

Report of the Interim Director of Planning, Regeneration & Public Realm

Address 3 VIVEASH CLOSE HAYES

Development: Redevelopment of the site to erect a part 10 storey and part 11 storey residential led development comprising 127 flats and residents lounge with associated access (including Public Access Improvements) and landscaping works following demolition of existing light industrial building (Amended plans submitted 17/03/2023)

LBH Ref Nos: 36678/APP/2021/3370

Drawing Nos: 2142-ExA-10-ZZ-DR-L-0102 Rev P1
PL-(04) - 903_01
22040-GAA-ZZ-XX-DR-T-2202 Rev P0
22040-GAA-ZZ-01-DR-T-2002 Rev P0
22040-GAA-ZZ-02-DR-T-2003 Rev P0
22040-GAA-ZZ-03-DR-T-2004 Rev P0
22040-GAA-ZZ-08-DR-T-2005 Rev P04.0
210599-CPW-XX-XX-RP-M-320005_Rev /
210599
Waldrams Rebuttal Daylight and Sunlight Comments
22040-GAA-ZZ-GF-DR-T-1001 Rev P01.0
22040-GAA-ZZ-ZZ-DR-T-1004 Rev P01.0
22040-GAA-ZZ-XX-DR-T-2102 Rev P0
PL-(04) - 902 Rev 01
2142-ExA-00-ZZ-DR-L-0101 Rev P1
22040-GAA-ZZ-10-DR-T-2006 Rev P0
EX - PL -(03) - 100 Rev 01
22040-GAA-ZZ-XX-DR-T-2103 Rev P0
DEM-PL-(03)-100 Rev 01
A -PL-(03) -300A Rev 0
A -PL-(03) -300B Rev 02
A -PL-(03) -301 Rev 03
Revised Redloft FVA December 2021
Urban Greening Factor Assessment
Urban Greening Factor Plan
Waldrams Daylight and Sunlight Updated Report Including AY Rebuttal
GL Hearn TVIA Feb 202
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Statement of community involvement
210599-CPW-XX-XX-RP-M-0001
GL Hearn TVIA August 202
Synergy 20 7 393 July 2021

Ref: 20 7393 August 2021
 Ref: 20-7393 Rev A - August 2021
 JCH01418
 L20068 August 2021
 22040-GAA-ZZ-XX-DR-T-2104 Rev P0
 22040-GAA-A1-XX-SA-A-0001 Rev P0
 Daylight and Sunlight Report Addendum
 Gateway 1 form 17-03-2023
 Updated Fire Strategy Rev 1
 15419_L11_006 DAS
 2142-ExA-00-ZZ-DR-L-0102 Rev P1
 2142-ExA-10-ZZ-DR-L-0100 Rev P1
 2142-ExA-10-ZZ-DR-L-0101 Rev P1
 Amended FVA (redloft) 29 March 2021
 22040-GAA-ZZ-XX-DR-T-2101 Rev P0
 22040-GAA-ZZ-06-DR-T-1005 Rev P0
 22040-GAA-ZZ-RF-DR-T-2007 Rev P0
 Planning Statement Rev 2
 Patrick Parsons FRA L20068
 Sustainability appraisal
 Motion Transport Statement
 WLCS 20-7393 - 3
 JAC27337
 22040-GAA-ZZ-XX-DR-T-2201 Rev P0
 Appendix 9 Drainage and Water plan
 22040-GAA-ZZ-GF-DR-T-2001 Rev P0
 22040-GAA-A1-XX-SA-A-0002 Rev P0
 22040-GAA-ZZ-01-DR-T-1002 Rev P0
 22040-GAA-ZZ-02-DR-T-1003 Rev P0
 22040-GAA-ZZ-08-DR-T-1006 Rev P0
 220706_ExA_2142 DAS_Play Strategy
 A-EX-PL-(05) - 100_00 rev 01
 2142-ExA-00-ZZ-DR-L-0100 Rev P1
 EX-PL-(02)-100 Rev 01
 15489-A-PL-(03) - 012 Rev 02
 20 7393 Rev. A

Date Plans Received:	06/09/2021	Date(s) of Amendment(s):	12/01/2022
Date Application Valid:	01/12/2021		02/12/2021
			12/07/2022
			06/04/2023
			01/02/2022
			06/09/2021
			23/09/2021
			25/01/2022
			07/07/2022
			17/03/2023
			04/01/2022
			03/03/2022

DEFERRED ON 6th April 2023 FOR FURTHER INFORMATION .

This application was presented to the Major Applications Planning Committee on 26-07-22, where members agreed with the officer's recommendation to approve the application, subject to minor changes to the conditions (which were delegated to officers to complete), completion of the S106 legal agreement and Stage 2 referral to the GLA.

On 22-12-22, a Stage 2 referral to the GLA was submitted. However, the GLA has since confirmed that they cannot validate any stage 2 referral for residential developments that do not conform to the pending changes to the Fire Safety Regulations due to be adopted in the Summer of 2023. These changes will require all residential developments above 18 or 30 metres (the trigger height is yet to be confirmed) to be designed with more than one means of escape per core. Upon receiving confirmation that the GLA will not validate the Stage 2 referral the applicant has submitted a set of revised plans which now provide more than one means of escape per core. The details of these changes are set out below and within the body of this amended committee report.

The applicant has also proposed minor amendments to the internal spaces and facades, which are expected during the more detailed design stages. The detailed design stage usually takes place post-determination, and changes would be resolved by submitting an S73 or a non-material amendment application. In this instance, the applicant has taken a common sense approach by capturing all of the changes to date within this revised submission. This will minimise the need for further applications post-determination of this application.

The proposed list of amendments for consideration is summarised below:

1. The refuse bins and bikes have been re-positioned at the ground floor level. This was required by the council's waste management service to create separate bin and cycle stores for the tenures/cores.
2. At the ground floor level, the resident's lounge has been reduced in size to reduce the service charge for future occupiers.
3. The substation has been moved to where the switch room was located as a floor-to-ceiling height of 6m was required to install the substation.
4. From the 1st to 10th-floor levels, a connecting corridor has been provided between each core to ensure there are two means of escape which is now required to meet fire regulations. The arrangement of the flats in this location has been adjusted to cater for this access.
5. Removal of the canopy at the roof level to provide more external amenity space, reduce service charges for residents and improve fire safety by enabling a secure secondary means of escape for residents on this level, as occupants will have access to both stair cores.
6. Relocation of the communal Air Source Heat Pump plant to the 10th-floor plant area as the basement plant area's height was insufficient. As the basement level is no longer required, it has been removed.
7. Removal of the ramp to the basement on the north elevation.
8. Extension of the solar PV array on the 11th-level roof.
9. A change of material from glass to metal for the balustrade on the 10th-floor communal terrace.
10. Replacement of terracotta cladding for light-grey brickwork on Southwest/Northeast elevations.
11. Minor alterations to internal layouts to accommodate riser and Automatic Opening Vent (AOV) designs, the required lift size designs, and M4(3) requirements.
12. As a result of the internal changes to link the two residential cores and provide more than one means of escape for occupants, the unit mix has changed from 38 x 1 bed, 57 x 2 bed and 32 x 3 bed units to 41 x 1 bed, 56 x 2 bed and 30 x 3 bed units.

