

## Report of the Head of Planning, Transportation and Regeneration

<b>Address</b>	STANFORD HOUSE, 9 NESTLES AVENUE HAYES
<b>Development:</b>	Demolition of existing buildings and redevelopment to provide a building up to 11 storeys comprising residential accommodation, associated landscaping, access, car parking and cycle parking.  Detailed description: To provide 103 residential units (2 x studio, 57 x 1-bed, 31 x 2-bed and 13 x 3-bed).
<b>LBH Ref Nos:</b>	51175/APP/2020/2543
<b>Drawing Nos:</b>	A - (05) - 103 Rev. 06 A - (05) - 104 Rev. 03 A- (72) - 100A Rev. 06 A- (72) - 100B Rev. 06 A - (72) - 102A Rev. 06 A (21)001 Rev. 00 A (21)002 Rev. 01 A (21)003 Rev. 01 A (21)004 Rev. 00 A-(03)-101-Rev 014 A(03) - 105 Rev. 01C A(03) - 104 Rev. 01C A(03) - 002 Rev. 03 A(03) - 001 Rev. 03 Fire Strategy Statement Initial Fire Engineering Review July 2020 Design and Access Statement dated August 2020 Archaeological Desk Based Assessment dated November 2018 Daylight and Sunlight Assessment dated July 2020 Delivery and Servicing Plan dated July 2020 Draft Construction Management Plan dated 07 August 2020 Energy and Sustainability Statement dated July 2020 Framework Travel Plan Noise and Vibration Assessment dated August 2020 Planning Statement dated August 2020 Preliminary Ecological Appraisal dated August 2020 Property Management Plan Statement of Community Involvement dated July 2020 Transport Assessment dated July 2020 Arboricultural Impact Assessment dated July 2020 Utilities Report Viability Report Flood Risk Assessment and Drainage Strategy dated July 2020 Landscape and Access Statement dated July 2020 Ground Investigation Report dated August 2020 EX(02)100 Rev. 02 EX-03-01 Rev. 03 EX-03-010 Rev. 00 EX(05)-001 Rev. 00

DEM(03) -100 Rev. 02  
 A(72) - 110 Rev. 03  
 A(72) - 109 Rev. 03  
 A(72) - 108 Rev. 00  
 A(72) - 106 Rev. 02  
 A(72) - 105B Rev. 02  
 A(72) - 105A Rev. 03  
 A(72) - 104B Rev. 02  
 A(72) - 104A Rev. 02  
 A(72) - 102B Rev. 04  
 Air Quality Assessment dated July 2020  
 Clarification on Daylight and Sunlight dated November 2020  
 Covering Letter dated December 2020  
 A- (03) - 102 Rev. 012  
 A- (03) - 111 Rev. 011  
 A - (04) - 100 Rev. 010  
 Design & Access Statement Addendum  
 Daylight and Sunlight Response November 2020  
 A-(03)-100 Rev. 010  
 A-(03)-107 Rev. 012  
 A-(03) - 108 Rev. 04  
 A-(72) - 101A Rev. 010  
 A-(72)-101B Rev. 05  
 A-(72)-107 Rev. 05  
 A-(05)-102 Rev. 012  
 A-(05) - 100 Rev. 014  
 A(03) - 110 Rev. 010  
 A(03) - 109 Rev. 013  
 A(03) - 106 Rev. 012

<b>Date Plans Received:</b>	13/08/2020	<b>Date(s) of Amendment(s):</b>	14/12/2020
<b>Date Application Valid:</b>	13/08/2020		13/08/2020
			10/12/2020
			31/12/2020
			27/08/2020

## 1. SUMMARY

The proposal seeks planning permission for the demolition of existing buildings and redevelopment to provide a building up to 11 storeys comprising residential accommodation, associated landscaping, access, car parking and cycle parking.

This application follows an appeal under ref: APP/R5510/W/19/3230503 that was dismissed for its failure to respond to the townscape given its scale and massing. The Inspector did note that a residential development at this site would not materially prejudice comprehensive redevelopment of the surrounding land parcels, that there would be no harm to the heritage significance or character and appearance of the Conservation Area. The Inspector also concluded that a car free development in this location would be acceptable. The Inspector's decision is an important material planning consideration.

Under this application, significant changes have been made at ground floor level to

address the Inspector's concerns, whilst the height of the building remains similar to the proposal dismissed at appeal. The footprint at ground floor level has been reduced and the building has been set away from western boundary creating a service mews along the west and a dedicated pedestrian entrance along the east. The proposal includes 14 car parking spaces for the accessible and family sized units.

Whilst the scheme only provides a car parking ratio of 0.14:1, given the conclusion reached by the Inspector that this site could support a car free development, the level of car parking proposed is considered acceptable. Whilst there is a shortfall in the provision of onsite amenity space, given the conclusions reached by the Inspector together with contribution being provided for the lack of onsite public open space, this is on balance considered acceptable. In terms of the quality of future accommodation, all units meet minimum space standards and the majority of habitable rooms would achieve good levels of light. It is noted that the majority of units are single aspect, however the site is narrow and constrained, there are no north facing single aspect units and the quality of residential units for future occupants is on balance considered acceptable. The development would provide 7.27% or 5 units of on site affordable housing (comprising London Affordable Rented units 1 x 2 bedroom and 4 x 3 bedroom units), this is well below the 35% required by policy. An independent surveyor has reviewed the submitted viability assessment and has advised that 7.27% towards London Affordable Rent is considered to be the maximum reasonable amount of affordable housing, it is therefore on balance considered acceptable.

The Applicant has agreed to draft Heads of Terms to mitigate against the impacts of the development and to ensure it delivers objectives of Policy SA 5 of the Site Allocations and Designation (2020). This application is considered to overcome the Inspector's concerns under ref: APP/R5510/W/19/3230503 and for the reasons outlined in the report, the application is recommended for approval subject to a S106 Legal Agreement and conditions.

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant planning permission, subject to the following:**

**A) That the application be referred to the Mayor under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.**

**B) That the Council enter into a legal agreement with the applicant under Section 106/Deed of Variation of the Town and Country Planning Act 1990 (as amended) to secure the following:**

**1. To secure all necessary highway works including written agreement from the Local Planning Authority; (Section 278/S38 including works to provide cycle way, footpath and landscaping as part of MMTS road widening proposals);**

**2. £12,846.31 towards the multi modal transport scheme on Nestles Avenue and the safeguard of land for implementation of scheme;**

**3. A full and formal Travel Plan with associated £20,000.00 bond to include a Sustainable Transport Measures is required to be submitted and agreed in writing by the LPA before occupation of the development. Thereafter, the Travel Plan is required to be reviewed annually to monitor and if required, update and/or amend the document to the satisfaction of the LPA, in order that its aims and objectives**

are achieved.

4. Parking Permit exclusion clause for all future residents (other than blue badge holders in the Hayes HY2 Zone);

5. Affordable housing provision of 1 x 2 bedroom unit and 4 x 3 bedroom unit as London Affordable Rent and early and late stage review mechanisms in line with Policy H5 of the Publication London Plan;

6. Employment Strategy and Construction Training - either a contribution equal to the formula within the Council Planning Obligations Supplementary Planning Document (SPD) 2014, or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development. Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered. Securing an Employment/Training Strategy Agreement is Council's priority. Financial Contribution will only be accepted in exceptional circumstances;

7. Air Quality: in line with the SPD and given the site is located in an air quality management area, a contribution in the sum of £107,829;

8. Carbon Fund: a contribution of £90,849 for a carbon fund to make up for the shortfall for this development and in order to make the development policy compliant (£1800 for every tCO<sub>2</sub>/annum that is below the zero carbon target);

9. Open Space Contribution of £137,500 in line with the SPD;

10. Implementation of the boundary treatment agreed between the Owner of No. 9 Nestle Avenue and the land owner of the Former Nestle Factory site to remove 3m acoustic barrier prior to occupation, or otherwise agreed with the local planning authority; and

11. Safeguarding of 'Mews to the west' to ensure reconfiguration to 2 way traffic movements only once this and the adjoining 7 Nestle Avenue site is redeveloped;

12 A contribution of upto £74,800 towards the A312 Healthy Streets (to be agreed between the Applicant and the GLA); and

13. Project Management and Monitoring Fee: a financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

C) That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement/Deed of Variation and any abortive work as a result of the agreement not being completed.

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

E) That if any of the heads of terms set out above have not been agreed and the Section 106 Agreement has not been finalised before within 6 months of the

committee meeting, or any other period deemed appropriate that delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse the application for the following reason:

'The development has failed to secure obligations relating to a travel plan, public transport improvements, air quality, carbon offset, public realm and construction training. The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020); the adopted Planning Obligations Supplementary Planning Document (July 2014); Policies 8.2 of the London Plan (March 2016); Policy DF1 of the London Plan - Intend to Publish Version (December 2019); and paragraphs 54-57 of the National Planning Policy Framework (February 2019).'

F) That if the application is approved, the following conditions be attached:-

**1 COM3 Time Limit**

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

REASON

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

**2 NONSC Detailed Description of the Development**

The development hereby approved, shall provide 103 residential units (2 x studio, 57 x 1-bed, 31 x 2-bed and 13 x 3-bed) unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2016).

**3 COM4 Accordance with Approved Plans**

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

DEM(03) -100 Rev. 02

A(03) - 001 Rev. 03

A(03) - 002 Rev. 03

A(03) - 100 Rev. 010

A(03) - 101 Rev. 014

A(03) - 102 Rev. 012

A(03) - 104 Rev. 010

A(03) - 105 Rev. 010

A(03) - 106 Rev. 012

A(03) - 107 Rev. 012

A(03) - 108 Rev. 04

A(03) - 109 Rev. 013

A(03) - 110 Rev. 010

A(03) - 111 Rev. 011

A(04) - 100 Rev. 010

A(04) - 200 Rev. 05

A(05) - 100 Rev. 014

A(05) - 101 Rev. 014

A(05) - 102 Rev. 012  
A(05) - 103 Rev. 06  
A(05) - 104 Rev. 03  
A(72) - 100A Rev. 06  
A(72) - 100B Rev. 06  
A(72) - 101A Rev. 010  
A(72) - 101B Rev. 05  
A(72) - 102A Rev. 06  
A(72) - 102B Rev. 04  
A(72) - 104A Rev. 02  
A(72) - 104B Rev. 02  
A(72) - 105A Rev. 03  
A(72) - 105B Rev. 02  
A(72) - 106 Rev. 02  
A(72) - 107 Rev. 05  
A(72) - 108 Rev. 00  
A(72) - 109 Rev. 03  
A(72) - 110 Rev. 03  
A (21)001 Rev. 00  
A (21)002 Rev. 01  
A (21)003 Rev. 01  
A (21)004 Rev. 00

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

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2016).

#### **4 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

##### Fire Strategy Statement

Initial Fire Engineering Review July 2020

Design and Access Statement dated August 2020

Design and Access Statement Addendum dated December 2020

Archaeological Desk Based Assessment dated November 2018

Daylight and Sunlight Assessment dated July 2020

Delivery and Servicing Plan dated July 2020

Draft Construction Management Plan dated 07 August 2020

Energy and Sustainability Statement dated July 2020

Framework Travel Plan

Noise and Vibration Assessment dated August 2020

Planning Statement dated August 2020

Preliminary Ecological Appraisal dated August 2020

Property Management Plan

Statement of Community Involvement dated July 2020

Transport Assessment dated July 2020

Arboricultural Impact Assessment dated July 2020

Utilities Report

Viability Report

Flood Risk Assessment and Drainage Strategy dated July 2020  
Landscape and Access Statement dated July 2020  
Ground Investigation Report dated August 2020

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

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2016).

#### **5 COM7 Materials (Submission)**

Detailed drawings or samples of materials as appropriate, in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the works is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

- (a) Samples of materials including all facing brickwork;
- (b) Details of roof parapets, window and door reveals, spandrel panels
- (c) Details of balconies, railings, metal cladding, rainwater pipes
- (d) Details of privacy screening between balconies where appropriate

#### Sample panels required

Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced, and the sample panels shall be retained on site until the work is completed in accordance with the panel (s) so approved.

#### Windows and doors

Elevation drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:2 of the proposed windows and doors shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

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

Prior to above ground works, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Access Officer. 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 (including pollution reducing trees), plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
  - 2.a Refuse Storage
  - 2.b Cycle Storage (178 cycle parking spaces and 4 short stay cycle parking spaces)
  - 2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including 14 car parking spaces, demonstration that 3 parking spaces (20%) are served by active electrical charging points and 11 (80%) are served by passive electrical charging points, 4 accessible spaces)

2.e Hard Surfacing Materials

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

3. Details of Landscape Maintenance

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

3.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.

4. Schedule for Implementation

5. Other

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

5.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 whilst protecting the interests of aircraft safety in compliance with policies DMHB 11, DMHB 14, DMEI 1 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (2016).

#### **7 RES8 Tree Protection**

No site clearance or construction work shall take place until the details 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.

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 shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority. Such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

2.a There shall be no changes in ground levels;

2.b No materials or plant shall be stored;

2.c No buildings or temporary buildings shall be erected or stationed.

2.d No materials or waste shall be burnt; 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.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to 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 Hillingdon Local Plan Part 2 (2020)

#### **8 COM26 Ecology**

Prior to above ground works, an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with HAL. The plan shall show dedicated areas for the management of wildlife. The plan shall also include a diverse range of planting through an updated landscaping plan that has been developed to improve biodiversity. Finally, the plan shall also show the inclusion of wildlife enhancement features (i.e. bat and bird boxes as well log piles) throughout the landscaped areas and within the fabric of the buildings. The development must proceed in accordance with the approved plan.

#### REASON

To ensure the development incorporates measures to improve biodiversity whilst protecting the interests of aircraft safety in compliance with policies DMAV 1 EM7 of the Local Plan Part 1, Policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2016) Policy 7.19.

#### **9 NONSC External Lighting**

Prior to works above ground level, details of external lighting related to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority for agreement by the Access and Landscaping Officers. Such details shall include location, height, type and direction of light sources and intensity of illumination. The approved scheme shall be implemented prior to occupation and retained for the life of the development.

#### REASON

In the interests of the protection of the biodiversity in accordance with Policy EM7 of the Local Plan Part 1, Policy DMEI 7 and DMEI 8 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2016) Policy 7.19.

#### **10 COM15 Sustainable Water Management**

(a) Prior to commencement, (excluding demolition and site clearance) the details of 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 clearly demonstrate how it, manages water in the most sustainable ways and its compliance with the strategy set out in the Flood Risk Assessment produced by Heyne Steel dated 31st July 2020 which sets out the site will: Achieve a run off rate from the site of 1.5l/ha/s Provided through the following SuDs elements: Blue Roof, Permeable Paving and Rain Garden. Any changes to the strategy should be justified and evaluated and the final proposals must be integrated with provision of green infrastructure, air quality and urban greening requirements to justify the most sustainable final solution is provided. Further details

should be provided on: Any proposal should use of methods to minimise the use of potable water through

- i. incorporating water saving measures and equipment.
- ii. Collecting water for use and recycling
- iii Blue roof detail and overflow.
- iv. Levels of the site and Safe access and egress must be demonstrated - any above ground storage and or overland flooding or flows paths should be mapped, ( please include depths and velocities and hazards ) above the 100, plus climate change.
- v Rain Garden design

(b) Prior to occupation of the development, a Verification Report demonstrating that the approved drainage/SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing. This report must include: As built drawings of the sustainable drainage systems including level information (if appropriate) Photographs of the completed sustainable drainage systems throughout the construction process Any relevant certificates from manufacturers/suppliers of any drainage features A confirmation statement of the above signed by a chartered engineer Management and Maintenance Prior to occupation a management and maintenance plan should be submitted to the Local Authority for approval in writing. This should cover the lifetime of the development of arrangements (through temporary works) to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, Appropriate performance specification, Remediation and timescales for the resolving of issues. Where there is overland flooding proposed, the plan should include the appropriate actions to ensure the safety of the users of the site should that be required.

#### REASON

To ensure that surface water run off is controlled and to ensure the development does not increase in accordance with Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy DMEI 10 of Local Plan Part 2 Development Management Policies (January 2020), Policy 5.12 Flood Risk Management of the London Plan (March 2016), National Planning Policy Framework (February 2019) and Policy 5.13 Sustainable Drainage of the London Plan (March 2016).

#### **11 NONSC Bird Hazard Management Plan**

Prior to above ground works, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Heathrow Airport Limited and the MoD. The submitted plan shall include details of:

- management of any flat/shallow pitched 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 on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

#### REASON

In the interests of aircraft safety in compliance with Policy DMAV 1 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (January 2020).

#### **12 NONSC Maximum Building Heights**

No building or structure hereby approved shall exceed 67.930m AOD.

**REASON**

In the interests of aircraft safety in compliance with Policy DMAV 1 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (January 2020).

**13 NONSC Crane Operation Plan**

Prior to commencement of development a Crane Operation Plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Heathrow Airport Limited and NATS. The submitted plan shall include details of:

- cranes and other tall construction equipment (including the details of obstacle lighting)

Such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues'(available at [www.aoa.org.uk/policy-campaigns/operations-safety](http://www.aoa.org.uk/policy-campaigns/operations-safety)).

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

**REASON**

In the interests of aircraft safety in compliance with Policy DMAV 1 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies (January 2020).

**14 NONSC M4(2)/M4(3)**

The development hereby approved shall ensure that 10% (11 units) of the residential units are constructed to meet the standards for M4(3)(2)(a) Wheelchair Adaptable Standard dwelling with a floor plan at no less than 1:100 submitted for each of the different M4(3) units and agreed in writing by the Local Planning Authority. All details, to include transfer zones, wheelchair storage area, and other spatial requirements within bedrooms, bathrooms, living and dining areas, should be shown on a separate plan for every different unit type. 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 that an appropriate standard of housing stock, in accordance with Policy D7 of the Publication Version of the London Plan (2020) is achieved and maintained.

**15 NONSC Construction Environmental Management Plan**

Prior to above ground works, the applicant shall submit a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall comprise such combination of measures for controlling the effects of 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 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.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 and DMT 7 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020).

**16 NONSC Non Standard Condition**

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

**17 NONSC Service and Delivery Management Plan**

Prior to occupation of the development, a Service and Delivery Plan and a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, servicing, delivery and collection or refuse shall be carried out as agreed within this approved plan.

REASON

To ensure appropriate servicing of the site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020).

**18 NONSC Traffic Arrangements**

Prior to above ground works, details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy DMT 6 of the Hillingdon Local Plan Part 2 (2020). and Chapter 6 of the London Plan (2016).

**19 NONSC Parking Allocation Scheme**

No residential unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Authority Planning Authority. Allocation of the units shall be provided for the family sized units and accessible units within the development. Thereafter the 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.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two Development Management Policies (January 2020) and Chapter 6 of the London Plan (2016).

**20 COM16 Scheme for Site Noise Control**

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020).

**21 COM21 Sound Insulation/Mitigation**

The noise level in habitable residential rooms at the development hereby approved shall meet the internal noise standard specified in BS8233:2014.

REASON

To safeguard the amenity of the occupants of the proposed development in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

**22 NONSC Sound Insulation/Mitigation from Adjacent Site**

Prior to occupation, measurement and assessment of any noticeable commercial/industrial noise from existing sources must be undertaken based on the guidance in the current versions of BS 4142 and BS 8233, and submitted to, and approved in writing by, the LPA.

The submission must comply with the reporting guidelines within BS 4142 and include details of the sound levels outside and inside the nearest scheme habitable rooms during normal and overheating ventilation conditions, and within external amenity areas where present.

REASON

To safeguard the amenity of the occupants of the proposed development in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

**23 NONSC Air Source Heat Pumps and Photovoltaic Panels**

Prior to above ground works, full details and specifications of the low and zero carbon technology to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. These shall include the type, size and proposed location within the site of the low and zero carbon technology required to meet the CO2 savings set out in the outline energy statement (Mecserve, July 2020). In addition, full details of the noise emissions associated with the Air Source Heat Pumps shall be provided along with any noise abatement technology to ensure noise pollution is avoided. Finally, full plans and specifications of the roof mounted PVs shall be provided including details of their pitch and orientation and consequential output. The development must proceed in accordance with the approved plans, details and specifications. The development must proceed in accordance with the approved details.

## REASON

To ensure the development contributes to a reduction in CO2 emissions in accordance with Policy 5.2 of the London Plan (2016) and Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020) to ensure the design integrity of the development and wider environs.

### **24 NONSC Overheating and Cooling**

The development hereby approved shall be carried out in accordance with the details of the overheating and cooling strategy provided in the Energy and Sustainability Statement dated July 2020. The scheme shall development hereby approved shall deliver:

- a) air intake locations which are not expected to exceed UK air quality objective limits for levels of NO<sub>2</sub> concentration (40 Å½g/m<sup>3</sup>) and are not proposed close to any chimney/boiler flues and ventilation extracts.
- b) mechanisms for filtering pollutants (NO<sub>2</sub> or PM<sub>10</sub>) at the proposed air intake locations to ensure that air intake shall not exceed UK air quality objective limits (40 Å½g/m<sup>3</sup>).
- c) measures to prevent summer overheating and minimise energy usage, including details of thermal control (cooling) within individual residential units as detailed in the report.
- d) the overall efficiency of the system which shall meet the details set out in the energy strategy.

