocks F3 & F4 Ground Floor Plan
DM-4-21 Rev. P1 Blocks F3 & F4 First Floor Plan
DM-4-22 Rev. P1 Blocks F3 & F4 Second Floor Plan
DM-4-23 Rev. P1 Blocks F3 & F4 Third Floor Plan
DM-4-24 Rev. P1 Blocks F3 & F4 Fourth Floor Plan
DM-4-25 Rev. P1 Blocks F3 & F4 Fifth Floor Plan
DM-4-26 Rev. P1 Blocks F3 & F4 Sixth Floor Plan
DM-4-27 Rev. P1 Blocks F3 & F4 Seventh Floor Plan
DM-4-28 Rev. P1 Blocks F3 & F4 Eighth Floor Plan
DM-4-29 Rev. P1 Blocks F3 & F4 Ninth Floor Plan
DM-4-30 Rev. P1 Blocks F3 & F4 Tenth Floor Plan
DM-4-31 Rev. P0 Blocks F3 & F4 Roof Plan
DM-2-02 Rev. P0 Block F3 & F4 North & South Elevations
DM-2-00 Block F1, F2, F3 & F4 South & West Elevations
DM-2-01 Block F1, F2, F3 & F4 North & East Elevations
DM-4-20 Block F3 & F4 Ground Floor Plan
DM-4-50 Rev. P1 Block H Ground Floor Plan
DM-4-51 Rev. P1 Block H First Floor Plan
DM-4-52-55 Rev. P1 Block H TYP Floor Plan (2nd - 5th)
DM-4-56 Rev. P0 Block H Roof Plan
DM-2-04 Rev. P0 Block H & I Elevations
MA 100 Rev. P1 Block B - Basement Floor Plan
MA 101 Rev. P1 Block B - Ground & First Floor Plan
MA 102 Rev. P2 Block B - Second & Third Floor Plan
MA 103 Rev. P1 Block B - Fourth & Fifth Floor Plan
MA 104 Rev. P1 Block B - Sixth & Seventh Floor Plan
MA 105 Rev. P1 Block B - Eight & Ninth Floor Plan
MA 106 Rev. P1 Block B - Tenth & Roof Plan
MA 201 Rev. P1 Block B - Elevations
C0065 L2008 Landscape Block B Podium Courtyard GA
C0065 L2009 Landscape Block C Podium Courtyard GA
HB 703 Block C: Servicing Strategy
HB 701 Block C: Cycle Strategy

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of The Local Plan: Part 2 - Development Management Policies (2020) and The London Plan - Consolidated With Alterations (2016).

5 RES7 Materials (Submission)

Prior to the commencement of superstructure works of the relevant residential phase of the development, details of all materials and external surfaces, including details of balconies shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

6 NONSC Levels

Prior to the commencement of each residential phase of development, plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policies DMHB 11 and DMHB 12 of The Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7 NONSC Canal Wall

Prior to occupation of the development hereby approved, a suitable assessment and confirmation that the Canal wall relating to land within the residential land where defects and holes identified within the drainage strategy and subsequent survey submitted have been rectified.

This shall be submitted to, and approved in writing by the Local Planning Authority and implemented as per the approved details.

REASON:

To ensure that surface water run off is controlled appropriately on site to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in The Local Plan: Part 1 - Strategic Policies (2012), Policy 5.12 Flood Risk Management of The London Plan - Consolidated With Alterations (2016) and to be handled as close to its source as possible in compliance with Policy 5.13, Sustainable Drainage of The London Plan - Consolidated With Alterations (2016) and National Planning Policy Framework (2019), and the Planning Practice Guidance (March 2014).

8 NONSC Contract Details of Demolition Works to Canteen Building

Prior to the commencement of development, including any works of site clearance and demolition, details of the contracts for part-demolition works and the demolition strategy covering the Canteen Building on the Residential Land must be submitted to and approved

in writing by the Local Planning Authority, details to include:

a) Evidence of the contracts or sub-contract(s) placed to demonstrate the timely commencement and completion of part-demolition works for the Canteen Building;
NOTE: (a) has been discharged under Planning Permission Ref: 1331/APP/2018/2680 dated 9th November 2018.

b) A full programme of part- demolition works, including phasing as appropriate to preserve the remaining Canteen Building to be submitted and agreed.
NOTE: (b) has been discharged under Planning Permission Ref: 1331/APP/2018/2680 dated 9th November 2018.

c) The locations and details of cut lines and propping, with scaled plans, sections and details would need to be submitted for the following to ensure that the remaining Canteen Building's stability will not be compromised;
NOTE: (c) has been discharged under Planning Permission Ref: 1331/APP/2018/2680 dated 9th November 2018.

d) Details as to how the retained Canteen Building will be protected to ensure its integrity over the duration of the construction period;
NOTE: (d) has been discharged under Planning Permission Ref: 1331/APP/2018/2680 dated 9th November 2018.

e) The programme of works on the site shall be carried out in complete accordance with the details approved unless otherwise agreed in writing with the Local Planning Authority;

f) No development shall take place on the Residential Land (including works of site clearance and demolition to the locally listed buildings) until the Local Planning Authority has approved the Demolition Strategy.

g) No development shall take place on the Residential Land (including works of site clearance, demolition to the locally listed buildings and Canteen Building) until the approved Heritage Assets Recording works in accordance with Condition 5 has been completed (phased) and approved by the LPA..

REASON

To safeguard the structural integrity of the remaining locally listed Canteen Building in accordance with Policies DMHB 1, DMHB 2 and DMHB 3 of The Local Plan: Part 2 - Development Management Policies (2020).

9 NONSC Tree Protection Measures

No site clearance, demolition works or construction work shall take place on any residential phase, until the following details for that phase have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures for that phase.

NOTE: (1) has been discharged under Planning Permission Ref: 1331/APP/2018/2495 dated 3rd October 2018.

2. 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 for that phase

shall be submitted to the Local Planning Authority for approval. No site clearance works demolition 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.

NOTE: (2) has been discharged under Planning Permission Ref: 1331/APP/2018/2495 dated 3rd October 2018.

Thereafter, the development on each phase shall be implemented in accordance with the approved details for that phase. The fencing shall be retained in position until that phase of 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:

- 2.a There shall be no changes in ground levels without suitable mitigation measures approved by the Local Planning Authority;
- 2.b No materials or plant shall be stored without suitable mitigation measures approved by the Local Planning Authority;
- 2.c No buildings or temporary buildings shall be erected or stationed without suitable mitigation measures approved by the Local Planning Authority;
- 2.d No materials or waste shall be burnt without suitable mitigation measures approved by the Local Planning Authority; and
- 2.e 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 can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy DMHB 14 of The Local Plan: Part 2 - Development Management Policies (2020).

10 NONSC Rainwater Harvesting and Water Reuse for each phase

Prior to the first occupation of each phase, new dwellings (Use Class C3), hereby approved shall have been constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres (including a fixed factor of water for outdoor use of 5 litres/ person/ day) of water is consumed per person per day. The development shall be maintained as such in perpetuity thereafter.

REASON

To conserve water supplies in accordance with Policy 5.15 of The London Plan - Consolidated With Alterations (2016).

11 NONSC Ecological Enhancement

Prior to the commencement of superstructure works for each residential phase of development, a detailed ecology enhancement plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how that phase of residential development will be best designed to deliver ecological improvements, and shall demonstrate (but not limited to) the inclusion of specific planting to improve conditions for wildlife; artificial habitats in the landscaped areas and the fabric of the buildings; areas of planting along or near to the canal to promote wildlife corridors; and habitat walls and refuge in strategically located positions.

The development of that phase must proceed in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

NOTE: the above has been discharged under Planning Permission Ref: 1331/APP/2018/3868 dated 20th February 2019. In addition please note that more detailed planting plans will be required for the discharge of each phase of residential development in accordance with Conditions 15 and 44.

REASON

To ensure the development contributes to a positive gain in ecological value in accordance with London Plan Policy 7.19, the Mayor's intend to publish London Plan Policy G6, Policy EM8 of The Local Plan: Part 1 - Strategic Policies (2012) and Policy DMEI 7 of the Hillingdon Local Plan, Part Two - Development Management Policies (2020).

12 NONSC Radar Mitigation

1. Prior to the commencement of development of any residential phase of development, the following shall be submitted to and approved in writing by the Local Planning Authority and by the Radar Operator - NATS (En-route) plc and BAA Safeguarding either:

- detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Heathrow H10 SSR Radar;
- OR,
- details of a 'Radar Mitigation Scheme' (including a timetable for its implementation during construction) to mitigate any detrimental impact upon the Heathrow H10 SSR Radar.

2. Where a 'Radar Mitigation Scheme' has been required, no construction above 12m above ground level shall take place on site, unless the 'Radar Mitigation Scheme' has been implemented. Development shall not take place other than in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

NOTE: the above has been discharged under Planning Permission Ref: 1331/APP/2018/3111 dated 24th October 2018.

REASON

To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment, in accordance with Policy DMAV 1 of The Local Plan: Part 2 - Development Management Policies (2020).

13 NONSC Bird Hazard Management Plan

Prior to the commencement of any superstructure works for each residential phase of development, a Bird Hazard Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with HAL safeguarding and MoD Safeguarding. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management Plan shall be implemented as approved for that phase and shall remain in force for the life of the building in that phase. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local

Planning Authority.

NOTE: the above has now only been partially discharged under Planning Permission Ref: 1331/APP/2018/3646 dated 28th December 2018 and further details must be re-submitted to all blocks which form part of this application.

REASON

It is necessary to manage the flat roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport and RAF Northolt, in accordance with Policy DMAV 1 of The Local Plan: Part 2 - Development Management Policies (2020).

14 NONSC Crane Plan

Prior to the commencement of development within the residential development hereby approved, full details of a "Crane Operation Plan" shall be submitted to and approved in writing by the Local Planning Authority in consultation with the "Radar Operator" (NATS) and BAA Safeguarding. Construction at the site shall only thereafter be operated in accordance with the approved "Crane Operation Plan".

NOTE: the above has been discharged under Planning Permission Ref: 1331/APP/2018/3869 dated 25th February 2019.

REASON

In the interests of air traffic safety and of the operations of NATS En-route PLC, in accordance with Policy DMAV 1 of the Local Plan: Part 2 - Development Management Policies (2020).

15 NONSC BAA Landscape Condition

No development shall take place until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at www.aoa.org.uk/policy-campaigns/operations-safety. These details shall include:

- the species, number and spacing of trees and shrubs

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON

To avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the application site in accordance with Policy DMAV 1 of The Local Plan: Part 2 - Development Management Policies (2020).

16 NONSC CEMP Condition

Prior to the commencement of any residential phase of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Canals and Rivers Trust. The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the

phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.

NOTE: the above has been discharged under Planning Permission Ref: 1331/APP/2018/3107 dated 1st February 2019.

REASON

To safeguard the amenity of surrounding areas and manage highway impacts in accordance with policy DMHB 11, DMT 2 and DMEI 14 of the Hillingdon Local Plan Part 2 (2020).

17 NONSC Network Rail

1) Where vibro-compaction/displacement piling plant is to be used in any part of the residential development, a method statement detailing the use of such machinery and a method statement must be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, prior to the commencement of works. Thereafter, the works shall only be carried out in accordance with the approved method statement.

2) All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

3) The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. The area must be clear enough that train drivers and anyone working in the area can work safely and see approaching trains. If at any time this is not the case, please ensure signallers or the BTP are contacted.

NOTE: the above has been partially discharged (Block B only) under Planning Permission Ref: 1331/APP/2019/2865 dated 17th October 2019.

REASON

To safeguard the operational requirements of Network Rail and the strategic rail infrastructure in accordance with Policy 6.3 of the London Plan - Consolidated With

Alterations (2016).

18 NONSC Secure by Design

Prior to the commencement of any superstructure works for each residential phase of development details of security measures to minimise the risk of crime and to meet the specific security needs of that phase shall be submitted for that phase and approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police.

Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). The approved measures shall be implemented before the development in that phase is occupied and thereafter retained.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 and to ensure the development provides a safe and secure environment in accordance with The London Plan - Consolidated With Alterations (2016) Policies 7.1 and 7.3.

19 NONSC Noise Assessment / Mitigation Scheme

Prior to the commencement of superstructure works for each phase of development, a detailed assessment to confirm the typical external environmental noise levels around the proposed buildings and within the external amenity areas (including balconies), and the details of the sound insulation scheme(s), and any other control measures (such as to balconies), to reduce levels to a practicable minimum in external amenity areas and to meet the relevant internal noise targets within the Planning & Noise (Professional Practice Guidance on Planning & Noise, May 2017) during both ventilation and overheating conditions shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the mitigation measures shall be implemented and maintained in full compliance with the approved assessment.

NOTE: the above has only partially been discharged under Planning Permission Ref: 1331/APP/2018/4052 dated 30th January 2019.

REASON:

To ensure that the development provides a satisfactory noise environment for its occupiers, in accordance with Policy 7.15 of the London Plan - Consolidated With Alterations (2016) and Policy EM8 of the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012).

20 NONSC Plant / Machinery Noise

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142:2014.

A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development

and thereafter be permanently retained.

REASON

To safeguard the amenity of the residential occupiers and the surrounding area in accordance with Policy 7.15 of the London Plan - Consolidated With Alterations (2016) and Policy EM8 of the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012).

21 NONSC Rail Vibration and Ground-borne Noise Condition

Prior to the commencement of superstructure works for each phase of development, an assessment of rail vibration and ground-borne noise shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, any mitigation measures shall be implemented and maintained in full compliance with the approved assessment.

REASON

To safeguard the amenity of the residential occupiers in accordance with Policy 7.15 of the London Plan - Consolidated With Alterations (2016) and Policy EM8 of the Hillingdon Local Plan: Part 1 Strategic Policies (November 2012).

22 NONSC Overheating Assessment

Prior to the commencement of superstructure works for each phase of development, an overheating assessment shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, any mitigation measures shall be implemented and maintained in full compliance with the approved assessment.

REASON

In order to reduce the potential for internal overheating and reliance on air conditioning systems, in accordance with Policy SI 4 of the Intend to Publish London Plan (2019).

23 NONSC External Lighting

Prior to the commencement of the superstructure, full details of all external lighting proposals for that phase shall be submitted and to and approved in writing by the Local Planning Authority, in consultation with the Canals and Rivers Trust and Network Rail. The details shall include the location, height, type and direction of light sources and intensity of illumination. The approved scheme for a phase shall not thereafter be altered without the prior consent in writing of the Local Planning Authority in consultation with the Canals and Rivers Trust and Network Rail other than for routine maintenance which does not change its details.

NOTE: the above has been discharged for this part of the wider site under Planning Permission Ref: 1331/APP/2019/309 dated 6th January 2020.

REASON

To safeguard the amenity of surrounding properties in accordance with Policies DMHB 11, DMHB 12 and DMT 2 of the Local Plan: Part 2 - Development Management Policies (2020); and to protect the ecological value of the area in accordance with Policy DMEI 7 of the Local Plan: Part 2 - Development Management Policies (2020).

24 NONSC Construction Logistics Plan

Prior to the commencement of works, a full Construction Logistics Plan (CLP) shall be

submitted to and approved by the Local Planning Authority.

REASON

To ensure that highway safety is not prejudiced in accordance with policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Chapter 6 of The London Plan - Consolidated With Alterations (2016).

25 NONSC Service and Delivery Plan

Prior to the commencement of superstructure works on any phase of the residential development, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Council.

Thereafter, the proposed works shall be implemented and carried out in accordance with the approved details.

REASON

To ensure that appropriate mitigation is provided to the surrounding highway network as a result of the proposed development in accordance with Policy DMT 1 of The Local Plan: Part 2 - Development Management Policies (2020) and Chapter 6 of The London Plan - Consolidated With Alterations (2016)

26 NONSC Car Parking Design and Management Plan

Prior to the commencement of the superstructure, a Car Parking Design & Management Plan that explains how the car parking spaces will be allocated and managed shall be submitted to, and approved in writing by, the Local Planning Authority. The car parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development. There shall be no sale or rental of parking spaces to any third parties.

NOTE: the above has been discharged under Planning Permission Ref: 1331/APP/2018/3870 dated 29th January 2019.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of The Local Plan: Part 2 - Development Management Policies (2020) and Chapter 6 of The London Plan - Consolidated With Alterations (2016).

27 NONSC Cycle Parking

Each residential phase of the development hereby approved shall not be occupied until the cycle parking spaces for that phase are provided in accordance with the London Cycle Design Standards and the approved plans for use by future occupiers of the residential units. In addition details of a minimum 4 visitor spaces for the residential accommodation and a minimum 9 cycle spaces for the commercial use shall be submitted in writing and approved by the Local Planning Authority. Thereafter, these cycle parking spaces shall be permanently retained, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the development provides a quantum of cycle parking in accordance with policy 6.9 of The London Plan - Consolidated With Alterations (2016) and Policy T5 of the Intend to Publish London Plan (2019).

28 NONSC Land Contamination

(i) The development of each residential phase shall not commence until a scheme to deal

with contamination in that phase has been submitted to the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination, and approved by the LPA. All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works for each phase will be verified shall be agreed in writing with the LPA prior to commencement of each phase, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation.

NOTE: (i) has been discharged under Planning Permission Ref: 1331/APP/2018/2988 dated 11th March 2019.

(ii) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged for each phase until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DMEI 11 and DMEI 12 of The Local Plan: Part 2 - Development Management Policies (2020).