ADDITIONAL CONSULTATION

A 14 re-consultation was issued on 22-03-23 and expired on 05-04-23. There have been no additional comments received from external or internal consultees.

ASSESSMENT OF NEW INFORMATION

UNIT MIX

The internal changes to extend the corridors to link both cores together assists with fire safety concerns and create two means of escape for the residential occupants. To facilitate this change, some of the units indicated as 2-bedroom units have been reduced to 1-bedroom units which is regrettable. However, the number of 3-bedroom units would be 23.6%, above the 20% provision required to be delivered per the council's most recent housing needs assessment.

AFFORDABLE HOUSING

Whilst there is a change to the proposed unit mix, the applicant has committed to providing the same level of affordable housing as the Major Applications Committee agreed on 26-07-22. This will be secured by way of a legal agreement which has already been drafted.

ENERGY AND OVERHEATING

A revised Energy & Sustainability Assessment and Overheating Assessment have been submitted. Regarding the Energy Assessment, the methods of on-site mitigation, namely the use of PV panels and Air Source Heat Pumps (ASHP), remain the same. The PV Panel provision on the eleventh floor, which is the rooftop level, has been increased, increasing the PV level output. This has resulted in an increase in on-site savings from 56% to 67% and a reduction in the off-site contribution to £102,885.

Regarding Overheating, the amended Overheating Assessment was submitted to the GLA for review dated 08-03-23. The GLA Case Officer has confirmed in writing that the document is insufficient to demonstrate compliance with the Approved Document Part O therefore a condition pertaining to the submission of further details post-determination is required.

INTERNAL AND EXTERNAL LIVING STANDARDS

The revised floor plans demonstrate that each unit complies with the minimum space standards within London Plan Policy D6 and Local Plan Part Two Policy DMHB 16. The proposal would also involve some minor internal amendments to the communal areas, such as reducing the size of the resident's lounge. The substation has also been moved to where the switch room has a floor-to-ceiling height of 6m required to install the substation and minor changes to the bike store and bin locations. It should be noted that the proposal keeps the existing number of bins or bike stands. These are relatively minor amendments that would not impact the residential amenities of future occupants. They are considered non-material and, therefore acceptable.

DAYLIGHT AND SUNLIGHT

The applicant has submitted a revised Daylight and Sunlight Report Addendum supporting the proposed changes. The previous layouts saw 66% of rooms meeting their daylight target value and 47% of units meeting the sunlight target. The new arrangements have 68% of rooms meeting the daylight target and 48% of units meeting for sunlight. Therefore, the redesigned layouts have improved the daylight and sunlight provision within the scheme. Furthermore, removing the cover over the 11th-floor communal amenity space would allow this to become a naturally lit area to benefit future occupants. The proposed changes improve residential amenities and are therefore considered acceptable. Minor alterations to internal layouts are proposed to

accommodate riser and AOV designs, the required lift size designs, and M4(3) requirements.

PRIVATE AMENITY SPACE

The proposal does not seek to amend the level of provision or location. The only change is to remove the cover over the 11th communal amenity area, which, as stated above, is acceptable.

FACADE TREATMENT

Finally, the applicant proposes replacing the terracotta cladding with light-grey brickwork on Southwest/Northeast elevations. The elevations would benefit from a mix of different brick colours and types which will help retain the visual interest that the terracotta cladding would have provided. In addition, the alternating bricks would reduce the appearance of the bulk scale and massing of each elevation. This change is acceptable in principle however further material details will need to be submitted and a condition pertaining to the submission of additional information is required.

FIRE SAFETY

As stated above the main requirement for these changes is to address the pending changes to the Fire Safety Regulations, which have been anticipated for some time (12+ months). The Mayor's decision to not progress any schemes involving a tall residential building of 30 metres or more with a single staircase is new. It follows ongoing collaborative discussions with the London Fire Brigade. A position statement issued by the National Fire Chiefs Council in December 2022 and a consultation carried out by DLUHC that began in December 2022 signalled the imminent changes to the Building Regulations.

Although not formally adopted, the council considers Fire Safety matters extremely important and has worked proactively with the applicant to ensure this residential development adheres to the pending Fire Safety requirements. A set of revised plans have been submitted, extending the internal corridors to meet the staircase of both cores, thus creating two means of escape for both residential cores (effectively, each core is served by two staircases). As such, the proposal now complies with the pending changes to the Fire Safety Regulations. These changes have been informally discussed with the GLA Case Officer, who has not objected.

CONCLUSION

To conclude, Officers have reviewed the additional information provided, which results in improvements to the scheme which members approved dated 26-07-22 regarding Daylight and Sunlight, Fire Safety and Energy Efficiency. Although the unit mix has changed, the overall number of units to be delivered remains at 127, and there has been no change to the affordable housing provision.

The Officer recommendation on this application remains for APPROVAL subject to the imposition of the conditions, completion of a legal agreement and a Stage 2 referral to the GLA

1. SUMMARY

Full planning permission is sought for the redevelopment of the site to erect a part 10-storey and part 11-storey residential-led development comprising 128 flats and a 122 sqm commercial space/resident's lounge (Class E) with associated access (including Public Access Improvements) and landscaping works following the demolition of the existing light industrial building.

The proposed development would provide 31 social-rent units and 13 intermediate units, equating to 35% affordable housing, in accordance with Hillingdon Local Plan Policy DMH7. Although this does not meet the 50% affordable housing target set for former

industrial sites, stated under Policy H5 of the London Plan (2021), it would positively contribute to meeting the council's affordable housing needs and is notably supported by the council's Housing Team. It is also agreed that this affordable housing offer is the maximum viable, affordable housing provision possible with the tenure that best meets the needs of the Borough. If approved, this would be secured by the Section 106 legal agreement, alongside an Early and Late Stage Viability Review.

Regarding the agent of change principle, it is noted that the nearest commercial units to the site are in the neighbouring area (4 Viveash Close). The applicant has submitted a noise assessment, which was reviewed by an independent consultant appointed by the council. The applicant's noise assessment needed to be revised to demonstrate that the proposals would meet policy requirements. Conditions are also proposed to control plant noise and sound insulation/control. Subject to these conditions, the proposal would accord with Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

The proposed part 10-storey, part-11-storey building blocks are viewed within the context of an urban/suburban area, which comprises a mix of characteristics but crucially features existing and consented buildings of a similar bulk, scale and massing located within the former Nestle site and wider Hayes Opportunity Area. The proposed development's scale and mass are considered acceptable based on the immediate surrounding context.