Prior to occupation, the Applicant will ensure a detailed management plan for the Mechanical Ventilation Heat Recovery system (MVHR) covering maintenance and cleaning, management responsibilities and a response plan in the event of system failures or complaints in place. The measures shall thereafter be fully implemented prior to the occupation or use of the development and retained permanently thereafter in working order for the duration of the use and occupation of the development.

## REASON

To ensure an acceptable standard of residential amenity is provided in terms of air quality and overheating in accordance with Policy SI4 of the Publication Version of the London Plan (2020).

### **25 NONSC Energy Monitoring**

Prior to occupation, a detailed monitoring and reporting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide full details of how the carbon savings set out in the energy strategy shall be monitored with details of how and when these will be reported to Local Authority. The submitted report shall demonstrate the carbon reduction proposals have been implemented and that the development is compliant with the savings set out in the energy strategy. Measures to remedy any shortfall in carbon savings will be required. The development must be operated in accordance with the approved plan.

## REASON

To ensure the development contributes to a reduction in CO2 emissions in accordance with Policy 5.2 of the London Plan (2016).

### **26 NONSC Air Quality Emission and Exposure Mitigation Plan**

No above ground works shall be undertaken until a clear and effective low emission strategy (LES) have been submitted to and approved in writing by the Local Planning Authority. The strategy shall include, but not be restricted to:

- a) effective ways to encourage residents so that the fleet composition visiting/using the site will be Euro 6/VI or cleaner (e.g. electric) or have implemented retrofitting devices that

will enable compliance with such Euro standards;

b) provision of a clean supply of energy to the site. Any CHP or gas boiler will have to conform with the London Ultra Low NOx requirements. The boilers to be specified to meet ultra-low NOx emissions standards of < 40mg/kWh.

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.

The measures in the agreed scheme shall be maintained for the lifetime of the development.

#### REASON

As the application site is within an Air Quality Focus Area and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the 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).

#### **27 NONSC Non-Road Mobile Machinery**

All Non-Road Mobile machinery (NRMM) of net power of 37kW and up to and including 560kW used during the demolition, site preparation and construction phases shall comply with the emissions standards set out in chapter 4, proposal 4.2.3.a of the London Environment Strategy. Unless it complies with the standard set out in the London Environment Strategy, no NRMM shall be onsite, at any time, whether in use or not, without the prior written consent of the LPA. 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 <https://nrmm.london/>

#### REASON

As the application site is within an Air Quality Focus Area and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the 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).

#### **28 NONSC Contamination**

(i) The development shall not commence until a scheme to deal with contamination 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 LPA dispenses with any such requirement specifically and in writing:

(a) 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

(b) 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.

(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 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 Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

#### **29 NONSC Fire Strategy**

Prior to any above ground works, an updated Fire Strategy Report shall be submitted to, and approved in writing by, the Local Authority Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details.

#### REASON

To ensure that the development meets Fire Safety Standards in accordance with policy D12 of the draft London Plan (Publication version of the 2020).

#### **30 NONSC Non Standard Condition**

The development hereby approved shall ensure that 1 x 2 bedroom and 4 x 3-bedroom, London Affordable Rent units are constructed to accord with the technical specifications of M4(3)(2)(b) Wheelchair Accessible Standard dwellings as set out in Approved Document M to the Building Regulations 2010 (2015 edition).

#### REASON

To ensure that an appropriate standard of housing stock, in accordance with Policy D7 of the Publication Version of the London Plan (2020) is achieved and maintained.

#### **31 RES24 Secured by Design**

The site and car parking area shall achieve '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). No dwelling shall be occupied until accreditation has been achieved.

#### 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, to ensure the development provides a safe and secure environment in accordance with policy DMHB 15 of the Local Plan Part 2 (2020) and London Plan (2015) Policies 7.1 and 7.3.

#### **32 NONSC Circular Economy**

Prior to above ground works, a circular economy statement shall be submitted to and approved in writing by the local planning authority in consultation with the GLA. This shall include the provision of:

- a Bill of Materials for the main elements of the building that sets out the weight of each element (façade, sub-structure, structure, floors, roof, internal partitions), its weight divided by the GIA floor area of the building and a commitment to achieving a minimum 20% recycled content by value;
- a Recycled and Waste Reporting Table that details the weight of the waste arising from demolition, excavation and construction, the percentage of waste reused/recycled on site, offsite, the percentage to landfill, and the percentage to other management (e.g. incineration), with the commitment to a 95% diversion from landfill for all three waste streams;
- specific measures to meet the Mayor's 65% target for Municipal waste recycling;
- for any residual waste that is destined for landfill, written evidence that the destination landfill(s) have the capacity to receive waste, along with a notification of the likely destination of all waste streams (beyond the Materials Recycling Facility) where known;
- a commitment to producing a Post Completion Report setting out the predicted and actual performance against all numerical targets, and provide updated versions of the Recycling and Waste Reporting form and the Bill of Materials.

The development shall not be carried out otherwise than in accordance with the details so approved.

#### Reason:

In the interests of sustainable development in accordance with Policy SI7 of the Publication Version of the London Plan (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.

DMAV 1	Safe Operation of Airports
DMCI 2	New Community Infrastructure
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 13	Importation of Material
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 5	Development in Green Chains
DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMH 7	Provision of Affordable Housing
DME 1	Employment Uses in Designated Sites
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 1.1	(2016)Delivering the strategic vision and objectives for London
LPP 2.6	(2016) Outer London: vision and strategy
LPP 2.17	(2016) Strategic Industrial Locations
LPP 3.10	(2016) Definition of affordable housing
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 3.14	(2016) Existing Housing
LPP 3.15	(2016) Co-Ordination of Housing Development and Investment
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 3.7	(2016) Large residential developments
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.17	(2016) Waste capacity
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 6.9	(2016) Cycling
LPP 7.30	(2016) London's canals and other rivers and waterspaces
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review

### **3 170 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.

### **4 173 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](mailto: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](http://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.

### **5 115 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](http://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.

**6**            I43                    **Keeping Highways and Pavements free from mud etc**

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.

**7**            I47                    **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.

**8**            I48                    **Refuse/Storage Areas**

The proposed refuse and recycling storage areas meet the requirements of the Council's amenity and accessibility standards only. The proposed storage area must also comply with Part H of the Building Regulations. Should design amendments be required to comply

with Building Regulations, these should be submitted to the Local Planning Authority for approval. For further information and advice contact - Residents Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250400).

## **9            162                    Potential Bird Hazards from Buildings**

The applicant is advised that any flat/shallow pitched or green roof on buildings have the potential to attract gulls for nesting, roosting and loafing and loafing purposes. The owners/occupiers of the building must ensure that all 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 BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The contact would be Gary Hudson, The Development Assurance Deliverer for Heathrow Airport on 020 8745 6459.

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. For further information please see the attached Advice Note 8 - 'Potential Bird Hazards From Building Design'

## **10**

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

As per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-2:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Please refer to our website for further information : [www.thameswater.co.uk/advice](http://www.thameswater.co.uk/advice)

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. Thames Water 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 [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises a 2-storey industrial building, known as Stanford House, located on the northern side of Nestles Avenue, south of Hayes town centre and Hayes & Harlington Station. The existing building sits on a 0.23 hectare site which is split into two distinct elements, the larger portion to the rear comprises a large open plan factory and a two-storey administrative block fronting onto Nestles Avenue. The building was built in the late 1930s and has an Art Deco influenced formal facade with horizontal steel windows and concrete dressings.

Stanford House is set back from Nestles Avenue by 15 metres with a hard landscaped forecourt and green hedging and trees to the boundary. The site is one of a number of light industrial units along Nestles Avenue which also accommodate education and self storage uses and a former car museum and car rental & repair shops. Surrounding buildings are of a similar functional industrial style ranging from one to three-storeys in height.

The buildings fronting Nestles Avenue have large windows and are built from metal cladding or brick many with Art Deco influences. The site forms part of Site B within Policy SA 5 (Land to the South of the Railway, including Nestle Site, Nestle Avenue, Hayes) of the emerging Local Plan: Part 2 Site Allocations and Designations (2020).

To the south west, on the opposite side of Nestles Avenue, lies a predominantly residential area, largely characterised by two-storey semi-detached properties.

Immediately to the east, the site is bound by the Botwell/Nestles Conservation Area. The wider site's heritage significance relates to the site's industrial design and its manufacturing history. There are locally listed structures within the wider site, which include the former Nestle Factory, the Canteen Building and the gates/railings at the front of the site.

The site currently falls within an Air Quality Focus Area (AQFA) as designated in the Hillingdon Local Plan. It also falls within the Hayes Housing Zone, as designated in the London Plan (2016).

#### **3.2 Proposed Scheme**

The application seeks planning permission for the demolition of existing building and redevelopment to provide a building up to 11 storeys comprising 103 (59 x 1-bed, 32 x 2-bed and 12 x 3-bed) residential units with associated landscaping, access, car parking and cycle parking.

##### **Land Use**

This application seeks to demolish the existing building to provide a comprehensive redevelopment of the site to provide 103 residential units. In respect of mix, the scheme seeks to deliver 2 x studios, 57 x 1-bed units, 31 x 2-bed units and 13 x 3-bed units. 10% of units are wheelchair user adaptable.

The proposal would provide 1 x 2 bedroom and 4 x 3 bedroom as London Affordable Rent (7.27% by habitable room).

#### Access

Vehicle access is separated from pedestrian access creating a service Mews to the west and a Garden Walk to the east. Duplexes are proposed along Nestles Avenue which provide access at ground floor level to each individual unit.

#### Layout and Amount

The proposed eastern facade is generally 25 metres from the main facade of the consented Former Nestle Factory site development (Milk Yard, Block D). A 27 metre distance is allowed between the western facade and a future block of a similar size at 7 Nestles Avenue.

The north elevation is a windowless facade to enable a future development at Squirrels Trading Estate (to the north) to build up to the proposed building.

The scale of the building is similar to the previous application submission and the neighbouring Former Nestle Factory development currently under construction to the east. A four storey block at the front forms the building's relationship to the street. Beyond this, the building rises in steps to the north, corresponding to two further roof terraces, and reaches 11 storeys at its highest level.

The main front elevation of the building is set further back from Nestles Avenue at approximately 16.5m from the back edge of the pavement and level with the adjacent facade of Milk Yard. Between the highway and the building is a landscaped amenity area, in-keeping with and relating to the neighbouring proposal at the Former Nestle Factory site and 233-236 Nestles Avenue.

Following the decision issued at Appeal, the Applicant has made changes to the layout of the proposal in response to the Inspector's comments. The footprint at ground floor has reduced and set away from the western boundary. Ground floor building footprint is 35% smaller than the previous application scheme for the site.

Vehicular access has been included and its access is separated from pedestrian access, creating a service Mews to the west and a Garden Walk to the east. The building footprint is therefore positioned toward the centre of the site. Entrances to the units along the eastern elevation have been redefined through the landscaping and reception areas.

This proposal introduces duplexes along the main facade of Nestles Avenue and along the Garden Walk to activate the Nestle Avenue and eastern elevations with identifiable entrances. The landscapes to both the front on Nestles Avenue and along the Garden Walk have increased. A 6 m wide strip is reserved for the proposed "sustainable transport corridor", which contains a footpath, cycleway and widened road to accommodate the proposed bus route. Between the highway and the building is a landscaped amenity area, in-keeping with and relating to the neighbouring proposal at the Former Nestle Factory site and 233-236 Nestles Avenue.

#### Appearance

The appearance of the building references the industrial heritage in the area matching the

style of large Crittal style windows set in regular brick bays. Particular influences are the original Sandow Chocolate factory and the later Nestle factory additions. The building sits within the original grounds of these local landmarks.

The appearance of the building references the strong industrial heritage in the area matching the style of large Crittal style windows set in regular brick bays. Particular influences are the original Sandow Chocolate factory and the later Nestle factory additions. The building sits within the original grounds of these local landmarks.

The proposed design uses a strong rectangular form in brick with an expressed grid articulating the elevations into bays inset with large metal-framed fenestration. Considered contrasts in brick tone and detailing around window bays, parapets and feature panels break down the massing and provide a variation where needed.

#### Amenity Space

Each unit is provided with private balconies and communal garden terraces are proposed at fourth, sixth and ninth floor levels. The south core extends to the sixth floor terrace via a submerged stair flight. This allows the two cores to be connected via the sixth floor play-space / garden terrace. 717 sq.m of private amenity space is proposed and 424 sq.m of communal amenity space of which 272 sq.m is proposed to be children's playspace on the sixth floor terrace.

#### Car Parking

The application provides 14 car parking spaces of which 4 car parking spaces would be wheelchair accessible and 10 standard car parking spaces allocated to 3 bed units.

#### Cycle Parking

178 internal cycle parking spaces plus visitor spaces, in accordance with London Plan standards.

#### Trees

There are no 'A' grade trees. Two merit 'B' grade, both of which are off-site but close to it.; T6 is a Norway maple in the footway (a highway tree) and T8 is a lime located within the adjacent Nestle development site. All others are 'C' grade which do not constitute a constraint on development.

T6 will be removed to facilitate the development. The footway and public realm fronting Nestles Avenue will be the subject of a comprehensive landscape scheme, incorporating new planting, swales, and a cycle track with space to accommodate a new bus route along Nestles Avenue. T8 will be subject to significant encroachment into its RPA (root protection area). It will also require some crown lifting to prevent accidental damage due to construction work. All other trees within the site will be removed to enable the development.

#### Landscaping

The front elevation of the proposed flats will be set back from Nestles Avenue to allow for a landscaped frontage and the provision of a reserved strip of land to accommodate a potential new cycle and bus route.

Nine different landscape typologies are proposed across the site from ground level to the roof level. The cascading roof levels will provide tiered roof gardens for residents, with a green or brown roofs designed at level 11. Podium level gardens will be developed on different levels descending from north to south where each space will be exposed to natural light from the south, east and west. External amenity space will be provided in the form of private balconies, the communal roof gardens and the parkland walk along the site frontage parallel to Nestles Avenue.

Primary pedestrian links are proposed along the south and west boundaries with vehicle access restricted to the north. Defensible space, using planting, will be created around ground floor windows.

Planting will include trees and compositions designed to moderate the microclimate, provide wind shelter and provide relief from direct sunlight.

#### Refuse and Recycling

A bin store is provided for each core comprising 21 large 1100l bins. The bins will be moved by building management personnel. Space allocation is based on half of the bins being collected on any given day. Temporary storage for bins waiting for collection still allows vehicles to pass into the mews.

The refuse truck will use the loading bay for pick up. The loading bay will be subject to a traffic regulation order restricting its use for loading only (and for that loading to be completed within a specific time period). Any vehicle stopped in the bay and not completing a loading activity would be liable to parking enforcement

#### Amended Plans

Amended plans were received following a discussion with Officers clarifying aspects of the scheme. The windows on the projection element of the western elevation (south) would have no habitable room windows overlooking No. 7 Nestles Avenue. Instead, the windows would have an aspect north and south and the habitable rooms would still receive light. Further details of the north elevation were provided as well as details of proposed privacy screens.

### 3.3 Relevant Planning History

51175/APP/2018/4260     Stanford House, 9 Nestles Avenue Hayes

Demolition of existing building and redevelopment to provide a building up to 10 storeys, with 868 sq.m of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential units to the upper floors, with associated landscaping, access, car parking and cycle parking.

**Decision:** 13-08-2019     Not Determined     **Appeal:** 26-03-2020     Dismissed

51175/APP/2019/187     Stanford House, 9 Nestles Avenue Hayes

Demolition of existing buildings and redevelopment to provide a building up to 10 storeys, comprising 84 (44 x 1 bed, 28 x 2 bed and 12 x 3 bed) Build to Rent residential units, associated landscaping, access, car parking and cycle parking

**Decision:** 17-07-2019     Refused

## **Comment on Relevant Planning History**

Two applications by the same Applicant were considered in 2019:

Under Application ref: 51175/APP/2018/4260 planning permission was refused in August 2019 for the demolition of existing building and redevelopment to provide a building up to 10 storeys, with 868 sq.m of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential units to the upper floors, with associated landscaping, access, car parking and cycle parking. (Considered at Appeal). An Appeal was lodged against Non-Determination of the Application and it was resolved that the Application should be refused for the following reasons:

1. In the absence of a comprehensive scheme, the development of this site in isolation would result in a piecemeal development that would fail to safeguard the satisfactory redevelopment of this strategic site 'B' identified within Policy SA 5 of the Emerging Local Plan: Part Two (October 2019). The proposed development is therefore contrary to Policy H1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policy BE14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); and Emerging Policy SA 5 of Site Allocations (March 2019).

2. The proposed development fails to make appropriate provision of on site affordable housing. The proposal is therefore contrary to Saved Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies Policies 3.10 - 3.13 of the London Plan (2016); and National Planning Policy Framework, Para. 62 -64 (2019) or the Mayor's Affordable Housing and Viability SPD 2017.

3. The proposed development, by reason of its overall size, scale, bulk and detailed design would result in a disproportionately large, dominating and incongruous form of development, which represents an over-development of the site, in particular the ten and eight storey blank elevations against the southern boundary which would be highly visible from Nestles Avenue which would fail to respect the pattern and scale of development in the immediate area. The proposal would be detrimental to the visual amenities of the street scene and the character and appearance of the wider area and the Botwell/Nestles Conservation Area, contrary to Policies 3,4 and 7.6 of the London Plan (2016), Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); Policies DMHB 1, DMHB 2, DMHB 11, DMHB 12 and DMHB 14 of the emerging Local Plan: Part 2 (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4. The proposed development, due to its footprint and site coverage would create a narrow corridor along the eastern boundary of the site and fails to provide sufficient landscaping along the eastern boundary. Moreover, the eastern boundary provides the entrance into the office and residential units on a secondary elevation which is hidden along this access road. The principal elevation, along the eastern boundary, fails to provide a sense of arrival for future occupants and results in a poor streetscape. The narrow eastern corridor fails to provide a safe, suitable and convenient access for future residents. The proposal fails to provide an active residential frontage along Nestles Avenue. The proposal would fail to provide a sense of arrival and would be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to the National Planning

Policy Framework, Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); Policies DMHB 1, DMHB 2, DMHB 11, DMHB 12 and DMHB 14 of the emerging Local Plan: Part 2 (March 2019) and the adopted Supplementary Planning Document Hillingdon Design and Accessibility Statement: Residential Layouts SPD (2006); Policies 3.5 and 7.5 of the London Plan (2016) and Chapters 2, 11 and 12 of the NPPF (2019).

5. The development provides a high proportion of single aspect dwellings and dwellings with their sole aspect facing towards Strategic Industrial Land. The development fails to provide sufficient separation from the western boundary of the site to mitigate against a potential noise generating use on the neighbouring site and as such, the proposal fails to take responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive residential development and thereby fails to provide a suitably high quality of residential amenity for future occupiers contrary to Policy BE1 of the Local Plan: Part One (November 2012); Policy OE1 of the Local Plan: Part Two (November 2012) and Policy 7.15 of the London Plan (2016) and Paragraph 182 of the NPPF (2019).

6. The proposed development fails to provide sufficient car parking provision for the proposed development (residential and commercial) and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7. The proposed development, by virtue of its layout and servicing and delivery arrangements off a layby along Nestles Avenue, would compromise highway and pedestrian safety by virtue of the proposed vehicular access into the site and the servicing and delivery arrangements, giving rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMT 2 and DMT 5 of the emerging Local Plan: Part 2 (March 2019), Policy 6.12 of the London Plan (2016) and Chapter 9 of the NPPF (2019).

8. The 4 proposed car parking spaces fail to provide a manoeuvring distance of 6m in accordance with Manual for Streets Standards. The proposed layout gives rise to conditions prejudicial to future users of these substandard car parking spaces and future occupants who are required to use the pedestrian footpath to access the residential and commercial entrances contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

9. The proposed development fails to provide on site private and communal amenity and children's play space of a quantity and quality commensurate to the size and layout of the proposals. Furthermore, the communal amenity areas are situated directly outside habitable rooms and balconies which would result in overlooking from communal spaces into balconies and habitable rooms. Such an arrangement would be detrimental to the residential amenity of the future occupiers the proposal would provide a substandard form

of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), emerging policy DMHB 1 of the Local Plan Part 2 (March 2019), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

10. The proposed development, in the absence of a comprehensive surface drainage strategy fails to demonstrate suitable sustainable urban drainage systems have been utilised and it is therefore contrary to Policy DMEI 10 of the emerging Local Plan: Part Two (March 2019), Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy 5.13 of the London Plan (2016).

11. The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of children's play space, CO2 emissions, public realm improvements, air quality, construction training, canal quiet way, public transport and affordable housing). Given that a legal agreement to address this issue has not at this stage been offered or secured, the proposal is considered to be contrary to Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMCI 7 of the emerging Local Plan: Part 2 (March 2019), Policy 3.6, 3.10, 3.13, 5.2 and 8.2 of the London Plan (2016) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

Under Application ref: 51175/APP/2019/187 planning permission was refused in July 2019 for the demolition of existing buildings and redevelopment to provide a building up to 10 storeys, comprising 84 (44 x 1 bed, 28 x 2 bed and 12 x 3 bed) Build to Rent residential units, associated landscaping, access, car parking and cycle parking was refused for the following reasons:

1. In the absence of a comprehensive scheme, the development of this site in isolation would result in a piecemeal development that would fail to safeguard the satisfactory redevelopment of this strategic site 'B' as identified within Policy SA 5 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Site Allocations and Designations (2019). The proposed development is therefore contrary to Policy H1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policy BE14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); and Emerging Policy SA 5 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Site Allocations and Designations (2019).