29 NONSC Risk and Method Statement adjacent to the Canal

Prior to the commencement of any residential development hereby approved a Risk

Assessment and Method Statement outlining all works to be carried out adjacent to the canal must be submitted and approved in writing by the Local Planning Authority in consultation with the Canals and Rivers Trust. This will include any work to, or likely to affect, the waterway wall and a survey of the condition of the wall.

NOTE: the above has been partially discharged (Block D only) under Planning Permission Ref: 1331/APP/2018/4305 dated 12th June 2019.

REASON

To ensure the proposed construction works do not have any adverse impact on the safety of waterway users and the integrity of the canal, in accordance with Policies 7.24, 7.25, 7.26, 7.27 and 7.28 of The London Plan - Consolidated With Alterations (2016).

30 NONSC Details of Landscaping and Works adjacent to Canal

Prior to the commencement of any superstructure works for each residential phase of development full details of the proposed hard and soft landscaping, including ground levels, planting plans, materials and maintenance arrangements within that phase, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canals and Rivers Trust. The landscaping shall be carried out in accordance with the approved details.

REASON

In the interests of visual amenity and biodiversity of the Blue Ribbon Network and the adjacent public realm, in accordance with Policy DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

31 NONSC Studio Units Condition

'Notwithstanding the plans hereby approved (but excluding Block H), details shall be submitted of all studio unit layouts and approved in writing by the Local Planning Authority. Each studio unit shall be laid out as a studio flat and not as a one bedroom self contained flat and bath / shower facilities clarified.

NOTE: the above has been partially discharged (Block B only) under planning reference 1331/APP/2019/2123 dated 9/10/19.

REASON

To ensure that the development provides a satisfactory level of accommodation and amenity for future occupiers in accordance with the National Technical Standards 2015 Policy 3.5 of the London Plan (2016).

32 NONSC Accessibility Units

The additional units hereby approved shall ensure that 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

REASON

To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 (c) and (d) is achieved and maintained.

33 NONSC Accessibility Unit Provision

Prior to the first occupation of each phase, the affordable Category 3 M4(3) residential

units (Use Class C3), hereby approved shall have been constructed to satisfy Regulation M4(3)(2)(b) as specified in Approved Document M to the Building Regulations 2010 (2015 edition).

REASON

To allow for immediate occupation by a wheelchair user in accordance with Policy 3.8(d) of the London Plan.

34 NONSC Accessible Parking Spaces

Prior to the occupation of any phase of the residential development details showing the location of 10% of accessible parking spaces serving the affordable housing units within that phase shall be submitted to and approved in writing by the LPA.

Details showing the location of 4% of accessible parking spaces serving the market housing shall be submitted to and approved in writing by the LPA.

All approved accessible bays should be located in close proximity to the accessible units they serve and shall be marked out prior to first occupation. These disabled bays shall be marked out and in place prior to occupation of any given residential phase and shall remain in place in perpetuity.

Details of the drop off points for door-to door service providers (such as Dial-A-Ride)

Full details of a review of accessible parking demand shall be submitted and approved by the Local Planning Authority prior to first occupation of any residential unit. This review will assess the need to increase accessible parking provision to 10% for market housing units.

REASON

To meet the objectives of Policy DMT 6 of The Local Plan: Part 2 - Development Management Policies (2020) and Chapter 6 of The London Plan - Consolidated With Alterations (2016).

35 NONSC Accessible Play Space

Prior to the first occupation of each phase, details of the accessible play equipment for disabled children, including those with a sensory impairment, or complex multiple disabilities, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, all the approved provisions shall remain in place for the life of the development.

REASON

To ensure appropriate play and recreation facilities in accordance with London Plan Policy 3.6 is achieved and maintained.

36 NONSC Energy Strategy

Prior to the commencement of any superstructure works for each residential phase of development, full details of the carbon reduction measures that conform to the energy strategy (Energy Statement (Residential Scheme) Updated Energy Statement to support additional units, June 2019) shall be submitted and approved in writing by the Local Planning Authority. These shall include:

- 1 - Full details of the baseline energy and carbon performance of each phase of the development
- 2 - Full details of the passive energy savings measures (Be Lean - London Plan)

- 3 - Full details of the combined heat and power systems including:
 - a - full plans and specifications of the technology
 - b - the phasing of the installation of the network which includes the delivery of main necessary energy centre in phase one
 - c - the input and output (annual KgCO₂ and KwHr) of the CHP system
 - d - the onsite network connection
 - e - the future proofing for offsite connections
 - f - monitoring, reporting and maintenance regimes.
- 4 - Full details and specifications, including relevant plans and elevations of any additional low or zero carbon technology to be utilised in the site.

The development must proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON

To ensure the development contributes a CO₂ reduction in accordance with The London Plan - Consolidated With Alterations (2016) Policy 5.2.

37 NONSC Waste Management

Prior to the commencement of superstructure works for each phase of the residential development a Waste Management Plan for the development shall be submitted and approved in writing by the Council. Thereafter, the proposed works shall be implemented and carried out in accordance with the approved details.

NOTE: the above has been discharged under planning reference 1331/APP/2018/4381 dated 12/6/19.

REASON

To comply with Policy DMHB 11 of The Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

38 NONSC Overlooking Mitigation

Notwithstanding the details submitted, prior to the commencement of superstructure works for each residential phase of development, full details including the height, colour and materials shall be submitted for the following:

- Balcony privacy screens
- Louvres to be provided on windows in corner locations to mitigate overlooking between habitable rooms (Block F3, F4, B3, B4, B5, B7, B8, B9, C1, C2, C3, C4 and C6).
- Or other design solution.

The approved details shall be implemented prior to first occupation of the flats in each phase hereby approved and shall be retained thereafter.

REASON

To safeguard the amenity of future occupiers in accordance with Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

39 NONSC Block F3

Prior to the commencement of relevant works associated to Block F3, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a. A brick panel, demonstrating polychromatic brick bonding design and mortar mix, to be built on site and agreed prior to the commencement of the construction work.
- b. Notwithstanding the details on the submitted drawings, full details, including a schedule

- of all materials and samples of external finishes and colours to the building
- c. Detailed drawings, in elevation and section, of window and door types, at 1:20
- d. Details of rainwater goods, external pipes and flues and plant
- e. Details of photovoltaics, including location, type, appearance, etc.

REASON

To safeguard the character and appearance of the locally listed factory in accordance with Policies DMHB 1, DMHB 2 and DMHB 3 of The Local Plan: Part 2 - Development Management Policies (2020).

40 NONSC Block H

Prior to the commencement of relevant works associated with Block H, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a. Notwithstanding elevational drawings, detailed drawings required showing omission of the balcony in conflict with the loggia at first floor.
- b. Scaled drawings, including cross sections, for all windows, doors and signage, including ground floor commercial unit, to be provided at 1:20.
- c. Notwithstanding the uses annotated on the floor plans, B8 use to be removed from the range of permitted uses at ground floor.
- d. Full details and a schedule of all materials, external finishes and colours to the building
- e. Details of works to adjacent colonnade, including elevational and sectional drawings of the new/refurbished colonnade at a suitable scale.

REASON

To safeguard the special architectural and historic character and appearance of the Botwell Nestle Conservation Area and the locally listed factory facade and canteen building in accordance with Policies DMHB 1, DMHB 2, DMHB 3 and DMHB 4 of The Local Plan: Part 2 - Development Management Policies (2020).

41 NONSC Canteen Building

Prior to the commencement of part demolition works to the Canteen Building, in preparation for the construction of Block H, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a. Structural condition survey to be undertaken of the Canteen building.
- b. Schedule and methodology of repairs required to the Canteen building.
- c. Detailed information regarding the protection of the remaining Canteen Building prior to, during and after demolition works and construction of Block H.
- d. Detailed elevational and sectional drawings of the new colonnade at a suitable scale.
- e. Notwithstanding the uses annotated on the floor plans, B8 use to be removed from the range of permitted uses at ground floor.
- f. Full details and a schedule of all materials, external finishes and colours to the building.
- g. Scaled drawings for all windows and doors, in elevation and section at 1:20.

REASON

To safeguard the architectural and historic character and appearance of the Botwell Nestle Conservation Area and the locally listed factory facade and canteen building in accordance with Policies DMHB 1, DMHB 2, DMHB 3 and DMHB 4 of The Local Plan: Part 2 - Development Management Policies (2020).

42 NONSC Wind Mitigation

Prior to the commencement of superstructure works of the relevant residential phase of the development, wind mitigation measures for that phase shall be submitted and approved by the local planning authority. These mitigation measure shall include:

- a. Passageways through Block D and Block E requires semi-mature trees of at least 3m in height or solid or porous screens no less than 1.5m in height located to the west of the passageways, or restricted pedestrian access;
- b. Entrances through C1 and C2 from the west will required recessing no less than 1.5m or have side screens at least 1.5m in height and width;
- c. Viveash Square requires 5-7m trees along the south-western boundary of the amenity space or landscaping such as trees or solid or porous screens no less than 2m in height distributed over Viveash Square;
- d. Facade balconies require increasing balustrade height from 1.1m to 1.5m in height and corner balconies require full height screens on the southern and western ends of the balcony, or screens spanning the balcony no less than 1.5m in height located in the vicinity of the building corner.

NOTE: the above has been partially discharged (Block D only) under planning reference 1331/APP/2018/4308 dated 9th April 2020.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part Two Development Management Policies (2020).

43 NONSC Estate Management Plan

Prior to the first occupation of any residential units, details of an Estate Management Plan shall be submitted and approved in writing by the LPA. Details shall include, but not be limited to the control of parking on Canal and Milk Street, maintenance of the publicly accessible areas, maintenance of all blocks within the estate.

NOTE: the above has been partially discharged under planning reference 1331/APP/2020/1082 dated 29th May 2020.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policies DMHB11 & DMHB12 of the Hillingdon Local Plan: Part Two Development Management Policies (2020).

44 NONSC Landscaping

Prior to the commencement of superstructure works of the relevant residential phase of the development, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage to include covered and secure spaces for 2251 cycles
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layout, to include 657 spaces within the application site (914 spaces within the wider residential scheme)
 - 2.e Motor Cycle Parking Layouts (to provide 33 motor cycle parking spaces with anchor

points)

2.f Hard Surfacing Materials

2.g External Lighting

2.h Other structures (such as play equipment and furniture)

3. Living Walls and Roofs

3.a Details of the inclusion of living walls and roofs

3.b Justification as to why no part of the development can include living walls and roofs

4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 12, DMHB 14 and DMT 6 The Local Plan: Part 2 - Development Management Policies (2020) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of The London Plan - Consolidated With Alterations (2016).

45 NONSC Play Areas

Prior to the commencement of superstructure works of the relevant residential phase of the development, details of the quantum and design of the play areas for children within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the play areas shall be provided prior to the occupation of any unit within the development and maintained for this purpose.

NOTE: the above has been discharged under planning reference 1331/APP/2018/3881 dated 30th October 2019.

REASON

To ensure that the development makes adequate provision of children's play space in accordance with Policies DMHB 19 and DMCI 5 of The Local Plan: Part 2 - Development Management Policies (2020) and Policy 3.6 of the London Plan (2016) and Policy S4 of the Intend to Publish London Plan (2019).

46 NONSC Electric Charging Points

Prior to the commencement of the superstructure a plan showing the provision of electric charging points to serve 20% active and 80% passive spaces should be submitted to and approved in writing by the Local Planning Authority. The plan shall set out the location of the charging points, the chosen technology and clear presentation of how the bays will be marked. The development shall proceed in accordance with the approved plan.

NOTE: the above has been partially discharged under Planning Permission Ref: 1331/APP/2018/3871 dated 31st January 2019.

REASON

To provide car parking for electric vehicles to help tackle air quality impacts and meet the climate change challenges in accordance with Policy 6.13 of The London Plan - Consolidated With Alterations (2016).

47 NONSC Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address:-

1) The fleet composition serving the proposed development to be Euro 6/VI or cleaner (e.g. electric) or have implemented retrofitting devices that will enable compliance with such Euro standards. Measures that will encourage this will be listed and implemented.

2) The supply of energy to the proposed development. Any CHP or gas boiler will have to conform with the London Ultra Low NOx requirements.

The strategy shall detail the steps that will be followed in addressing the lower emissions requirements stated above and what measures will be taken to take into account future changing standards and available technologies and be updated accordingly in agreement with the local planning authority.

3) Electric vehicle charging bays. This is to be implemented as per the minimum number of charging points required in the London Plan.

4) A clear and effective strategy to encourage staff / users to:-

- a) Use public transport;
- b) Cycle / walk to work where practicable;
- c) Enter car share schemes;
- d) Purchase and drive to work zero emission vehicles.

The measures in the agreed scheme shall be implemented and maintained throughout the life of the development.

REASON

The application site is within an Air Quality Management Area where there is a requirement for development to reduce its impact on air quality in accordance with Policy EM8 of the Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - DEvelopment Management Policies (2020), Policy 7.14 of the London Plan (2016), Mayor's Intent to Publish London Plan Policy SI1, and paragraph 170 of the National Planning Policy Framework (2019).

48 NONSC Control of Dust and Emissions Plan

No development shall commence until a Control of Dust and Emissions from Construction and Demolition Work Plan has been submitted to, and approved in writing by the LPA. The plans shall demonstrate compliance with the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

REASON

In order to safeguard air quality, in accordance with Policy 7.14 of the London Plan (2016) and the Mayor of London's London Local Air Quality Management Policy Guidance (2019),

49 NONSC NRMM Condition

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

REASON

In order to safeguard air quality, in accordance with Policy 7.14 of the London Plan (2016) and London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy.

50 NONSC Imported Soils

Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policies DMEI 11 and DMEI 12 of The Local Plan: Part 2 - Development Management Policies (2020).

51 NONSC Car Club Bays

Prior to the commencement of the superstructure of the residential development, a plan showing the proposed location of 5 car club bays shall be submitted to and approved in writing, with 5 spaces identified for future provision.

Thereafter these car club bays shall be implemented and retained in perpetuity.

NOTE: the above has been partially discharged under Planning Permission Ref: 1331/APP/2018/3872 dated 6th February 2019.

REASON

To ensure suitable parking provision is provided on the site, in accordance with Policies DMT 2 and DMT 4 of The Local Plan: Part 2 - Development Management Policies (2020) and Chapter 6 of The London Plan - Consolidated With Alterations (2016).

52 NONSC Accessibility

Prior to the commencement of the residential development hereby approved, excluding demolition, details of the pedestrian/vehicular gates/barriers into the Residential Land, incorporating facilities for the operation of gates/barriers by disabled persons, and manual operation of any gates/barriers in the event of power failure shall be submitted to and

approved in writing by the Local Planning Authority.

Thereafter the gates/barriers shall be installed in accordance with the approved details and maintained for so long as the development remains on site.

REASON

In order to ensure the development achieves an appropriate level of accessibility in accordance with Policy 3.8 of The London Plan - Consolidated With Alterations (2016).

53 NONSC Fire Statement

Prior to the commencement of the residential works, a Fire Statement by a third party suitably qualified assessor shall be submitted to and approved by the local Planning Authority.

The works shall be implemented and the development managed in accordance with the approved Fire Strategy.

Reason

To ensure that the risk of fire is appropriately mitigated, in accordance with Policy D12 of the Intend to Publish London Plan (2019).

54 COM12 Use Within Same Use Class

The commercial uses in Block H shall only be used for the following uses:-

- retail, restaurant and cafe, office, clinic, creche, day nursery, health centre, gymnasium & indoor recreation (Use Class E), and
- pub or drinking establishment and hot food takeaway (Sui generis)

and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

REASON

To safeguard the amenity of the surrounding area in accordance with Policies DMHB 11 and DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 8	NPPF-8 2018 - Promoting healthy and safe communities
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
LPP 1.1	(2016)Delivering the strategic vision and objectives for London
LPP 2.6	(2016) Outer London: vision and strategy
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.18	(2016) Green Infrastructure: the multi functional network of open and green spaces
LPP 3.1	(2016) Ensuring equal life chances for all
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 3.11	(2016) Affordable housing targets
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.13	(2016) Affordable housing thresholds
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.5	(2016) Decentralised energy networks
LPP 5.7	(2016) Renewable energy
LPP 5.9	(2016) Overheating and cooling
LPP 5.10	(2016) Urban Greening
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 6.1	(2016) Strategic Approach
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 7.7	(2016) Location and design of tall and large buildings
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review
SA 5	Land to the South of the Railway, including Nestle Site
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 2	Listed Buildings
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMEI 14	Air Quality
DMCI 3	Public Open Space Provision
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMAV 1	Safe Operation of Airports
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

3 147 Damage to Verge - For Council Roads:

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

4 170 **LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above.

6

For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6 and 8.

7

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995, with regard to employment and service provision. Whilst an employer's duty to make reasonable adjustment is owed to an individual employee or job applicant, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. The failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider, if/when challenged by a disabled person. It is therefore recommended that the applicant takes full advantage of the opportunity that this development offers, to maximise accessibility to, around, and within the buildings of this proposed development.

8 115 **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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

9

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans. For further information and advice, contact - the Waste Service Manager, Central Depot -Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU Tel. 01895 277505 / 506).

10

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

11 I2 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

12 I21 **Street Naming and Numbering**

All proposed new street names must be notified to and approved by the Council. Building names and numbers, and proposed changes of street names must also be notified to the Council. For further information and advice, contact - The Street Naming and Numbering Officer, Planning & Community Services, 3 North Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250557).