Based on a proposal for 41 x 1 bed, 56 x 2 bed and 30 x 3-bed units, the proposed development would require approximately 3,120 square metres of private amenity space.

The submitted plans provide the following:

- 1,177.37 square metres of private amenity space via balconies;
- 564.92 square metres will be provided via a residential courtyard to the south at ground level, the rooftop amenity space on the 10th floor and the running track to the north of the building.

The above provisions total 1,742.29 sqm square metres of amenity space, resulting in a shortfall of approximately 1,378 sqm. However, in determining a previous appeal scheme on this site, the planning inspector dismissed the council's reason for refusal relating to the lack of policy-compliant levels of amenity space. Paragraphs 13 and 14 of the inspector's decision concluded that the quality of the spaces combined with a contribution agreed upon for local park improvements is acceptable. The current applicant has agreed on a suitable open space contribution, which will be secured through the s106 agreement.

The proposed development would provide seven disabled accessible parking spaces and is therefore considered to be a car-free development. The application site has a PTAL rating of 4 and is about 600 metres (9 min walk) from Hayes and Harlington Station with four bus stops within a 400-metre radius. The application site is well-connected. If recommended for approval, several planning obligations would be secured by Section 106 legal agreement and would contribute to mitigating any impacts that may arise from the proposed use. This includes a travel plan, a contribution towards a Parking Management Scheme Review, parking permit restriction and Active Travel Zone improvements. Subject to securing these measures, the proposal is considered acceptable concerning its impact on the local highway network.

Taking all relevant material planning considerations into account, including the previous appeal decision, the proposed development is considered acceptable regarding its impact on neighbour amenity, access, security, highways, landscaping, ecology, refuse, energy,

flooding, noise and contaminated land.

In summary, the proposed development is considered a suitable use of the site. The proposal is deemed to meet the site allocation requirements and integrate with surrounding redevelopment proposals. The application is therefore recommended for approval subject to recommended planning conditions, a Section 106 legal agreement and Stage 2 Mayoral referral.

2. RECOMMENDATION

That delegated powers be given to the Interim Director for Planning, Regeneration and Public Realm 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 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:

1. A s278; Highway works needed to facilitate highway improvement works along Viveash Close

2. Air quality damage cost £7,637

3. Employment Strategy and Construction Training: 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 the Council's priority. A financial contribution will only be accepted in exceptional circumstances.

4. Canals and Rivers Trust £25,000 towards towpath surfacing, wayfinding, planting and public realm improvements

5. TFL healthy streets contribution of £85,860

6. LBH highway improvement works comprising:

-£196,000 relating to resurfacing of the footways and replacement of kerbs along Viveash Close;

-£8,000 for the delivery of a parking management scheme; and

-£15,000 towards the Santander Cycle scheme.

7. Travel Plan: An amended Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include such matters as: targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the Travel Plan; and a commitment to delivering the Travel Plan objectives. A £20,000 Travel Plan bond is also to be secured.

8. Implementation of a new boundary treatment agreed between the Owner of 3 Viveash Close and the land owner of the former Nestle Site (Block E) and the removal of the closed boarded fence between the two sites, or otherwise agreed with the local planning authority;

9. Provision of new street lighting along the full length of Viveash Close.
10. Restriction upon future residents preventing them from obtaining an on street parking permit within the existing adjoining Parking Management Scheme and any future expanded Scheme
11. Open space contribution £169,500
12. Health contribution of £69,098
13. Affordable Housing: Planning obligation for an on-site provision of 31 no. Social Rent units, comprising 4 no. 1-bed , 17 no 2-bed, 10 no 3-bed and 13 intermediate units which comprises of 3 no.1-bed, 6 no. 2-bed and 4 no 3-bed. This shall include an Early and Late Stage Viability Review mechanism as defined by Policy H5 of the London Plan (2021).
14. Carbon off-set contribution of £102,885
15. Financial contribution towards child play space £19,840
16. 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 in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the review and preparation of the legal agreement 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 and any changes requested by the GLA.

E) If the Legal Agreements have not been finalised within 6 months (or such other time frame as may be agreed by the Interim Director of Planning, Regeneration and Public Realm), delegated authority be given to the Interim Director of Planning, Regeneration and Public Realm to refuse planning permission for the following reason:

'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to the highways necessary as a consequence of demands created by the proposed development. The proposal therefore conflicts with the Town and Country Planning (General Permitted Development) (England) Order 2015, policies DME1 7, of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), the Council's Planning Obligations SPD and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the London Plan (2021) and the NPPF.'

F) That if the application is approved, the following conditions be imposed subject to changes negotiated by the Interim Director of Planning, Regeneration and Public Realm prior to issuing the decision.

1 RES3 Time Limit

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

REASON

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

2 RES4 Accordance with Approved Plans

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

2142-ExA-00-ZZ-DR-L-0100 Rev P1
2142-ExA-00-ZZ-DR-L-0101 Rev P1
2142-ExA-00-ZZ-DR-L-0102 Rev P1
2142-ExA-10-ZZ-DR-L-0100 Rev P1
2142-ExA-10-ZZ-DR-L-0101 Rev P1
2142-ExA-10-ZZ-DR-L-0102 Rev P1
22040-GAA-ZZ-10-DR-T-2006 Rev P03
22040-GAA-ZZ-RF-DR-T-2007 Rev P02
22040-GAA-ZZ-XX-DR-T-2101 Rev P01
22040-GAA-ZZ-XX-DR-T-2102 Rev P01
22040-GAA-ZZ-XX-DR-T-2103 Rev P01
22040-GAA-ZZ-XX-DR-T-2201 Rev P01
22040-GAA-ZZ-XX-DR-T-2202 Rev P01
22040-GAA-ZZ-XX-DR-T-2203 Rev P01
22040-GAA-ZZ-XX-DR-T-2204 Rev P01
22040-GAA-ZZ-01-DR-T-2002 Rev P03
22040-GAA-ZZ-02-DR-T-2003 Rev P03
22040-GAA-ZZ-03-DR-T-2004 Rev P03
22040-GAA-ZZ-08-DR-T-2005 Rev P04.01
22040-GAA-ZZ-GF-DR-T-2001 Rev P03
22040-GAA-A1-XX-SA-A-0002 Rev P01
22040-GAA-ZZ-01-DR-T-1002 Rev P01
22040-GAA-ZZ-02-DR-T-1003 Rev P01
22040-GAA-ZZ-06-DR-T-1005 Rev P01
22040-GAA-ZZ-08-DR-T-1006 Rev P01
22040-GAA-ZZ-GF-DR-T-1001 Rev P01.01
22040-GAA-ZZ-ZZ-DR-T-1004 Rev P01.01
22040-GAA-ZZ-XX-DR-T-2104 Rev P02