2. The proposal fails to provide a mix of uses including the provision of employment generating floorspace and appropriate community infrastructure onsite required as part of a comprehensive scheme. The proposal is therefore considered to be contrary to Policy 2.17 of the London Plan (2016), Policy LE1 and LE2 the Local Plan: Part 2 - Saved UDP Policies (2012), Policy DMHB 11 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) and Policy SA 5 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Site Allocations and Designations (2019).

3. The proposed development fails to provide maximum reasonable amount of affordable housing on site. The proposal is therefore contrary to Saved Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies

Policies 3.10 -3.13 of the London Plan (March 2016); and National Planning Policy Framework, Para. 62 -64 (2019) or the Mayor's Affordable Housing and Viability SPD 2017

4. The proposed development, by reason of its overall size, scale, bulk and detailed design would result in a disproportionately large, dominating and incongruous form of development, which represents an over-development of the site, in particular the ten and eight storey blank elevations against the southern boundary which would be highly visible from Nestles Avenue which would fail to respect the pattern and scale of development in the immediate area. The proposal would be detrimental to the visual amenities of the street scene and the character and appearance of the wider area and the Botwell/Nestles Conservation Area, contrary to Policies 3.4 and 7.6 of the London Plan (2016), Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); Policies DMHB 1, DMHB 2, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

5. The proposed development, due to its footprint and site coverage would create a narrow corridor along the eastern boundary of the site and fails to provide sufficient landscaping along the eastern boundary. Moreover, the eastern boundary provides entrances to residential units on a secondary elevation which is hidden along this access road. The principal elevation, along the eastern boundary, fails to provide a sense of arrival for future occupants and results in a poor streetscape. The narrow eastern corridor fails to provide a safe, suitable and convenient access for future residents. The proposal would fail to provide a sense of arrival and would be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to the National Planning Policy Framework, Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); Policies DMHB 1, DMHB 2, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) and the adopted Supplementary Planning Document Hillingdon Design and Accessibility Statement: Residential Layouts SPD (2006); Policies 3.5 and 7.5 of the London Plan (2016) and Chapters 2, 11 and 12 of the National Planning Policy Framework (2019).

6. The development provides a high proportion of single aspect dwellings and dwellings with their sole aspect facing towards Strategic Industrial Land. The development fails to provide sufficient separation from the western boundary of the site to mitigate against a potential noise generating use on the neighbouring site and as such, the proposal fails to take responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive residential development and thereby fails to provide a suitably high quality of residential amenity for future occupiers contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 7.15 of the London Plan (2016) and Paragraph 182 of the National Planning Policy Framework (2019).

7. The proposed development would lead to an increase in kerbside parking and the waiting of cars on the highway, due to the operation of the car park stacking system. The proposed development fails to provide sufficient usable and sustainable car parking provision for the proposed development and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be

detrimental to the free flow of traffic and to highway and pedestrian safety. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMT 6 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

8. The proposed development, by virtue of its layout, vehicular access, and servicing and delivery arrangements along Nestles Avenue, would compromise highway and pedestrian safety by virtue of the proposed vehicular access into the site and the servicing and delivery arrangements, giving rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMT 2 and DMT 5 of the the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019), Policy 6.12 of the London Plan (2016) and Chapter 9 of the National Planning Policy Framework (2019).

9. The proposed shared vehicular and pedestrian path contained within an undercroft fails to provide a manoeuvring distance of 6m in accordance with Manual for Streets Standards. The proposed layout gives rise to conditions prejudicial to future users of this development as future occupants are required to use the shared vehicular and pedestrian footpath to access the residential and commercial entrances, whilst navigating vehicular traffic. The proposal is contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

10. The proposed development fails to provide on site private and communal amenity and children's play space of a quantity and quality commensurate to the size and layout of the proposals. Furthermore, the communal amenity areas are situated directly outside habitable rooms and balconies which would result in overlooking from communal spaces into balconies and habitable rooms. Such an arrangement would be detrimental to the residential amenity of the future occupiers the proposal would provide a substandard form of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy DMCI 4 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) , the adopted Supplementary Planning Document HDAS: Residential Layouts and Policy 7.1 of the London Plan (2016).

11. The proposed development, in the absence of a comprehensive surface drainage strategy fails to demonstrate suitable sustainable urban drainage systems have been utilised and it is therefore contrary to Policy DMEI 10 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019), Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy 5.13 of the London Plan (2016).

12. In the absence of a comprehensive Air Quality Assessment that considers the development's the cumulative impacts alongside other consented developments within the area and in the absence of an Air Quality Neutral Assessment, the proposal fails to demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

The proposal could therefore lead to further deterioration of existing poor air quality contrary to Policy DMEI 14 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) and Policy 7.14 of the London Plan (2016).

13. The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of children's play space, CO2 emissions, public realm improvements, air quality, construction training, canal quiet way, public transport and affordable housing). Given that a legal agreement to address this issue has not at this stage been offered or secured, the proposal is considered to be contrary to Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMCI 7 of the Hillingdon Revised Proposed Submission Version of the Local Plan: Part Two - Development Management Policies (2019) , Policy 3.6, 3.10, 3.13, 5.2 and 8.2 of the London Plan (2016) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

Application ref: 51175/APP/2018/4260 was considered at Appeal under ref: APP/R5510/W/19/3230503 and the Appeal was dismissed in March 2020. The Appeal Inspector considered:

- whether the scheme would materially prejudice comprehensive redevelopment of the larger Site B area identified by policy SA 5 of the Local Plan, within which the appeal site lies;
- the effect on the heritage significance of the adjacent Conservation Area;
- the effect of the development proposed in terms of its scale, massing, design and townscape/streetscape impact on the character and appearance of the area, including the adjacent Conservation Area; and,
- the effect of the proposed parking provision on vehicular and pedestrian safety.

In dismissing the Appeal, the Inspector considered, that "I have found that the scheme would not materially prejudice comprehensive redevelopment of the larger Site B area, that there would be no harm to the heritage significance or character and appearance of the Conservation Area, and that the proposed parking provision would not harm vehicular or pedestrian safety at the time the development might be occupied. I have, however, found that in terms of its scale, massing, design and townscape/streetscape impact, the development would have a material adverse impact on the character and appearance of the surrounding area generally."

More specifically, in relation to matters relating to scale, massing, design and townscape/streetscape impact, the Inspector noted:

"Both the approved Nestle Factory scheme and the Buccleuch development have entrances on the front of the buildings, providing an active frontage directly onto Nestles Avenue. The appeal scheme however, has no direct entrances on that principal road frontage. Rather, all access to the building would be taken from a secondary, side elevation facing onto a north/south shared space access lane, comprising a long cul-de-sac with gates at the far end.

I share the concerns of the Council in this regard, about the legibility of the building, particularly in terms of access. The entrances would be largely hidden from view and

would not be readily identifiable from the street. Moreover, no windows as such are shown facing onto the access lane at ground floor level. Rather, there would be the entrance to the commercial unit, together with the entrances to the cycle storage and undercroft car parking spaces, the refuse and recycling stores, a substation, and the two residential entrance lobbies. Moreover, at its southern end, the access would pass beneath the overhanging second and third floors of the four storey element for a distance of roughly 11 metres. At its northern end, the upper storeys would project roughly halfway across the lane for a distance of around 10 metres. In addition, balconies on all floors would overhang the access lane along its length.

Whilst the appellant referred to the access lane as a linear landscaped area, the extent of the building footprint leaves only a relatively narrow band for planting between the access and the site boundary. Furthermore, any planting would be fragmented, with the strip including cycle stands and areas of grasscrete to allow for vehicles to manoeuvre into and out of the parking spaces proposed. As a consequence, instead of an active and attractive street scene, it seems to me, particularly when combined with the tunnelled lengths at each end and the oversailing balconies, that the access lane would have the appearance of little more than an extended service yard for the most part and would not be a beautiful, people-friendly or welcoming environment for those using the building. That effect would be exacerbated by its proximity to the secure parking area (Milk Yard) on the adjacent Factory site and the related boundary treatments that will be necessary to make that facility secure in due course.

As noted by the Viveash Close Inspector, whilst buildings of up to 12 storeys are proposed on Sites A and C, they are set within larger sites that contain landscaping and areas of public realm. In contrast, other than the landscaping proposed across the Nestles Avenue frontage, the current appeal scheme does not provide any meaningful setting within the site for the substantial building proposed, with no 'breathing' space around the perimeter of the development. Rather, it is largely reliant on future development taking place on adjoining land to the west (No 7 Nestles Avenue) being set back from the boundary to provide some form of setting.

In coming forward ahead of any wider development scheme for Site B to which adjoining owners have had input or are signed up, it is important that the appeal proposal is self-sustaining. It may be that, in due course, a scheme will materialise on the adjacent site to the west which could provide an appropriate setting for the appeal building. However, unlike the Buccleuch scheme, such provision is not secured by the planning obligation, or any other mechanism, and thus cannot be assured as coming forward within any reasonable timeframe, if at all. In the absence of such, the scheme stands or falls on its own merits."

There have been some significant changes from the previous application scheme to the ground floor and site layout in response to comments made at the appeal.

The footprint at ground floor has reduced and moved away from the western boundary. Vehicle access is separated from pedestrian access, creating a service Mews to the west and a Garden Walk for pedestrians to the east. This brings the building footprint further toward the centre of the site. Entrances to the apartments along the Garden walk have been redefined through the landscaping and reception areas.

The Applicant has entered into a private legal agreement with the developer of the neighbouring site to ensure the 3m acoustic fence is removed prior to the occupation of the units of this development

Duplexes have been introduced along the main facade of Nestles Avenue and along the Garden Walk to activate the facades and provide identifiable entrances. The landscapes to both the front on Nestles Avenue and along the Garden Walk have increased, creating a more meaningful setting.

## SURROUNDING AREA

### 3 Viveash Close

Under planning ref: 36678/APP/2017/1774 an application for the demolition of the existing building (Use Class B8) and the redevelopment of the site to include the erection of a part 8, part 10 storey building linked by podium level comprising 68 residential units (21 x 1 bedroom, 24 x 2 bedroom and 23 x 3 bedroom) (Use Class C3) and 1620 m2 commercial floorspace at ground, mezzanine and first floor levels (Use Class B1) with associated parking and landscaping was refused and is currently under appeal.

### FORMER NESTLE FACTORY (SITE A - Policy SA 5)

Under planning ref: 1331/APP/2017/1883 permission was granted 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), 22,663sq.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.

### LAND AT 3, 233-236 NESTLES AVENUE HAYES (SITE C - Policy SA 5)

Under planning ref: 73238/APP/2018/1145 there was a resolution to grant planning consent subject to a Section 106 legal agreement for the demolition of existing buildings, site clearance and redevelopment to provide a mixed use scheme, including 457 residential units, 264 sqm (GEA) A1 retail use, 229 sqm (GEA) A3 cafe use and 2,273 sqm (GEA) B1 office, together with 237 car parking spaces and 1,070 cycle parking spaces, hard and soft landscaping, refuse and recycling facilities, and public and private amenity space.

### 1 NESTLES AVENUE

Under planning ref: 1699/APP/2017/2201 the application was withdrawn for the demolition of existing building and redevelopment of the site to provide three basement levels for Class B8 (self-storage) and car parking, ground floor podium and five buildings above arranged over six, seven and ten floors for 7,081 sq.m of Class B8 (self-storage), 1,349 sq.m of Class B1 (office), 115 sq.m of Class A3 (cafe) and 164 Class C3 residential units; creation of a pedestrian walkway adjacent to the railway station; creation of a vehicular access and route from Nestles Avenue; provision of associated plant and landscaping.

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

### Development Plan

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 West London Waste Plan (2015)  
The London Plan - Consolidated With Alterations (2016)

#### Material Considerations

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 (Publication Version, December 2020)

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.

On 9th December 2020, the Mayor wrote to the Secretary of State to advise of his intention to formally approve a new draft London Plan, which included his best understanding of the modifications required. The Secretary of State responded on 10th December 2020 requesting that the draft London Plan was re-submitted with more specific amendments to address the 11 previous Directions and 2 additional Directions. On 21st December 2020, the Mayor formally approved a new London Plan, the 'Publication London Plan'. This has been submitted to the Secretary of State. The Secretary of State has however agreed to allow the Publication of the Plan and statutory notifications are being prepared and adoption is expected imminently.

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

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

Part 1 Policies:

- PT1.E1 (2012) Managing the Supply of Employment Land
- PT1.BE1 (2012) Built Environment
- PT1.CI1 (2012) Community Infrastructure Provision
- PT1.EM11 (2012) Sustainable Waste Management
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM7 (2012) Biodiversity and Geological Conservation
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.H1 (2012) Housing Growth
- PT1.H2 (2012) Affordable Housing

Part 2 Policies:

- DMAV 1 Safe Operation of Airports
- DMCI 2 New Community Infrastructure
- DMCI 4 Open Spaces in New Development
- DMCI 5 Childrens Play Area
- DMCI 7 Planning Obligations and Community Infrastructure Levy
- DMEI 1 Living Walls and Roofs and Onsite Vegetation
- DMEI 10 Water Management, Efficiency and Quality
- DMEI 11 Protection of Ground Water Resources
- DMEI 12 Development of Land Affected by Contamination
- DMEI 13 Importation of Material
- DMEI 14 Air Quality
- DMEI 2 Reducing Carbon Emissions
- DMEI 5 Development in Green Chains
- DMEI 7 Biodiversity Protection and Enhancement
- DMEI 8 Waterside Development
- DMEI 9 Management of Flood Risk
- DMH 2 Housing Mix
- DMH 4 Residential Conversions and Redevelopment
- DMH 7 Provision of Affordable Housing
- DME 1 Employment Uses in Designated Sites
- DMHB 1 Heritage Assets
- DMHB 11 Design of New Development
- DMHB 12 Streets and Public Realm

DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 1.1	(2016) Delivering the strategic vision and objectives for London
LPP 2.6	(2016) Outer London: vision and strategy
LPP 2.17	(2016) Strategic Industrial Locations
LPP 3.10	(2016) Definition of affordable housing
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 3.14	(2016) Existing Housing
LPP 3.15	(2016) Co-Ordination of Housing Development and Investment
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 3.7	(2016) Large residential developments
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.17	(2016) Waste capacity
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 6.9	(2016) Cycling
LPP 7.30	(2016) London's canals and other rivers and waterspaces
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture

- LPP 8.2 (2016) Planning obligations  
LPP 8.3 (2016) Community infrastructure levy  
LPP 8.4 (2016) Monitoring and review

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **7th October 2020**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

This application was consulted upon between 27-08-20 and 18-09-20 with 154 letters sent to neighbouring occupants. The application was advertised in the press on 16-09-20.

3 objections were received to the application which are summarised below:

- The proposal would result in harm to daylight and sunlight to neighbouring properties;
- The proposal would result in the loss of privacy of neighbouring properties;
- Insufficient cycle parking spaces have been provided.

### **HAYES CONSERVATION AREA ADVISORY PANEL**

This property is on the border of the Botwell: Nestles Conservation Area. In terms of heights and massing of buildings this proposal is similar to other proposals that have been approved for the northern side of Nestles Avenue. In comparison with the 2018 proposal for this site the reduction in the footprint of the building and the increase in landscaping are welcomed. However, the development would rise in stages to 11 stories in marked contrast to the row of suburban semi-detached properties on the opposite side of Nestles Avenue. We are also concerned that another large residential development in this area would put further stress on the local infrastructure (roads, schools, medical centres etc) and also question the "car free" assumption for all but the duplexes in this residential development which led to the decision not to provide on-site car parking for all other apartments apart from four blue badge disabled parking spaces.

### **STATUTORY CONSULTTEES**

#### **GREATER LONDON AUTHORITY**

At the time of writing this report, Officers have yet to receive comments from the Greater London Authority which was due on 28/10/2020. It is understood that the comments will be provided before the application is presented to the Major Applications Planning Committee. The GLA report together with any recommendations will be circulated with the addendum.

#### **Strategic issues summary**

Principle of development: The provision of 103 new homes within the Hayes Town Centre housing zone is strongly supported. The applicant must demonstrate where in the wider site commercial or community uses could be accommodated in line with site allocation SA 5 (Paragraphs 14-20).

Housing: The applicant is proposing 8% affordable housing by habitable room, the proposals are currently being scrutinised by GLA officers to determine the maximum reasonable amount the scheme could sustain (Paragraphs 21-27).

Urban design: The design, layout, height and massing of the scheme is acceptable in strategic planning terms. The Council should secure key details of facing materials to ensure a high-quality building is delivered in accordance with London Plan Policies 7.1 and 7.4 and the Mayor's Publication London Plan Policies D1 and D2 (Paragraphs 28-37).

Transport: The car parking provision must be removed with the exception of Blue Badge bays. A contribution of £74,800 towards the A312 Healthy Streets scheme is requested. Cycle parking should be revised, and delivery and servicing arrangements should be reviewed. An ATZ assessment should be submitted. Appropriate conditions and planning agreements should be secured (Paragraphs 41-47).

Sustainable development: The applicant must provide further details on the proposed energy strategy to demonstrate London Plan compliance (Paragraphs 48-51).

### Opportunity area

As set out above, the site is located within the Heathrow Opportunity Area. London Plan Policy 2.13 states that development in Opportunity Areas is expected to optimise residential and non-residential outputs and contain a mix of uses. London Plan paragraph 2.58 states that Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. The Mayor's Publication London Plan establishes an indicative capacity for 4,000 new homes and 1,000 new jobs within the Hayes Opportunity Area. The Publication London Plan specifically recognises this areas range of opportunities to support London's economic development and deliver new housing and environmental improvements. The proposed residential use is complimentary to the strategic policy context of the site and would enhance the residential offer in Hayes. High density residential-led redevelopment of this previously developed site is in conformity with the aspirations of the London Plan and Publication London Plan, both for the Opportunity Area and generally, subject to the appropriate re-provision of employment capacity at this plot or within the wider site allocation.

### Housing

London Plan Policy 3.3 and Policy H1 of the Mayor's Publication London Plan seek to increase the supply of housing in the capital, and the Mayor's Publication London Plan sets Hillingdon a ten-year target of 10,830 new homes. As outlined above, the site is located within the Hayes Town Centre Housing Zone which has been prioritised for accelerated housing delivery with GLA funding support. The plot is identified as site SA5(b) - Land South of the Railway within the 2017 London Strategic Housing Land Availability Assessment 2017. The proposed scheme would provide 103 new homes, which pro rata equates to 9.5% of the boroughs target on an annualised basis. The increase in the housing targets identified in the Mayor's Publication London Plan evidences the continued need for housing in the borough. The principle of the residential uses proposed is therefore supported.

### Industrial locations, employment and site allocation

In this particular case, Hillingdon Council has been engaged with the GLA since 2014 on a plan-led process of rebalancing a local surplus of employment land. The approach evidenced within the Council's Hillingdon Local Plan part 2 released 16 hectares of SIL from the Nestles Avenue Industrial Cluster (including this site). This release is predicated on a requirement (through Local Plan Policy SA5) to reprovide a proportion of employment space as part of any mixed-use redevelopment. The key drivers for the proposed release of SIL land at the Nestles Avenue Industrial Cluster (rather than elsewhere in the borough) are: the proximity of this land to the Hayes and Harlington Crossrail 1 station (which is due to benefit from Elizabeth Line services once operational); and, the potential for comprehensive redevelopment of this land to support sustainable suburban intensification of homes

and jobs and the regeneration of Hayes town centre, in line with London Plan Policy 2.15. The Local Plan will require the masterplan area to deliver 50% industrial re-provision. In order to ensure that the strategic target of 50% re-provision of the pre-existing employment floorspace is made across the wider site allocation, individual plots may need to commit to providing more than 50% in order enable this target will be met given the areas of land dedicated to public space and new routes around/through the site.

It is noted that as part of the recently adopted Local Plan Part 2 (2020) the site was de-designated from its SIL allocation. However, the site is still characterised by industrial uses and currently comprises 1,718 sq.m of commercial floorspace across a single storey warehouse and a two-storey office. The proposals do not include the re-provision of any commercial floorspace. This equates to a net loss of 1,718 sq.m of commercial floorspace and makes no contribution to the target of re-provision for the wider site. Furthermore, given the scheme is being proposed in isolation, GLA officers have no certainty that the necessary employment re-provision will be delivered across the wider site allocation as a whole. The applicant must demonstrate where in the wider site an appropriate commercial re-provision could be provided.