13

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

14

You are advised by London Borough of Hillingdon, Highways Management, that any works on the Highway, in relation to the reinstatement of any existing vehicle access, must be carried out with approval from the Highway Authority. Failure to reinstate an existing vehicle access will result in the Highway Authority completing the works, and the developer may be responsible for the costs incurred. Enquiries should be addressed to: Highways Maintenance, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

15

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: -

Highways Maintenance Operations,
4W/07,
Civic Centre,
Uxbridge,
UB8 1UW

16

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

17

The applicant/developer is advised to review the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust and contact the Trust's Works Engineer (toby.pearce@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works are compliant. (<https://canalrivertrust.org.uk/business-andtrade/undertaking-works-on-ourpropertyandour-code-of-practice>)".

The applicant/developer is advised that surface water discharge to the Grand Union Canal will require prior consent from the Canal & River Trust and should contact Liz Murdoch in the Canal & River Trust's Utilities team regarding such an agreement (liz.murdoch@canalrivertrust.org.uk).

The applicant/developer is advised that any oversail, encroachment or access to the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust (Bernadette.McNicholas@Canalrivertrust.org.uk) regarding the required access agreement.

18

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.

It is recommended that soakaways/attenuation tanks should not be constructed within 20

metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railing, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should be not able to be climbed.

The developer should adhere to Network Rail's advice guide on acceptable tree/plant species.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

19

Stands of trees with the potential to provide canopy's for bird species such as Rooks, Crows should be planted at 4 metre centres or greater.

Tree species such as Oak (*Quercus* sp.), Scots Pine (*Pinus Sylvestris*), and Beech (*Fagus sylvatica*) should be excluded from the planting scheme.

Large quantities of berry bearing species should be avoided. If they are essential to the integrity of the proposed planting scheme, low numbers of berry bearing plants may be dispersed amongst other non berry species to reduce the total food supply for birds. In this location, berry bearing species should be kept below 5% of the total planting palette.

20 173 **Community Infrastructure Levy (CIL) (Granting Consent)**

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

21

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

22

The developer to supply copies to the LPA of electrical and other test certificates, where appropriate, and the operation and maintenance manuals for the drainage system prior to adoption.

The developer is obliged to maintain the drainage system in accordance with the approved design prior to adoption.

Any defects are rectified prior to handover of the drainage system by the developer. All works which are intended to be offered for handover shall be subject to the following, once the developer has sought written approval from the LPA to the works being satisfactorily completed; a 12 month functioning period where the developer is responsible during this period for a rainfall event to occur where the system functions as approved.

23 159 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

24 16 **Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

25

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

26

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>)

27

The applicant and their contractors should continue to liaise with Network Rail's Asset Protection Team.

At no time can access gates or right of access be blocked in order to insure Network Rail have 24/7 access to the infrastructure.

At no time during the demolition or construction process any persons or equipment are to be within 3metres of the running line or overhead line equipment. This is to ensure the safety and continued operation of the railway.

Additional comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land:-

Drainage

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

Excavations/Earthworks

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

Ground Disturbance

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network

Rail land.

Landscaping

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat "Zebrina"

Not Permitted:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

28

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

29

The applicant is hereby advised that as this development is a 'drop in' application to the extant permission 1331/APP/2019/1666, details contained under this reference number may also be relevant to this planning permission and both should be read in conjunction. For this reason, some conditions set out within this decision notice have already been discharged and the details of approval (referenced under each relevant condition) remain relevant to this planning permission.

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms part of the former Nestle factory, Nestles Avenue, Hayes which is located approximately 500 metres to the south-east of Hayes Town Centre, bounded to the north by the Great Western Rail Line and Grand Union Canal and to the south by Nestles Avenue. To the west is the existing Squirrels Industrial Estate, accessed from Viveash Close which comprises a number of small commercial premises and to the east is North Hyde Gardens, which is a public road which has historically served as the single vehicular entrance point to the former Nestle factory building. To the north east of the site is Hayes and Harlington Railway Station. A residential area lies immediately south of the site, on the opposite side of Nestles Avenue.

The former Nestle factory site extends to 12.28 ha in area and contained a number of buildings and structures that formed part of its previous factory use. The buildings were used for a range of processes in relation to the production of coffee and chocolate production and vary in size and scale and associated staff facilities, with the tallest elements rising up to 75 metres AOD.

Railings enclose the wider site, with mature trees along the southern frontage on Nestles Avenue and green spaces that were once part of the site's "factory in a garden" setting. The topography of the site is generally flat, ranging between 25-35m Above Ordnance Datum (AOD).

The former Nestle factory site is accessed from North Hyde Gardens to the east with other historic accesses from Nestles Avenue to the south and is well served by public transport. The current Public Transport Accessibility Level (PTAL) varies across the site, ranging from 2 in the east and 3 in the west, however, this will rise to a maximum of 4 (on the cusp of 5) at the western part of the site when the new Crossrail service opens at Hayes and Harlington Station.

The former Nestle factory site is located within the Botwell: Nestles, Hayes Conservation Area which was first designated by LBH on 19 June 1988. The boundary of the former Nestle factory site corresponds with that of the conservation area and comprises the whole of the former Nestle factory site.

Hayes is a key area of strategic growth and forms part of the London Plan Heathrow Opportunity Area, which covers an area of approximately 700 ha.

Following the approval of planning permission Ref.1331/APP/2017/1883, the relevant pre-commencement of demolition conditions have been discharged and the former factory buildings have been demolished. Construction of Blocks D, E and G has commenced, although these blocks are not subject to these application proposals.

A Section 73 permission; reference 1331/APP/2019/1666 replaces the original permission and secured minor alterations to the consented scheme, alongside 3 new units across the site.

The red line for this proposal does not encompass the entire Nestle Site. The red line plan includes only the blocks where additional floors and other changes are being proposed. In this case the red line is shown around Blocks B, C, F3, F4 and H only and extends to 2.31 ha in area.

3.2 Proposed Scheme

This application seeks planning permission to add an additional 84 units to the approved planning permission (1331/APP/2019/1666), by adding additional floors to a number of blocks and changing the layout of Block H in its entirety.

The original permission granted planning permission for a mixed use development comprising 1,386 residential units and 22,663sqm of employment floorspace.

This application proposes a total of 913 residential units within Blocks B, C, F3, F4 and H.

The proposal also involves a basement extension to Block B at its northern end, design amendments to the Blocks B, C, F3, F4 and H, as well as associated landscaping, access, car parking and engineering works as required by the proposed changes.

In summary, this application seeks the following:

- Block B will provide 532 residential units (42 additional units from the approved development);
- Block C will provide 233 residential units (21 additional units from the approved development);
- Block F3/F4 will provide 113 residential units (4 additional units from the approved development);
- Block H will provide 35 Discount Market Sale (DMS) units (17 additional units from the approved development and a change in tenure from the approved development);
- 40% affordable housing provision across the masterplan;
- 10% 3 bed family housing provision across the masterplan;
- 0.6 car park ratio across the masterplan;
- Block B4 increased in height by 1 storey to G+6 storeys;
- Block B8 increased in height by 2 storeys to G+8 storeys;
- Block B5 increased in height by 1 storey to G+10 storeys;
- Block B1, B2 and B6 increased in height by 1 storey to G+7 storeys for Block B2 and G+8 storeys for Blocks B2 and B6 and recessed by 1.75m from the main elevation;
- Block C2 increased in height by 2 storeys to G+9 storeys;
- Block C4 increased in height by 1 storey to G+8 storeys;
- Block C5 will incorporate new roof top amenity area;
- Block F4 increased in height by 1 storey to G+5 storeys;
- Block H layout has been amended to provide 35 DMS units; and
- The flexible commercial uses (A1, A3, A4, A5, B1, D1 and D2) on the ground floor of

Block H have increased to 206sqm (GIA).

The proposed development seeks to increase the height of a number of blocks to allow for 913 residential units. The 4 Blocks would comprise:-

70 studio units (77 previously consented)
362 1 Bed Units (341 previously consented)
336 2 Bed Units (307 previously consented)
110 3 Bed Units (104 previously consented)
35 DMS Units

The majority of the Blocks, except for Block C5 and H have increased by one storey. Block B8 and C2 have increased by two storeys from the approved planning permission (Ref. 133/APP/2017/1883).

The height of the residential blocks rise from G+3 storeys on Nestle Avenue to G+10 storeys along the railway. This is both to reflect the need for an appropriate level of density, as dictated by the site's increasingly good transport connections once Crossrail is complete, and to respond to the substantial scale of the existing factory buildings which are essential to the character of the Conservation Area and the traditional residential properties adjoining the site to the south.

In total across the masterplan site, 914 parking spaces would be provided, with 709 standard residential spaces, 148 accessibility spaces and 27 blue badge spaces, giving a total of 884 residential spaces across the wider residential development which would maintain the required ratio of car parking spaces to 0.6 spaces per unit as previously approved. In addition, 20 spaces are allocated to the non-residential uses and 10 car club spaces are provided.

There are also 2251 cycle parking spaces for the 1,473 residential units for the masterplan area, which exceeds the Mayor's cycle parking standards.

The car parking within the red line for this application is as follows:

- Block B - 529 Car Parking Spaces (including 29 M4(3) spaces);
- Block C - 128 Car Parking Spaces (including 7 M4(3) spaces);
- Blocks F3/4 - 0 Car Parking Spaces within its red line boundary (although 45 spaces would be provided within Block F's overall footprint and 116 would be allocated to Block F within Block B); and
- Block H - 0 Car Parking Spaces within its red line boundary (although 17 spaces would be allocated to Block H within Block B).

The revised application is supported by the following documents:-

- Design and Access Statement (prepared by Makower Architects);
- Affordable housing Statement (within Planning Statement);
- Air Quality Assessment Addendum (prepared by Stantec);
- Aviation Report (prepared by Osprey);
- Construction Management Plan (prepared by Barratt London);
- Daylight and Sunlight Addendum (prepared by Point2);
- Ecological Report Addendum (prepared by Aspect Ecology);
- EIA (prepared by Barton Willmore);
- Energy Report Letter (prepared by Stroma);
- Equalities Statement (prepared by Barton Willmore);

- Financial Viability Assessment (prepared by DS2);
- Flood Risk / Drainage Assessment (prepared by Hydrock);
- Health Impact Assessment (prepared by Barton Willmore);
- Land Contamination Assessment (prepared by Hydrock);
- Lighting Report (prepared by OCSC);
- Noise and Vibration Letter (prepared by Stantec);
- Playspace Letter (prepared by Stantec);
- Site Waste Management Plan (prepared by Barratt London);
- Statement of Community Involvement (within Planning Statement);
- Townscape and Visual Impact Assessment (prepared by Barton Willmore);
- Transport Assessment Addendum (prepared by Markides);
- Utilities Assessment Addendum (prepared by OCSC);
- Ventilation Addendum (prepared by OCSC); and
- Wind Assessment Addendum (prepared by RWDI).

It should be noted that as this is a 'drop in' many of the above documents supplement those already approved under the original wider permission, 1331/APP/2019/1666 and therefore the above need to be read in the context of those previously approved plans.

3.3 Relevant Planning History

Comment on Relevant Planning History

Planning permission was originally granted on 28 June 2018 (Ref.1331/APP/2017/1883) for 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), 22,663sqm (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.

A Section 73 (S73) application (1331/APP/2019/1666) to vary Condition 9 of planning permission Ref.1331/APP/2017/1883 (the original permission) for minor facade changes, the addition of two residential units in Block E and one residential unit in Block G, the addition of a number of balconies to buildings, the reorganisation of 8 residential units in Block G and the increase in the cycle storage area in Block D was submitted and validated in May 2019.

The original description of development was subsequently amended on 6 February 2020 (Ref. 1331/APP/2020/50) through the approval of a non-material amendment (S96a application), which amended the description of development to the following: Part demolition of existing factory buildings and associated structures, and redevelopment to provide residential dwellings (Use Class C3), office, retail, community and leisure uses (Use Class A1/A3/A4/ B1/B8/D1/D2), commercial floorspace (Use Classes B1c/B2/B8 and Data Centre (Sui Generis), amenity and play space, landscaping, allotments, access, service yards, associated car parking and other engineering works.

The S73 application; 1331/APP/2019/1666 was approved by Committee in May 2020 and with the completion of the S106 Legal Agreement, permission issued on 11/9/20.

A S106 Deed of Variation (1331/APP/2019/1708) was approved on 9/3/20 which changed the affordable housing provision from the original consented 35% to 40% as a result of grant funding being available and the delivery of the affordable housing units being led by an affordable housing provider.

4. Planning Policies and Standards

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The London Plan - Consolidated With Alterations (2016)
The West London Waste Plan (2015)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to parts of draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.T1	(2012) Accessible Local Destinations

Part 2 Policies:

NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 8	NPPF-8 2018 - Promoting healthy and safe communities
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
LPP 1.1	(2016) Delivering the strategic vision and objectives for London
LPP 2.6	(2016) Outer London: vision and strategy
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.18	(2016) Green Infrastructure: the multi functional network of open and green space:
LPP 3.1	(2016) Ensuring equal life chances for all
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 3.11	(2016) Affordable housing targets
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.13	(2016) Affordable housing thresholds

LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.5	(2016) Decentralised energy networks
LPP 5.7	(2016) Renewable energy
LPP 5.9	(2016) Overheating and cooling
LPP 5.10	(2016) Urban Greening
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 6.1	(2016) Strategic Approach
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 7.7	(2016) Location and design of tall and large buildings
LPP 7.8	(2016) Heritage assets and archaeology
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review
SA 5	Land to the South of the Railway, including Nestle Site
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMH 7	Provision of Affordable Housing
DMHB 1	Heritage Assets
DMHB 2	Listed Buildings
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards

DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMEI 14	Air Quality
DMCI 3	Public Open Space Provision
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMAV 1	Safe Operation of Airports
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking

5. Advertisement and Site Notice

- 5.1** Advertisement Expiry Date:- **30th November 2020**
- 5.2** Site Notice Expiry Date:- Not applicable

30th November 2020

6. Consultations

External Consultees

A total of 1,445 surrounding properties were consulted, the application was advertised in the local press and site notices were displayed adjacent to the site. 1 response has been received from a local resident, objecting to the proposal on the following grounds:-

(i) This application adds further development and expansion of the site, that wasn't in the original agreed-to plan with the additional units increasing the local traffic burden (which is already unsustainable) and increase the population density of people and cars, (beyond what the local area can support), leading to increase in pollution, noise, and will negatively impact the quality of life of the existing residents in the area.

The Hayes Conservation Area Advisory Panel have also provided the following comment:-

This property is in the Botwell: Nestles Conservation Area. The amended proposal to increase the number of new homes by increasing the height of some of the tower blocks while keeping the amount of amenity space the same would only increase the concerns that we expressed when responding to the original 2017 application, namely 1. the density of the development would be too great, providing apartments of limited size and with only a small proportion of family sized homes 2. the low rise and open, spacious feeling of the Conservation Area would be lost, with the proposed buildings nearest to Nestles Avenue dwarfing the housing on the other side of the road and adjoining streets and therefore completely altering the character of the area 3. locally listed buildings would be lost or so altered that almost all that would survive would be a facade 4. the extra traffic this development would generate would certainly have an adverse impact on the traffic flow in Station Road, Harold Avenue and North Hyde Road.

Further re-consultation has been undertaken on the latest revised plans / submission with the 1,445 surrounding residents being consulted on 5/11/20 and 9 site notices being displayed adjacent to the site on Nestles Avenue and Viveash Close (with the latest closing date being 30/11/20). To date, no further responses have been received and an update will be provided on the Addendum Sheet.

GREATER LONDON AUTHORITY (GLA) - Summary

(Officer Note - these comments relate to an earlier version of this AUS application when 922 additional residential units and 232 sq.m of flexible commercial use (A1/A3/A4/B1/D1/D2) was being proposed. The changes that have since been made (with a reduction in the uplift of residential units from 93 to 84 and reduction in commercial floorspace from 232 to 206sqm) are not considered to raise any additional strategic considerations that warrant a re-consultation with the Mayor, although the GLA will obviously be able to consider and assess the latest plans through their Stage 2 response)

Principle: The optimisation of development in the Heathrow Opportunity Area is strongly supported by Policies 3.3 of the London Plan and H1 of the intend to publish London Plan. The development must continue to ensure the efficient function, access, service arrangements and operation of the adjacent Industrial Land and high residential quality for the proposed population is secured (Paragraphs 16-22).

Housing: 922 residential units, 32% affordable housing by unit, split 29% Affordable Rent, 59% Shared Ownership and 12% Discount Market Sale (DMS) must follow a viability tested route as outlined in policies H5 and H6 of the intend to publish London Plan. GLA officers will continue to

robustly scrutinise the viability appraisal to ensure that the maximum amount of affordable housing is delivered. Both early and late stage review mechanisms must also be secured in accordance with the draft London Plan (Paragraphs 23-35).

Urban design: Scheme proposes changes to the height and massing of various blocks across the site, and no changes are proposed to the overall site layout since the previously approved masterplan. Height, massing and layout are supported, subject to confirmation the number of dual aspect units has been maximised (Paragraphs 36-40).

Sustainable Development: The Energy Hierarchy has been followed and the proposed energy strategy is broadly supported; however, further revisions and information are required before the proposals can be considered acceptable to comply with Policies 5.2 and 5.13 of the London Plan as well as Policies SI2 and SI13 of the draft London Plan (Paragraphs 43-48).

Transport: The design of the proposed cycle parking must be amended to comply with the London Cycle Design Standards (LCDS). The level of car parking should be reduced in line with Policy T6 of the intend to publish London Plan. Amended Transport Assessment, Delivery and Servicing plans should be provided and secured by conditions and s106 agreement obligations (Paragraphs 50-55).