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

3 RES5 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:

20 7393 Rev. A : Noise and Vibration Impact Assessment
Amended FVA (redloft) 29 March 2022
220706_ExA_2142 DAS_Play Strategy
Appendix 9 Drainage and Water plan
DEM-PL-(03)-100 Rev 01 : Demolition Plan
SUDS rebuttal from agent
Thames Water Pre-Development Capacity Letter
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210599 : Revised energy and sustainability statement
22040-GAA-A1-XX-SA-A-0001 Rev P06
Infrastructure and Utilities Assessment. August 2021
Framework Residential Travel Plan 26/08/2021
Framework Delivery and Servicing Management Plan 26/08/2021
Framework Construction Traffic Management Plan 26/08/2021
P3056J2322 June 2021
Construction Management Plan Tatehilnde
2142_ExA_DAS Landscaping DAS
GL Hearn TVIA August 2021
210599-CPW-XX-XX-RP-M-0001
Statement of community involvement
Synergy 20 7 393 July 2021 Preliminary Ecological Appraisal Report.
L20068 August 2021 Drainage Strategy
JCH01418 Built Heritage Statement
Ref: 20-7393 Rev A - August 2021 Arboricultural Impact Assessment 2 (AIA2)
Ref: 20 7393 August 2021 Synergy Air Quality Assessment
Patrick Parsons FRA L20068
Sustainability appraisal August 2021
Motion Transport Statement 26/08/2021
WLCS 20-7393 - 3 Whole lifecycle carbon statement
JAC27337 Archaeological Desk Based Assessment

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 of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

4 RES7 Materials (Submission)

No development shall take place above ground level until details of all materials and external surfaces, , including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

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

photographs/images.

REASON

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

5 RES10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990

6 RES8 Tree Protection

Prior to above ground level works a tree protection plan shall be submitted 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)

7 RES9 Landscaping (car parking & refuse/cycle storage)

Prior to above ground level works a revised landscaping scheme shall submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate, to include pollution absorbing trees.
2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage for 126 bikes
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts for 7 disabled accessible spaces(including demonstration that 2 spaces are served by active and a further 2 passive electrical charging points)
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (such as play equipment and furniture)
3. Living Walls and Roofs
 - 3.a Details of the inclusion of living walls and roofs
 - 3.b Justification as to why no part of the development can include living walls and roofs
4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
5. Schedule for Implementation
6. Other
 - 6.a Existing and proposed functional services above and below ground
 - 6.b Proposed finishing levels or contours

7. Details of balcony screening

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

8 NONSC Radar mitigation

Prior to the commencement of development, a radar mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority in consultation with NATS and HAL.

The approved Strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented in full and in accordance with the approval.

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

9 NONSC Crane operation plan

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

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

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 (2020).

10 NONSC Construction logistics

Prior to the commencement of development a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall consider the cumulative impacts of construction traffic and provide details of likely construction trips generated, and mitigation proposed. Details should include:

- i) site access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours) as well as ensuring access to the station is maintained at all times throughout the construction phases.
- ii) vehicular routes;
- iii) scope for load consolidation in order to reduce the number of road trips generated; and
- iv) measures to improve safety to vulnerable road users.

The approved details shall be implemented and maintained throughout the duration of the

construction process.

REASON

To reduce the impacts of construction on the surrounding highway network and to safeguard the amenity of surrounding areas in accordance with Policy DMT 2 of The Local Plan: Part 2 - Development Management Policies (2020) and the London Plan (2021).

11 NONSC Servicing and delivery

Prior to occupation of the development hereby approved a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall:

- i) rationalise the number of delivery and servicing trips, particularly during peak traffic periods;
- ii) ensure there is provision of adequate loading facilities;
- iii) ensure that the delivery space and time is actively controlled through a site booking plan; and
- iv) Provide details of measures which will be implemented to reduce neighbourhood impacts.

Operators should also be able to demonstrate their sustainability through membership of the Freight Operators Recognition Scheme (FORS) or similar.

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy DMT1 and DMT2 of the Local Plan: Part Two - Development Management Policies (2020).

12 NONSC Parking management

Prior to the occupation of the development a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the proposed parking spaces will be managed and retained for use by residents for the lifetime 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 2 (2020) and Policy T6 of the London Plan (2021).

13 NONSC Low emissions strategy

Prior to above ground level works a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) secure compliance with the current London Plan (March 2021) and associated Planning Guidance requirements
- 2) the implementation of a fast electric vehicle charging bay. This is to be implemented above the minimum number of charging points required in the London Plan.
- 3) Produce a robust Travel Plan with a clear and effective strategy to encourage staff / users to
 - a) use public transport;
 - b) cycle / walk to work where practicable;
 - c) enter car share schemes;
 - d) purchase and drive to work zero emission vehicles.

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

development.

Reason

As the application site is within an Air Quality Management Area, and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

14 NONSC Dust emissions plan

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

Reason:

Compliance with London Plan Policy SI 1 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

15 NONSC Air quality 1

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

Reason:

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

16 NONSC Air Safeguarding

No construction work shall be carried out above 10m AGL unless and until the approved Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

REASON:

In the interests of aircraft safety and the operations of NATS En-route PLC

17 NONSC External lighting

No external lighting related to the development hereby permitted shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning.

REASON

In the interests of the protection of the biodiversity of the Blue Ribbon Network 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).

18 NONSC Bird hazard management

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'.
- signs deterring people from feeding the birds.

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).

19 NONSC Noise

The development shall not be occupied until full and final details are provided to, and approved by, the Local Planning Authority of the sound insulation scheme(s), and any other control measures, such that ambient sound levels are no higher than the relevant internal targets within the current version of the ProPG: Planning & Noise accounting for both ventilation and overheating conditions, and to minimise levels within external amenity areas as far as practicable. The measures shall take into account the ventilation and overheating control strategy/strategies, with any sound generated within the development by associated plant controlled to not exceed relevant targets, such as those within the current version of the Acoustics, Ventilation and Overheating Residential Design Guide.

REASON:

To safeguard the amenity of the occupants of the development in accordance with Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020)

20 NONSC Noise 2

The development shall not be occupied until details are provided to, and approved by, the Local Planning Authority of any building services plant that would result in sound emitted externally, together with details of any required noise control to safeguard the amenity of the occupants of both the scheme and the neighbouring dwellings. The plant shall be selected and installed so as to limit sound externally to a practicable minimum, and, where required (due to risk of noise impact), the plant and background sound levels should be determined and assessed in accordance with the Council's Noise SPD (2006) and the current version of BS 4142.

REASON:

To safeguard the amenity of the occupants of the development in accordance with Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and

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

21 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 S12 of the London Plan (2021)

22 NONSC Energy

Prior to above ground works, a detailed energy assessment shall be submitted to and approved by the Local Planning Authority. The assessment shall detail the plans and specifications for the 'be clean' and 'be green' technology solutions set out in the outline energy strategy (Couch Perry Wilkes, August 2021). The details shall include type, size and location of the heat pumps including an appraisal of the associated noise and vibration. The scheme shall detail the type and size of PV panels including their pitch and orientation. The assessment shall then ensure there is a comprehensive presentation of the reduction in carbon associated with the 'be lean', 'be clean' and 'be green' including making a clear allowance for the electricity demand of the air source heat pumps. The assessment shall show a minimum saving of 67%% of CO2 from the baseline development (2013 building regulations) as modelled and presented in the outline energy strategy. Any shortfall in this target shall be subject to an offsite contribution. The development must proceed in accordance with the approved plans and specification.