Site allocation SA 5 establishes that the Council will support proposals which for Site B provides; the provision of 300 residential units and the provision of appropriate community infrastructure to support the overall quantum of development, including education as necessary. All plots within the wider allocation should;

- Sustain and enhance the significance and integrity of heritage assets, including the Grand Union Canal, Conservation Areas, Areas of Special Local Character and Locally Listed buildings;
- Provide pedestrian links to Hayes Town Centre and key transport nodes;
- Reflect the Council's latest evidence of housing need in terms of the type and tenure of residential units;
- Comprise a proportion of employment generating uses to be agreed with the Council. Suitable uses will include B1 and elements of B2 and B8 that are compatible with the residential elements of the scheme;
- Provide appropriate community infrastructure to support the overall quantum of development including education, children's services, health, transport, community and sport/recreation facilities as necessary;
- Sufficient setback from Nestles Avenue to allow for the introduction of potential public transport improvements;
- Adopt a complementary set of scale, massing, layout and design principles that take account of surrounding land uses and existing suburban context, with lower building heights located on the Nestles Avenue side.

The provision of 103 new homes within this portion of Site B would make a positive contribution to achieving the housing targets identified in the Local Plan. The applicant should demonstrate where in the wider site the community or commercial provision expected of schemes in this area could be accommodated prior to the Mayors decision making stage.

## Housing

The proposed development would deliver 103 residential units with combined mix set out in Table 1.

London Plan Policies 3.11 and 3.12 and Policy H4 of the Publication London Plan seek to maximise affordable housing delivery, with the Mayor setting a strategic target for 50% of all new homes to be genuinely affordable. The Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) seeks to increase the provision of affordable housing in London and embed affordable housing into land prices. The SPG introduced a threshold approach to viability, which is now incorporated within Policy H5 of the Publication London Plan. Schemes that provide the 35%

threshold level of affordable housing on site, or 50% on public sector land, without public subsidy, having explored potential additionality through grant funding and which meet the specified tenure mix and meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant can follow the 'fast track route' and are not required to submit viability information or be subject to a late stage viability review.

The applicant is proposing 5 affordable units, equivalent to 8% affordable housing (by habitable room) all at London affordable rent. This affordable housing offer is wholly unacceptable and is being rigorously scrutinised by GLA officers. At present the scheme would not qualify for the "Fast Track Route". The Council must, therefore secure early and late stage review mechanisms in line with Policy H5 of the Publication London Plan.

#### Affordability

The applicant is advised that the Mayor's preference is for affordable rent products to be secured at London Affordable Rent benchmark levels. The applicant should confirm this. Once agreed, the proposed affordable housing must be appropriately secured in the section 106 agreement, including the relevant early and late stage review mechanisms. A draft section 106 agreement would need to be shared with GLA officers for comment and agreement, prior to consideration of any Stage 2 referral.

#### Housing mix

London Plan Policy 3.8 states that new development should provide a mix of housing sizes and types, considering local and strategic housing requirements, the needs of different groups, and the strategic priority for affordable family housing provision. Policy H10 of the Publication London Plan states that schemes should generally consist of a range of unit sizes and sets out several factors that should be considered when determining the appropriate housing mix of a scheme, including the nature and location of a site. This policy also states that a higher proportion of one- and two-bed units may be more appropriate in locations with higher public transport access and connectivity. For low-cost rent, Policy H10 states that boroughs should provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs. As set out above, the proposed unit size mix includes 12% family sized three-bed units, the majority of units (57%) are provided as one-bed units. As noted above the location of this site on the edge of a town centre, in a highly accessible location could support a higher proportion of one and two bedroom units. Considering the sites PTAL, characteristics and the density and form of the proposals, the proposed mix is supported.

#### Playspace

Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Policy S4 of the Publication London Plan should incorporate high quality, accessible play provision for all ages, of at least 10 sq.m. per child. Play space provision should normally be provided on-site; however, off-site provision may be acceptable where it can be demonstrated that this would address the needs of the development and can be provided nearby within an accessible and safe walking distance, and in these circumstances contributions to off-site provision should be secured by a section 106 agreement. On-site play space provision should be available to all housing tenures to promote social inclusion.

Using the GLA population yield calculator, the play space requirement is 242.4 sq.m for all ages. The proposals include 272 sq.m. of informal play space within the upper floor terraces. The applicant should work with the Council to select appropriate play space equipment and ensure spaces are well defined. The final specification of the spaces should be agreed with the Council and secured as

part of any future planning permission.

## Urban design

London Plan Policy 3.4 and Policy D3 of the Publication London Plan encourage the optimisation of sites, having regard to local context, design principles, public transport accessibility, and capacity of existing and future transport services. The higher the density of a development, the greater the level of design scrutiny that is required, particularly qualitative aspects of the development design, as described in Policy D4 of the Publication London Plan.

The density of the proposed scheme would be 447 units per hectare this exceeds the relevant density range set out in Table 3.2 of the London Plan for sites with a PTAL of 4. The scheme has been subject to extensive pre-application discussions with Hillingdon Council, and would optimise the development capacity of this site with very good accessibility which is set to increase to 5 once the Elizabeth Line is operational. As detailed in this report, considering the high design quality of the scheme, the extensive design review during pre-application discussions, and the location and nature of the site, the density proposed is supported.

The development would have a prominent frontage along nestles avenue with a generous fenestration arrangement providing a sense of activity along this key route. The residential units would be accessed on the eastern flank alongside the neighbouring residential scheme. The boundary treatment at this edge should be clarified and agreed with the LPA to ensure a welcoming access point which provides a for a high quality environment. The existing site access arrangement, via a single vehicular crossover will be retained and enhanced as part of the proposals, which is acceptable in strategic transport terms. The main pedestrian entrances will be accessed via a pedestrian-only route.

London Plan Policies 7.1 and 7.4 and the Mayor's Publication London Plan Policies D1 and D2 require development to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings, and Policy D3 promotes the optimisation of a site's capacity, with higher density developments in areas that are well connected to services and public transport. London Plan Policy 7.7 sets out requirements for tall buildings, broadly reflected in Policy D9 of the Publication London Plan, which states that development plans should define what is considered a tall building for specific localities and identify suitable locations. Requirements for tall buildings include addressing visual impacts at different distances; aiding legibility and wayfinding; having exemplary architecture and materials; avoiding harm to heritage assets; not causing adverse glare; and minimising light pollution. Functional impacts should consider internal and external design; servicing; entrance capacity; area and transport capacity; maximise benefits to the area; and not interfere with communications. Environmental impacts should consider wind, daylight, sunlight, and temperature; air movement (dispersal of pollutants); and noise creation. Cumulative impacts should also be considered. The immediate context of the site is mixed with several consented buildings in the immediate vicinity of the site at varying stage of construction. The adjoining plot will be built out to X-storeys.

The scheme would position its tallest element (at 11-storeys) at the northern edge of the site. The profile of the building then steps down at three intervals to 4 storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding well to its immediate context. The tallest element of the scheme is concentrated to the northern edge of the site and would sit comfortably within the indicative massing proposed for the northern portion of the site as laid out in the indicative and emerging masterplan for the area. The stepped elevations of the scheme provide amenity space and sufficiently reduce the massing whilst maintaining the privacy of adjacent properties. Whilst not in an area specifically identified for tall buildings, the height and massing of the proposals has been arrived at through collaborative discussions with the borough through the pre-application process and is broadly supported in design

terms. Accordingly, GLA officers are of the view that, on balance, a tall building may be acceptable here where both the GLA and LPA are satisfied that the relevant tall building assessment criteria referred to above have been appropriately addressed. Pursuant to this the applicant should engage closely with the Council on matters of neighbourhood amenity and local mitigation, and ensure that the matters raised in the urban design and sustainable development sections of this report are appropriately addressed.

The applicant is proposing a simple but robust material palette, the main body of the building will comprise a light brick with the massing broken down with generous window reveals. The proposals would include industrial style windows with aluminium dark grey detailing. Additional window details have been submitted to the Council as part of a design and access addendum which confirms the flank windows on the west facade have been reviewed and amended. Opaque glazing will be used to mitigate impacts to privacy at this edge of the site. The proposed balconies would be industrial in style and finished in dark metal work. The proposed material palette is supported and should be secured as part of any future planning permission.

#### Residential quality

London Plan Policy 3.5 and Policy D6 of the Publication London Plan promote London Plan Policy 3.5 and Policy D6 of the Intend to Publish London Plan promote quality in new housing provision, with further standards and guidance set out in the Mayor's Housing SPG. Minimum quantitative standards for private internal space, private outdoor space and floor to ceiling heights apply to all tenures and types of self-contained housing. The applicant has confirmed that all units would meet the relevant space standards and enjoy a good quality of internal amenity and access to private external amenity. 56 of the proposed units would be single aspect although none of these would be north facing. The applicant should explore opportunities to reduce the number of single aspect units

#### Fire safety

Policy D12 of the Publication London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5 of the Publication London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift to be used to evacuate people who require level access. The applicant has submitted a fire strategy produced by a suitably qualified third party assessor which satisfies the requirements of Policy D12 of the Mayor's Publication London Plan.

#### Inclusive access

London Plan Policy 7.2 and Policy D5 of the Publication London Plan require that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all. London Plan page 16 Policy 3.8 and Policy D7 of the Publication London Plan requires that 90% of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% meets Building Regulation requirement M4(3) 'wheelchair user dwellings', that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The applicant has confirmed that 10 of the units (equivalent to 9.7% of homes) will be designed to meet the M4(3) standard for 'wheelchair user dwellings', the applicant must confirm that the remaining homes will all be designed to meet the Building Regulations M4(2) standard for 'accessible and adaptable dwellings'. This should be secured by condition as part of any planning permission.

The design, layout, height and massing of the scheme is acceptable in strategic planning terms. The Council should secure key details of facing materials to ensure a high-quality building is delivered in accordance with London Plan Policies 7.1 and 7.4 and the Mayor's Publication London Plan Policies D1 and D2.

## Heritage

London Plan Policy 7.8 states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. Publication London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets, and their settings, should conserve their significance. These policies also apply to non-designated heritage assets.

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. Regarding listed buildings, all planning decisions should "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" and regarding conservation areas, special attention must be paid to "the desirability of preserving or enhancing the character or appearance of that area". The NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is located to the east of the nestles conservation area falling just beyond its boundary, the conservation area contains a number of locally listed buildings. The Benlow Works, Silverdale Road (Grade II) is located to the north of the site. The proposals would not result in harm to the significance of the heritage assets. The proposals would deliver a high quality scheme which better reflects the emerging context of the wider site and would proportions of the site. Accordingly, the proposals are acceptable in this regard.

## Transport

The proposed vehicular trip rates are not comparable to the site location (in terms of the availability of sustainable transport) and the proposed car parking ratio. The proposed trip generation and impact assessment should be revised accordingly.

Notwithstanding the requirement for a revised trip generation assessment, it is expected the generated public transport demand can be accommodated within the existing network capacity.

## Car parking

London Plan Policy 6.13 and the Mayor's Publication London Plan Policy T6 require developments to provide the appropriate level of car parking provision. The applicant is proposing 14 vehicle parking spaces. This provision does not accord with Policy T6 of the Publication London Plan. Policy T6 requires all residential developments in areas of existing/future PTALs of 5-6 to be car-free, with the exception of Blue Badge car parking. The applicant must therefore reduce the quantum of vehicle parking proposed. Four of the proposed parking spaces are would be Blue Badge bays, which equates to 4% of dwellings from the outset. This meets the requirements of Policy T6.1 of the Mayor's Publication London Plan. It must also be demonstrated that Blue Badge spaces equivalent

to 10% of dwellings can be provided, should demand arise. The applicant has committed to ensuring that a 'permit-free' arrangement which must be secured through the appropriate legal mechanism in the surrounding CPZ. This is welcomed.

#### Cycle parking

Cycle parking should be provided to be in line with the Mayor's Publication London Plan standards, contained within Table 10.2. Cycle parking design should be in accordance with London Cycle Design Standards (LCDS). A total of 178 long-stay and 4 short-stay cycle parking spaces are proposed in accordance with the Mayor's Publication London Plan minimum standards. The proposed location of the 4 short-stay spaces must be clarified. The spaces should be conveniently located within 15 metres of the building entrance. It is welcomed that 5% of cycle parking spaces are able to cater for larger cycles. Further provision of Sheffield stands should be made to cater for users who are unable to use the two-tier racks. A reduction in car parking could provide further space for cycle parking.

#### Healthy streets

An Active Travel Zone (ATZ) assessment has not been undertaken. As such, the applicant has not identified, and committed to deliver, improvements along key active travel routes which support the ten Healthy Streets indicators and the Mayor's Vision Zero ambition. It is expected that the applicant will make an appropriate financial contribution towards the delivery of footway / cycleway improvements within the sustainability corridor. This should be secured by the Council through the s.106 agreement.

Given the projected scale of growth in Hayes and the anticipated increase in vehicle flows through the A312 corridor (especially the Bulls Bridge junction that is currently at capacity) and consequent deterioration in conditions for all road users, particularly for pedestrians, cyclists, and bus passengers, TfL has developed a package of measures for the A312, including a Healthy Streets Scheme for the A312 Bulls Bridge Junction. Based on the number of residential units proposed and the trip generation information, a contribution of £74,800 is sought towards this scheme. This will need to be secured by s106 agreement.

#### Travel planning, delivery and servicing and construction logistics

A full residential travel plan should be secured through any future Section 106 agreement. A final Travel Plan and funding required for implementation should be secured by condition / s106 agreement as appropriate. Deliveries and servicing is proposed to be undertaken from a new half-on/half-off street loading bay on Nestles Avenue, which is not considered acceptable in strategic terms. The applicant has not satisfactorily demonstrated how the proposed arrangements can be made for safe and efficient operations without detrimental impact on pedestrians and cyclists. A final Delivery and Service Plan should be secured by condition and include consideration of management of home deliveries. A Construction Logistics Plan (CLP) will need to be secured by condition. Given the other development in the area, the CLP will need to include co-ordination arrangements to ensure management of cumulative impacts.

The car parking provision must be removed with the exception of Blue Badge bays. A contribution of £74,800 towards the A312 Healthy Streets scheme is requested. Cycle parking should be revised, and delivery and servicing arrangements should be reviewed. An ATZ assessment should be submitted. Appropriate conditions and planning agreements should be secured.

#### Sustainable development

In accordance with the principles of London Plan Policy 5.2 and Policy SI2 of the Mayor's Publication

London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures). The applicant has carried out an investigation and has identified an adjacent site being developed by Barratt London with an energy centre, served by gas CHP and boilers. They are currently in discussions with Barratt London team, to investigate the possibility of connection to their energy centre and should future proof the development for easy connection to a district heat network should one become available. The applicant is proposing renewable technologies, comprising 25 sq.m. of photovoltaic panels and air source heat pumps. A detailed roof layout has been provided demonstrating that the potential for a PV installation has been maximised. The on-site savings from renewable energy technologies should be maximised. The applicant has confirmed £90,849 will be paid into the borough's offset fund, equivalent to 50 tonnes of CO2 per annum for the entire scheme. Opportunities to increase the carbon dioxide savings should be explored and only when all options have been exhausted should an off-set payment be accepted in line with Policy 5.2 of the London Plan. Detailed comments have been provided separately.

#### Whole life-cycle carbon

Publication London Plan Policy SI2 states that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. A Whole Life-Cycle Carbon template (produced by the GLA) should be completed in accordance with the assessment guidance. The applicant should use these tools as the design progresses to calculate and reduce WLC emissions against the GLA's benchmarks provided in the guidance. The assessment guidance and template are available on the GLA website at: <https://consult.london.gov.uk/whole-life-cycle-carbonassessments>.

#### Circular economy

Policy SI7 of the Publication London Plan requires development applications that are referable to the Mayor of London to submit a Circular Economy Statement, whilst Policy D3 requires development proposals to integrate circular economy principles as part of the design process. The GLA has released draft guidance for developers on how to prepare Circular Economy Statements and a 'Design for a circular economy' Primer that helps to explain the principles and benefits of circular economy projects. Therefore, a Circular Economy Statement is required in accordance with the GLA guidance, available at: <https://consult.london.gov.uk/circulareconomy-statements>.

#### Urban greening

Policy G5 of the Publication London Plan states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. A target score of 0.4 for developments that are predominately residential, and 0.3 for predominately commercial is recommended. The UGF figure for the proposed development has been calculated as 0.43 which exceeds the target set out in the Mayor's Publication London Plan. The measures proposed to reach this score should be secured as part of any future planning permission.

#### Conclusion

London Plan policies on opportunity areas, employment and industrial land, housing, affordable housing, urban design, transport and sustainable development are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- Principle of development: The provision of 103 new homes within the Hayes Town Centre housing zone is strongly supported. The applicant must demonstrate where in the wider site commercial or community uses could be accommodated in line with site allocation SA 5.
- Housing: The applicant is proposing 8% affordable housing by habitable room, the proposals are currently being scrutinised by GLA officers to determine the maximum reasonable amount the scheme could sustain.
- Urban design: The design, layout, height and massing of the scheme is acceptable in strategic planning terms. The Council should secure key details of facing materials to ensure a high-quality building is delivered in accordance with London Plan Policies 7.1 and 7.4 and the Mayor's Publication London Plan Policies D1 and D2.
- Transport: The car parking provision must be removed with the exception of Blue Badge bays. A contribution of £74,800 towards the A312 Healthy Streets scheme is requested. Cycle parking should be revised, and delivery and servicing arrangements should be reviewed. An ATZ assessment should be submitted. Appropriate conditions and planning agreements should be secured.
- Sustainable development: The applicant must provide further details on the proposed energy strategy to demonstrate London Plan compliance.

OFFICER COMMENT: The requested conditions and legal obligations are included within the draft schedule of conditions and legal obligations.

## GLAAS

The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter.

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 application does not lie within an Archaeological Priority Area. The applicant's archaeological desk-based assessment identifies low-moderate potential for Palaeolithic (Old Stone Age) archaeological remains and low potential for all other periods. This conclusion is based partly on historic maps and the results of a geo-archaeological investigation of the adjacent Nestle site. It was written before the applicant's geo-technical assessment which if anything reinforces the conclusions reached in the DBA as the whole site has suffered surface disturbance in the 20th century and no trace of the Langley Silt brick earth that can contain important Palaeolithic remain was noted. I therefore agree that the site has at most low archaeological potential.

No further assessment or conditions are therefore necessary.

## HEATHROW AERODROME SAFEGUARDING

We refer to your email dated 27/08/20, 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.

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 observations:

#### Landscaping

The development is close to the airport and the landscaping which it includes may attract birds which in turn may create an unacceptable increase in birdstrike hazard. Any such landscaping should, therefore, be carefully designed to minimise its attractiveness to hazardous species of birds. Your attention is drawn to Advice Note 3, 'Potential Bird Hazards: Amenity Landscaping and Building Design' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

#### 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.

OFFICER COMMENT: The requested conditions are included in the draft schedule of conditions.

## LONDON FIRE BRIGADE

The Commissioner has been consulted with regard to the above-mentioned premises and makes the following observations: The Commissioner is satisfied with the proposals in regards to B5 access.

## MINISTRY OF DEFENCE

The development involves the demolition of existing buildings and redevelopment to provide a building up to 11 storeys comprising residential accommodation, associated landscaping, access, car parking and cycle parking.

The application site is approximately 5.81km South from the centre of the runway at RAF Northolt and occupies the statutory aerodrome height and birdstrike safeguarding zones surrounding the aerodrome.

### Aerodrome Heights Safeguarding Zone

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

Having reviewed the plans for this proposal I can confirm the MOD has no safeguarding concerns with the heights of the development.

### Birdstrike Statutory Safeguarding Zone

The application site also occupies the birdstrike safeguarding zone surrounding RAF Northolt.

Within this zone the principle concern of the MOD is the creation of new habitats may attract and support populations of large and or flocking birds close to the aerodrome.

The 11th floor roof will be a blue roof for water attenuation, with an open plant area and an area of green roof with PV panels. The roof at 9th, 6th and 4th floor levels will consist of communal roof terraces. The roof spaces, in particular on the 11th floor roof, have the potential to attract and support hazardous breeding of large gulls. Therefore, a Bird Hazard Management Plan (BHMP) to prevent successful breeding by large gulls is required.

The BHMP should make a provision for the site managers to undertake/organise bird control (using appropriate licensed means) which would address any population of gulls or other bird species occupying the roofs which are considered by the MOD to be a hazard to air traffic using RAF Northolt, to disperse as many as necessary in order to prevent them from successfully breeding at the site.

To facilitate this, it will be necessary to ensure the roofs are accessible for personnel engaged in the bird control activities. I would be grateful if you could confirm receipt of this letter and confirm that a relevant condition covering the MOD's requirements is included in any consent granted.

It is important that the conditions requested in this response are included in any planning permission granted. As per Planning Circular 01/03: Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas, if Hillingdon Borough Council decides to grant planning permission contrary to our advice then we must be notified 28 days prior to a decision being made. I trust this is clear however should you have any questions please do not hesitate to contact me.

OFFICER COMMENT: The requested conditions are included in the draft schedule of conditions.

## 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.

## THAMES WATER

### Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission.

No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

Please read our guide working near our assets to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. 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 inquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge

to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services> Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. 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. Yours faithfully Development Planning Department Development Planning, Thames Water, Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ Tel:020 3577 9998 Email: devcon.team@thameswater.co.uk.

OFFICER COMMENT: The requested condition is included in the draft schedule of conditions.

### **Internal Consultees**

#### **ACCESS OFFICER**

Should the Council approve this application, suitable planning conditions should be attached to any approval to secure an appropriate number and mix of wheelchair accessible accommodations.