TRANSPORT FOR LONDON (TfL):

(Officer Note - these comments also relate to an earlier version of this AUS application when 922 additional residential units and 232 sq.m of flexible commercial use (A1/A3/A4/B1/D1/D2) was being proposed. The changes that have since been made are not considered to raise any additional strategic transport considerations that warrant a re-consultation with TfL, although TfL will obviously consider and assess the latest plans as part of the Mayor's Stage 2 response)

The Parkway, which forms part of the Transport for London Road Network (TLRN) (A312), lies approximately 250m to the east of the site. TfL is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN. TfL also has a responsibility to ensure London Plan transport policies are met and progress is made toward meeting the targets and aspirations of the Mayor's Transport Strategy. All policy references in the following text are to the Intend to Publish London Plan unless otherwise stated.

Development Impact

1. The planning obligations for transport secured for the previous consent are proposed to be retained going forward.

Car Parking

2. The scheme is proposed to have a parking ratio of 0.6 cars per unit. This is the same rate that was agreed in the approved application. The final level of residential car parking at 0.6 spaces per unit is higher than the maximum standard set out in Policy T6, which requires developments in Outer London areas with a PTAL of 4 to have a maximum of 0.5 spaces per unit. However, the introduction of a CPZ with exemption for future occupiers of this development is supported and will enable delivery of the multi-modal transport spine.

3. A Car Parking Design & Management Plan should be secured by condition to explain how these spaces will be managed.

Cycle Parking

4. This quantum and location of the proposed cycle parking is acceptable and in line with Policy T5.

5. All cycle parking should be designed in line with the LCDS, as stated in policy T5.

Delivery and Servicing

6. A finalised Delivery and Servicing Plan (DSP) should be secured by condition.

7. A full Construction Logistics Plan (CLP) should be submitted to the London Borough of Hillingdon prior to works commencing on site and this requirement should be secured by condition on any consent.

Mayoral CIL

8. The MCIL2 Charging Schedule applies a charge of £60 per square metre for eligible new development within LB Hillingdon.

Officer Note:

All the following consultees have been consulted on the revised plans on 5/11/20, with a closing date of 30/11/20. Given timescales, the consultation period would not of expired at the time that this committee report was being prepared. Therefore the following comments are the latest received from that consultee, unless otherwise stated. An update will be provided on the Addendum Sheet.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

MINISTRY OF DEFENCE (MOD):

The site is located approximately 5.7km south from the centre of the runway at RAF Northolt and occupies the statutory birdstrike safeguarding zone surrounding the aerodrome.

Birdstrike safeguarding zone

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and, or, flocking birds close to aerodromes.

The proposed scheme includes a flat roof, with photovoltaic solar panels. This has the potential to result in a breeding habitat for roof nesting large gulls, creating an increased risk of birdstrike to aircraft using RAF Northolt. If this design is necessary, there should be a plan to control roof nesting gulls and to ensure there is access to all roof areas.

Therefore, to address the potential of the development to provide a desirable habitat or space for hazardous birds, the MOD requires a condition, such as the one below, for the submission of a Bird Hazard Management Plan be applied to any planning permission granted for this scheme.

No development shall take place until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with MOD. The Bird Hazard Management Plan shall include design measures to minimise any increase in the numbers of hazardous species (primarily large or flocking birds) as a result of the development proposed, in particular provisions to prevent gulls from breeding (using appropriate licensed means) on site should be provided. The development shall be carried out strictly in accordance with the details set

out in the approved Bird Hazard Management Plan in perpetuity or until RAF Northolt is no longer operational.

Reason: To minimise the potential of the works approved to provide a habitat desirable to hazardous large and/or flocking birds which have the potential to pose a considerable hazard to aviation safety which is exacerbated by the proximity of RAF Northolt.

Cranes

The MOD recognises that cranes may be used during the construction of buildings at this site. These may affect the performance of the air traffic safety. If the redevelopment of this site does progress, it will be necessary for the developer to liaise with the MOD prior to the erection of cranes or temporary tall structures.

The MOD would request that a condition, such as the one below, be included in any planning permission granted to ensure that the MOD is notified of when and where cranes will be erected.

Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting).

The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

In summary, subject to the above conditions and design requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application.

HEATHROW AIRPORT LTD - AIRSIDE OPERATIONS FACILITY:

We refer to your email dated 16/04/20, received in this office on the same day.

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

Information

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping & Building Design' available at www.aoa.org.uk/policy-campaigns/operations-safety). These details shall include:

- the species, number and spacing of trees and shrubs

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Heathrow Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

We will need to object to these proposals unless the above-mentioned condition is applied to any planning permission.

We would also make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>)

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Heathrow Airport Ltd, or not to attach conditions which Heathrow Airport Ltd has advised, it shall notify Heathrow Airport Ltd, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

HISTORIC ENGLAND:

Original Comments:

Thank you for your letter of 12 August 2019 regarding the above application for planning permission

These proposals are for various changes to the mixed-use redevelopment of the former Nestle factory site which was approved last year (ref: 1331/APP/2017/1883). Historic England had extensive involvement in those proposals due to the impact on the Botwell: Nestles, Hayes Conservation Area which is characterised by a mix of large-scale industrial buildings associated with the manufacturing of Nescafe coffee, some of which are locally listed. Our most recent advice letter to your Council sets out our position on the scheme now approved (our ref: P00592835, dated 19 June 2017).

This current application seeks various amendments to that scheme including an increase in height of many of the approved buildings. Having reviewed the submission, we note the increase is mainly contained at the northern end of the site, and is very unlikely to have a significant visual impact in important views from Wallis Gardens where the Nestle Factory and Canteen building and their 'garden factory' setting are best appreciated. We are therefore content that these changes would not have a major implication on the significance of the conservation area further to the consented scheme, and have no comments to add at this stage.

Further comments:

Based upon the consultation letter of 15 April 2020 regarding further information on the above application, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

However, if you would like detailed advice from us, please contact us to explain your request.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

HISTORIC ENGLAND (GLAAS):

Recommend No Archaeological Requirement

NPPF section 16 and the Draft London Plan (2017 Policy HC1) make the conservation of archaeological interest a material planning consideration.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The Nestle site has been subject to field evaluation. Although some fragmentary remains were discovered further investigation is not warranted.

No further assessment or conditions are therefore necessary.

This response relates solely to archaeological considerations. If necessary, Historic England's Development Advice Team should be consulted separately regarding statutory matters.

SPORT ENGLAND:

The site is not considered to form part of, or constitute a playing field as defined The Town and

Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore Sport England has considered this a non-statutory consultation. It is understood that this is a Community Infrastructure Levy (CIL) charging authority and as such, the proposed development is required to provide CIL contribution in accordance with the Councils adopted CIL Charging Schedule. It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application. That said, Sport England would encourage the Council to consider the sporting needs arising from the development as well as the needs identified in its Infrastructure Delivery Plan (or similar) and direct those monies to deliver new and improved facilities for sport. Sport England would also encourage that the community facilities proposed in the development are sport facilities that meet locally identified sporting needs. Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link: <http://www.sportengland.org/activedesign> The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

CANAL & RIVER TRUST:

The Canal and River Trust has no objection to the proposed amendments to the approved plans. We suggest that conditions and obligations relevant to the protection and enhancement of canal assets and its environment on the previous permission should be re-imposed.

NETWORK RAIL:

Thank you for your email dated 16 April 2020 together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

On behalf of Asset Protection: No objection in principle. The applicant and their contractors should continue to liaise with the NR Asset Protection Team.

At no time can access gates or right of access be blocked in order to insure Network Rail have 24/7 access to the infrastructure.

At no time during the demolition or construction process any persons or equipment are to be within 3metres of the running line or overhead line equipment. This is to ensure the safety and continued operation of the railway.

Below I give additional comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Drainage

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Excavations/Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

Ground Disturbance

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. The area must be clear enough that train drivers and anyone working in the area can work safely and see approaching trains. If at any time this is not the case, please ensure signallers or the BTP are contacted.

Plant, Scaffolding and Cranes

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Landscaping

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary

fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Permitted:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Permitted:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

LB OF EALING:

The Council raises no objection to the proposal.

LB OF HOUNSLOW:

The Council does not wish to comment on this application at this time.

NATURAL ENGLAND:

Original comments

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

Further comments:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 17th April 2010.

The advice provided in our previous response applies equally to this amendment although we made

no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

METROPOLITAN POLICE:

Many comments have already been provided in relation to this application. No further comments.

Officer comment:

A Secure be Design Condition forms part of the officer's recommendation.

THAMES WATER:

Waste Comments

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

Cadent Gas:

Cadent Gas have no objection to the proposed planning application at Nestles Factory North Hyde as the IP gas pipeline in the vicinity will not be affected.

Internal Consultees

Officer Note:

Given timescales, many internal specialist officers have not been able to comment on the latest revised plans at the time that this committee report was being prepared. The following comments are mainly those received on the last version of this scheme (unless otherwise noted), which is very similar to the current version, which included 4 additional units as compared to the current scheme. Any updates will be provided on the Addendum Sheet.

POLICY OFFICER:

Initial response:

Residential Mix

The original planning permission (1331/APP/2017/1883), which was approved in line with now withdrawn Local Plan: Part 2 - Saved UDP Policy H4, permitted a residential mix that included a low proportion (9.7%) of family units and was almost predominantly (49.7%) one-bedroom units. Since this scheme was approved, the new Local Plan: Part 2 (2020) has been adopted and therefore Policy H4 has been replaced by Policy DMH 2. The Intend to Publish Version of the London Plan (2019) has also progressed substantially and therefore is a material planning consideration in the determination of this application. Consideration also needs to be had to the Secretary of State's recent intervention to Policy H10, which has been justified on the need for more family homes in London.

Since the original planning permission, a small uplift to the number of units was approved by planning committee through (1331/APP/2019/1666), which included a net increase of 8 units. 5 of these were 3 bedroom units. Despite this small change, the low proportion of three bedroom units and the dominance of one bedroom units remains one of the weaker aspects of the redevelopment of this site. Schemes in the area that are being progressed since the Development Plan has been updated are expected to achieve a higher proportion of family units than this and are being designed accordingly by applicants, with the overall aim of reflecting the latest information on housing need and creating a mixed and inclusive neighbourhood.

However, noting that there is an approved scheme already setting a baseline scenario, it would not be realistic to expect an uplift scheme to substantially address the imbalance in housing mix. Nevertheless, caution needs to be had when determining this application to ensure this imbalance is not exacerbated further. The proposal would result in the following unit mix change from what has already been approved:

Size	Units	Proportion
1 Bedroom (incl. studios)	53	60.2 %
2 Bedroom	29	33.0 %
3 Bedroom	6	6.8%
Total	88	

The new overall mix would therefore be as follows:

Size	Units	Proportion
1 Bedroom (incl. studios)	744	50.4%
2 Bedroom	589	39.9%
3 Bedroom	144	9.7%
Total	1477	

The proposal would result in a scheme that was almost predominantly one bedroom units (49.7%) to one that is by definition (50.4%). Due to their small size, one bedroom units are the least flexible unit type and mean that only individuals or couples could accommodate the majority of the units on this scheme. Whilst there is a gross increase of 6 family sized units (3 bedroom or greater), this is a small proportion of the 88 units and as such would lead to a minor deterioration overall in the proportion of family units within the site.

Importantly there is not a gross loss of family sized units, as the applicant has reconfigured a few smaller existing units, particularly on the ground floor, to accommodate 3 bedroom units. As previously mentioned, it is also important to consider that it is not realistic to expect an uplift scheme to substantially address the pre-existing imbalance in housing mix. Most of the new units have been created through the addition of extra floors at higher levels, which mirror the existing floor plans that have already been approved, rather than through any wholesale design changes.

The exception however is in Block H. Under the previously approved scheme, this block

accommodated 18 units, 10 of which were high quality private three bedroom units. These have been replaced entirely by one bedroom studios, which would only just meet the smallest permissible space standard (37 sqm) and 7 of which would be single-aspect north facing units. All of these units would be Discount Market Sale, which is a type of intermediate affordable housing for sale. As such, the applicant is proposing to trade off the development plan objectives of achieving balanced communities, meeting an identified need for family sized units and achieving high quality design, in order to achieve an increase in intermediate affordable housing. It is important for the case officer to also weigh up any other harm that is arising from this change to Block H that I have not recognised here. I would also note that the Housing Team initially expressed support during pre-application for the DMS units, stating that they were acceptable to help first time buyers access the property market.

As an additional point, I would just note that there are errors in the submission which do not make it easy to work out what is being proposed/approved. For example within the Design and Access Statement, Section 2.3 Unit Mix Comparison states that there were 29 approved family units in Block F3/F4, but this doesn't appear to be correct and would not lead to the overall numbers being proposed elsewhere. I would suggest that errors need to be amended to ensure that Officers not involved in the scheme can maintain a high quality of data monitoring post approval.

Affordable Housing

The submission fails to provide sufficient information on affordable housing in terms of habitable rooms. The percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family-sized homes. Habitable rooms in affordable and market elements of the scheme should be of comparable size when averaged across the whole development. This point is made within both the Mayor of London's Affordable Housing and Viability SPG (2017) and the Intend to Publish Version of the London Plan (2019). The D&S and/or Planning statement should be amended to provide the comparative figures between what has been approved and what is being proposed by habitable rooms rather than by unit.

Using the by unit figures that have been provided, whilst the scheme would achieve 40% affordable housing by unit overall, the scheme would only provide 27.2% of the affordable housing as affordable rent and provide 72.8% as intermediate products. In order to follow the Fast Track Route of the threshold approach and avoid submitting a FVA, the submission would have had to be consistent with the local planning authority's tenure split. This is established within Policy DMH 7 of the Local Plan: Part 2 (2020), which states that 70% should be low cost rented (Social/Affordable Rent) and 30% Intermediate products. The scheme is therefore proposing the opposite tenure split to what is required in the London Borough of Hillingdon and therefore has correctly submitted an FVA to justify why it is not viable to achieve the required tenure split.

Subject to the FVA demonstrating that it is not viable to achieve the required affordable housing threshold with the correct tenure split, Paragraph 4.6.12 of the Intend to Publish Version of the London Plan (2019) is clear that tenure should be considered as the starting point for negotiations. It will, however, be for the local planning authority to decide if there should be a greater number of affordable homes, or fewer homes at low cost rent. Following the conclusion of the FVA, it will therefore be for the Housing Team to confirm that they are happy to accept a higher quantum of affordable housing, rather than pursuing more low cost rented homes.

Public Open Space

Policy DMCI 4 of the Local Plan: Part 2 (2020) outlines that major new residential development must make provision for new or enhanced open space. Importantly, unlike Policy DMHB 18 outlined below, there is not a specific calculation for working out the quantitative requirement for onsite delivery. This

a judgement call that the case officer and internal landscape architect need to make to ensure that the quantum and quality of public open space being proposed is sufficient for the scale of the residential development. It is considered that this objective was a positive element of the original scheme, which included Wallis Gardens, Viveash Square, Milk Street Garden, Coffee Park, Canal Square, general improvements to the access to the Grand Union Canal and an east to west pedestrian link through the scheme.

The applicant has since added 3 units through the previous approval and is proposing an additional 88 units. A judgement therefore needs to be made as to whether the onsite public open space provision remains sufficient to avoid the need for this to be addressed by financial contribution, as it would not be possible to attain significantly more public open space onsite without redesigning the entire scheme.

Private Outdoor Amenity Space

Policy DMHB 18 outlines the private outdoor amenity space calculations which must be met onsite, either through space that is private to the individual units (e.g. balconies or gardens) or space that is communal to the residents of the block only and not accessible by the public (e.g. podiums or roof gardens).

It is unclear from the planning statement and DAS what the increase requirement for private outdoor amenity space is. The '2.6 Amenity Space Comparison' section of the DAS shows some very large uplifts in the quantum of private amenity space, but I'm not sure how the applicant is suggesting they have been achieved. I would note that the original scheme was approved, despite not meeting similar standards outlined within the Saved UDP policies. A judgement may therefore be needed about whether this scheme could also be permissible under this premise, particularly if it meets the less onerous standards set through the London Plan.

Further Response on Latest Scheme:

Residential Mix

Since the previous comments, the only changes are:

- The loss of one studio flat
- The loss of three one-bedroom flats.

My comments are therefore unchanged.

Affordable Housing

The applicant has stated that they have now submitted an FVA as requested.

Private Outdoor Amenity Space

The applicant has now provided the overall shortfalls in private amenity space. The large uplift on Block C has come from the roof being made accessible, which was presumably being used for PVs before.

The response from the applicant seems confused:

Calculations have been done to assess the proposal's amenity provision compared to the original approved scheme and the S73. The schedule is provided as part of the Addendum. A financial contribution will be sought as part of the S106 agreement to address any deficit of public open space. All private amenity space has been met by the proposed design.

Private amenity space requirements have not been met through design, hence why there are shortfalls. These should not be addressed by contribution. If a scheme is to be approved that does

not meet the target set in Policy DMHB 18, then the case officers need to justify why in terms of site constraints, harm of providing more and confirmation that it at least meets the lower figures in the London Plan.

URBAN DESIGN & CONSERVATION OFFICER:

The application is for a development of 4no. new buildings comprising residential units (in addition to those approved under planning permission ref: 1331/APP/2017/1883), a basement extension to Block B, flexible commercial uses (including but not limited to use classes A1/A3/A4/B1/D1/D2) and associated landscaping, access, car parking and other engineering works. The plans show a development of 917 residential units (totalling 1,474 units involving a net additional uplift of 88 units from that permitted by planning permission ref: 1331/APP/2017/1833), amendments to Blocks B, C, F3, F4, H, and 232sqm of commercial floorspace.