Reason

To ensure the development achieves zero carbon in accordance with policy S12 of the London Plan (2021).

23 NONSC Fire Safety

Prior to above ground level works a revised Fire Safety Strategy shall be submitted and approved in writing by the Local Planning Authority in consultation with the London Fire Brigade.

REASON

To ensure that the development meets Fire Safety Standards in accordance with policy D12 of the draft London Plan (2021)

24 NONSC Secured by design

The buildings and car park areas 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 building 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 excising 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 Hillingdon Local Plan Part 2 policy DMHB 15 and London Plan (2021) D11.

25 NONSC Details of drop off point

Prior to the commencement of any construction on site, details of a conveniently located drop-off point for taxis, hospital transport, and other door-to-door transport services, in accordance with London Plan policy D7, as set out in Approved Document M to the Building Regulations (2010) 2015, shall be submitted to, and approved in writing by the Local Planning Authority. The facility shall remain in place in perpetuity.

REASON

To ensure that an appropriate standard of housing stock, in accordance with London Plan policy D7 and DMT1, is achieved and maintained.

26 NONSC Fire evacuation plan

The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include a minimum of one fire evacuation lift per core designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999. The required evacuation lifts shall serve all floors, including the roof garden/terrace and remain in place for the life of the development.

REASON:

To ensure the development provides reliable, convenient and dignified means of escape for all building uses in accordance with London Plan policy D5 and D12.

27 NONSC Accessible units

All Wheelchair Accessible Standard M4(3)(2)(b) and Wheelchair Adaptable Standard M4(3)(2)(a) units shall each be allocated an accessible parking space, capable of accommodating a high sided vehicle, designed to accord with the specifications set out in BS 8300:2018 which shall remain in place in perpetuity.

REASON:

To allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and to ensure an appropriate standard of housing, in accordance with policy D7 of the 2021 London Plan.

28 NONSC Accessible units 2

The dwellings hereby approved shall, as a minimum standard, be constructed to meet the standards for a 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 allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and ensure an appropriate standard of housing, in accordance with policy D7 of the 2021 London Plan.

29 NONSC Accessible units 3

The dwellings hereby approved shall ensure that 2 x 1 bed, 4 x 2 bed and 3 x 3 bed are constructed to meet the standards for a Category 3, M4(3)(2)(a) Wheelchair Adaptable

Standard 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 allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and ensure an appropriate standard of housing, in accordance with policy D7 of the 2021 London Plan.

30 NONSC Details of accessible play equipment

Prior to occupation, the type and location of accessible play equipment for disabled children, to include sound tubes, colour and lighting canopies, and/or other play equipment that can stimulate the olfactory senses, shall be submitted to, and approved in writing, by the Local Planning Authority.

REASON:

To ensure the development provides inclusive play for all children, including those with complex multiple disabilities, in accordance with London Plan policy D5.

31 NONSC Waste management plan

Prior to occupation of the development a refuse management plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall demonstrate how the refuse and recycling will be managed within the building and placed within an area to be collected within the described distances within the Development Plan.

REASON

To ensure that waste generated from the development can be held within the building and collected without obstruction in accordance with Policy EM11 of the Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

32 NONSC Overheating and ventilation

Prior to the occupation of the development a revised overheating and ventilation strategy shall be submitted and approved in writing by the Local Planning Authority.

REASON

In order to reduce the potential for internal overheating and reliance on air conditioning systems, in accordance with Policy SI 4 of the London Plan (2021).

33 NONSC Contaminated land

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of any required 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 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 water and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, 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 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.

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.

34 NONSC Drainage

Prior to occupation of the site, a drainage maintenance and monitoring plan shall be agreed in writing with the Local Planning Authority. The plan shall set out how the drainage arrangements, including the pump and attenuation tanks, will be monitored for performance and efficiency on an annual basis with records retained for inspection by the Local Planning Authority. The maintenance regime shall ensure that the tanks and pumps are operating at optimum capacity and in line with the approved drainage arrangements throughout the lifetime of the development; the monitoring and recording will be in place throughout the lifetime of the development also.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policy SI 12 of the London Plan (2021).

35 NONSC Ecological enhancement plan

The development hereby approved shall be carried out in accordance with the Biodiversity Enhancement Strategy "Synergy 20 7 393 July 2021", to achieve biodiversity net gain on-site.

The development shall thereafter be retained in accordance with these details.

REASON

In order to encourage wildlife in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

INFORMATIVES

1 173 **Community Infrastructure Levy (CIL) (Granting Consent)**

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

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

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

2 172 **Section 106 Agreement**

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

3 153 **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 2021 and national planning guidance.

DMAV 1	Safe Operation of Airports
DMEI 10	Water Management, Efficiency and Quality
DMCI 4	Open Spaces in New Development
DMEI 12	Development of Land Affected by Contamination
DMCI 5	Childrens Play Area
DMEI 14	Air Quality
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DME 2	Employment Uses Outside of Designated Sites
DMEI 9	Management of Flood Risk
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMH 2	Housing Mix
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMEI 2	Reducing Carbon Emissions

DMHB 15	Planning for Safer Places
DMEI 7	Biodiversity Protection and Enhancement
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMH 7	Provision of Affordable Housing
DMT 1	Managing Transport Impacts
DMHB 1	Heritage Assets
DMT 2	Highways Impacts
DMHB 10	High Buildings and Structures
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
DMHB 12	Streets and Public Realm
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
DMHB 17	Residential Density
LPP D7	(2021) Accessible housing
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
DMHB 19	Play Space
LPP G6	(2021) Biodiversity and access to nature
DMHB 2	Listed Buildings
LPP G7	(2021) Trees and woodlands
DMHB 3	Locally Listed Buildings
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP SI1	(2021) Improving air quality
DMT 3	Road Safeguarding
LPP SI12	(2021) Flood risk management
DMT 4	Public Transport
LPP SI13	(2021) Sustainable drainage
DMT 5	Pedestrians and Cyclists
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D12	(2021) Fire safety
LPP H2	(2021) Small sites
LPP T6.5	(2021) Non-residential disabled persons parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D13	(2021) Agent of change
LPP D4	(2021) Delivering good design
LPP D8	(2021) Public realm
LPP GG1	(2021) Building strong and inclusive communities
LPP GG4	(2021) Delivering the homes Londoners needs
LPP SI2	(2021) Minimising greenhouse gas emissions
NPPF11	NPPF 2021 - Making effective use of land
LPP D9	(2021) Tall buildings

NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
LPP E11	(2021) Skills and opportunities for all
NPPF2	NPPF 2021 - Achieving sustainable development
LPP E2	(2021) Providing suitable business space
NPPF4	NPPF 2021 - Decision-Making
LPP E3	(2021) Affordable workspace
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
NPPF9	NPPF 2021 - Promoting sustainable transport
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G1	(2021) Green infrastructure
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
LPP GG2	(2021) Making the best use of land
LPP GG3	(2021) Creating a healthy city
LPP GG5	(2021) Growing a good economy
LPP GG6	(2021) Increasing efficiency and resilience
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP S4	(2021) Play and informal recreation
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T6.2	(2021) Office parking
LPP T7	(2021) Deliveries, servicing and construction
LPP T8	(2021) Aviation
LPP T9	(2021) Funding transport infrastructure through planning
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF8	NPPF 2021 - Promoting healthy and safe communities

4 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 2-storey building on the eastern side of Viveash Close,

south of Hayes town centre and adjacent to Hayes & Harlington station. The existing building measures 2,4000 sq.m and operates as a food distribution business (Use Class B8). The site is bound to the north and east by the Nestles Conservation Area.

The application site is one of several light industrial units, also home to education buildings, self-storage units, a former car museum and car rental and repair shops. The surrounding buildings have a similar functional industrial style ranging from one to three storeys in height. The buildings have large windows and are built from metal cladding or brick. Much of the site is dedicated to car parking for workers employed within the buildings.

The site is included within Site Allocation SA 5 (Land to the South of the Railway, including Nestle Site, Nestle Avenue, Hayes) of the Local Plan: Part 2 Site Allocations and Designations (2020).

In response to the site allocation, much of the area around Viveash Close is under development. The established redevelopments on the Old Vinyl Factory and High Point Village have introduced taller buildings into central Hayes. Closer to the site, the Nestles Avenue cluster comprises approximately 34 hectares of land south of the railway and extends eastwards from Station Road, across Squirrels Trading Estate and North Hyde Gardens, encompassing the electricity substation and ground beneath the Hayes Bypass.

The existing site includes an area of hard-standing alongside the site's northern boundary that is utilised for informal car parking. Furthermore, casual parking occurs at the front of the main building, within Viveash Close, where there are no parking restrictions.

3.2 Proposed Scheme

The application proposes the redevelopment of the site to erect a part 10 storey and part 11 storey residential led development comprising 127 flats and a 122 sq.m commercial space / residents lounge (Class E) with associated access (including Public Access Improvements) and landscaping works following the demolition of the existing light industrial building.

3.3 Relevant Planning History

36678/APP/2017/1774 3 Viveash Close Hayes

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

Decision: 18-10-2018 Refused

Appeal: 19-07-2019 Dismissed

Comment on Relevant Planning History

Application ref : 36678/APP/2017/1774 (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 on 18-10-18 for 12 different reasons.

1 Contrary to Policy SA 5

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 2018). 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 (Proposed Modifications 2018)

2 Design

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 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, contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE14, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 Urban Design

The proposed development is considered to result in a large area of: dead ground floor frontage; hardstanding/parking within the curtilage of the site to the west and south; and fails to provide adequate soft landscaping or defensible space to mitigate against the impact of this development or provide any public realm improvements. The proposal would therefore be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4 Living Conditions Future of Occupiers

The proposed development by reason of its size, design and layout, would be a cramped and unsatisfactory standard of residential accommodation due to the poor layout of the flats with limited circulation and floor space for furniture and fittings, poor outlook, limited natural light and poor quality amenity spaces would fail to meet the needs of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), The Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

5 Car Parking

The proposal fails to provide sufficient 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.

6 Noise

In the absence of a comprehensive noise report, the applicant has failed to demonstrate that the development will not have an unacceptable impact on future and neighbouring occupants by way of noise and disturbance. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 Drainage

In the absence of detailed flood risk assessment and drainage report, the application has failed to address the issues relating to flood risk and has failed to demonstrate that this development incorporates sustainable drainage techniques and reduce the risk of flooding. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 5.12 and 5.13 of The London Plan (2016), the National Planning Policy Framework (July 2018) and the Planning Practice Guidance (March 2014).

8 Section 106

In the absence of a Section 106 legal agreement, this application has failed to mitigate the impacts of the development in respect of highways, air quality, affordable housing, construction training, Nestle Avenue road widening, Cranford Park Improvements and Carbon Offset fund. The proposal therefore conflicts with Policies 3.11, 3.12, 5.2, 5.3, 5.6, 5.11, 5.12, 5.13 6.2, 6.3, 6.9, 6.10, 6.12, 6.13, 7.1, 7.2, 7.14 of the London Plan (2016), Saved policies AM15, AM2, AM7, OE8, OE7, BE23, BE38 of the UDP 2012 and adopted policies EM1, BE1, SO11, EM8, H2 of the Local Plan Part 1 2012, and the Council's Planning Obligations SPG.

9 Conflict of Mix Uses

The proposed development fails to provide segregated car parking; and cycle parking facilities for the mix of uses proposed. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

10 Private Amenity Space

The proposal fails to provide amenity space of a quantity and quality commensurate to the size and layout of the proposals, resulting in an overdevelopment of the site detrimental to the residential amenity of the future occupiers. As such 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), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

11 Accessibility

The proposal would fail to meet all relevant Lifetime Home Standards, contrary to Policy AM13 of the Hillingdon Local Plan (November 2012), Policy 3.8 of the London Plan (July 2016) and guidance within the Council's Supplementary Planning Guidance - Accessible Hillingdon (May 2013).

12 Overbearing

The proposed development has failed to consider the consented scheme at the Former

Nestle Factory and breaches the Council's separation distances resulting in an overbearing development when viewed from future sites, also resulting in a potential loss of privacy to future occupiers. The proposed development is therefore contrary to Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Layouts and Policy 3.5 of the London Plan (2016).

This application was subsequently appealed (REF: APP/R5510/W/18/321884) and although the Inspector dismissed the appeal, the following reasons were not upheld in relation to;

- Reason 4 - living conditions of future occupiers;
- Reason 5 - Car Parking;
- Reason 9 - Conflict of Mix Uses
- Reason 10 - Private Amenity Space; and
- Reason 11 - Accessibility

In addition to the above, Reasons 6 (Noise), 7 (Drainage) and 8 (Section 106) are more technical or administrative in nature and would have been overcome had the original scheme been considered acceptable by the Local Authority.