10% of new residential units would need to meet the standards for M4(3) Category 3 - wheelchair user dwelling. The units should be interspersed throughout the development, to include all appropriate typologies and tenures.

The affordable and shared ownership residential units should be suitable for 'day one occupation' by a wheelchair user. These units should be designed and fitted as per the prescribed standards for a Wheelchair Accessible M4(3) unit, as set out in ADM 2015.

All remaining units should accord with Category M4(2) for an accessible and adaptable dwelling as prescribed in Approved Document M. A condition as set out below should be attached to any approval.

An accessible parking bay should be allocated to every M4(3) wheelchair accessible/adaptable unit. The plans submitted indicate that only three accessible parking bays would be provided. A minimum of 11 fully accessible parking spaces should be incorporated.

An accessible parking bay should be allocated to every M4(3) wheelchair accessible/adaptable unit. The plans submitted indicate that only three accessible parking bays would be provided. A minimum of 11 fully accessible parking spaces should be incorporated.

Details of the materials palette should be submitted, with particular attention given to the paver types intended for use within the public realm. A methodology statement would be required to ensure that all materials could be installed in accordance with the tolerances set out in BS8300:2018.

The hard landscaping, garden and amenity, including all areas intended as play space should be fully accessible to all. No details have been provided regarding the standards to which these areas have been designed.

Lighting should be appropriate for blind and visually impaired people, however again, no details have been provided regarding the LUX levels that would be achieved during hours of darkness. The buried spotlights proposed for the walkways are a particular concern and must not pose as a trip hazard. Further details are requested.

Details should be required on the accessible play equipment for disabled children, including those

with a sensory impairment, or complex multiple disabilities. Provisions could include outdoor sound tubes, colour and lighting canopies, and other play equipment that could stimulate the olfactory senses. Inclusive play is a key requirement of any new residential development.

The Design and Access Statement should be updated accordingly, and should reference the latest BS8300:2018 specifications.

OFFICER COMMENT: Details of hard surfacing materials and lighting is sought by the landscaping condition. The requested conditions relating to M4(3) units are included in the draft schedule of conditions. The Applicant has confirmed on plan ref: A-(03)-101 Rev. 014 that the affordable housing units will be built to M4 (3) standards, details of which are also secured by way of a condition.

#### AIR QUALITY OFFICER

The proposal seeks to provide 103 residential units at 9 Nestle's Avenue. This additional increase in the number of residential dwellings in the Hays Focus Area will result in annual transport emissions which will add to current exceedances of the nitrogen dioxide annual mean limit value within this sensitive area. In addition, the proposal is not air quality neutral in terms of traffic emissions. As per the London Plan, developments need to be neutral as minimum and contribute actively to reduce pollution in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

Therefore, an additional Section 106 agreement with the LAP of £107,829 will have to be paid for Hillingdon to address the resulting increase in air pollution emissions associated with this additional proposed development. As per standard practice, the required amount will be used to continue 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.

In the instance LBH Highways comments on the traffic impacts of the proposal reveal that there will be an exacerbation of congestion at the road network affected by the vehicular movements associated with the operational phase of the proposed development, the calculations above will have to be updated accordingly. Congested traffic emits significantly higher loads of pollution levels due to idling and stop start emissions.

OFFICER COMMENT: The requested conditions and legal obligations are included within the draft schedule of conditions and legal obligations.

#### CONTAMINATED LAND OFFICER

The report makes recommendations which include (but are not limited to) the following key aspects which must be addressed accordingly during remediation works at site.

1. Elevated concentrations of lead and arsenic

- i) Elevated concentrations of lead were recorded in samples at four borehole locations.
- ii) Elevated concentration of arsenic detected in soil sample from one borehole location

2. Fuel Storage Tanks.

Situated above ground in the Northwest of the site and representing a possible source of contaminants which may enter or may already have entered the controlled waters of Lynch Hill strata (a Principal Aquifer). The report identifies requirements for the tank to be "decommissioned by a specialist" and any contamination to be identified and addressed accordingly

3. Ground gases.

The report indicates preliminary monitoring of the ground gas regime was not conclusive due to the

inaccessibility of all monitoring locations during the return monitoring visits. Further gas monitoring visits are recommended within the report.

#### 4. Potential for Unexploded Ordnance (UXO) below the surface

The site has a history of munitions filling activities. A watching brief will be applied.

I have reviewed the report document Titled: Desk Study and Ground Investigation; Report Ref: J18167; Issue No. 4; dated August 2020; Prepared by Geotechnical and Environmental Associates Limited (GEA);

As a combined report the document provides details of Phase 1 Preliminary Risk Assessment in conjunction with a Conceptual Site Model, leading to a Phase 2 site investigation to evaluate potential and identified pollutant linkages at the site.

The report includes recommendations relating to aspects of the site where supplementary works are deemed necessary to obtain further data, finalise previous investigative works and conduct further risk assessments as necessary.

Each aspect (including any further contamination discovered during works at site) must be addressed accordingly as part of the required remediation works to be conducted at site.

It is therefore recommended that a condition is applied.

OFFICER COMMENT: The requested condition is included within the draft schedule of conditions.

#### DESIGN OFFICER

##### Site and Surrounds

The application site comprises a two-storey industrial building located on the northern side of Nestles Avenue, south of Hayes town centre and Hayes & Harlington Station. The appeal site itself is 0.23 hectares and is occupied by a single building that comprises two distinctive elements: a two-storey administrative block fronting onto Nestles Avenue and a larger portion to the rear comprising a large open plan factory with pitched roofs. The building was built in the late 1930s and has an Art Deco Influenced formal facade with horizontal steel windows and concrete dressings.

The site is bound to the east by the Botwell: Nestles Conservation Area which is occupied by the former Nestle Factory site. The site is included as part of Site B within Site allocation Policy SA 5 (Land to the South of the Railway, including Nestle Site, Nestle Avenue, Hayes. Through Policy SA5 the Council seeks to bring about a comprehensive development of the site, to provide new homes and commercial floorspace.

The area around the application site has now started to be redeveloped with the Nestle Factory Site (Site A) to the east of the appeal site and the approved application for the Buccleuch Site to the west within Site C of allocation SA 5. The proposals for Sites A and C have provided well considered schemes for the sites in which they cover and have not prejudiced the development of adjoining sites. The approved schemes for Sites A and C are set within relatively large sites that contain landscaping, connecting routes and areas of public realm. The approved schemes make provision for the east / west pedestrian link, with the intention that this would link up all three sites forming the SA 5 allocation.

##### The Development

The tallest element of the proposed building is 11-storeys with a plant enclosure at roof level that

would be at the northern edge of the site. The profile of the building then steps down at four intervals to 4-storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding to the lower two-storey suburban houses to the south of Nestles Avenue. The development responds positively to some design aspects of the approved Nestle Factory development namely the set back from Nestles Avenue by 15 metres, its stepped building form towards Nestles Avenue and the choice of construction materials and attractive brick detailing, fenestration and balconies to the south, east and west elevations.

The previous planning application (51175/APP/2018/4260) was refused and subsequently appealed (Public Inquiry Appeal ref: APP/R5510/W/19/3230503). The appeal was dismissed on design grounds and these are the issues that this current application seeks to address.

The Inspector concluded that the 'blank' facade of the appeal scheme facing north was not harmful to the character and appearance of the area. The development, therefore, still proposes to incorporate a 'blank' elevation to the north but was to a much plainer design than the appeal scheme. Concerns were raised with this during the course of this current application and it has now been improved with better brick detailing in the form of 'blind' windows that comprise recessed panels of contrasting / articulated brickwork that give the impression of a fenestrated elevation at distance. Taking into consideration the Inspector's conclusions and the amendments now presented it is considered that the elevation is now no more harmful than the appeal scheme and can be supported in this instance.

The proposed scheme has also been slightly reduced in footprint, but the height has been increased slightly over the appeal scheme with the addition of a new floor level. The increase in height is very modest and would not be perceptible from the appeal scheme if built. This has been achieved with refinement and the removal of the office accommodation at ground floor level.

The current proposals have also seen the removal of the built form that covered the access road to the east. This has provided a more spacious setting to the development and allowed for improved soft and hard landscaping with a garden walk and terraces to the units. This has overcome the Council's and Inspector's concerns.

The Inspector agreed with the Council that good design includes visible, clearly identifiable entrances that are directly accessible from the public realm, a key aspect of a development's contribution to the legibility of the urban environment. This is confirmed in the National Design Guide, successful streets are characterised by buildings facing the street to provide interest, with overlooking and active frontages at ground level, an active frontage being defined as the front of a building with openings onto the space that generate activity and engagement between the building interior and the space outside, particularly entrances.

The current scheme has taken the above concerns into consideration and the scheme has been amended to provide active frontages to the principal street on Nestles Avenue with residential frontages with front doors. This is now acceptable and overcomes previous objections.

The boundary to the eastern part of the site still needs to be resolved as this is currently proposed to be a high acoustic timber fence that would detract from the application site and Block D of the former Nestle Factory Site. An improved boundary treatment needs to be agreed so the outlook of the residential units is not harmed and that there is greater transparency and a more open setting achieved between both developments. I understand that a legal mechanism to achieve this is currently being looked at by relevant parties so that a more appropriate boundary will be proposed should the application site also be built out. This should be agreed prior to a decision being made on this current application.

The front portion of the development towards the western boundary incorporates bay windows and

obscured glazing which provides an unsatisfactory outlook to the units affected. It is understood that this is needed to prevent the potential development site at no.7 from being blighted but this would not achieve a direct outlook from the habitable rooms affected and unobstructed views could only be obtained awkwardly and obliquely within the rooms. This could potentially be addressed by changing the layout of the flats.

Should the application be recommended for approval then I would suggest the following conditions:  
Samples of all external finishing materials

- Sample panels of brickwork be constructed on site showing the colour, tone and texture of the brick, the brick bonding pattern, mortar colour and joint finish.
- Details of hard and soft landscaping
- Details of parapets, brickwork surrounds.
- Elevational drawings at a scale of 1:20 and plan and vertical sectional drawings at a scale of 1:2 of the proposed windows and doors shall be submitted to and approved in writing by the local planning authority.

#### FLOOD WATER MANAGEMENT OFFICER

This proposes to control surface water to appropriate and policy compliant rates of 1.5ls for the range of events upto an including 1 in 100 year plus climate change allowance and through suitable sustainable methods Blue Roof, Permeable Paving and Rain Garden to the front of the site, considered appropriate by Thames Water and the Council. A condition is requested.

OFFICER COMMENT: The requested condition is included within the draft schedule of conditions.

#### HIGHWAYS OFFICER

Planning permission is sought for the demolition of existing buildings and the redevelopment of the site to provide a building up to 11 storeys comprising 103no. residential units (59 x 1-bed, 32 x 2-bed and 12 x 3-bed). The application site currently comprises a single building, totalling some 1,718sqm of B1c/B2 commercial floorspace. The remainder of the site is taken up by open space used as forecourt parking. Access is taken directly from Nestles Avenue.

The development would have 14no. car parking spaces, 4no. of which would be for blue badge holders/wheelchair accessible, the remaining 10no. standard car parking spaces would be allocated to each of the largest 3 bedroom 5 person units of which there would be 10no. There would be 178no. internal cycle parking spaces plus visitor spaces. It is unclear from the information provided whether there would be any motorcycle parking or whether the 14no. car parking spaces would be provided with active/passive electric vehicle charging points.

The site lies approximately a third of the way along Nestles Avenue, close to Hayes town centre which offers convenient access to a range of shops, services, facilities and transport opportunities including bus services, Hayes and Harlington Railway station and the Grand Union Canal Quietway. The Hayes HY2 Parking Management Scheme in operation along all of Nestles Avenue and parts of the surrounding roads, this restricts parking to permit holders only between 09:00 to 17:00 hours Monday to Friday. Nestles Avenue benefits from street lighting, street trees and footways on either side of the carriageway. Circa 260m to the west of the site, Nestles Avenue connects to Station Road via a priority junction with a banned right turn. To the north, Station Road leads to Hayes Town Centre, while to the south it heads towards a signalised junction with North Hyde Road.

Of material importance to this planning application is the previous appeal decision on this site which was dismissed by the Planning Inspectorate in March 2020. One of the reasons the Council

originally refused the application was the provision of insufficient car parking. However, the Inspector accepted the Appellant's assertion that there is no policy position that does not support a car-free scheme on the site.

Transport for London use as system called PTAL (Public Transport Accessibility Level) to measure access to the public transport network. PTAL assesses walk times to the nearest public transport location taking into account service frequency. The location is then scored between 0 and 6b where 0 is the worst and 6b the best.

According to the Transport for London WebCAT service the application site has a PTAL ranking of 4 indicating access to public transport is reasonable compared to London as a whole suggesting that there will be a some reliance on the private car for trip making, particularly taking into account that Hillingdon is an outer London Borough and it could be expected that some occupants of the new development could need to access destinations outside Greater London that are less convenient to access by public transport.

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 ranges between 115no. to 161no. spaces or 1.1 to 1.6 spaces per dwelling. There are two maximum numbers because the parking standard of flats is 1 space per unit rising to 1.5 spaces per unit depending on PTAL ranking and access to shops, service and facilities and transport opportunities. For taking into that this proposal occupies an edge of town centre location and a PTAL ranking of 4 the maximum number of car parking spaces permitted would be 115no.

However, as mentioned above a planning appeal on this site was recently lost as there was no policy position that does not support a car-free scheme, the precedence set infers that there is similarly no policy position that does not support a 'car-lite' scheme. This proposal would have just 14no. car parking spaces, a ratio of 0.14 spaces per dwelling across the site, for the largest units the ratio would be 1.0.

As mentioned above, the application site currently comprises a single building, totalling some 1,718sqm of B1c/B2 commercial floorspace, whilst currently vacant this could reopen and operate within this use class without the need for an amended planning consent. The applicant has used the TRICS database to determine the number of vehicle trips that the extant site use could generate, this exercise show that in could generate circa 13no. two-way vehicle trips in the AM Peak and 11no. two-way vehicle trips in the PM Peak. Again, using the TRICS database the applicant has calculated the number of trips the development could generate 'with' the proposed development. The results of this work show that the site could reasonable be anticipated to generate 9no. two-way vehicle trips vehicle in the AM Peak and 24no. two-way trips in the PM Peak. The proposed residential development would therefore result in a net reduction in vehicle trips in the AM Peak and a net increase in vehicle trips in the PM Peak compared to the extant use. LBH Highways DC consider this uplift insignificant taking into account existing background traffic levels and would not result in any detrimental impact on the local highway network.

The applicant reports that given the narrow width of the site; it is not possible to accommodate on-site servicing. Accordingly, as per the previous scheme, the development proposes introduction of an inset loading bay directly outside of the site on Nestles Avenue. The applicant contends that this provides a betterment to the existing situation in which large vehicles can stop directly outside of the site on Nestles Avenue on a single yellow line, thereby blocking one lane of the carriageway.

Set against the precedence of a Planning Inspectors decision that there is no policy position that

does not support part of the development being car free, the challenge is to make the proposal sustainable without giving rise to parking stress and road safety concerns. Interventions are needed to cater for the daily travel needs of residents that had car parking been provided would have been made by private car, for example measure that increase the attractiveness, convenience and safety of making trips by walking, cycling and public transport.

The application site is situated within the Botwell ward where according to the 2011 population census 70% of residents have a private car available. If the profile of the new residents is similar to that of the existing Botwell population then of the 64no. of the 91no. car free units occupiers could be expected to have a car available and need somewhere to park. This indicates that in the absence of genuine alternative travel choice some residents will be motivated to own a car even though they would have nowhere to park within the development. This could incentivise them to park on-street leading to parking stress and an increase risk to road safety should they park injudiciously. LBH Highways DC require that the applicant enters into a s.106 legal agreement with the Council to ensure the future residents do not have access to parking permits within the Hayes HY2 Parking Management Scheme.

Given that 91no. of the 103no. units proposed would be car free it is essential that measures are put in place to accommodate those trips that would otherwise have been made by private car had car parking been provided. Without these measures in place the development could lead to parking stress and increase the risk to road safety for all road users. In such circumstance the development would be contrary to the Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 1: Managing Transport Impacts and Policy DMT 6: Vehicle Parking.

To help facilitate the redevelopment of various sites along Nestles Avenue primarily for residential use with some commercial use there are approved plans to widen Nestles Avenue to accommodate two-way bus working whilst retaining on-street parking. A shared use footway will also be provided as well as new street lighting and street trees. Transport for London have agreed in principle to operate the 350 Hayes to Heathrow via Stockley Park and West Drayton bus service along Nestles Avenue - a new bus service operating along Nestles Avenue will increase the areas PTAL ranking and the new shared use footway will make walking and cycling more attractive, convenient and safer. This package of measures will help to make the new residents of the various development along Nestles Avenue less reliant on the private car for trip making thereby making a lower car parking ratio more sustainable. This package of works is known as the Nestles Avenue Multi-Modal Transport Spine, it is being developed in partnership with developers who have committed to setting back their development to allow for the road widening, they have also provided developer contributions to fund the works required on site.

For the Nestles Avenue Multi Modal Spine to fulfil its role of providing genuine travel choice which in turn allows lower car parking ratios it is imperative that the redevelopment of 9 Nestle Avenue makes provision for this Multi-Modal Transport Spine, not just by way of its built form and layout but also through s.106 developer contributions towards the works on site. To make the proposal acceptable in planning terms, based on the number of units provided a contribution of £12,846.31 is required to deliver the Nestles Avenue Multi-Modal Spine.

Whilst it is recognised the development would have a low car parking ratio which will necessitate trip making by walking, cycling and public transport a Travel Plan is still required so that these modes are as attractive and convenient to use as possible. As surety that the Travel Plan will be implemented and targets achieved the LBH Highways DC requires that the developer provides a £20,000 bond. In the event of the Travel Plan not being delivered the Council will use this bond to implement the Travel Plan itself. This should be secured by way of a S106 agreement. If the Travel Plan is successful, the bond will be returned.

As mentioned above it is unclear whether motorcycle parking will be provided. In accordance with

the Hillingdon Local Plan: Part 2 Development Management Policies (2020) LBH Highways DC require that motorcycle parking is provided at the rate of 5% of car parking spaces, this would equate to just 1no. space. However, taking into account that 91no. units would be car free, compared to other developments it is likely a high proportion of residents will choose to make trips by motorcycle. Taking this into account the LBH Highways DC require that 5no. motorcycle parking spaces with anchor points are provided. This is based on the maximum number of car parking spaces that Policy DMT 6: Vehicle Parking would allow, 115no. This should be secured by a suitably worded condition.

The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle Parking states that the Council will keep under review parking provision of electric vehicles. In accordance with The London Plan - Publication Version December (2020) the LB Highways DC requires that 20% of all car parking spaces are provided with active electric vehicle charging points with all the remainder having passive provision. LBH Highways DC requires that 3no. electric vehicle charging points fitted with two cables and connectors are provided to serve the standard car parking spaces and 1no. electric vehicle charging points fitted with two cables and connectors is provided to serve the disabled car parking space. This should be secured by way of a suitably worded condition. Taking into that the scale of the development and that it would require the demolition of an existing building LBH Highways DC require that a Construction Logistics Plan is prepared and implemented, this should be secured by way of a suitably worded condition.

As the development would be partially car free, it is reasonable to assume that many of the future residents would be reliant on home deliveries. Taking this into account LBH Highways DC require that a Service and Delivery Plan is prepared and implemented, this should be secured by way of a suitably worded condition.

It is apparent that the proposal will require works to be undertaken on the Council's highway, as such LBG Highways DC would require the developer to enter into a s.106 legal agreement obliging the developer to enter into a s.278 with London Borough Hillingdon under Highways Act 1980 thereby allowing such works to be carried out. Subject to the above, there are no highway objections to the proposed development.

#### OFFICER COMMENT:

The Highways Officer had requested a contribution towards Santander Bicycle Hire scheme. On the basis that the Inspector had not included this figure into the draft Heads of Terms agreed between Officers and the Applicant at appeal, it is not being sought on this application.

#### NOISE CONSULTANT CONCLUSIONS

If LBH is minded to grant planning permission, then the following actions are recommended:

1. Condition the adoption of the proposed noise mitigation measures.
2. Condition the requirement for a Noise SPD/BS4142 assessment of the final plant selection and agreement of any required mitigation.
3. Condition the requirement for assessment of the noise within the units associated with the ductwork and operation of the MVHR systems.
4. Condition the requirement for measurement and assessment of any noticeable commercial/industrial noise from existing sources in accordance with the Noise SPD/BS 4142 (and BS 8233, where applicable) once at least the lower three floors of the development have been construction and before the development is occupied.

If point 4. is not considered reasonable, then we would recommend that, either via condition or as an addendum to the NVA report, the assessment is updated to reflect both the requirements of the

Noise SPD (i.e. a rating level at least 5 dB below the relevant LA90) and the "screened" conditions of the development's western elevation (whereby alternative background sound level(s) may apply).

OFFICER COMMENT: The requested conditions are included within the draft schedule of conditions.