The site forms part of a 16 hectare expanse of land referred to as Policy SA 5: Land to the South of the Railway within the Local Plan: Part 2 - Site Allocations and Designations. SA 5 is split into three smaller sites, referred to as Site A, B and C. Site A, The former Nestle Factory site, lies entirely within the Botwell: Nestle Conservation Area which contains a number of locally listed structures that include the Main Factory, the Canteen Building the Lodge (now demolished with consent) and the gates/railings at the front of the site. The approved Nestle Factory scheme (Application: 1331/APP/2017/1883) provides for 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.

The application proposes changes to the height and massing of various blocks across the site but no changes are proposed to the overall site layout since the previously approved masterplan. Blocks B1, B2, B3, B4, B5, B6, C4 and F4 are proposed to be raised by one floor and blocks C2 and B8 by 2 floors.

Despite the increase in some of the block heights the changes would still be in the 'spirit' of the original scheme and a varied and interesting skyline similar to the consented scheme would remain. The majority of the height increase would be around the central blocks close to Sandow Square. The North edge in the form of four 'feature blocks', fanning out from the orthogonal of the factory to the diagonal of the railway remains unchanged.

Block H is to remain at 6 storeys (G+5) but its layout has been modified to house the discount market sale units. This adds 17 new homes with an increased footprint of 1.7 metres towards the west. No concerns are raised to this aspect of the proposals.

The supporting documentation has been assessed in detail. Taking into consideration the consented scheme which retained and approved blocks of a substantial scale it is concluded that the proposed additional height increases would have a minimal impact due to its careful distribution across the site. The scheme still provides a skyline that is broken up across the development and retains multiple breaks at core locations and set back storeys and terraces. The scheme is therefore considered acceptable on design grounds.

The proposed increases in height would also cause no further harm to the setting of the heritage assets than that which has already been permitted under the consented scheme and is considered acceptable.

HIGHWAY, TRAFFIC AND TRANSPORTATION COMMENTS (Comments on Latest Scheme):

In 2019 planning permission under reference 1331/APP/2017/1883 was granted to redevelop the Nestle Factory site to provide 1,389 no. residential units with 832 no. residents car parking spaces plus a further 20 no. spaces for the community units giving 852 no. in total - a ratio of 0.6 residential spaces per unit. Planning application is now sought to extend this approved scheme to provide an additional 84 no. residential units, giving 1,473 no. units in total. Associated with this uplift in unit numbers would be an increase in the number of residential car parking spaces, these would increase by 52 no. giving 884 no. spaces for residents and a further 10 no. Car Club spaces and 20 no. community spaces. The site 'with' the proposal would provide 914 no. spaces in total and the ratio of residential car parking spaces to unit would remain 0.6. This analysis shows that the number of residential car parking space has increased pro rata by the increase in residential units, the proportion of residential spaces to unit remains unchanged at a ratio of 0.6. This is accepted.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle Parking requires that development proposals must comply with the relevant parking standards. For a development of this type the maximum number of parking spaces permitted would be 70 no. spaces, as mentioned above 52 no. extra spaces are proposed.

The site is within the Botwell ward. According to the data retrieved from the Nomis database, 70% of households living in the Botwell Ward have access to one car or more. If the residents of the new development have a similar profile to the existing ward population then over two thirds would need somewhere to park either within the development or on-street. Of those Botwell Ward residents in employment, 49% drive to work by car or van. Again, if the profile of the residents living in the new development is similar to the existing ward population then around half of all residents would drive to work and need somewhere to park their car at night and over weekends.

As mentioned above, according to census data the new residents will own cars, parking supply on-site is limited and parking on the surrounding residential streets is restricted to permit holders only. To guard against the development creating further parking stress, the Highway Authority requires that the developer makes a contribution towards the Nestles Avenue Multi Modal Transport Scheme; this is a package of measures that will provide a genuine alternative to trip making private car. The Nestles Avenue Multi Modal scheme will widen Nestles Avenue to facilitate the operation of a new bus services and the provision of shared use footways. This scheme will encourage and enable the future residents to live a 'car-lite/car-free' lifestyle by offering genuine travel choice.

LBH Highways DC require that the applicant provides a Construction Logistics Plan, Service and Delivery Plan and Travel Plan. It would be acceptable to amend the same documents produced for the approved scheme to include the Additional Unit Scheme. This should be secured by condition.

To make the proposal acceptable in planning terms, based on the number of units provided the following developer contributions are required, Bulls Bridge Healthy Streets £60,000, Cranford Park £17,000, Hayes Parking Management Scheme £300, additional bus capacity £26,000, Grand Union Canal Quietway £21,000, Legible London £500 and Nestle Avenue Multi-Modal Transport Spine £26,000. LBH Highways DC also require that the applicant enters into a legal agreement with the Council that prohibits future residents of the development from applying for a parking permit and joining any nearby the parking management scheme. These requirements should be secured by a Section 106 agreement of the 1990 Town & Country Planning Act.

The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle Parking also requires that development proposal provide cycle parking, 2,251 space are proposed which is in accordance with the adopted cycle parking standards. These spaces should be covered and secure, this should be secured by condition.

Ten percent of all additional car parking spaces, 3no. in total should be must be for blue badge holders and motorcycle parking should be provided at the rate of 5% for car parking spaces. Parking for 2no. motorcycles are required - these should be provided with anchor points. This should be secured by condition.

In accordance with The London Plan - Intend to Publish Version December 2019 the Council requires the that 20% of all car parking spaces are provide with active electric vehicle charging points with all the remainder having passive provision. This should be secured by condition.

Based on the above the Highway Authority is satisfied that the proposal would not present a risk to road safety, discernibly exacerbate traffic congestion or lead to parking stress. The development is in accordance with the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts, Policy DMT 2: Highway Impacts and Policy DMT 6: Vehicle Parking. There are no highway objections to this development.

Officer comment

The uplift in the contributions agreed are in line with the Highway Engineer's figures.

ACCESS OFFICER (Comments on Latest Scheme):

In assessing this application for an additional 93 residential units, reference has been made to London Plan policy 3.8(c) and the Council's Supplementary Planning Document 'Accessible Hillingdon' (adopted September 2017). It is understood that the increment of units would be achieved by means of an additional storey, stacked to mirror the floor below. The supporting Design & Access Statement reports on 6 new unit designs, of which 5 would be designed to meet M4(2), with the remaining unit type designed to satisfy building requirement M4(3). The additional residential units would result in an increase of the residential car parking spaces from 832 to 887. No concerns are raised, however, the following conditions should be attached to any planning approval: The additional units hereby approved shall ensure that 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building. REASON: To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 (c) and (d) is achieved and maintained. Prior to the first occupation of each phase, the affordable Category 3 M4(3) residential units (Use Class C3), hereby approved shall have been constructed to satisfy Regulation M4(3)(2)(b) as specified in Approved Document M to the Building Regulations 2010 (2015 edition). REASON: To allow for immediate occupation by a wheelchair user in accordance with London Plan Policy 3.8(d) Prior to the first occupation of each phase, details of the accessible play equipment for disabled children, including those with a sensory impairment, or complex multiple disabilities, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, all the approved provisions shall remain in place for the life of the development. REASON: To ensure appropriate play and recreation facilities in accordance with London Plan Policy 3.6 is achieved and maintained.

TREES/LANDSCAPE (Comments on Latest Scheme):

This site layout was approved under application ref. 1331/APP/2013/1883, subject to landscape (and other) conditions. It is understood that the current amendments affect only the layout and provision within the existing footprint of the building.

Recommendation

There should be no impact or affect on the external layout or quantum of green infrastructure. No objection, subject to previous landscape conditions.

Officer comments:

All the original landscaping planning conditions to the extant planning permission have been retained

FLOOD AND WATER MANAGEMENT:

Original comment:

A letter has been submitted indicating that the consultants believe there are no alterations to the drainage and flood risk strategy as a result of the proposed additional units. However a basement is proposed within Block B, and the FRA states that groundwater was found within 0.7mbgl within the site. The drainage strategy for Block B yet to be approved will need to incorporate facilitation of the management of groundwater around this basement.

Further comment:

A letter is submitted to state there are no changes to the SuDs strategy as a result of these amendments. However a basement is proposed to Block B. No basement impact assessment has been submitted.

(Officer comment:

The basement has already been approved and its proposed extension represents a small extension to its consented size).

AIR QUALITY OFFICER (Comments on Latest Scheme):

The proposed development is located within the LBH Air Quality Management Area and the Air Quality sensitive Hays Focus Area, bringing traffic and energy production emissions which will add to current exceedances. As per the new London Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

The originally proposed development (1331/APP/2017/1883) was not air quality neutral and the additional units proposed are also not air quality neutral for transport emissions for the land uses proposed. Therefore, the additional pollutant emissions generated by the additional units proposed need to be mitigated.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019 - 2024), namely Focus Areas. Furthermore, policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan Intent to Publish version (December 2019) requires development to be air quality positive specially within focus areas, actively contributing to reduce pollutant emissions to the atmosphere.

Damage Cost and Mitigation Measures

As previously undertaken, the level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

The mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

The level of mitigation required associated with the additional traffic emissions resulting from the additional number of residential units in relation to the granted number of dwellings

(1331/APP/2017/1883) is £50,527.

Therefore, a section 106 agreement with the LAP of £50,527 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

Observations

In addition, two Air Quality conditions are required to develop and implement a Low Emission Strategy and manage construction emissions as required by the Mayor of London. See text below.

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address

1) the fleet composition serving the proposed development to be Euro 6/VI or cleaner (e.g. electric) or have implemented retrofitting devices that will enable compliance with such Euro standards. Measures that will encourage this will be listed and implemented.

2) the supply of energy to the proposed development. Any CHP or gas boiler will have to conform with the London Ultra Low NOx requirements.

The strategy shall detail the steps that will be followed in addressing the lower emissions requirements stated above and what measures will be taken to take into account future changing standards and available technologies and be updated accordingly in agreement with the local planning authority.

3) an electric vehicle charging bay. This is to be implemented as per the minimum number of charging points required in the London Plan.

4) a clear and effective strategy to encourage staff / users to

- a) use public transport;
- b) cycle / walk to work where practicable;
- c) enter car share schemes;
- d) purchase and drive to work zero emission vehicles.

The measures in the agreed scheme shall be maintained throughout the life of the development.

Reason - As the application site is within an Air Quality Management Area and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DME1 14 of the emerging London Borough of Hillingdon Local Plan (part 2), London Plan Policy 7.14, Mayor's Intent to Publish London Plan Policy S11, and paragraph 170 of the National Planning Policy Framework (2019).

Conditions - Reducing Emissions from Demolition and Construction

A No development shall commence until a Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

Reason: Compliance with London Plan Policy 7.14 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

B All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with

the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

Context

The proposed development is within an Air Quality Management Area and will affect identified Air Quality Focus Areas. Air Quality Focus Areas are defined by the GLA as areas already suffering from poor air quality where prioritisation of improvements is required. This is supported by:

Local Plan Part 2 Policy DME1 14

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

Officer comment:

An overall air quality contribution of £855,601 has been agreed and included within the HoT which represents an uplift of £51,060 from the original permission.

CONTAMINATED LAND OFFICER (Comments on Latest Scheme):

1 Summary of Comments:

I have previously conducted reviews of substantial quantities of information contained within the following 10 reports and documentation which refer to land conditions at the site:

i) Geosyntec Consultants Limited; Phase I Environmental Assessment of the Nestle UK Ltd Facility in Hayes, Middlesex; Ref. GCU0124020; dated September 2013.

ii) Geosyntec Consultants Limited; Phase 2 Environmental Assessment of the Nestle UK Ltd Facility in Hayes, Middlesex (Final); ref. GCU0124024; dated June 2014.

iii) Geosyntec Consultants Limited; Subsurface Asbestos Investigation: main Building Undercroft & South-Eastern Surrounding Area, Nestle Hayes, Middlesex; ref. GCU0124025; dated July 2014

iv) Capita Property and Infrastructure Limited; Project Lightning, Geo-environmental Investigation and Assessment; Revision A; dated 24 November 2014.

v) Capita Property and Infrastructure Limited; Former Nestle Factory, Hayes Proposed Commercial Development; Further Geo-environmental Assessment; Ref CS-075666-PE-16-113-R, Revision A; dated 6/6/2016.

vi) Capita Property and Infrastructure Limited. Former Nestle Factory, Hayes Proposed Commercial Development. Remediation Strategy. CS-075666-PE-16-131-R, dated 11 July 2016.

vii) Hydrock Consultants Limited; Former Nestle Factory, Hayes Middlesex Desk Study and Ground Investigation. R/151867/001, dated June 2016

viii) Hydrock Consultants Limited, Former Nestle Factory, Hayes Middlesex, Desk Study and Ground Investigation. R/151867/002, dated April 2017

ix) Hydrock Consultants Limited, Remediation Method Statement; NES-HYD-XX-REM-RP-GE-3000, dated 21/03/2018.

x) Hydrock Consultants Limited; Letter titled, Former Nestle Factory, Hayes - S73 Application - Desk Study and Ground Investigation; Ref. 01669-HYD-XX-XX-CO-G-5002; dated 9 May 2019.

The above reports outline details and methodology to assess and address land affected by contamination at the site. I consider the details within the reports shall continue to remain applicable, and the changes proposed by the 'additional units scheme' in this application will not demand changes to the assessment, conclusions and recommendations provided within the 10 reports.

I therefore have no objections or further comments relating to this application.

ENERGY & SUSTAINABILITY:

I have no objections to the proposed development subject to the development proceeding in accordance with the Energy Statement (BBS Environmental, June 2019 with associated addendum of Stroma March 2020) and the following S106 requirement:

The development fails to achieve zero carbon standards as required by the London Plan. There is a shortfall of 29 tonnes of CO₂ per annum.

Based on a carbon price of £60/tonne of CO₂, the S106 must include an offset contribution to be paid to the Council for £52,743.

Officer note:

The offset contribution needs to be revised, but the applicants have supplied a figure of up to £1,589,447 which is included in the S106 HoTs.

VIABILITY CONSULTANT COMMENTS (Summary):

A Financial Viability Assessment has been submitted in connection with the latest revisions of this AUS scheme which has been independently reviewed by a third party viability assessor.

They conclude that the revised proposals would not be able to viably support additional affordable housing, lower value affordable tenure types or further planning obligations beyond that already modelled. In overall terms, despite the increased revenue derived from the additional units this is offset by a higher proportion of lower value affordable rented units and CIL and Section 106 contributions have also increased.

The conclusions of the third party independent assessor are accepted. An affordable housing provision of 40% forms one of the Heads of Terms in the S106 Agreement which would also include the need to provide early and late review mechanisms as sought by the GLA. On this basis, the affordable housing provision is considered acceptable.

DAYLIGHT/SUNLIGHT CONSULTANT COMMENTS (Summary):

The daylight testing for the amended scheme, in comparison to those for the consented scheme, fare better and the percentages of rooms meeting target values increase slightly from those of the

consented scheme.

Whilst the number of rooms meeting target values for sunlight is low, again levels have increased marginally from those levels of the consented scheme.

Generally the daylight and sunlight results are better, because the new units are at high level and normally at this level; there is less of an obstructed outlook and greater chance of seeing an unobstructed skyline.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of development has already been established under planning permission Ref. 1331/APP/2017/1883. The proposal will provide 913 new residential units in Blocks B, C, F3, F4 and H. The total number of units on site will total 1,473 units. This figure includes the 3 additional units permitted as part of the Section 73 application (Ref. 1331/APP/2019/1666). The proposed development will help to contribute to the local housing supply and help to meet London Plan targets.

7.02 Density of the proposed development

This was assessed under the original planning application, reference 1331/APP/2017/1883 when it was considered to be acceptable. The red line boundary for this site only encompasses Blocks B, C, F3, F4 and H. Therefore, technically the density should only be calculated within the red line. The application site has an area of 2.31 hectares. With 913 proposed units that equates to a density of 395 units per hectare.

However, if the wider residential element of the former Nestle Site is factored in, the residential element of the site has an area of 8.11 hectares and would accommodate 1,473 units in total. This would result in a density of 182 dwellings per hectare and 458 hr/ha. Based on the sites existing PTAL of 2 and 3, the proposal slightly exceeds the density range which the London Plan states should be 70-170 units per hectare and 200 - 450 hr/ha for an urban site. Within Hillingdon's Local Plan, an appropriate density for a mostly flatted scheme within West Drayton / Hayes Town Centres with PTAL of 3 to 6 is 150 - 250 u/ha and 450 - 750 hr/ha. This compares to the originally approved scheme (ref: 1331/APP/2017/3883) which had a density of 171 units per hectare and 433 hr/ha.

However, looking ahead, the PTAL of the application site is likely to rise to a minimum of 4 once Crossrail opens at Hayes and Harlington Station. The London Plan density range for PTAL 4 sites is 200-700 habitable rooms per hectare and 70-260 units per hectare). Based on the future PTAL for the application site, the proposed density is considered to be appropriate for this location which has good (and improving) accessibility, therefore the proposal is considered to accord with local and regional planning policy requirements.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that when making a decision on developments that affects the setting of a listed building, the local planning authority must have special regard to the desirability of preserving the building's setting.

Paragraph 90 of the NPPF (2019) requires Local Planning Authorities to take into account the impact of the proposal on the setting of a heritage asset.

Policy DMHB 1 of the Local Plan: Part Two (2020) expects development proposals to avoid harm to the historic environment. Developments that affect heritage assets will only be supported where it would not lead to a loss of significance of the heritage asset unless it would provide public benefit that would outweigh the harm or loss.