Therefore, the previous appeal was upheld on grounds relating to:

- Reason 1 - Contrary to Policy SA 5
- Reason 2 - Design
- Reason 3 - Urban Design; and
- Reason 12 - Overbearing

4. Planning Policies and Standards

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

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

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- The London Plan (2021)
- The West London Waste Plan (2015)

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

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM6 (2012) Flood Risk Management

PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.E1	(2012) Managing the Supply of Employment Land
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM4	(2012) Open Space and Informal Recreation
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.H2	(2012) Affordable Housing
PT1.HE1	(2012) Heritage

Part 2 Policies:

DMAV 1	Safe Operation of Airports
DMEI 10	Water Management, Efficiency and Quality
DMCI 4	Open Spaces in New Development
DMEI 12	Development of Land Affected by Contamination
DMCI 5	Childrens Play Area
DMEI 14	Air Quality
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 4	Development on the Green Belt or Metropolitan Open Land
DME 2	Employment Uses Outside of Designated Sites
DMEI 9	Management of Flood Risk
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMH 2	Housing Mix
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMEI 2	Reducing Carbon Emissions
DMHB 15	Planning for Safer Places
DMEI 7	Biodiversity Protection and Enhancement
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMH 7	Provision of Affordable Housing
DMT 1	Managing Transport Impacts

DMHB 1	Heritage Assets
DMT 2	Highways Impacts
DMHB 10	High Buildings and Structures
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
DMHB 12	Streets and Public Realm
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
DMHB 17	Residential Density
LPP D7	(2021) Accessible housing
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
DMHB 19	Play Space
LPP G6	(2021) Biodiversity and access to nature
DMHB 2	Listed Buildings
LPP G7	(2021) Trees and woodlands
DMHB 3	Locally Listed Buildings
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP HC1	(2021) Heritage conservation and growth
LPP SI1	(2021) Improving air quality
DMT 3	Road Safeguarding
LPP SI12	(2021) Flood risk management
DMT 4	Public Transport
LPP SI13	(2021) Sustainable drainage
DMT 5	Pedestrians and Cyclists
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP D12	(2021) Fire safety
LPP H2	(2021) Small sites
LPP T6.5	(2021) Non-residential disabled persons parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D13	(2021) Agent of change
LPP D4	(2021) Delivering good design
LPP D8	(2021) Public realm

LPP GG1	(2021) Building strong and inclusive communities
LPP GG4	(2021) Delivering the homes Londoners needs
LPP SI2	(2021) Minimising greenhouse gas emissions
NPPF11	NPPF 2021 - Making effective use of land
LPP D9	(2021) Tall buildings
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
LPP E11	(2021) Skills and opportunities for all
NPPF2	NPPF 2021 - Achieving sustainable development
LPP E2	(2021) Providing suitable business space
NPPF4	NPPF 2021 - Decision-Making
LPP E3	(2021) Affordable workspace
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
NPPF9	NPPF 2021 - Promoting sustainable transport
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G1	(2021) Green infrastructure
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
LPP GG2	(2021) Making the best use of land
LPP GG3	(2021) Creating a healthy city
LPP GG5	(2021) Growing a good economy
LPP GG6	(2021) Increasing efficiency and resilience
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing
LPP S4	(2021) Play and informal recreation
LPP SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T6.2	(2021) Office parking
LPP T7	(2021) Deliveries, servicing and construction
LPP T8	(2021) Aviation
LPP T9	(2021) Funding transport infrastructure through planning

NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding
NPPF8 NPPF 2021 - Promoting healthy and safe communities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **14th April 2023**

5.2 Site Notice Expiry Date:- Not applicable

14th April 2023

6. Consultations

External Consultees

Letters were sent to neighbouring properties, a site notice was displayed outside of the site for 21 days and the application was advertised in the local press. An additional consultation was carried out upon the submission of revised plans and a change in the description of development. A further 14 day consultation was undertaken post submission of the revised plans dated 22-03-23, this expired 05-04-23.

6 letters of objection were received raising the following concerns:

- Agent of change
- Development being brought forward in isolation
- Scale bulk and massing
- Impact upon existing business owners
- Construction management
- Lack of parking
- Noise
- Highway safety
- Inadequate consideration of the agent of change principle with regard to adjoining commercial premises
- Safety of future occupiers of the proposed development due to the nature of the industrial uses which adjoin the site. The report states that the new development would be located within metres of a blast zone of local dust collectors and explosion panels.

CASE OFFICER COMMENT:

Concerning the comments received with respect to the Agent of Change, further discussion on this matter is set out in the body of this report. However, in summary, the proposed development is not deemed contrary to policy.

The first part of the objection alleges the applicant's submission has yet to consider the Agent of Change principle in the submission or the Noise & Vibration Assessment. The applicant's Noise and Vibration Assessment has been regarded as the existing noise sources via onsite noise survey, including the existing plant from 4 Viveash Close and details the necessary mitigation.

To summarise, Planning Practice Guidance (Para 6) states that reliance on closed windows to mitigate noise levels is acceptable, assuming that the impact on internal living conditions is considered (e.g. ventilation and cooling for overheating). This has been taken into account for the development in line with good acoustic practice, as demonstrated in the report and subsequent comments by Syntegra concerning further clarifications requested by the Council (refer to Syntegra's previous Technical Note 20-7393 - 3 Viveash Close, Hayes, UB3 4RY - TN1).

Objections raise the dust collector explosion relief panels sited at Paramount Powders (4 Viveash Close) and facing the proposed development site at 3 Viveash Close.

The existing building at 3 Viveash Close is approximately 2.5m from the panels, and the dust collectors appear to be at a similar level to the top of the existing building and not above the existing building. The proposed development is located at a distance of approximately 15m from the dust collectors. The immediate issue is the impact on the current situation, regardless of the frequency of

occupation.

The objection claims there is a potential for explosions. However, it does not comment on the likelihood of damage to a residential facade at a distance of 15m from the dust collectors.

The effect or likelihood of occurrence has not been quantified but given the presence of the existing building for a period of over ten years, which is within blast range of the dust collectors, and no such incidents have occurred, it could be assumed that the future situation represents less risk due to the further distance of the building.

GLA stage 1 comments (summary):

Land use principle:

A residential-led development with no affordable housing is not supported. The applicant should demonstrate where in the wider site community uses could be accommodated in line with site allocation SA 5 (paragraphs 17 to 24).

Housing:

No affordable housing is currently proposed. This is wholly unacceptable in the absence of a verified viability position and must be significantly improved in response to the strategic target to provide 50% affordable housing on non-designated industrial sites (paragraphs 24 to 32).

Urban Design:

While the massing and broadly supported, the applicant should address the strong concerns raised in relation to the layout and quality of the proposed residential units (paragraphs 33 to 53).

Transport:

A contribution of £85,860 towards the A312 Healthy Streets scheme is required. Further information should be provided to ensure the provision of a safe walking environment, demonstrate that the proposed turning head is acceptable in highway safety terms, and on how further blue badge parking will be provided. Appropriate conditions and planning agreements should be secured (paragraphs 58 to 66).

Sustainability:

A whole life-cycle carbon assessment and circular economy statement must be provided. Further information on the energy strategy is also required (paragraphs 67 to 76).

Recommendation:

That Hillingdon Council be advised that the application does not fully comply with the London Plan for the reasons set out in paragraph 80. Where the associated concerns within this report are addressed, the application may comply with the London Plan.