## PLANNING POLICY OFFICER

### Principle of Development

The site forms part of Policy SA 5 (Site B) as allocated within the Local Plan: Part 2 - Site Allocations and Designations document (2020). The overall allocation is for a mixed use redevelopment of the site for residential units, in addition to the provision of appropriate community infrastructure to support the overall quantum of development, including education as necessary, as well as a proportion of employment generating uses to be agreed with the Council. Furthermore, Policy SD1 (Part B) of the Publication Version of the London Plan outlines that boroughs through planning decisions should deliver the growth potential of Opportunity Areas and support development which creates employment opportunities and housing choice for Londoners. Any scheme that created a net loss of jobs would therefore not be in conformity with this policy either and the indicative job target for the Hayes OA.

The proposed development is for only a small portion of the overall Site B and does not include either of the non-residential requirements of Policy SA 5 outlined above. It does however include the necessary setback from Nestles Avenue to allow for the introduction of potential public transport improvements.

It is not necessarily a requirement for every individual land parcel within Site B to provide both community infrastructure and employment generating uses. To do so would likely lead to an over provision of these uses in an inefficient and sub optimal design. When the existing approvals on Site A and Site C are taken into consideration, the previous design (51175/APP/2018/4260) would have resulted in an undesirable break in the well-designed residential frontage that has been secured along Nestles Avenue. Furthermore, the proposed office floorspace would have no relationship with the non-residential aspects already secured on Site C. It is noted that some of the design failings of the previous scheme, which were highlighted by the inspector, were exacerbated by the applicant's attempt to include a critical quantum of office floorspace within the scheme.

The applicant is therefore reliant on other landowners within Site B delivering key objectives of Policy SA 5, in particular the delivery of employment floorspace and community infrastructure. This does undermine the Inspector's previous comments in Paragraph 47 of the Inspector's Report, which note that:

'In coming forward ahead of any wider development scheme for Site B to which adjoining owners have had input or are signed up, it is important that the appeal proposal is self-sustaining. It may be that, in due course, a scheme will materialise on the adjacent site to the west which could provide an appropriate setting for the appeal building. However, unlike the Buccleuch scheme, such provision is not secured by the planning obligation, or any other mechanism, and thus cannot be assured as coming forward within any reasonable time frame, if at all. In the absence of such, the scheme stands or falls on its own merits.'

Nevertheless, whilst the approval of this scheme runs the risk of an overall shortfall in provision of employment floorspace and community infrastructure on Site B and within the Hayes OA overall, the alternative option of providing non-residential frontage along Nestles Avenue would be sub-optimal and ultimately also undesirable.

### Comprehensive Development

The conclusion of the Inspector's report was that the previous development proposed would not make any material difference in terms of the prospects for development of either the Squirrels Trading Estate or the site of No 7 Nestles Avenue. The proposed development would also increase the separation distance further with the boundary to No. 7 Nestles Avenue, which is welcomed. One should ensure that the 21m separation distances between existing and proposed habitable windows have been maintained across the scheme, with both the existing and emerging context in mind.

### Housing Mix

The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties. Applicants proposing residential schemes are required to demonstrate that this need has been taken into account and provide a mix of housing units on site, in line with Policy DMH 2 of Local Plan: Part 2 - Development Management Policies (2020). The Publication Version of the London Plan (2020) also outlines that local evidence of need should be taken into account, with the Secretary of States recent intervention highlighting the need for additional family housing further still.

Family accommodation is defined as anything equal to or larger than a three bedroom unit. The previous scheme proposed 9 units (11.1%) as family units. The revised proposal now identifies 12 units (11.7%) of the scheme as family units. Whilst the proportion of family units is similar to that accepted by committee in 2019 and approved before that on the adjacent Nestles Avenue Site, there have since been significant changes to the Development Plan in relation to housing mix, notably the removal of policy that explicitly supports one and two bedroom schemes. High density schemes are now still expected to maximise the number of family units that can be delivered on site, with the overall proportion based on site context and constraints.

The site is required to have no windows on the northern elevation and this has increased the proportion of single aspect units, thus making it less feasible to have a higher proportion of family units. The narrow linear nature of the site has also resulted in a high proportion of single aspect units down the two long sides of the development. Noting that there is currently no planning application to redevelop the adjacent 7 Nestles Avenue site, it is also considered that there may be a considerable period of time where the residential units are next to an industrial warehouse, thus making it less desirable to have family units on the lower floors immediately adjacent to this site.

The unfavourable housing mix is therefore deemed acceptable when the site's constraints and context are taken into account.

### SUSTAINABILITY OFFICER

I have no objections to the proposed development subject to the following conditions and S106 contribution.

#### Condition

Prior to above ground works, full details and specifications of the low and zero carbon technology to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. These shall include the type, size and proposed location within the site of the low and zero carbon technology required to meet the CO2 savings set out in the outline energy statement (Mecserve, July 2020). In addition, full details of the noise emissions associated with the Air Source Heat Pumps shall be provided along with any noise abatement technology to ensure noise pollution is avoided. Finally, full plans and specifications of the roof mounted PVs shall be provided including details of their pitch and orientation and consequential output. The development must proceed in accordance with the approved plans, details and specifications.

#### Reason

To ensure that the development incorporates appropriate energy efficiency in accordance with Policy 5.2 of the London Plan.

#### Section 106

The energy strategy shows the development as a whole to not comply with the requirements of the London Plan (zero carbon for residential, 35% co2 reduction for non-residential). Consequently, in accordance with Policy 5.2e an offsite solution is required to offset the shortfall onsite. The applicant must pay £90,849 to the Council's Carbon Offset fund.

#### Living Walls

The north elevation is particularly bleak and uninspiring. There is requirement for developments to incorporate living walls into the design of structures and this elevation would lend itself well to such a feature.

#### Condition

Prior to above ground works a plan showing the use of living walls/screens on the northern elevation shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be accompanied by a supporting statement explaining the maintenance arrangements to ensure the green wall/screen establishes appropriately and then flourishes. The development must proceed in accordance with the approved plan and the green wall/screen will be maintained effectively thereafter.

#### Reason

To ensure the development contributes to the management of air quality, biodiversity provision and progressive urban design in accordance with Policy EM7 of the Local Plan Part 1.

OFFICER COMMENT: The requested condition relating to living walls for the north elevation has not been included in the draft conditions as it was considered the proposed condition would not meet the test of reasonableness set out in paragraph 55 of the NPPF (2019).

#### TREES AND LANDSCAPING OFFICER

This site is occupied by a two-storey commercial building set back to the north of Nestles Avenue. The former Nestle site (Conservation Area) is located to the east. The site backs onto Squirrels Trading Estate, which is accessed from Viveash Close to the west. Nestles Avenue is characterised by two-storey houses on the south side. There are no TPO's or Conservation Area designations affecting the site with the exception of the off-site trees on the boundary with the former Nestle site.

#### COMMENT: EXISTING TREES

This application is an amended proposal following the refusal of application ref. 51175/APP/2019/187. Landscape comments submitted on 25 February 2019 have not significantly changed. A tree report by Arbeco has identified and assessed 8 individual trees, one group and four hedges. There are no 'A' grade trees. Two merit 'B' grade, both of which are off-site but close to it.; T6 is a Norway maple in the footway ( a highway tree) and T 8 is a lime located within the adjacent Nestle development site. All others are 'C' grade which do not constitute a constraint on development.

T6 will be removed to facilitate the development , however, the footway and public realm fronting Nestles Avenue will be the subject of a comprehensive landscape scheme, incorporating new planting, swales, and a cycle track with space to accommodate a new bus route along Nestles

Avenue. T8 will suffer a significant encroachment into its RPA (root protection area). It will also require some crown lifting to prevent accidental damage due to construction work. An Arboricultural Method Statement and Tree Protection Measures will be required to minimise any impact on this tree. All other trees within the site will be removed to enable the development, to which there is no objection subject to appropriate replacement planting as part of a comprehensive landscape plan.

#### COMMENT: LANDSCAPE PROPOSALS

The Design and Access Statement confirms that the front elevation of the proposed flats will be set back from Nestles Avenue to allow for a landscaped frontage and the provision of a reserved strip of land to accommodate a potential new cycle and bus route. To the north of the development the siting of the building will permit a walking route connecting the adjacent developments with Station Road.

Nine different landscape typologies are proposed across the site from ground level (00) landscaping to the green/ brown roof for biodiversity at level 11. The cascading roof levels will provide tiered roof gardens for residents, with a green / brown roof (with PV's) designed to encourage biodiversity, at level 11. Roof / podium level gardens will be developed on different levels descending from north to south where each space will be exposed to natural light from the south, east and west. External amenity space will be provided in the form of private balconies, the communal roof gardens and the parkland walk along the site frontage parallel to Nestles Avenue.

More detailed landscape proposals are described in the Landscape Design and Access Statement by Exterior Architecture.

Primary pedestrian links are proposed along the south and west boundaries with vehicle access restricted to the north.

Defensible space, using planting, will be created around groundfloor windows.

The Landscape D&AS is a comprehensive document with draft plans and illustrations showing an intent to provide an attractive series of spaces and hard/soft landscape details throughout the development.

Planting will include trees and compositions designed to moderate the microclimate. Aside from providing wind shelter, the terraces should be designed to provide relief from direct sunlight.

This report provides a palette of hard and soft landscape elements for use on the site. Subject to final details, the quality of implementation and future maintenance, the scheme should provide an attractive and diverse range of landscape benefits for both people and biodiversity.

#### URBAN GREENING FACTOR

Most of the surface areas have been designed to contribute to green infrastructure and biodiversity. The landscape proposals should be accompanied by calculations of the urban greening factor for the scheme. The GLA guidance recommends a target score of 0.4 for residential schemes.

RECOMMENDATION: No objection subject to conditions RES 8, RES9 (Parts 1,2,3,4,5 and 6) and RES10.

OFFICER COMMENT: The recommended conditions are included within the draft schedule of conditions.

#### DAYLIGHT AND SUNLIGHT CONSULTANT

Daylight

The daylight results for Block D (with balconies in place) have been appended to the report. This shows that with balconies in place, 24 rooms from 132 fall short of the target values. We have reviewed the results and we note that 33 LKD and 6 bedrooms fall short of target values when using 2% for LKD and 1% for bedrooms. When using a value of 1.5% for LKD, the number falling short is reduced by 7 to 24.

That said, as noted in our last report, when the balconies are removed, the results fare better and there are 5 rooms that fall short of the target value, 1 bedroom and 4 LKD (when using a factor of 2%). There are no issues with sunlight and overshadowing.

#### Proposed Accommodation

Changes have been made to the scheme and we have reviewed the revised ADF results and floor plans, included within the addendum report.

When using a value of 2% for LKD and 1% for bedrooms, there are 33 LKD and 12 bedrooms that fall short of the target values. When a value of 1.5% is used for LKD, then the numbers that fail to meet the target value reduces to 13. This equates to 90% of rooms meeting the target values.

Whilst there is NSL analysis, the addendum report includes APSH results. Of the 39 rooms tested, 16 rooms will fall short of the target values. The rooms that fall short are all located under balconies.

#### Conclusion

Further analysis and drawings have been included in the addendum report. With regards to the surrounding properties, missing ADF analysis (with balconies) has been included within the addendum report. This does not change anything from our initial report, if a value of 1.5% is used for LKD. The proposed scheme has been modified to some degree and revised internal analysis has been included in the addendum report. Now 90% of the rooms will meet the target value, when using a value of 1.5% for LKD.

The addendum report included APSH analysis, this shows that 16 rooms fall short of target values, from 39 tested. All rooms that fail to meet the target value are located under balconies.

OFFICER COMMENT: Whilst the daylight and sunlight assessment shows minor encroachments, both the daylight and sunlight for future occupants and neighbouring residents (at No. 9 Nestles Avenue) fail due to the inclusion balconies. This is a common occurrence in high density developments in an urban environment. The rooms affected include full height glazing and the balconies are an extension to of their living space. In this case, the number of habitable rooms affected are limited and on this basis it is, on balance, considered acceptable.

#### FINANCIAL VIABILITY CONSULTANT INDEPENDENT REVIEW SUMMARY

Based on the review of the FVA inputs, we have highlighted a number of inputs that have a potential impact on the residual land value. Carter Jonas has therefore undertaken a series of adjustments and scenario testing of the model provided by ULL to assess this impact.

Although this analysis does not constitute formal valuations under the provisions of the RICS Valuation -Global Standards ('Red Book') it does provide robust evidence to inform the Council's decision making process in respect of the applicant's planning application.

ULL has provided a response dated 11th November 2020, which sets out a number of points in dispute, which are:

- Private Residential Sales Values
- Construction Costs·Disposal Fees on Affordable Housing
- CIL Payments
- Section 106 Contributions
- Finance Costs
- Quantum of Pre-sales

We consider each point in turn:

Private Residential Sales Values In terms of the units that we have assessed at North Hyde Gardens, we would concur that our table should reflect an average sale rate of £547psf. In our opinion Bluenote Apartments is a good comparator scheme to the subject site as it is of similar scale and doesn't benefit from canal frontage like Stanford House. Discussions with the estate agent for the Bluenote scheme has confirmed that incentives may be offered at the scheme, which would typically equate to 2-3% of the asking price. The potential discount is therefore not as high as ULL's view at 5%. This would put the potential sale prices,in the scenario where incentives are applied,at circa £591-£597psf for the Bluenote scheme. In weighing up the evidence from North Hyde Gardens and Bluenote Apartments, and taking into account the location of the subject site, which is slightly further away from the Station compared to the Bluenote scheme, we are of the opinion that £585psf is a reasonable average price to adopt, and is the mid-point between Carter Jonas' position of £590psf and ULL's at £580psf.

#### Construction Costs

Johnson Associates has reviewed the cost plan prepared by Cast again, which is presented at Appendix 3, and has determined that the construction costs for the scheme are now £22,660,058. This has yet to be agreed with the Applicant, and therefore the difference in construction costs between the parties is now £233,801.

#### Disposal Fees on Affordable Housing

ULL suggests that a minimum charge of £15,000 should be included in the appraisal for affordable transaction fees. For disposal fees, we are mindful that we need to show consistency across FVAs for LB Hillingdon in terms of affordable housing fees, regardless of what the level of affordable housing is agreed at. Most FVAs we have assessed assume affordable housing agency fees are at 0%-1%and legal fees are at 0.5%. Therefore, whilst we note the Applicant's view on this point,for the purposes of the FVA we do not intend to change our position of 1% in total for affordable housing agency and legal fees.

#### CIL Payments

We have been provided with CIL figures are calculated by Daniel Watney, which include the new RICS 2021 Index rate of 333, which is slightly lower than the 2020 figure of 334. We have used the Daniel Watney figures to re-calculate the CIL figures for the level of affordable housing achieved by the changes as set out in this Section of the report. Please refer to the appraisal print-outs for the actual sums adopted for the MCIL2 and Borough CIL.

#### Section 106 Contributions

We note that the Section 106 agreement is still being negotiated and there is a variable sum for Air Quality of potentially £5,371 or £107,829 which is still to be agreed. For the purposes of our financial modelling Carter Jonas has modelled both positions in order to assess the impact on the level of affordable housing.

## Finance Costs

For a scheme of this scale, we would need to assume what a typical developer would expect to adopt as a finance rate for the development. The majority of FVAs that we have assessed for London Boroughs recently have been at an 'all in' finance debit rate of 6.5%. Therefore, given the nature and scale of the scheme being proposed we are of the opinion that there is insufficient justification to move this upwards to 7% as expressed by the Applicant.

## Quantum of Pre-sales

ULL had originally modelled the pre-sales at 30% of the total, and Carter Jonas had adopted 50% for the purposes of its viability modelling. In the current market, we would accept that 40% appears reasonable as suggested by ULL and based on evidence of pre-sales collected by Molior.

## Revised Modelling

The appraisal has been adjusted to take account of the changes are presented above, and the summary print-outs are set out at Appendix 4. The table below shows the results of the modelling, based on London Affordable Rent units. The level of affordable housing is 10% where the s.106 contribution for Air Quality is £5,371 and 9% where this sum increases to £107,829. The Applicant's position remains at 5% affordable housing by units.

## 18th December 2020 Update

Carter Jonas has received a further response from ULL accepting all of the changes as put forward by Carter Jonas in the December 2020 Update, with the exception of finance cost, which remains at 7%. In addition, the s.106 costs have been confirmed by the Council at £365,000. Carter Jonas retains its position on the finance costs at 6.5% and has modelled the impact of the increase in s.106 costs. The table shows that this change results in a position of 8% London Affordable Rent units compared to the Applicant's position at 7% LAR units.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Paragraph 118 of the NPPF (2019) expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. It promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified need.

The site is located within the Heathrow Opportunity Area. London Plan Policy 2.13 (2016) states that development in Opportunity Areas is expected to optimise residential and non-residential outputs and contain a mix of uses. London Plan paragraph 2.58 states that Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. The Mayor's Publication London Plan establishes an indicative capacity for 4,000 new homes and 1,000 new jobs within the Hayes Opportunity Area. The Publication London Plan specifically recognises this areas range of opportunities to support London's economic development and deliver new housing and environmental improvements.

Policy 3.3 of the London Plan (2016) and Policy H1 of the Mayor's Publication London Plan (2020) expects Hillingdon to deliver a minimum of 10,830 over a ten year period. It recognises there is a pressing need for more homes across London and in particular on

brownfield sites.

Policy H1 of the Local Plan: Part One (2012) requires the Council to exceed or meet its minimum strategic dwelling requirements, where this can be achieved, in compliance with other Local Plan policies.

The site forms part of Policy SA 5 (Site B) as allocated within the Local Plan: Part 2 - Site Allocations and Designations document (2020). The overall allocation is for a mixed use redevelopment of the site for residential units, in addition to the provision of appropriate community infrastructure to support the overall quantum of development, including education as necessary, as well as a proportion of employment generating uses to be agreed with the Council. Furthermore, Policy SD1 (Part B) of the Publication Version of the London Plan (2020) outlines that boroughs through planning decisions should deliver the growth potential of Opportunity Areas and support development which creates employment opportunities and housing choice for Londoners. Any scheme that created a net loss of jobs would therefore not be in conformity with this policy either and the indicative job target for the Hayes Opportunity Area.

The application site forms only a small portion of the overall Site B and it does not include either of the non-residential requirements of Policy SA 5 outlined above. It does however include the necessary setback from Nestles Avenue to allow for the Multi Modal Transport Spine (MMTS) along Nestle Avenue.

The Policy Officer has advised that it is not necessarily a requirement for every individual land parcel within Site B to provide both community infrastructure and employment generating uses. To do so would likely lead to an over provision of these uses and an inefficient design. The consented developments at Site A and Site C include an active residential frontage along Nestles Avenue. Whilst this application does not provide a mix of uses, given its location and it is more appropriate that the application site provides a residential development with an active frontage to replicate the consented developments at Sites A and C of Policy SA 5 fronting Nestle Avenue. It is also considered that non residential uses would have no relationship with the non-residential uses consented at Site C.

Although the Applicant is reliant on other landowners within Site B to deliver the key objectives of Policy SA 5, in particular the delivery of employment floorspace and community infrastructure, when taking into account the Inspector's comments in the Appeal decision which had raised no concerns with the site coming forward independently of the other land parcels forming part of Site B provided it is 'self-sustaining', the proposal is considered acceptable.

The approval of this scheme runs the risk of an overall shortfall in provision of employment floorspace and community infrastructure on Site B and within the Hayes Opportunity Area. The alternative option of providing non-residential frontage along Nestles Avenue would be suboptimal and undesirable. A residential development at this site with an active frontage is appropriate and consistent with the development consented at the Former Nestle site to the east and the Buccleuch scheme to the west.

The conclusion of the Inspector's report under Appeal ref: APP/R5510/W/19/3230503 was that the provision of employment land would not make a material difference in terms of the prospects for development of either the Squirrels Trading Estate or the site at No 7 Nestles Avenue. The current proposal has increased the separation distance with the boundary of

No. 7 Nestles Avenue. The Applicant has ensured that a minimum 21m separation distance between existing and proposed habitable windows, both east and west have been maintained across the scheme taking into account the existing and emerging context and the north elevation is blank so any future development at the Squirrels Trading Estate is not compromised and on this basis it is considered acceptable.

### Housing Mix

London Plan Policy 3.8 states that new development should provide a mix of housing sizes and types, considering local and strategic housing requirements, the needs of different groups, and the strategic priority for affordable family housing provision. Policy H10 of the Publication London Plan states that schemes should generally consist of a range of unit sizes and sets out several factors that should be considered when determining the appropriate housing mix of a scheme, including the nature and location of a site.

The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties. Applicants proposing residential schemes are required to demonstrate that this need has been taken into account and provide a mix of housing units on site, in line with Policy DMH 2 of Local Plan: Part 2 - Development Management Policies (2020). The Publication Version of the London Plan (2020) also outlines that local evidence of need should be taken into account, with the Secretary of States recent intervention highlighting the need for additional family housing.

Family accommodation is defined as anything equal to or larger than a three bedroom unit. The previous scheme dismissed at appeal proposed 9 units (11.1%) as family units. This application proposal seeks to provide 13 family sized units (12.6%) of which 4 are proposed to be provided as affordable housing.