The site is located within the Botwell: Nestles, Hayes Conservation Area and the retained factory facades and the Canteen building are locally listed buildings.

The plans show a development of 913 residential units (totalling 1,473 units involving a net additional uplift of 84 units from that permitted by planning permission ref: 1331/APP/2017/1833 as amended by 1331/APP/2019/1666), amendments to Blocks B, C, F3, F4, H, and 206sqm of commercial floorspace. The site forms part of a 16 hectare expanse of land referred to as Policy SA 5: Land to the South of the Railway within the Local Plan: Part 2 - Site Allocations and Designations. SA 5 is split into three smaller sites, referred to as Site A, B and C. Site A, the former Nestle Factory site, lies entirely within the Botwell: Nestle Conservation Area which contains a number of locally listed structures that include the Main Factory, the Canteen Building, the Lodge (now demolished with consent) and the gates/railings at the front of the site.

The application proposes changes to the height and massing of various blocks across the site but with the exception of a small change to the footprint of Block H, no changes are proposed to the overall site layout since the previously approved masterplan. Blocks B1, B2, B4, B5, B6, C4 and F4 are proposed to be raised by one floor and blocks C2 and B8 by 2 floors.

Despite the increase in some of the block heights, the changes would still be in the 'spirit' of the original scheme and a varied and interesting skyline similar to the consented scheme would remain. The majority of the height increases would be around the central blocks close to Sandow Square. The north edge in the form of four 'feature blocks', fanning out from the orthogonal of the factory to the diagonal of the railway remains unchanged.

Block H is to remain at 6 storeys (G+5) but its layout has been modified to house the discount market sale units. This adds 17 new units with an increased footprint of 1.7 metres towards the west. No concerns are raised to this aspect of the proposals.

The supporting documentation has been assessed in detail. Taking into consideration the consented scheme which retained and approved blocks of a substantial scale it is concluded that the proposed additional height increases would have a minimal impact due to its careful distribution across the site. The scheme still provides a skyline that is broken up across the development and retains multiple breaks at core locations and set back storeys and terraces. The scheme is therefore considered acceptable on design grounds.

The proposed increases in height would also cause no further harm to the setting of the heritage assets than that which has already been permitted under the consented scheme and is therefore considered acceptable.

Officers consider the proposed alterations are acceptable refinements, consistent with the industrial architectural character and materials of the retained facade of the Main Factory Building and the prevailing character of the positively retained elements of the historic layout and operation of the conservation area. In their own terms, the works will sustain the particular significance of the relevant heritage assets and would not change the previously established heritage impacts. The overall level of heritage harm and the positive planning balance of the application remain unchanged, such that any less than substantial harm to the significance of the Botwell: Nestle Hayes Conservation Area and harm to the particular heritage significance of the locally listed buildings, will be outweighed by the public benefits of the scheme.

Therefore in line with the extant planning permission, taking all matters into consideration the revised scheme would accord with the relevant statutory duty of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy contained within the Framework and supported by the NPPG, and other relevant regional and local policy and guidance.

7.04 Airport safeguarding

The site is located within the London Heathrow (LHR) Aviation Safeguarding Zone and therefore the maximum building height on the site should be no greater than 67.93m AOD. Policy DMAV1 of the Local Plan: Part Two (2020) notes that the Council will support the continued safe operation of Heathrow Airport and will consult with the airport operator on proposals in safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

An Aviation Consultation Report, dated May 2017 was submitted with the original application. This has been supplemented with a letter from Osprey Consulting Services, dated 13/6/19 which provides an update on additional discussions that have taken place with NATS.

The proposed development is located 4km to the north east of the Aerodrome Reference Point (ARP) for Heathrow airport and in this location, the site sits within one of the designated Obstacle Limitation Surfaces called the Inner Horizontal Surface (IHS). The IHS for Heathrow airport is established at 67.93m Above Ordnance Datum (AOD). The proposed development has taken into consideration the height of the approved scheme as well as the London Heathrow Aviation Safeguarding Zone. The proposed heights of the buildings are no greater than 67.93AOD. The proposed development will not impact the London Heathrow Aviation Safeguarding Zone. The additional floor(s) are proposed on the proposed lower parts of the development ensuring the maximum height restriction is not breached. The site is also within the statutory birdstrike safeguarding zone surrounding RAF Northolt, located some 5.7km to the north.

NATS, Heathrow Airport Ltd (Aerodrome Safeguarding and the MoD Safeguarding have all been consulted on the application and although none raise objection, both Heathrow and the MoD advise of the need for a Bird Hazard Management Plan which should be conditional on any planning approval (and in the case of HAL, they also specify the need for an explanatory informative). HAL also advise of the need for a condition to control the attractiveness of any proposed landscaping for birds whereas the MoD require a Construction Management Strategy that includes details of crane use which HAL also consider necessary, albeit this can be provided by an informative.

The conditions and informatives form part of the officer's recommendation.

7.05 Impact on the green belt

The site is not located within or near to the Green Belt.

7.06 Environmental Impact

EIA

The Council considers these additional 84 units will have a negligible impact in the context of the Environmental Statement and the Environmental Impact Assessment Regulations (2017). The Council does not therefore consider there to be a need for new or additional information to support the submitted Environmental Statement.

In summary, the changes would not result in new likely significant effects not previously considered and reported upon.

However, a revised Environmental Statement has been submitted in support of the application which includes the revised reports dealing with transport and access, air quality, land contamination and built heritage matters.

7.07 Impact on the character & appearance of the area

The principle of development has already been established under planning permission Ref. 1331/APP/2017/1883.

Paragraph 131 of the NPPF (2019) requires that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy 7.6 of the London Plan (2016) and Policies D1 and D2 of the draft London Plan require new developments to be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Policy D1B of the Intend to Publish London Plan (2019) requires all development to make the best use of land by following a design led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth.

Policy BE1 of the Local Plan: Part One (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) re-emphasises the importance of good design in new development by A) requiring all new buildings and extensions to be designed to the highest standards, which incorporate principles of good design, such as harmonising with the local context by having regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure; B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space; C) safeguarding the development potential of adjoining sites and D) making adequate provision for refuse and recycling storage.

Policy DMHB 12 of the Local Plan: Part Two (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

As previously stated in Section 7.03 of this report, officers consider that the revised scheme retains the character and design ethos of the original consented scheme, with the increase in height to the blocks provided in less sensitive locations.

Whilst the materials and final finish are subject to conditions, as the works on site have commenced, the materials for these blocks will be required to be of a high quality finish.

Importantly, the GLA in their Stage 1 Report advise that in terms of the height, scale and massing of the blocks, the additional height has been carefully distributed across the site

and is supported.

The scheme is therefore considered to be acceptable in design terms, in accordance with the above policies.

7.08 Impact on neighbours

Policy 7.6 of the London Plan (2016) requires new buildings and structures to not cause unacceptable harm to the amenity of surrounding land and buildings in relation to a number of factors, including overshadowing.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The additional storeys are proposed on blocks located away from the frontage of the site. The nearest residential properties are on the opposite side of Nestles Avenue to the south, over 70m from the nearest block that is to have an additional storey. Given the overall layout of the development, it is considered that the massing of the new storeys would largely be screened from these neighbours by the existing blocks of the consented scheme.

In light of this, it is not considered that the proposed development will result in any increased impact on neighbours over and above that considered acceptable in consideration of the original scheme.

7.09 Living conditions for future occupiers

Policy 7.6 of the London Plan (2016) requires new buildings and structures not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to a number of factors, including overshadowing.

Policy DMHB 10 (High Buildings and Structures) of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) states that proposals for high buildings should (among other things) not adversely impact on the microclimate (i.e. wind conditions and natural light) of the site and that of the surrounding areas, with particular focus on maintaining usable and suitable comfort levels in public spaces and should be well managed, provide positive social and economic benefits and contribute to socially balanced and inclusive communities. This is supported by Policy 7.7 of the London Plan (March 2016) and Policy D8 of the draft London Plan - Intend to Publish (December 2019).

The principle of development has already been established under planning permission Ref. 1331/APP/2017/1883.

This section therefore only considers the proposed changes.

UNIT SIZES

Policy 3.5 of the London Plan requires new development to be of the highest quality both internally and externally. Table 3.3 of the London Plan, together with the Mayor's Housing Standards and National Space Standards set out the internal size requirements for residential accommodation. Policy DMHB 16 (Housing Standards) of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) reiterates these space standards.

The London Plan (2016) and national technical standards set out minimum room sizes for residential units. All units proposed meet the minimum floorspace standards required for all

dwelling sizes. The scheme accords with the London Plan (2016) and the national technical standards and as such is considered acceptable.

DAYLIGHT/SUNLIGHT

Policy DMHB11 'Design of New Development' of the Local Plan: Part 2, states that development should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Policy D6 'Housing Quality and Standards' of the London Plan (Intend to Publish) (2019) requires the design of development should provide sufficient daylight and sunlight to new and surrounding property that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

A daylight/sunlight assessment was submitted in support of the extant planning permission. The report assessed daylight and sunlight to the windows of habitable rooms within the proposed flats.

The report also considered the impact of the development on the proposed amenity spaces, both public and private. The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Second Addition' (2011) recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21 March. The results showed that all of the proposed amenity areas which are deemed to form public and communal amenity space, will receive at least two hours of sunlight on 21 March, this is principally due to the orientation of the site and the stepped formation of the proposed blocks which allows adequate light to the proposed communal amenity areas and open spaces. The proposed development was considered to meet the BRE guidelines.

The GLA advise in their Stage 1 Report on this application that the daylight/sunlight analysis provided demonstrates that the effect of the extra building height on the shared amenity space is minimal.

The internal layouts of the dwellings have been designed to provide living spaces that maximise views, ventilation and access to daylight and sunlight. Each dwelling is provided with private amenity space, either as a balcony, a terrace or internalised amenity space.

A revised Daylight and Sunlight Assessment has been undertaken for this application scheme which has been independently reviewed by a third party specialist. In summary the consultants confirm that 86.3% of rooms will meet target values, when using the ADF percentage stated in BS8206. This figure is slightly up from the figures for the consented scheme which stood at 85.5%.

Rooms fared slightly worse with NSL analysis, with 75.1% of rooms meeting the target value. However, again this is a slight improvement from the consented scheme, where 73.6% achieved the target values.

The summary of results does not discuss the sunlight analysis. We have taken a review of the analysis, the review shows that 1,145 rooms from 2,065 rooms tested, would fall short of the target values for sunlight. This equates to 55.4% of rooms falling short of target values.

Having reviewed the initial daylight and sunlight report dated May 2017, it appears that only 38% of rooms achieved target values for sunlight. This figure has now risen to 44.6%.

The report concludes that the daylight testing for the amended scheme, in comparison to those for the consented scheme, fare better and the percentages of rooms meeting target values increase slightly from those of the consented scheme.

Whilst the number of rooms meeting target values for sunlight is low, again levels have increased marginally from those levels of the consented scheme.

Generally the daylight and sunlight results are better, because the new units are at high level and normally at this level; there is less of an obstructed outlook and greater chance of seeing an unobstructed skyline.

On this basis, officers consider that this scheme represents an overall improvement in terms of satisfying daylight / sunlight guidance as compared to the Consented Scheme and no objections can be raised on this ground to the revised scheme.

PRIVACY/OVERLOOKING/OUTLOOK

The supporting text for Policy DMHB 11 (Design of New Development) of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) states that the Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary.

The plans demonstrate that the changes proposed as part of this application do not result in any detrimental overlooking issues over and above those already approved as part of the original scheme. The additional floors mainly mirror the floor below them and do not change the relationship between blocks. Thus there is not considered to result in any increased loss of privacy or outlook from the original permission.

The officer's report did identify a number of areas where mitigation measures / further details were required, particularly within the internal corners of the blocks. This was addressed by an overlooking mitigation condition which has been re-attached as part of the officer's recommendation.

PRIVATE/COMMUNAL AMENITY SPACE

Policy DMHB 18 of the Local Plan Part 2 (January 2020) requires the provision of external amenity space, sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. Policy DMHB 18 specifies the following amenity space requirements for flats are provided on site:

- Studio flat - 20 m2 per flat
- 1 bedroom flat - 20 m2 per flat
- 2 bedroom flat - 25 m2 per flat
- 3+ bedroom flat - 30 m2 per flat

Based on the approved accommodation schedule, the required amenity space provision for the approved 1386 units was 31,810 m², which equated to an amenity space provision equal to 59% of the minimum policy requirement.

The revised accommodation schedule would require amenity space provision for the proposed additional 84 units as follows:

DMS flat:	35 x 20 =	700m ²
Studio flat:	-7 x 20 =	- 140 m ²
1 bed flat:	21 x 20 =	420 m ²
2 bed flat:	29 x 25 =	725m ²
3 bed flat:	6 x 30 =	180 m ²
Total required		= 1,885 m ²

Therefore it is noted that the proposed amendments result in an increase of 1,885sqm in the total private/shared amenity space requirement for the development. The originally consented scheme (ref: 1331/APP/2017/1883) provided 59% of the required private/shared amenity space.

To this end, this scheme proposes an additional 913sqm of additional amenity space, mainly through the provision of balconies / roof gardens serving the new units but also includes the delivery of an additional roof terrace communal garden in Block C. To maintain the same 59% of the amenity space required which has previously been accepted, an additional 1112sqm would be required. As such, this scheme is deficient of 199sqm of amenity space to maintain the previously acceptable ratio.

In order to mitigate the shortfall on the original permission (only achieving 59% of the required amenity space), the Council secured a financial contribution towards improvement works to Cranford Park, which is the closest public park to the application site, with a pedestrian access into Cranford Park located off North Hyde Road. This proposal involves a pro-rata uplift in the Cranford Park contribution to reflect the increase in unit numbers which takes this particular contribution to £312,024.

However the current scheme fails to achieve the 59% target by 199sqm and as per the Section 73 scheme, the shortfall is required to be mitigated through an in-lieu contribution towards improvements at the local park of £23,975, the applicant has agreed to this sum.

PUBLIC OPEN SPACE

Policy G4 of the Intend to Publish London Plan (2019) states that development proposals should:

- 1) Not result in the loss of protected open space
- 2) Where possible create areas of publicly accessible open space, particularly in areas of deficiency.

Policy DMCI 4 of the Hillingdon Local Plan Part 2; Development Management Policies (2020) requires proposals for new major residential developments to make provision for new open space or enhancements to existing open space and says that proposals that fail to do so will be resisted.

The extant scheme delivers a variety of on-site public open space including Wallis Gardens, Viveash Square, Milk Street Garden, Coffee Park, Canal Square. However, the

extant scheme was delivered prior to the adoption of local plan policy DMCI 4 which requires major residential developments to deliver public open space. Whilst the current proposals deliver no additional public open space, the quantum and quality of the public open space being proposed is deemed sufficient to serve the additional residents, although any future proposals to diminish this delivery would be strongly resisted given the quantum of development on this site.

CHILDREN'S PLAY SPACE

London Plan Policy 3.6 and draft London Plan Policy S4 set out the expectation that housing proposals should make provision for play and informal recreation, based on expected child population generated by the scheme and an assessment of future needs. Policy DMHB 19 (Play Space) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all developments which result in an occupancy of ten or more children to provide children and young people's play facilities on-site.

Paragraph 5.76 in the supporting text advises that:-

'Larger housing developments will therefore be required to provide at least five square metres of suitable formal play space onsite, based on the child yield of the development as a whole. This requirement needs to be seen within the context of the London-wide target of 10 square metres per child as set out in the Mayor of London's Children and Young People's Play and Informal Recreation SPG (2012).'

Paragraph 5.77 advises:-

'Where it is not possible to provide sufficient on-site provision, offsite provision of new facilities or improvements to existing play spaces in the local area should be considered.'

A play space document (prepared by Cameo) has been submitted as part of this application. This uses the 'SPG play space requirement calculator' which allocates a GLA benchmark of 10 sqm of dedicated play space per child, the following is required to accord with the SPG:-

- Ages 0-5 - 1,310 sq m
- Ages 5-11 - 690 sq m
- Ages 12+ - 440 sq m
- Total 2,440 sq m

Under the extant schemes, there was a requirement to deliver 1990sqm of child play space on site, which was based on the GLA SPG. A total of eight children's play areas are provided within the proposed development and are located in various locations around the residential portion of the development. The submitted application and the additional residential units results in an additional child play space requirement of 450sqm. This is being secured as an off-site in lieu contribution of £72,000 to improve child play space within the vicinity of the site.

WIND ASSESSMENT

A revised wind assessment has been submitted in support of the planning application to assess the wind microclimate around the proposed Blocks (B, C, F3/4 and H). It outlines the overall methodology and the use of the Lawson Comfort Criteria to describe the

expected on-site wind conditions. The assessment is based upon the analysis of meteorological conditions for London, adjusted to the Application Site, a review of the scheme drawings in the context of the meteorological data. The revised report (dated 28th October 2020) concludes that the majority of locations throughout the site are expected to be suitable for their intended use. However, there are expected to be several locations which would be windier than required, namely:-

- a. Thoroughfares at south corner of Block C;
- b. Entrances (no. 7) at the southern and western corners of Block C;
- c. Ground floor seating (benches) at southern end of Milk Street and Canal Street; and
- b. Balconies on southern corners of Blocks B and C.

The report advises that the proposed landscaping would mitigate the majority of wind conditions but the following mitigation measures would be required to alleviate remaining uncomfortable winds:-

- a. Additional trees and planters at the southern corner of Block C,
- b. 1.5m planters or screening to the south of seating on Milk Street and Canal Street;
- c. Solid balustrades on the identified balconies or to their southern half.