The site is required to have no windows on the northern elevation and this has increased the proportion of single aspect units, thus making it less feasible to have a higher number of family units. The narrow linear nature of the site has also resulted in a high proportion of units with a single aspect east or west. Given that there is currently no consent for the redevelopment of the adjacent 7 Nestles Avenue site, it is also considered that there may be a long period of time where the residential units are next to an industrial warehouse, thus making it less desirable to have family units immediately adjacent to this site.

The quantum of family sized units being provided by this application is therefore considered acceptable when the site's constraints and context are taken into account.

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

London Plan Policy 3.4 and Policy D3 of the Publication London Plan encourage the optimisation of sites, having regard to local context, design principles, public transport accessibility, and capacity of existing and future transport services. The higher the density of a development, the greater the level of design scrutiny that is required, particularly qualitative aspects of the development design, as described in Policy D4 of the Publication London Plan.

The site has an 'urban' setting and according to the density matrix based on London Plan Policy 3.4 (2016), the application should be within a density range of 45-185 u/ha or 200 - 700 hr/ha. Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2. The proposal delivers 448 u/ha and

1,000 hr/ha, the proposal is in excess of the density range recommended by the current London Plan (2016). However the density matrix should not be applied mechanistically enabling account to be taken of other factors relevant to optimising potential such as local context, design, transport, social infrastructure open space. On this basis, the proposed density is considered acceptable.

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

#### ARCHAEOLOGY

Policy DMHB 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that the Council, as advised by the Greater London Archaeological Advisory Service, will ensure that sites of archaeological interest within or, where appropriate, outside, designated areas are not disturbed. If that cannot be avoided, satisfactory measures must be taken to mitigate the impacts of the proposals through archaeological fieldwork to investigate and record remains in advance of development works. This should include proposals for the recording, archiving and reporting of any archaeological finds.

Policy 7.8 of the London Plan (2016) seeks to protect and conserve heritage assets and archaeological remains and this is reiterated in draft Policy HC1 of the London Plan (Publication (Dec 2020)). Paragraph 189 of the NPPF (2019) says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest.

NPPF paragraph 189 states applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. In addition paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public.

The Greater London Archaeological Advisory Service (GLAAS) has commented on the application noting the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The application does not lie within an Archaeological Priority Area. The applicant's archaeological desk-based assessment identifies low-moderate potential for Palaeolithic (Old Stone Age) archaeological remains and low potential for all other periods. This conclusion is based partly on historic maps and the results of a geo-archaeological investigation of the adjacent Nestle site. It was written before the applicant's geo-technical assessment which if anything reinforces the conclusions reached in the DBA as the whole site has suffered surface disturbance in the 20th century and no trace of the Langley Silt brick earth that can contain important Palaeolithic remain was noted. GLAAS agree that the site has at most low archaeological potential and therefore recommend that no further assessment or conditions are necessary.

#### CONSERVATION AREA

Section 16 of the NPPF (2019) sets out policies for the historic environment and heritage assets. Policy 7.8 of the London Plan (2016) and Policy HC1 of the Publication Version of the London Plan (2020) requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, including registered historic parks, where appropriate. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policy HE1 of the Local Plan: Part One (2012) states the Council will conserve and

enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes Registered Parks and Gardens and historic landscapes, both natural and designed.

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. consented scheme. Policy DMHB 4 of the Local Plan: Part Two (2020) requires new developments

The site is located adjacent to the Botwell: Nestles, Hayes Conservation Area. This is a relatively modest Conservation Area, the boundary of which corresponds generally with that of the former Nestle Factory site. Three of the buildings are locally listed within the Conservation Area.

Paragraphs 189 and 190 of the National Planning Policy Framework (2019) requires an assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting its setting. The submitted Design and Access Statement considers the application site's heritage significance.

The proposal is for a staggered building. The tallest element of the proposal is 11-storeys with a plant enclosure at roof level at the northern edge of the site. The profile of the building then steps down at four intervals to 4-storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding to the lower two-storey suburban houses to the south of Nestles Avenue.

In terms of its height, mass and scale, the proposed development is very similar to the previously refused scheme. In the appeal report, the Inspector concluded that "whilst the development proposed would clearly result in a change to the setting of the Conservation Area, there would be no harm in terms of its heritage significance, or the heritage significance of the non-designated assets within it." In light of the conclusion in the Appeal decision and the positive amendments made under this application it is considered that the proposal would not conflict with Section 16 of the NPPF (2019), or with Policy 7.8 of the London Plan, Policy HE1 of the Local Plan Part 1 (2012), and Policies DMHB1 and DMHB 4 of the Local Plan: Part Two (2020).

#### **7.04 Airport safeguarding**

Policy DMAV 1 of the Local Plan: Part Two (2020) notes that the Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the relevant airport operators on proposals in safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.

NATS, Heathrow Aerodrome Safeguarding and the Ministry of Defence Safeguarding were consulted on this application and no safeguarding objections have been raised subject to the inclusion of the recommended conditions and informatives. The recommended conditions are included in the draft list of conditions and as such the proposal would not be detrimental to the safe operation of the airport.

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

The application site does not fall within land that is designated as Green Belt. As such, the proposal would not impact the Green Belt.

#### **7.06 Environmental Impact**

No environmental impacts identified.

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

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) requires 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 Publication Version of the London Plan (2020) 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.

The tallest element of the proposed building is 11-storeys with a plant enclosure at roof level on the northern edge of the site. The profile of the building then steps down at four intervals to 4-storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding to the lower two-storey suburban houses to the south of Nestles Avenue. The development responds positively to some design aspects of the approved Nestle Factory development namely the set back from Nestles Avenue by 15 metres, its stepped building form towards Nestles Avenue and the choice of construction materials and attractive brick detailing, fenestration and balconies to the south, east and west elevations.

The previous application considered by the Inspectorate under Appeal ref: APP/R5510/W/19/3230503 was dismissed on design grounds and these are the issues that this current application seeks to address. The Inspector concluded that the 'blank' facade of the appeal scheme facing north was not harmful to the character and

appearance of the area. The development, therefore, still proposes to incorporate a 'blank' elevation to the north but was to a much plainer design than the appeal scheme. Concerns were raised with this during the course of this current application and it has now been improved with better brick detailing in the form of 'blind' windows that comprise recessed panels of contrasting / articulated brickwork that give the impression of a fenestrated elevation at distance. Taking into consideration the Inspectors conclusions and the amended north elevation plans, it is considered that the proposal elevation is now no more harmful than the appeal scheme and is therefore acceptable.

Since the Appeal was dismissed, the ground floor footprint has reduced and the height has increased slightly. The increase in height is very modest and would not be perceptible from the appeal scheme if built. The addition of an extra storey has been achieved due to the removal of the office accommodation at ground floor level. On this basis, it is considered the the height of the proposed building at 11 storeys is acceptable.

The current proposal, with a reduced ground floor footprint, provides a more spacious setting to the development and allows for improved soft and hard landscaping with a garden walk and terraces to the units. The Applicant is in negotiations to secure a legal agreement with the neighbouring developer at the Former Nestle Factory site to ensure the consented 3m boundary fence between the application site and the consented scheme at the Former Nestle Factory development is removed to ensure the eastern walkway is not enclosed by a large fence that would create an oppressive environment for future occupants. A clause is recommended within the Section 106 legal agreement requiring the applicant to ensure the 3m acoustic fence along the eastern boundary is removed and landscaping works implemented to ensure the development provides a legible and well designed entrance for the residential units.

The Application is supported by a Masterplan which suggests that if the neighbouring development to the west does go ahead in the future, an access road leading into the site to the west could adjoin the Application Site. In order to safeguard against a potential for 4 way traffic movement between this site and the adjoining site, a Head of Term is proposed within the Section 106 legal agreement so the boundary treatment along the western elevation could be revisited as part of the redevelopment of No. 7 Nestles Avenue.

It is considered that the proposed scheme has made improvements at ground floor level compared to the previous scheme dismissed at appeal. The proposal has incorporated legible entrances, active frontages to the south and east elevations through the provision of doors to the duplex units. The active residential frontage is consistent with the consents at Sites A and C of Policy SA 5 and therefore it provides consistency along the Nestle Avenue frontage. A dedicated servicing mews is provided to the west which would avoid conflicting movement between pedestrians and vehicles entering and leaving the site. Overall, the amended proposal overcomes the Inspector's concerns under Appeal ref: APP/R5510/W/19/3230503.

In terms of its appearance, the proposed building makes references to the industrial heritage along Nestle Avenue. The proposal includes rectangular form in brick with an expressed grid articulating the elevations into bays inset with large metal-framed fenestration. Contrasting brick tones are used for detailing around window bays, parapets and feature panels break down the elevations. The detailed design is considered to be of a high quality that responds to the existing and emerging context along Nestles Avenue.

The success of the scheme will be dependent on the finer detailing, choice of materials

and workmanship. Should the application be minded for approval then it is suggested that conditions be attached requesting samples of all external materials and detailed drawings of the windows, doors, boundary treatments and roof weathering and window cills to be submitted to and approved in writing by the Council. Subject to the inclusion of the condition, the proposal would comply with Policy BE1 of the Local Plan: Part One (2012) and Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

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

Policy BE1 of the Local Plan: Part One (2012) requires developments to be appropriately designed so that they do not adversely affect their surroundings or the local character.

Policy DMHB 11 of the Local Plan: Part Two (2020) requires that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Planning permission was granted under ref: 1331/APP/2017/1883 (13-12-17 ) for a residential development to the east. The proposed eastern facade is generally 25 metres from the main facade of the consented Former Nestle Factory site development (Milk Yard, Block D) or 22.8m from the balconies. There are no windows within the western part of block D3 of the neighbouring development to the east. On this basis, there it is considered the proposal would not result in mutual overlooking between the residents of Block D of the Nestles development and the future residents of this development.

A 27m distance is allowed between the main part of the western facade and a future block of a similar size at 7 Nestles Avenue. Where there are habitable room windows provided in the projecting element of the western facade, the windows include obscure glazing or bays with outlook and south to ensure this proposal does not compromise future development at No.7 Nestles Avenue. The northern elevation does not include any windows allowing future development to come forward on the Squirrels Trading Estate located to the north. It is not considered the proposal would not give rise to the loss of privacy to existing and future occupiers. In terms of the impact of the development on the existing residential properties located on the south western side of Nestles Avenue, the nearest residential property is situated 40m away. Furthermore the massing of the building is situated towards the northern part with the southern part of the site at 4-storeys. The proposal would not harm the amenities of the existing residential properties situated to the south western side of Nestles Avenue. Accordingly, the development is considered to comply with Policy BE1 of the Local Plan: Part One (2012) and Policy DMHB 11 of the Local Plan: Part Two (2020).

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

##### **UNIT SIZES**

Policy 3.5 of the London Plan (2016) requires the design of new housing developments to consider elements that enable the home to become a comfortable place of retreat. Traffic noise and adjacent uses can hamper the quiet enjoyment of homes. The London Plan (2016) sets out minimum sizes for various sized residential units. The applicant has submitted plans with all unit sizes meeting the minimum floor space standards.

##### **INTERNAL LAYOUT AND ACCOMMODATION**

Policy 3.5 of the London Plan (2016) requires the design of new housing developments to consider elements that enable the home to become a comfortable place of retreat. Standard 28 of the London Plan Housing SPG (2016) requires the developments to demonstrate how habitable rooms within each dwelling are provided with an adequate level

of privacy in relation to neighbouring property, the street and other public spaces.

The proposal also includes at least 1.5m defensible space at ground floor level between habitable spaces for each unit and the public realm and at least 1.5m between habitable room windows and communal amenity terraces. Overall the internal layout and orientation of each unit provides good quality living space for future residents.

20 of the 103 units are dual aspect and 83 units are single aspect, there are no north facing single aspect units. Whilst the proposal provides a large number of single aspect units, the applicant has demonstrated that where possible, dual aspect units have been provided. The site is narrow and constrained and the arrangement of units provides the most efficient layout. The Inspector raised no issues with this aspect during the previous appeal which had a similar layout, the proposal is considered to be acceptable.

In terms of the internal levels of light to the future residential units, a review of the daylight and sunlight report identifies minor shortfalls to 16 windows. The shortfalls are due to the presence of balconies on the elevations which reduce the amount of light able to enter the living / kitchen / diner. However, the independent assessor notes the windows will attain good sunlight levels to the external amenity spaces which are extensions to those living areas.

Where there are shortfalls, there are other habitable rooms within the units that are in line with guidance. The Inspector had raised no concerns relating to the quality of residential accommodation under Appeal ref: APP/R5510/W/19/3230503 and on this basis, the minor shortfall as a result of balconies is on balance, acceptable in this case.

The London Plan Residential Standards recommend eight units to each core. The proposal provides up to 8 units to each core.

#### PUBLIC OPEN SPACE

Policy DMCI 4 of the Local Plan: Part Two (2020) requires new major residential development to make provision for new open space or enhancements to existing open space which meets the needs of future occupiers of the development. Given the constraints of the site, the proposal cannot provide open space on site, therefore an off site contribution of £137,500 is required towards the enhancement of existing public open space in line with the requirements of Policy DMCI 4 of the Local Plan: Part Two (2020).

#### PRIVATE AMENITY SPACE

Policy DMHB 18 of the Local Plan: Part Two (2020) requires new developments to provide good quality and usable private outdoor amenity space in accordance with the standards set out in Table 5.3. Based on the schedule of accommodation proposed, the applicant is required to provide 2,340 sq.m of private amenity space.

This application provides 1,141 sq.m of amenity space of which 424 sq.m is proposed to be communal amenity space at provided through terraces at fourth, sixth and ninth floor levels and 717 sq.m of private amenity space in the form of private balconies and terraces. The application proposal fails to provides sufficient private and communal amenity space in accordance with Policy DMHB 18 of the Local Plan: Part Two (2020).

It is noted that there is a shortfall in amenity space on site, under the Appeal scheme, In

Paragraph 74 of the Inspector's decision it was

accepted that this would be addressed by a financial contribution secured through the planning obligation, towards improvements at the nearby Cranford Park. The shortfall in the quantum of provision is addressed by a financial contribution secured through the planning obligation, towards improvements at nearby Cranford Park.

It is noted that the application would provide £135,700 in line with Policy DMCI 4 of the Local Plan: Part Two (2020) which would contribute to improvements to Cranford Park. Whilst this is not typically how the Council would deal with the shortfall in private amenity space, given the approach taken by the Inspector, the Council has no reason to depart from the Inspector's decision. Due to the constrained nature of the site and specific circumstances of the planning history at this site, the level of onsite amenity space provided is on balance acceptable.

#### CHILDREN'S PLAYSPACE

Policy 3.6 of the London Plan (2016) requires development proposals that include housing to make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

Policy DMHB 19 of the Local Plan: Part Two (2020) requires major residential development which results in an occupancy of ten or more children to provide children's and young people's play facility.

The Mayor of London's Child Play Space Calculator estimates a child yield of 16 requiring 162 sq.m of playspace on site. The proposal includes 262 sq.m of play space on the sixth floor terrace. Whilst it would be desirable to have children's playspace located at ground floor level, given the approach was considered acceptable at appeal under ref: APP/R5510/W/19/3230503, the provision of children's playspace on the sixth floor terrace is on balance considered acceptable.

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

London Plan Policy 6.13 and the Mayor's Publication London Plan Policy T6 require developments to provide the appropriate level of car parking provision.

Policy DMT 1 of the Local Plan: Part Two (2020) requires development proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Local Plan: Part Two (2020) notes development proposals must ensure that safe and efficient vehicular access to the highways network is provided to the Council's standards.

Policy DMT 6 of the Local Plan: Part Two (2020) states that development proposals must comply with the relevant parking standards. For a development of this type it is required that the quantum of car parking provided is determined.

For a development of this type the maximum number of parking spaces would be 115 spaces taking into account that this proposal occupies an edge of town centre location and a PTAL ranking of 4.

The development would provide 14 car parking spaces, 4 of which are wheelchair

accessible, the remaining 10 standard car parking spaces are allocated to each of the largest 3 bedroom units. The proposal would provide 178 dedicated cycle parking spaces plus visitor spaces.

Of material importance to this planning application is the previous appeal decision which was dismissed by the Planning Inspectorate in March 2020. One of the reasons the Council originally refused the application was the provision of insufficient car parking. However, the Inspector accepted the Appellant's assertion that the site is suitable for car-free development.

Given the conclusion reached by the Inspector, the proposed 14 car parking spaces which would be allocated to either the wheelchair accessible units and the family sized units is considered acceptable. The applicant is required to enter into a Section 106 legal agreement with the Council to ensure the future residents do not have access to parking permits within the Hayes HY2 Parking Management Scheme (other than blue badge holders).

The applicant is required to provide 3 electric vehicle charging points fitted with two cables and connectors are provided to serve the standard car parking spaces and 1 electric vehicle charging points fitted with two cables and connectors is provided to serve the disabled car parking space. This would be secured by way of a suitably worded condition.

The applicant has used the TRICS database to determine the number of vehicle trips that the extant site use could generate, this exercise show that it could generate circa 13 two-way vehicle trips in the AM Peak and 11 two-way vehicle trips in the PM Peak. Again, using the TRICS database the applicant has calculated the number of trips the development could generate 'with' the proposed development. The results of this work show that the site could reasonable be anticipated to generate 9 two-way vehicle trips vehicle in the AM Peak and 24 two-way trips in the PM Peak. The proposed residential development would therefore result in a net reduction in vehicle trips in the AM Peak and a net increase in vehicle trips in the PM Peak compared to the extant use. LBH Highways DC consider this uplift insignificant taking into account existing background traffic levels and would not result in any detrimental impact on the local highway network.

The applicant reports that given the narrow width of the site; it is not possible to accommodate on-site servicing. Accordingly, the development proposes an inset loading bay on Nestles Avenue. The refuse truck will use the loading bay for pick up. The loading bay will be subject to a traffic regulation order restricting its use for loading only (and for that loading to be completed within a specific time period). Any vehicle stopped in the bay and not completing a loading activity would be liable to parking enforcement.

As the development would be partially car free, it is reasonable to assume that many of the future residents would be reliant on home deliveries. Taking this into account, a Service and Delivery Plan is required by way of a suitably worded condition.

Along Nestles Avenue, a shared use footway will be provided as well as new street lighting and street trees. Transport for London have agreed in principle to operate a bus service along Nestles Avenue. This package of measures will help to make the new residents of the various development along Nestles Avenue less reliant on the private car for trip making thereby making a lower car parking ratio more sustainable.

Policy SA 5 of the Site Allocations and Designations (2020) requires developments along

Nestles Avenue to provide a sufficient setback from Nestles Avenue to allow for the introduction of potential public transport improvements. The application site is set back from Nestles Avenue by 15m to facilitate the delivery of the Multi Modal Transport Spine.

For the Nestles Avenue Multi Modal Spine to fulfill its role of providing genuine travel choice which in turn allows lower car parking ratios, the Highways Officer has sought a contribution. Based on the number of units provided a contribution of £12,846.31 is required to facilitate the delivery of the Nestles Avenue Multi-Modal Spine, and has been agreed with the applicant. TfL has requested a legal obligations towards healthy streets, a legal obligation has accordingly been secured.

A Travel Plan is required to ensure sustainable modes of transport are attractive and convenient to use for new residents. As surety that the Travel Plan will be implemented and targets achieved the LBH Highways DC requires that the developer provides a £20,000 bond. In the event of the Travel Plan not being delivered the Council will use this bond to implement the Travel Plan itself. This should be secured by way of a S106 agreement.

The proposal will require works to be undertaken on the Council's highway, therefore the developer is required to enter into a s.106 legal agreement obliging the developer to enter into a s.278/s.38 with London Borough Hillingdon under Highways Act 1980 thereby allowing such works to be carried out. Subject to the above, there are no highway objections to the proposed development.

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

Design has been addressed in paragraph 7.07 of this report.

##### Security

Paragraph 7.13 of the London Plan (2016) requires development proposals to contribute to the minimisation of potential physical risks and include measures to deter crime and anti social behaviour. A secured by design condition has been recommended and therefore the proposal is considered to accord with Policy 7.13 of the London Plan (2016).

#### **7.12 Disabled access**

Policy 3.8 of the London Plan (2016) and the London Housing SPG together promote accessible design, whilst advocating a flexible approach on small scale developments. The Housing SPG clarifies that Policy 3.8 should be applied flexibly to ensure that residential or mixed use development is deliverable and notes that a lift may cause practical difficulties for small scale developments (where the depth and width of a plot and height restrictions may inhibit the overall floorplate and massing).

Policy 7.2 of the London Plan (2016) require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design.

The access officer has commented on the application and made comments on the proposal. Following a review of the accessibility officers comments, further clarification was provided in the Design and Access Status Addendum. Details relating to the play areas, hard surfaces and lighting of the communal and shared areas has been secured by way of a condition. The proposed affordable housing units are to comply with M4(3) standards which is secured by way of a condition. All other units would be provided to M4(2) standards which is secured by condition. In compliance with the London Plan 4 accessible car parking spaces are provided which would also be allocated to the family sized London Affordable Units. On the basis of the above, the Access Officer has not

raised accessibility objections to this application, if the application is considered acceptable, conditions have been requested which are included within the draft decision.

### **7.13 Provision of affordable & special needs housing**

Policy 3.12 of the London Plan (2016) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes.

Policy H4 of the Publication Version of the London Plan (2020) sets a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable and advises of specific measures to achieve this aim. It states that affordable housing should be provided on site and that affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.

Policy H5 of the Publication Version of the London Plan (2020) establishes the threshold approach to applications, and that where the development does not fall within a specific category, the threshold level of affordable housing on gross residential development is initially set at a minimum of 35 per cent.

Policy H2 of the Local Plan: Part One (2012) requires sites with a capacity of 10 or more units, to provide an affordable housing mix to reflect the housing needs in the borough, particularly the need for larger family units.

Policy DMH 7 of the Local Plan: Part Two (2020) requires major residential developments to maximise the delivery of affordable housing on site. A minimum of 35% of all new homes should be delivered as affordable housing with a tenure split of 70% Social/Affordable Rent and 30% Intermediate.

Under Appeal Ref: APP/R5510/W/19/3230503, the Inspector noted that:

"By the end of the Inquiry, it was a matter of agreement that the scheme could support six affordable homes (equating to 7.4% by habitable room) to be provided as Discount Market Rent units at London Living Rent. The Council confirmed that the provision is the maximum reasonable amount that can be provided by the development at this time. The planning obligation secures that provision, the rents, and early and late stage review triggers, which arrangements mean that there is no conflict with London Plan policies 3.10, 3.11, 3.12 and 3.13, policy H2 of the Local Plan Part 1, or policy DMH 7 of the Local Plan Part 2, which policies together and among other things seek to secure the maximum reasonable amount of affordable housing. However, since the provision is well below the policy target of 35% by habitable room, I afford it only moderate weight."

The Applicant seeks to provide 1 x 2 bedroom unit and 4 x 3 bedroom units at as London Affordable Rent units. The applicant provided an updated Financial Viability Appraisal with the application which has been reviewed by an Independent Surveyor appointed by the Council.

The Independent Surveyor has reviewed the submitted information which included the sales of both new and old properties in the area. The Independent Surveyor agreed with the Applicant's conclusion that it is unviable to deliver a policy compliant level of affordable housing on site. The Independent Surveyor accepted that a provision of 7.27% habitable as London Affordable Rent is the maximum reasonable in this instance.

The planning obligations officer agreed this approach provides a maximum reasonable

amount of affordable housing in compliance with Policies 3.11 of the London Plan (2016) and Policy H2 of the Local Plan: Part One (November 2012), provided that an early and late review mechanism is secured through a clause within the Section 106 legal agreement.

## **7.14 Trees, landscaping and Ecology**

### **LANDSCAPING**

Policy 3.5 of the London Plan (March 2016) requires that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces.

Policy 5.10 of the London Plan (March 2016) states that development proposals should integrate green infrastructure to contribute to urban greening, including the public realm.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Local Plan:Part Two (2020) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

There are no Tree Preservation Orders or Conservation Area designations affecting the site with the exception of the off-site trees on the boundary with the former Nestle site. A tree report has identified and assessed 8 individual trees, one group and four hedges. There are no 'A' grade trees. Two merit 'B' grade, both of which are off-site but close to it.; T6 is a Norway maple in the footway ( a highway tree) and T8 is a lime located within the adjacent Nestle development site.

All other trees are 'C' grade which do not constitute a constraint on development. Tree T6 will be removed to facilitate the development , however, the footway and public realm fronting Nestles Avenue will be the subject of a comprehensive landscape scheme, incorporating new planting, swales, and a cycle track with space to accommodate a new bus route along Nestles Avenue. T8 will suffer a significant encroachment into its RPA (root protection area). It will also require some crown lifting to prevent accidental damage due to construction work.

The Trees Officer has requested an Arboricultural Method Statement and Tree Protection Measures by condition to minimise any impact on this tree. The Trees Officer has raised no objection to the removal of other trees to enable the development, subject to appropriate replacement planting as part of a comprehensive landscape plan.

### **Landscaping**

The proposed flats will be set back from Nestles Avenue to allow for a landscaped frontage and the provision of a reserved strip of land to accommodate a potential new cycle and bus route. To the north of the development the siting of the building will permit a walking route connecting the adjacent developments with Station Road.

Nine different landscape typologies are proposed across the site from ground level (00)

landscaping to the green/ brown roof for biodiversity at level 11. The cascading roof levels will provide tiered roof gardens for residents, with a green or brown roofs designed to encourage biodiversity and PV panels at level 11. The podium level gardens will be developed on different levels descending from north to south where each space will be exposed to natural light from the south, east and west. External amenity space will be provided in the form of private balconies, the communal roof gardens.

Primary pedestrian links are proposed along the south, east and west boundaries with vehicle access restricted to the north. Defensible space is proposed to be provided using planting at ground floor level.

Planting will include trees and compositions designed to moderate the microclimate. Aside from providing wind shelter, the terraces are designed to provide relief from direct sunlight. An indicative palette of hard and soft landscape elements for use on the site has been provided. Subject to final details, the Landscaping Officer considers the quality of the landscaping proposal to be acceptable subject to the implementation and future maintenance. The recommended conditions have been included in the schedule of conditions.

#### URBAN GREENING FACTOR

London Plan Policy 5.10 and Policy G5 of the Publication Version of the London Plan (2020) state that developments should provide new green infrastructure that contributes to urban greening. Policy G5 also sets out a new Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments.

Most of the surface areas have been designed to contribute to green infrastructure and biodiversity. The GLA guidance recommends a target score of 0.4 for residential schemes. The application proposal achieves a score of 0.43 which accords with Policy G5 of the Publication Version of the London Plan (2020).

#### ECOLOGY

Paragraph 170 of the NPPF (February 2019) states that planning decisions should contribute to and enhance the natural and local environment by among other measures, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy 7.19 of the London Plan (March 2016) states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy DME1 7 of the Hillingdon Local Plan: Part Two (2020) requires the design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site.

The site is considered to be of fairly low quality value and unlikely to be of interest to protected species given the lack of valuable habitat and natural features. The Ecology Officer has recommended a green wall along the northern elevation to however this is not considered to be reasonable as this green wall has been designed to address the design and conservation officers comments with specific detailing, coupled with this, the facade is likely to abut an adjoining development, when the Squirrels Trading Estate is developed.

Officers are therefore not recommending that the Northern elevation is treated with a Green Wall.

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

Policy 5.17 of the London Plan (2016) sets out the Mayors Spatial Policy for Waste Management including the requirements for new developments to provide appropriate facilities for the storage of refuse and recycling.

The Applicant has provided revised plans of the refuse store to 21 large bins. This is to provide 'float' so that some bins can remain in the store on collection day. The stores are arranged with clear access to bins on both sides. All movement of bins will be by management on allocated collection days.

A temporary collection point along the western mews is proposed for collection day to avoid bins being left on Nestles Avenue. Temporary storage for bins waiting for collection would allow vehicles to pass into the mews.

The refuse truck will use the loading bay for pick up. The loading bay will be subject to a traffic regulation order restricting its use for loading only (and for that loading to be completed within a specific time period). Any vehicle stopped in the bay and not completing a loading activity would be liable to parking enforcement.

The proposed refuse store and waste strategy is considered appropriate for the development. However final details of servicing and deliveries, particularly that of the traffic management order proposed in the loading bay is required by way of condition to ensure the waste strategy is implemented prior to occupation.

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

Policy 5.2 of the London Plan (2016) requires developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (2016).

Policy DME1 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that: A) All developments make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets; B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved; C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, if the Council is minded to approve the application despite not meeting the carbon reduction targets, then it will seek an off-site contribution to make up for the shortfall. The contribution will be sought at a flat rate at of £/tonne over the lifetime of the development, in accordance with the current 'allowable solutions cost'.

The Sustainability Officer has commented on the application noting the energy strategy shows the development as a whole to not comply with the requirements of the London Plan

(zero carbon for residential, 35% co2 reduction for non-residential). Consequently, in accordance with Policy 5.2e an offsite solution is required to offset the shortfall onsite. The applicant must pay £90,849 to the Council's Carbon Offset fund.

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

Policy 5.13 of the London Plan (2016) states that development proposals should use sustainable urban drainage systems (SuDs) unless there are good reasons for not doing so and that developments should aim to achieve green-field run-off rates. Policy 5.15 goes on to confirm that developments should also minimise the use of mains water by incorporating water saving measures and equipment.

Policy DMEI 10 of the Local Plan: Part Two (2020) applications for all new build developments are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.

The flood water management officer has commented on this application raising no in principle objections to the development. A detailed drainage proposal and surface water management is required to ensure the most sustainable solution is implemented on site.

A condition is proposed within the draft decision notice requiring details of the above. Should the application be considered acceptable, details of the drainage proposal and surface water management would need to be provided prior to commencement other than demolition.

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

Noise

Policy 7.15 of the London Plan (March 2016) states that development proposals should seek to manage noise by:

- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development;
- b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;
- c. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);
- d. separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation;
- e. where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;
- f. having particular regard to the impact of aviation noise on noise sensitive development;
- g. promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Policy D12 of the Publication Version of the London Plan (2020) places the responsibility for mitigating impacts from existing noise generating activities or uses on the proposed new noise-sensitive development.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) 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.

The nearest noise source is Squirrells Trading Estate located to the north and No. 7 Nestles Avenue to the West. The application proposes to provide a blank elevation along the northern elevation. The application proposes to use a number of acoustic measures including MVHR units (as a result of the SAP calculations), solid balustrades to balconies on the western elevation and acoustically absorptive soffits to minimise potential noise reflections from the underside of projecting balconies. The proposed block is also set further back from 7 Nestles Avenue than the previous scheme design, and with standard thermal double-glazing.

The submitted acoustic report was reviewed independently and it was considered that the proposed measures are considered sufficient acoustically. Conditions are recommended which have been included within the list of conditions.

#### Air Quality

Policy DMEI 1 of the Local Plan: Part Two (2020) requires major development in Air Quality Management Areas to provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

The Local Plan recognises that living walls and roofs allow a number of environmental goals to be achieved in a relatively small space. They also remove particulates that improve local air quality. The Council's EPU (Air Quality) Officer has requested that a condition is added to the decision notice to ensure the proposal contributes to air quality enhancements.

Policy DMEI 14 of the Local Plan: Part Two (2020) requires development proposals to demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. Developments are expected to be:

- Air quality neutral;
- Include mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors; and
- Actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

The proposed development is within Hays Air Quality Focus Area and in the vicinity. The Air Quality Officer has commented on the application noting the proposal will result in annual transport emissions which will add to current exceedances of the nitrogen dioxide annual mean limit value within this sensitive area.

The proposal is not air quality neutral in terms of traffic emissions. As per the London Plan, developments need to be neutral as minimum and contribute actively to reduce pollution in Focus Areas, contributing to the reduction of emissions in these sensitive areas. Therefore, a section 106 agreement with the LAP of £107,829 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, assuming no local network congestion would be exacerbated

by the proposal.

## **7.19 Comments on Public Consultations**

Comments received are addressed within the main body of the 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.

Relevant Officers have reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impact of the development:

1. To secure all necessary highway works including written agreement from the Local Planning Authority; (Section 278/S38 including works to provide cycle way, footpath and landscaping as part of MMTS road widening proposals);
2. £12,846.31 towards the multi modal transport scheme on Nestles Avenue and the safeguard of land for implementation of scheme;
3. A full and formal Travel Plan with associated £20,000.00 bond to include a Sustainable Transport Measures is required to be submitted and agreed in writing by the LPA before occupation of the development. Thereafter, the Travel Plan is required to be reviewed annually to monitor and if required, update and/or amend the document to the satisfaction of the LPA, in order that its aims and objectives are achieved.
4. Parking Permit exclusion clause for all future residents (other than blue badge holders in the Hayes HY2 Zone);
5. Affordable housing provision of 1 x 2 bedroom unit and 4 x 3 bedroom unit as London

Affordable Rent and early and late stage review mechanisms in line with Policy H5 of the Publication London Plan;

6. Employment Strategy and Construction Training - either a contribution equal to the formula within the Council Planning Obligations Supplementary Planning Document (SPD) 2014, or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development. Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered. Securing an Employment/Training Strategy Agreement is Council's priority. Financial Contribution will only be accepted in exceptional circumstances;

7. Air Quality: in line with the SPD and given the site is located in an air quality management area, a contribution in the sum of £107,829;

8. Carbon Fund: a contribution of £90,849 for a carbon fund to make up for the shortfall for this development and in order to make the development policy compliant (£1800 for every tCO<sub>2</sub>/annum that is below the zero carbon target);

9. Open Space Contribution of £137,500 in line with the SPD;

10. Implementation of the boundary treatment agreed between the Owner of No. 9 Nestle Avenue and the land owner of the Former Nestle Factory site to remove 3m acoustic barrier prior to occupation, or otherwise agreed with the local planning authority; and

11. Safeguarding of 'Mews to the west' to ensure reconfiguration to 2 way traffic movements only once this and the adjoining 7 Nestle Avenue site is redeveloped;

12 A contribution of upto £74,800 towards the A312 Healthy Streets (to be agreed between the Applicant and the GLA); and

13. Project Management and Monitoring Fee: a financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

#### Community Infrastructure Levy

In addition to S106 contributions the Council has adopted its own Community Infrastructure Levy (CIL) with a charge of £95 per square metre of gross internal residential floor area. This application is CIL liable with respect to new floorspace being created.

In addition to the London Borough of Hillingdon CIL, the Mayor of London's Community Infrastructure Levy (CIL) has introduced a charging system within Hillingdon of £60 per square metre of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail. This application is CIL liable with respect to new floorspace being created.

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

There is no enforcement history for this site.

#### **7.22 Other Issues**

##### Contaminated Land

Policy DME1 12 of the Local Plan: Part Two (2020) requires proposals for development on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants. Conditions will be imposed where planning permission is given for

development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

#### Fire Safety

Policy D12 (Fire safety) of the Publication Version of the London Plan (2020) 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. It is considered that a condition should be added to any permission to secure the implementation of a Fire Strategy for all parts of the development in accordance with draft Policy D12 (Fire safety) of the London Plan - Publication Version of the London Plan (2020).

#### Overheating Assessment

Policy SI4 of the Publication Version of the London Plan (2020) requires major development proposals to demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy.

The Applicant has carried out an overheating assessment in line with the London Plan Cooling Hierarchy. The report notes that the orientation of the dwellings varies throughout the scheme, the majority though have been given a SE/NW orientation. All dwellings will feature a Mechanical Ventilation unit with Heat recovery to provide background ventilation throughout the year. This will run in a summer bypass mode during the warmer months. Windows would be fully openable to allow for single-sided or cross ventilation in single-aspect and dual-aspect units respectively. A natural ventilation strategy will allow for additional flow rates to remove excessive heat gains when required. The statement notes windows can be also left open during the night in hot summer periods to allow for night-time cooling for cooling down the structure by taking advantage of the lower external temperatures. On the basis of the information provided, it is considered the proposal is in line with Policy SI4 of the Publication Version of the London Plan (2020).

## **8. Observations of the Borough Solicitor**

#### General

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

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

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

#### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing

the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

### **9. Observations of the Director of Finance**

Not applicable.

### **10. CONCLUSION**

The proposal seeks planning permission for the redevelopment of the site to provide the demolition of existing buildings and redevelopment to provide a building up to 11 storeys comprising residential accommodation, associated landscaping, access, car parking and cycle parking.

This application follows an appeal under ref: APP/R5510/W/19/3230503 which was dismissed because the previous proposal failed to provide a building that responded positively to the townscape. The Inspector did however considered that a residential development at this site "would not materially prejudice comprehensive redevelopment of the larger Site B area, that there would be no harm to the heritage significance or character and appearance of the Conservation Area, and that the proposed parking provision would not harm vehicular or pedestrian safety at the time the development might be occupied".

Under this application, significant changes have been made at ground floor level to address

the Inspector's concerns. The footprint at ground floor level has been reduced and the building has been set away from western boundary creating a service mews along the west and a dedicated pedestrian entrance along the east. The proposal includes 14 car parking spaces for the accessible and family sized units. The commercial floorspace previously proposed no longer forms part of the application, however Officers consider that given the size of the site and its constraints, a well designed residential scheme at this site that responds positively to the townscape setting is more appropriate at this site.

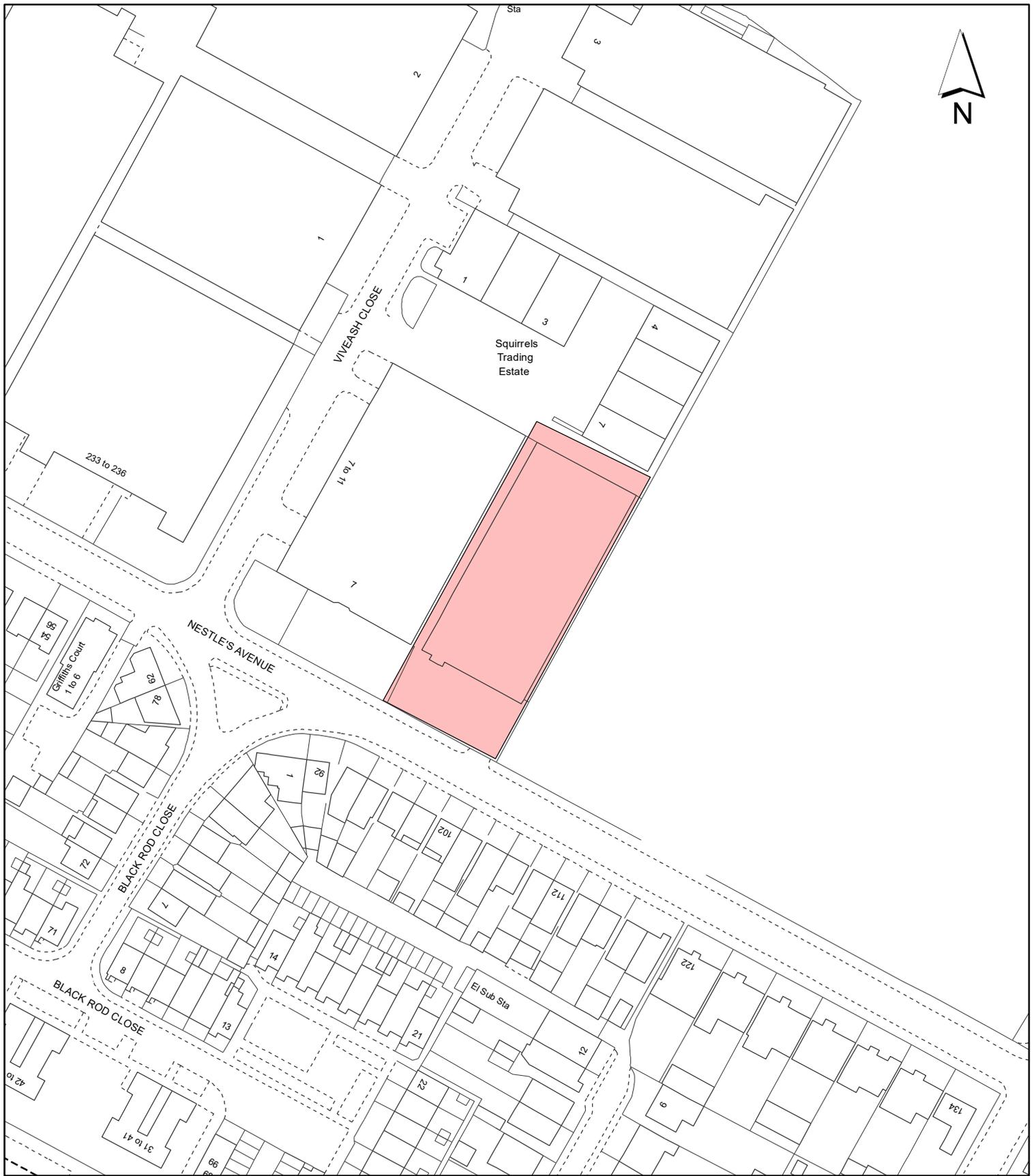
The NPPF (2019) makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The application would provide additional residential units in the Hayes Housing Zone and it would not materially prejudice the comprehensive redevelopment of Site B of Policy SA 5 of the Local Plan: Site Allocations and Designations (2020) which is a material planning consideration which weighs in favour of the development. The proposal provides a setback that would facilitate the delivery of the Multi Modal Transport Spine along Nestles Avenue which weighs in favour of the development. Whilst the proposal fails to provide the locally recommended car parking ratio, given the conclusions reached by the Inspector, the provision of car parking spaces that are allocated to the larger 3 bedroom units, is on balance considered acceptable. The amended proposal for the site under this application is considered to overcome the Inspector's concerns in the appeal decision ref: APP/R5510/W/19/3230503. For the reasons outlined in the report, the application is recommended for approval subject to a S106 Legal Agreement and conditions.

## **11. Reference Documents**

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 Site Allocations and Designations (2020)  
Hillingdon Local Plan: Part 2 Development Management Policies (2020)  
Hillingdon Local Plan: Policies Map (2020)  
London Plan (2016)  
London Plan Publication Version (2020)  
National Planning Policy Framework (2019)

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**Notes:**

 Site boundary

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Planning Application Ref:  
**51175/APP/2020/2543**

Scale:  
**1:1,250**

Planning Committee:  
**Major**

Date:  
**February 2021**