With the mitigation measures in place, the report concludes that all wind conditions would be suitable for the intended use throughout the site.

A condition is recommended to ensure that details of the mitigation measures are submitted to and approved by the Local Planning Authority.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy 6.3 of the London Plan (2016) requires development proposals to ensure that the impacts on transport capacity and the transport network are fully assessed.

Policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner and to be acceptable, schemes are required to i) be accessible by public transport, walking and cycling; ii) maximise safe, convenient and inclusive accessibility; iii) provide equal access for all people; iv) adequately address servicing requirements and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment. Policy DMT 2 seeks to minimise the impact of development on the surrounding highway with regards to traffic, air quality, noise, local amenity and safety.

Policy DMT 4 advises that the council may require development to mitigate transport impacts from development proposals by improving local public transport facilities and services.

Policy DMT 5 requires development proposals to ensure that safe and direct access for pedestrians and cyclists is provided on the site connecting it to the wider network.

Policy DMT 6 sets maximum parking standards for new development as outlined in Appendix C Table 1 to facilitate sustainable development. A variation of these requirements may be acceptable when:-

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or

ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendation.

The policy also states that all car parks provided for new development will be required to provide conveniently located parking spaces for wheelchair users and those with restricted mobility.

The application is supported by a revised Transport Assessment, which uses the same methodology as previously agreed on the original assessment but revised to include the uplift in 84 residential units, together with other factors, such as traffic growth due to more recent consented development in the surrounding area.

Car Parking

The assessment advises that on the consented scheme, 832 residential parking spaces were provided for the 1,386 units which equates to a parking ratio of 0.60 parking spaces per residential unit. With 884 residential parking spaces now proposed, the 1,473 units would maintain the same 0.60 ratio. 20 spaces are also allocated for the non-residential uses and 10 car club spaces are provided, to give a total of 914 spaces.

Cycle Parking

Cycle parking provision has increased by 54 spaces to provide a total of 2251 spaces. These would be located within the blocks.

Trip Generation

Residential trip rates applied in the Transport Assessment have been applied across all the residential units, even though 40% of them will not have access to parking so that the assessment is considered to be robust. The report has assessed the capacity of surrounding road junctions and the analysis concludes that no additional junction capacity improvements are required, although it will be necessary to provide the improvements that were previously identified as part of the consented scheme.

The Transport Assessment has been reviewed by the Council's Highway Engineer and Transport for London and its methodology is supported and its analysis and recommendations are accepted.

The Council's Highway Engineer advises of the need for a Construction Logistics Plan, Service and Delivery Plan and Travel Plan. These could be revised documents from those already approved and should be secured by condition / S106 Agreement. The Highway Engineer also advises of the need to prohibit future residents of the development from applying for a parking permit and joining any nearby parking management scheme. This requirement should be secured by a Section 106 agreement. It is also necessary to secure electric charging points (20% active, remainder passive) and 46 motorcycle spaces (5% of total parking spaces). Other highway improvements previously secured on the original scheme would also need to be secured as part of this scheme and any contributions sought uplifted on a pro-rata basis.

TfL advise that although 0.6 spaces per unit is higher than the maximum standard set out in Policy T6 of the Intend to Publish London Plan, which requires developments in Outer London areas with a PTAL of 4 to have a maximum of 0.5 spaces per unit, the introduction of a CPZ with exemption for future occupiers of this development is supported and will enable delivery of the multi-modal transport spine.

They also advise of the need for a finalised Delivery and Servicing Plan (DSP), full Construction Logistics Plan (CLP) and a Car Parking Design & Management Plan to be secured by condition.

TfL also advise that the quantum and location of the proposed cycle parking is acceptable and in line with Policy T5.

All cycle parking should be designed in line with the LCDS, as stated in policy T5.

The recommended conditions and S106 obligations form part of the officer's recommendation.

Based on the above the proposal would not present a risk to road safety, discernibly exacerbate traffic congestion or lead to parking stress. The development is in accordance with the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts, Policy DMT 2: Highway Impacts and Policy DMT 6: Vehicle Parking.

7.11 Urban design, access and security

Issues of design (section 7.6) and accessibility (section 7.10) are addressed elsewhere within the body of the report.

In respect of security, the submitted design and access statement details various areas where security has been taken into account in the design of the proposals including:

- (i) Natural Surveillance;
- (ii) Appropriate Levels of Lighting;
- (iii) Provision of internal and external CCTV;
- (iv) Design of the car park to comply with Park Mark standards; and
- (v) Provision of appropriate boundary treatments.

It is considered that the submitted documentation demonstrates that security and safety considerations have formed a fundamental part of the design process and have been appropriately integrated into the scheme. The Metropolitan Police Crime Prevention Officer raises no objections to the proposed security measures. The implementation of specific measures such as lighting, boundary treatments and CCTV could be secured by way of appropriate conditions in the event the application being approved.

7.12 Disabled access

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that might impede disabled people.

Policies 3.5, 3.8 and 7.2 of the London Plan (2016), Policy D5 of the draft London Plan - Intend to Publish (December 2019), the Mayor of London's Housing Standards, Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the Accessible Hillingdon Supplementary Planning Document (September 2017) require that all residential units are built in accordance with Part M4(2) of the Building Regulations 2010 (2015 Edition) and that 10% of the units be designed and constructed in accordance with Part M4(3) of the Building Regulations 2010 (2015 Edition). In the event of an approval, appropriately worded conditions could be attached to any

consent, to ensure compliance with these standards.

The Council's Access officer has been re-consulted on the latest revised plans and advises that the increment of units would be achieved by means of an additional storey(s), stacked to mirror the floor below. The supporting Design & Access Statement reports on 6 new unit designs, of which 5 would be designed to meet M4(2), with the remaining unit type designed to satisfy building requirement M4(3). The additional residential units would result in an increase of the residential car parking spaces from 832 to 887. No concerns are raised, however, the officer recommends that 3 conditions should be attached to any planning approval to ensure the design of the accessible units satisfy standards, the accessible units are provided within each phase of development, prior to occupation and details of accessible play equipment is provided. These form part of the officer's recommendation.

For the reasons set out above, it is considered that subject to suitably worded conditions, the proposed development could be in accordance with The Equality Act 2010 and with Policies 3.5, 3.8 and 7.2 of the London Plan (2016), Policy D5 of the draft London Plan - Intend to Publish (December 2019), the Mayor of London's Housing Standards, Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the Accessible Hillingdon Supplementary Planning Document (September 2017).

7.13 Provision of affordable & special needs housing

The London Plan (2016) Policies 3.10 - 3.13 require Boroughs to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes, having regard to their affordable housing targets. The Local Plan: Part 1 (2012) Policy H2 requires sites with a capacity of 10 or more units to provide an affordable housing mix which reflects housing needs in the borough. The Local Plan: Part 2 (2020) Policy DMH 7 outlines that subject to viability, a minimum of 35% of all new homes on sites of 10 or more units should be delivered as affordable housing, with the tenure split 70% Social/Affordable Rent and 30% Intermediate.

The Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) (2017) and Intend to Publish Version of the London Plan (2019) have established the threshold approach to affordable housing applications. Where proposals meet or exceed the relevant threshold level and are consistent with the relevant tenure split, a Financial Viability Appraisal (FVA) is not required, subject to the applicant confirming they have sought grant funding to increase the level of affordable housing. Draft Policy H6 of the London Plan (Intend to Publish Version (Dec 2019)) outlines that a minimum of 30% of the affordable housing should be intermediate, a minimum of 30% should be social/affordable rent and the remaining 40% is to be determined by the Council. In line with the Local Plan: Part 2 (2020) Policy DMH 7, this 40% should also be social/affordable rent. It should be noted however that it may not be possible to achieve this tenure split exactly and therefore nominal variations will need to be accepted.

The affordable housing provision secured under the original planning permission proposed 35% on site affordable housing and was considered to be acceptable and secured within the legal agreement.

A Deed of Variation was approved on 9th March 2020 under ref: 1331/APP/2019/1708 which secures 40% affordable housing on site. The increase was secured through grant funding being obtained and the delivery of the affordable units being led by an affordable housing provider.

The approved planning permission (Ref.1331/APP/2017/1883) met LBH's affordable housing policy by providing 35% affordable housing by habitable room. The approved tenure split comprised of 30% intermediate product (shared ownership) and the remaining 70% as Affordable rent. The affordable housing was secured in a S106 agreement.

A Section 96a (Ref. 1331/APP/2019/1553) as well as a Deed of Variation were submitted to amend the residential phasing plan and increase the affordable housing to 40%. This application and Deed of variation were approved at planning committee dated 21 August 2019. The increase in affordable housing provision has been secured through grant funding being obtained and the delivery of the affordable units being led by L&Q.

The affordable housing provision for this application will be maintained at 40% across the entire masterplan area which would comprise a total of 595 units. The affordable housing provision will include Discounted Market Sales (DMS) units which will be located in Block H and be 1 person 1 bed units which are considered smart living units which are small but of a high quality of design. The DMS units will be 37sqm. The affordable housing provision will comprise the following mix of units:-

DMS - 35 (6%)
Studio - 41 (7%)
1 bed - 243 (40.5%)
2 bed - 207 (35%)
3 bed - 69 (11.5%)

Affordable Housing is required to be calculated by habitable room rather than unit numbers, therefore an analysis of the habitable room affordable housing delivery has also been undertaken and is set out below. Across the site the whole development (current application and the wider consent ref 1331/APP/2019/1666) the site would comprise a total of 3720 habitable rooms. The information below confirms that across the wider masterplan site, the development proposes to deliver 40% affordable housing by habitable room:

Discount Market Sale units: 70 hab rooms
Studio units: 41 hab rooms
1 bed: 486 hab rooms
2 bed: 621 hab rooms
3 bed: 276 hab rooms
TOTAL: 1494 habitable rooms

The 40% Affordable Housing delivery proposed across the site would comprise the following:

41% Shared Ownership and Discount Market Sale
59% Affordable Rent

Planning policy requires a 70/30 split whereby 70% of the affordable housing delivery should be affordable rent and 30% should be shared ownership. As this target has not been achieved, the applicants have submitted a Financial Viability Appraisal. This has been independently reviewed by the Councils third party and they conclude that the revised proposals would not be able to viably support additional affordable housing, lower value affordable tenure types or further planning obligations beyond that already modelled. In overall terms, despite the increased revenue derived from the additional units this is offset by a higher proportion of lower value affordable rented units and CIL and Section 106 contributions have also increased.

The conclusions of the third party independent assessor are accepted. An affordable housing provision of 40% forms one of the Heads of Terms in the S106 Agreement which would also include the need to provide early and late review mechanisms as sought by the GLA. On this basis, the affordable housing provision is considered acceptable.

Early and late review mechanisms would need to be secured as part of the S106 and also that the DMS units need to be carefully secured and meet the relevant affordability criteria for intermediate ownership and that the discount is appropriately passed on to future 'eligible buyers' in perpetuity.

7.14 Trees, landscaping and Ecology

TREES and LANDSCAPING

Policy EM4 (Open Space and Informal Recreation) of the Local Plan: Part 1 - Strategic Policies (2012) says that the Council will safeguard, enhance and extend the network of open spaces, informal recreational and environmental opportunities that operate as carbon sinks and that meet local community needs and facilitate active lifestyles by providing spaces within walking distance of homes. Provision should be made as close as possible to the community it will serve. There will be a presumption against any net loss of open space in the Borough. The Council will identify new opportunities for open space through an Open Space Strategy. Major developments will be expected to make appropriate contributions to the delivery of new opportunities, or to the improvement and enhancements of existing facilities. The Council will seek to protect existing tree and landscape features and enhance open spaces with new areas of vegetation cover (including the linking of existing fragmented areas) including front and back gardens for the benefit of wildlife and a healthier lifestyle, mitigating climate change.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) says (amongst other things) that all developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit and that development proposals will be required to provide a landscape scheme. The policy also seeks to protect existing trees through tree root protection areas and an arboricultural method statement where appropriate. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

There are no significant changes to the landscaping form of the original permission. The proposed treatment of the amenity area within the internal courtyard of Block B has been revised, but this is a minor alteration. The building footprint of Block H has also been marginally extended by 1.75 to the west, but this does not impact upon any landscaping. The Council's Tree / Landscaping Officer does not raise any concerns with the new proposals.

ECOLOGY

The NPPF at Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other criteria:

'd) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.

London Plan Policy 7.19 and the Mayor's intend to publish London Plan Policy G6 state that proposals that create new or improved habitats that result in positive gains for biodiversity

should be considered positively.

Policy DMEI 7 requires the design and layout of new development to retain and enhance any existing features of biodiversity or geological value and where this is unavoidable, replacement features of equivalent biodiversity value should be provided on site and where these can not be provided due to site constraints, appropriate contributions will be sought, secured through a legal agreement, for off-site works. Development on or near sites of ecological or geological value require surveys and assessments to demonstrate that they will not have an unacceptable impact and additional improvements will be sought for development that fronts a river or the Grand Union Canal. Development that results in significant harm to biodiversity, which can not be avoided, mitigated or as a last resort, compensated for will normally be refused.

An Ecological Appraisal Addendum, dated June 2019 has been submitted in support of this application. It advises that the amended proposals are not likely to result in any additional adverse effects on ecological designations, habitats and faunal species so that no further mitigation measures are required and that the conclusions identified in the previously submitted Ecological Appraisal remain applicable.

As the proposed layout of the buildings remains the same, this assessment is accepted. However, in order to maximise the ecological interest of the site (subject to the planting restraints identified in order to safeguard the safety of airport operations), a condition is re-attached to this new permission requiring that details of ecological enhancement be submitted.

On this basis, the scheme is considered to comply with London Plan Policy 7.19, the Mayor's intend to publish London Plan Policy G6, Policy EM8 of The Local Plan: Part 1 - Strategic Policies (2012) and Policy DMEI 7 of the Hillingdon Local Plan, Part Two - Development Management Policies (2020).

7.15 Sustainable waste management

Policy 5.16 of the London Plan (2016) sets out the Mayor's policy for waste management, including the need to minimise waste and encourage recycling. This is supported by policy EM11 of the Local Plan: Part 1 - Strategic Policies (November 2012).

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Bin storage is provided within the blocks adjacent to the service core areas on the ground floor. The following table provides a comparison of the consented and proposed schemes using 1,100 litre Eurobins.

BLOCK B	Approved	Proposed
No of units	490	530
Bin No. Provided	68	71
Total Litres Provided	74,000	78,000
Total Litres required	70,140	77,350

BLOCK C	Approved	Proposed
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No of units	212	233
Bin No. Provided	28	32
Total Litres Provided	30,800	35,200
Total Litres required	30,720	73,730

BLOCK F3/4	Approved	Proposed
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No of units	109	113
Bin No. Provided	12	16
Total Litres Provided	13,200	17,600
Total Litres required	13,200	15,640

BLOCK C	Approved	Proposed
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No of units	18	35
Bin No. Provided	4	4
Total Litres Provided	4,400	4,400
Total Litres required	3,200	3,500

The revised scheme therefore provides adequate storage capacity for waste within each of the blocks. The requirement for a condition requiring a Waste Management Plan on the original permission will be re-imposed in order to confirm that a revised waste management plan needs to be submitted to the council for approval to facilitate the additional refuse requirements.

7.16 Renewable energy / Sustainability

Policies DMEI 1 and DMEI 3 of the Local Plan: Part 2 - Development Management Policies (2020) relate to reducing carbon emissions (and decentralising energy). Policy EM1 of the Local Plan: Part 1 - Strategic Policies (2012) relates to climate change.

Policy 5.2. Part A of the London Plan (2016) and draft policy SI 2 of the draft London Plan (Intend to Publish) (2019) requires development proposals to make the fullest contribution to minimising carbon dioxide emissions by employing the hierarchy of using less energy; supplying energy efficiently; and using renewable technologies. Part B of the policy currently requires non domestic buildings to achieve a 35% improvement on building regulations 2013. This policy also requires major residential developments to achieve a zero carbon standard. However if this cannot be achieved then a cash in lieu contribution will be sought. Parts C & D of the policy require proposals to include a detailed energy assessment.

Under the extant planning permission, which proposed a CHP based communal heating network alongside PV panels, the development failed to achieve a carbon neutral development and was required to provide a carbon offset contribution for the development. This is being reassessed on a phase by phase basis as conditions are received by the council.

Subject to conditions and carbon offset contributions, the application is considered to be acceptable and accords with policy 5.2 of the London Plan and DMEI 2 of the Local Plan Part 2 (2020).

7.17 Flooding or Drainage Issues

Policy EM6 (Flood Risk Management) of the Local Plan Part 1 Strategic Policies (2012)

states that applicants must demonstrate that Flood Risk can be suitably mitigated. Policies DMEI 9, DMEI 10 and DMEI 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding.

There are no material changes to the extant planning permission to be considered under this proposal which would have any adverse impact on flooding or drainage issues. A small enlargement of the basement parking area in Block B is proposed, but this would not have any implications for the flood risk assessment that has been undertaken on the consented scheme. This has been confirmed by the GLA who advise that the proposed changes do not affect flood risk and drainage proposals considered in the previous application and are acceptable and that surface water drainage strategy remains compliant with Policy 5.13 of the London Plan and Policy SI.13 of the draft London Plan. Conditions however, should be secured to ensure domestic and non-domestic water consumption complies with Policy 5.15 of the London Plan and Policy SI.5 of the draft London Plan.

Conditions attached to the original grant of planning permission form part of the officer's recommendation, which amongst other matters, requires details of water use efficiency measures to be submitted.

7.18 Noise or Air Quality Issues

NOISE AND VIBRATION:

Policy 7.15 of the London Plan (March 2016) requires development proposals to manage noise, amongst other criteria by avoiding significant adverse noise impacts on health and quality of life and by separating noise sensitive development from major noise sources through use of distance, screening or internal layout in preference to sole reliance on sound insulation.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies states that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

A Residential Planning Noise and Vibration Report (ref. 003, Revision 01, dated September 2020) has been submitted in support of the proposals.

This has been reviewed by an independent third party consultant and they are critical of the report in as much as this is written as if this is a new application, whereas given the application proposals represent small changes to what is an already consented scheme, and a consented scheme where some of the noise conditions have been discharged, it is questionable if any assessment is required. Instead, they consider it would have been more relevant to have a document showing how the proposals compare to the consented scheme (as per the DAS Addendum) and what, if any, changes are required to the measures proposed to satisfy the planning conditions. Otherwise, and should LBH be mindful to grant permission, presumably it would be a question of applying the same condition(s), where relevant, to the resultant additional permission.

The assessor then considers those noise conditions that have already been attached to the previous permissions on site and note that the wording of these is not consistent and there is no obvious reason for the change. The conditions that have been attached, as worded, also appear to duplicate one another whereas other important issues, such as the need to protect external and internal residential elements from environmental (i.e. rail and road) noise are not covered. They advise this is partly covered in the report as if there was such a condition, but with no assessment of noise with external amenity areas.

They therefore advise that if the LPA is minded to grant planning permission, conditions along the lines of the following are recommended and the LPA will need to take a view on the need or otherwise to be consistent across the applications/permissions:-

- Condition a detailed assessment to confirm the typical external environmental noise levels around the proposed buildings and within external amenity areas (including balconies), and the details of the sound insulation scheme(s), and any other control measures (such as to balconies), to reduce levels to a practicable minimum in external amenity areas and to meet the relevant internal noise targets within the ProPG1 during both ventilation and overheating conditions.
- Condition the requirement for an overheating assessment (that ties-in with the sound insulation scheme(s)).
- Condition the requirement for a Noise SPD2/BS 41423 assessment of any plant or other relevant sources associated with the operation of the proposed development. [In keeping with Condition 25 above.]
- Condition the requirement for an assessment of rail vibration and ground-borne noise.

The above conditions are considered necessary to provide a satisfactory residential environment and they form part of the officer's recommendation.

AIR QUALITY:

With regards to air quality Policy DMEI 14 (Air quality) of the Local Plan: Part 2 - Development Management Policies (2020), Policy EM8 of the Local Plan Part 1 (2012), Policy 7.14 (Improving Air Quality) of the London Plan (2016), Policy SI 1 of the draft London Plan - Intend to Publish (December 2019) and the NPPF are considered relevant.

The proposal seeks to add a further 84 residential units to the permitted 829 residential units by planning permission ref: 1331/APP/2017/1833 as amended by the S73 application, and now 206sqm of commercial floorspace. The proposed development is located with the LBH Air Quality Management Area and the Air Quality sensitive Hayes Focus Area, bringing traffic and energy production emissions which will add to current exceedances. As per the new London Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

The Council's Air Quality Officer advises that the originally proposed development (1331/APP/2017/1883) was not air quality neutral and the additional units proposed are also not air quality neutral for transport emissions for the land uses proposed. Therefore, the additional pollutant emissions generated by the additional units proposed need to be mitigated.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019 - 2024), namely Focus Areas. Furthermore, policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan Intent to Publish version (December 2019) requires development to be air quality positive specially within focus areas, actively contributing to reduce pollutant emissions to the atmosphere.

The officer advises that using Defra's Damage Cost Approach, a contribution of £50,527 is required to mitigate the the additional number of dwellings. The applicant has calculated the overall air quality contribution required for the whole scheme to be £855,601 which equates to an uplift of £51,060 from the original permission and is therefore acceptable.

The officer also advises of the requirement for 3 conditions which will secure a low emission strategy, a control of dust and emission scheme from demolition and construction work and a Non-Road Mobile Machinery compliance condition. These form part of the officer's recommendation, and on this basis together with the uplift in the air quality contribution, the scheme complies with Policy 7.14 of the London Plan (2016), Policy SI 1 of the draft London Plan - Intend to Publish (December 2019), Policy EM8 of the Local Plan Part 1 (2012), Policy DMEI 14 of the Local Plan: Part 2 - Development Management Policies (2020) and the NPPF.

7.19 Comments on Public Consultations

1 response objecting to the proposal from a surrounding occupier has been received, together with an objection from the Hayes Conservation Area Advisory Panel. The concerns raised have been considered in the officer's report.

7.20 Planning obligations

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

At a regional level, policy 8.2 'Planning Obligations' of the London Plan (2016) stipulates that when considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

A legal agreement for the extant consent on the wider site exists and is not repeated here. It is proposed however to amend that legal agreement to account for the additional units proposed in this development, rather than create a stand alone legal agreement; the Heads of Terms proposed are as follows:

1. 40% affordable housing on site (as per the extant planning permission), to include early and late stage review mechanisms and securing the DMS units to ensure the relevant

affordability criteria for intermediate ownership are met and that the discount is appropriately passed on to future 'eligible buyers' in perpetuity,

2. S278 works at:

- Dawley Road/Botwell Common Road;
- Dawley Road/Kestral Way/Betam Road/Blyth Road;
- Harold Avenue/North Hyde Road;
- Station Road/North Hyde Road;
- Harold Avenue/North Hyde Road; and
- Station Road/Clayton Road zebra crossing.

3. Car parking permit restriction for existing and future parking management zone (for residents and employees) excluding blue badge holders

4. £5,317 towards an extension of the parking management zone

5. £1,063,465 for Bulls Bridge improvements

6. £464,734 for additional bus capacity

7. Travel Plan (plus £20,000 bond) for all uses and a travel plan coordinator plus monitoring sum of £6,000

8. On site car club of up to 10 spaces, free membership for 3 years plus £50 credit for one person in each unit

9. Legible London signage £9,571

10. Multi modal transport scheme on Nestles Avenue, transfer of land for implementation of scheme

11. Contribution of up to £464,734 towards the Nestles Avenue road widening works;

12. S38 works to provide cycle way, footpath and landscaping as part of MTS road widening proposals

13. Safeguarding of land for future provision of a pedestrian bridge over Grand Union Canal

14. £372,213 contribution for canalside improvements

15. Unfettered access to public open space being provided on site

16. £335,999 Contribution towards Cranford Park improvements

17. Employment and training Strategy for construction phase and industrial development (end users)

18. Canteen building; Gifted to the LPA for community uses on a long leasehold (999 years)

19. Peppercorn rent to be offered for the community storage unit in Block F4

20. On site Public Art

21. Contribution of up to £855,601 for Air Quality mitigation

22. Contribution of up to £1,589,447; Carbon offset fund

23. £72000 contribution towards Child Play Space

24. Monitoring contribution (equivalent to 5%)

B) That the applicant meets the Council's reasonable costs in preparation of the variation to the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

This scheme remains CIL liable. The Community Infrastructure Levy will be uplifted to reflect the increase in residential floorspace. The CIL Liability Notice will be issued alongside the permission in the event that the application is approved.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

HOUSING MIX

The original planning permission (1331/APP/2017/1883), which was approved in line with the now withdrawn Local Plan: Part 2 - Saved UDP Policy H4, permitted a residential mix that included a low proportion (9.7%) of family units and was almost predominantly (49.7%) one-bedroom units. Since this scheme was approved, the new Local Plan: Part 2 (2020) has been adopted and therefore Policy H4 has been replaced by Policy DMH 2. The Intend to Publish Version of the London Plan (2019) has also progressed substantially and therefore is a material planning consideration in the determination of this application. Consideration also needs to be had to the Secretary of State's recent intervention to Policy H10, which has been justified on the need for more family homes in London.

Since the original planning permission, a small uplift to the number of units was approved by planning committee through (1331/APP/2019/1666), which included a net increase of 3 units. Despite this small change, the low proportion of three bedroom units and the dominance of one bedroom units remains one of the weaker aspects of the redevelopment of this site. Schemes in the area that are being progressed since the Development Plan has been updated are expected to achieve a higher proportion of family units than this and are being designed accordingly by applicants, with the overall aim of reflecting the latest information on housing need and creating a mixed and inclusive neighbourhood.

However, noting that there is an approved scheme already setting a baseline scenario, it would not be realistic to expect an uplift scheme to substantially address the imbalance in housing mix. Nevertheless, caution needs to be had when determining this application to ensure this imbalance is not exacerbated further. The proposal would result in the following unit mix change from what has already been approved:

Consented Scheme:

Size	Unit Nos.	Proportion
DMS	0	0%
Studios	102	7.3%
1 Bedroom	589	42.4%
2 Bedroom	560	40.3 %
3 Bedroom	138	9.9%
Total	1,389	

Proposed scheme:

Size	Units(hab rms)	Proportion
DMS	35 (70)	2.4%
Studios	103 (103)	7.0%
1 Bedroom	602 (1204)	40.9%
2 Bedroom	589 (1767)	40.0 %
3 Bedroom	144 (576)	9.8%
Total	1,473	

Whilst the scheme very marginally decreases the percentage of traditional studios and one-bedroom units, adding the DMS units would marginally increase the percentage from 49.7% to 50.2%. Due to their small size, one bedroom units are the least flexible unit type and mean that only individuals or couples could accommodate the majority of the units on this scheme. Whilst there is a gross increase of 6 family sized units (3 bedroom or greater), this is a small proportion of the 84 units and as such would lead to a very minor deterioration overall in the proportion of family units within the site.

Importantly there is not a gross loss of family sized units, as the applicant has reconfigured a few smaller existing units, particularly on the ground floor, to accommodate 3 bedroom units. As previously mentioned, it is also important to consider that it is not realistic to expect an uplift scheme to substantially address the pre-existing imbalance in housing mix. Most of the new units have been created through the addition of extra floors at higher levels, which mirror the existing floorplans that have already been approved, rather than through any wholesale design changes.

The exception however is in Block H. Under the previously approved scheme, this block accommodated 18 units, 10 of which were high quality private three bedroom units. These have been replaced entirely by one bedroom studios, which would only just meet the smallest permissible space standard (37 sqm) and 7 of which would be single-aspect north facing units. All of these units would be Discount Market Sale, which is a type of intermediate affordable housing for sale. As such, the applicant is proposing to trade off the development plan objectives of achieving balanced communities, meeting an identified need for family sized units and achieving high quality design, in order to achieve an increase in intermediate affordable housing. The Housing Team initially expressed support during pre-application for the DMS units, stating that they were acceptable to help first time buyers access the property market.

The GLA also note that overall proportion of family sized units is low but they are generally supportive of the housing mix, particularly as the family sized accommodation is concentrated in the affordable housing elements of the scheme.

Therefore, on balance, no objections are raised to the proposed housing mix.

CONTAMINATION

Contamination:

Policy DME1 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) expects development proposals on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants and advises that schemes will be supported where contamination has been adequately assessed and can be safely remediated. It goes on to advise that conditions may be imposed to ensure remedial works are implemented; where contamination levels are harmful to human health or controlled waters, full intrusive investigations and remediation proposals will be expected prior to any permission being granted and remediation works may require the need for a S106 if for instance, on-going management works are required.

The Council's Contamination Officer advises that contamination issues have previously been addressed by the consented scheme and the numerous submitted reports that supported it so that they consider the details within the reports shall continue to remain applicable, and the changes proposed by the 'additional units scheme' in this application will not demand changes to the assessment, conclusions and recommendations provided within the 10 reports and therefore have no objections or further comments relating to this application.

A land contamination condition forms part of the officer's recommendation and the scheme is considered to comply with Policy DME1 12 of the Local Plan.

FIRE SAFETY:

Policy D12 of the Intend to Publish of the London Plan (2019) states that in the interests of

fire safety and to ensure the safety of all building users, development proposals must achieve the highest standards of fire safety.

The GLA advise that a Fire Statement by a third party suitably qualified assessor should be submitted to detail how the proposal will function in terms of the building's construction, means of escape, access for fire personnel and equipment and the ongoing maintenance and monitoring of these. and the Fire Statement should be submitted prior to determination. This has been conditioned and the GLA would be able to assess any further submission(s) as regards fire safety as part of their Stage 2 Review.

A condition has been added to to secure the implementation of a Fire Strategy in accordance with draft Policy D12 of the London Plan - Intend to Publish (2019).

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 Probitry 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

Having regard to the extant permission, it is considered that the proposal would not be harmful to the amenity of nearby residents and occupants, or to the character and appearance of the conservation area or heritage assets and immediate locality.

It is also considered that the ratio of parking provided would remain unchanged at 0.6 spaces per unit and thus is acceptable and that the proposed 84 additional units together with all the residential units also continue to meet the London Plan (2016) and Local Plan space standards.

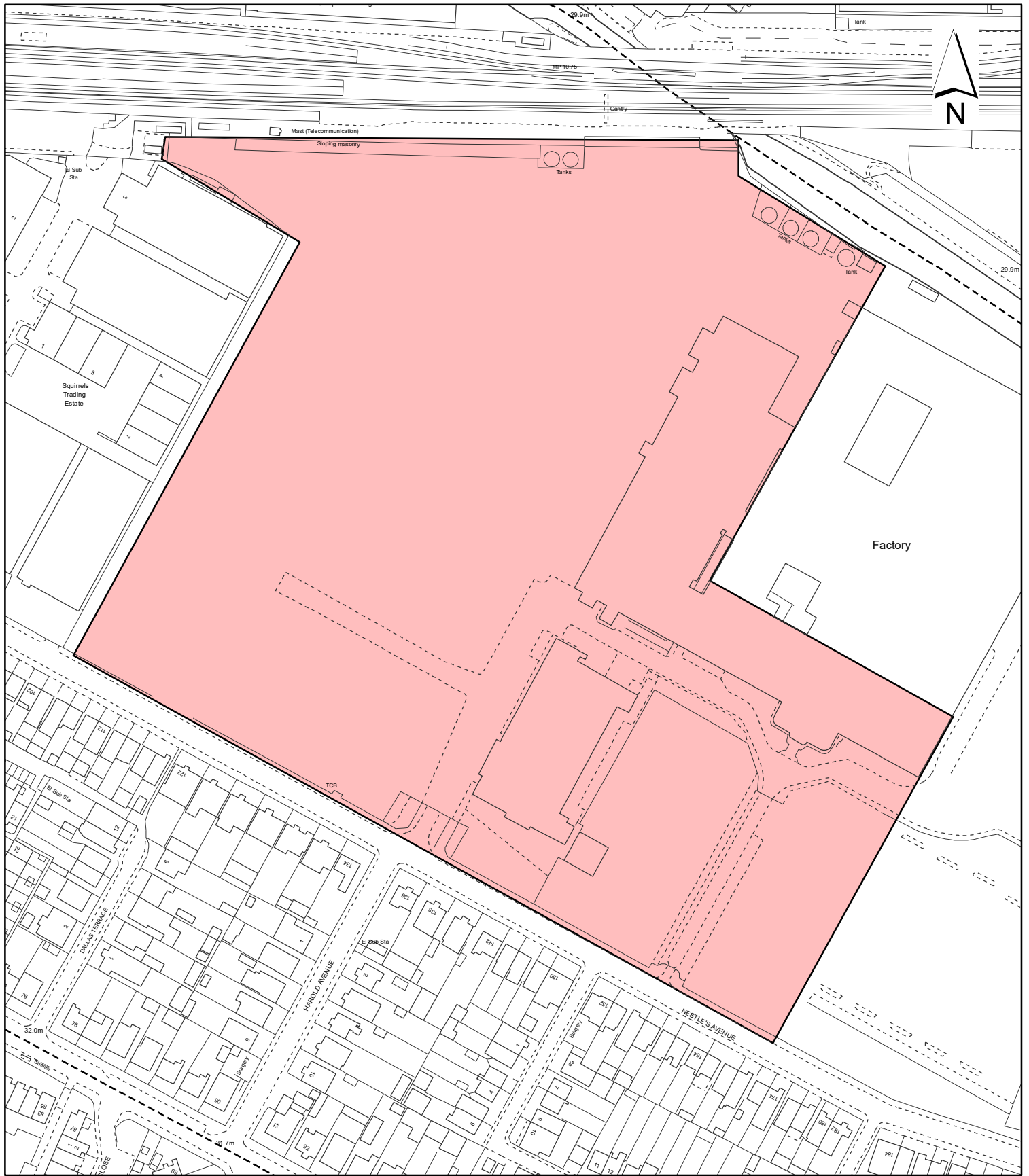
Therefore it is considered the proposal is acceptable and is recommended for approval subject to the conditions and legal agreement (incorporating contribution up-lifts) as originally imposed.

11. Reference Documents

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan Part 2- Site Allocations (2020)
The National Planning Policy Framework (NPPF) (2019)
London Plan (March 2016)
Draft London Plan (Intend to Publish Version 2019)
TfL Travel Plan Guidance (2013)
Mayors Transport Strategy 2018
The Mayor's Housing SPG (2016)
The Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) (2017)
Airports National Policy Statement: new runway capacity and infrastructure at airports in the South East of England June 2018
LBH Planning Obligations SPD 2014

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Notes:

 Site boundary

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Site Address:
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**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

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 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
1331/APP/2019/2314

Scale:
1:2,000

Planning Committee:
Central & South

Date:
December 2020