CASE OFFICER COMMENT:

The LPA has discussed the GLA stage 1 comments with the applicant and sort a set of revisions which address the key concerns to a satisfactory point. As such the LPA is content with recommending the application for approval and will be subject to a Stage 2 referral.

CANALS AND RIVERS TRUST:

We don't have a list of scoped/costed public realm improvement projects in this area yet (we are working with the Hillingdon Canals Partnership on a list of projects, but these are at feasibility stage still), nor have we recently re-costed the Quietway towpath works since the well-publicised price increases of everything, with inflation eroding the value significantly.

We would like to see a contribution towards "towpath improvements and public realm projects along the canal corridor", which would include towpath surfacing, wayfinding, planting and public realm improvements, at various locations along the Grand Union Canal between Western View and Bull's Bridge. This area could be reduced if you consider it necessary, but it would be helpful if it would be as wide as possible while we are scoping the various projects. We still consider it to be directly related as this corridor forms a valuable commuting and leisure link and amenity resource for occupants of the future development here.

If we take reference from the Chailey Industrial Estate, Pump Lane development (ref 2102/APP/2018/4231), which was further from the canal, and contributed £50k for a scheme roughly double the size of this, we would suggest that a contribution of around £25k would be reasonable for this development.

HEATHROW SAFEGUARDING

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 conditions detailed below:

H10 Radar Mitigation Condition

No Development can take place until:

- mitigation has been agreed and put in place to ensure that the proposed development will have no impact on the H10 Radar at Heathrow Airport.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of Heathrow Airport through interference with communication, navigational aids and surveillance equipment.

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

We would also make the following observation:

Cranes

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

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

GLAAS

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 site does not lie in an Archaeological Priority Area. Some prehistoric material was found in archaeological investigations to the east of the site, c 1m below ground level. However, the current

buildings cover the majority of the site and will have had a high impact on below ground remains.

No further assessment or conditions are therefore necessary.

MOD

There are no Statutory Safeguarding Aerodrome Height Objections.

Birdstrike

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

The building design includes an area of flat-roof which includes a communal roof garden. A separate flat-roof area on the development away from the roof garden will contain PV Panels. Although the presence of people on the roof garden may deter some bird activity the potential is still there for 'large gulls' to breed on the roof of the development, particularly on the quieter area containing the PV Panels. The location should help to minimise the risk of increasing birdstrike risk at RAF Northolt but a Bird Hazard Management Plan should be in place detailing mitigation measures to prevent 'large gulls' from being attracted to the site for breeding purposes.

Subject to the above design requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application.

NETWORK RAIL

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

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

No equipment is to come within 3m of the overhead line during construction or once completed.

DRAINAGE

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

FOUNDATIONS

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

GROUND DISTURBANCE

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

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

PLANT, SCAFFOLDING AND CRANES

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

The proposed development site falls within the Aerodrome Height (91.4m) and Birdstrike Zones surrounding RAF Northolt (5.25km to the north of the site).

NATS

While it anticipates an impact on its infrastructure, NATS is satisfied that this can be mitigated through a modification to its radar system

AVIATION CONDITIONS

1. No construction shall commence on site until a Radar Mitigation Scheme (RMS), (including a timetable for its implementation during construction), has been agreed with the Operator and approved in writing by the Local Planning Authority.

REASON:

In the interests of aircraft safety and the operations of NATS En-route PLC.

2. No construction work shall be carried out above 10m AGL unless and until the approved Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

REASON:

In the interests of aircraft safety and the operations of NATS En-route PLC.

3. No construction work shall commence on site until the Developer has agreed a "Crane Operation Plan" which has been submitted to and has been approved in writing by the Local Planning Authority in consultation with the "Radar Operator".

Construction at the site shall only thereafter be operated in accordance with the approved "Crane Operation Plan".

REASON:

In the interests of aircraft safety and the operations of NATS En-route PLC.

4. Prior to any works commencing on site; the developer shall notify NATS En Route PLC of the

following:

- i. The date construction starts and ends
- ii. The anticipated date of any structure exceeding 50m AOD.

REASON:

In the interests of aircraft safety and the operations of NATS En-route PLC.

For the purpose of conditions 1-4 above;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the H10 Primary and Secondary Surveillance radar and air traffic management operations of the Operator.

"Crane Operation Plan (COP)" means a detailed plan agreed with the Operator which defines the type of crane and the timing and duration of all crane works to be carried out at the site in order to manage and mitigate at all times the impact of the development on the H10 Primary and Secondary Surveillance Radar systems at Heathrow Airport and associated air traffic management operations of the Operator.

TRANSPORT FOR LONDON

Site Description

The application site is in Hayes. It is adjacent to the Hayes & Harlington rail station, which is currently served by Great Western Railway and TfL Rail services but will be served by the Elizabeth Line in 2022. The area is served by 8 bus routes, operating from the nearest bus stops on Station Road, approximately 270m walk from the site. As such, the site records a public transport access level (PTAL) of 4, on a scale which ranges between 0 and 6b, where 6b is highest. The PTAL will increase to 5 when the Elizabeth Line becomes operational.

The A312 Parkway and Bulls Bridge Roundabout is the nearest part of the Transport for London Road Network (TLRN), located 800m to the east of the site. Viveash Close is accessed from Nestles Avenue, which runs east-west to the south of the site.

Active Travel Zone, Healthy Streets and Vision Zero

Notwithstanding the conclusions of the ATZ, there should be a stronger focus on Healthy Streets improvements along Viveash Close, given the extremely poor quality of the environment, particularly at night. Such a poorly lit and dreary street is unsuitable to convey pedestrians and cyclists to and from the development. To address this, significant improvements such as upgraded streetlighting, CCTV, an improved street cleansing regime and improved footway conditions, will be required.

It is noted that the site is part of a wider masterplan and that development of the neighbouring sites will lead to a positive transformation of Viveash Close in the long-term. However, the planning status and timing of construction and occupation of the other masterplan sites is unknown. This could mean a long gap between occupation of this development and the neighbouring sites, and there is a risk that the development could be built and occupied for a considerable period of time before conditions in Viveash Close are fitting for residents of the development. Therefore, appropriate commitments towards improving conditions in Viveash Close in the short-term, to ensure conditions are suitable for residents of the development, must be secured.

Access

There are two pedestrian access points - from Viveash Close and from the east via neighbouring

developments. Cyclists gain access from Viveash Close or from the courtyard walk, which can be accessed from the east and south.

Vehicle access is taken from Viveash Close, in roughly the same location as the existing access point, albeit with some modifications.

Servicing is accommodated on-street via a proposed loading bay at the front of the site in Viveash Close. LP Policy T7 promotes off street delivery and servicing but given the narrow width of the site, it appears that off-street options might be unfeasible. While the servicing trips are predicted to be low the provision of a turning head in this location raises questions about highway safety, especially when considering that this doubles up as the access to the station car park, and its use will intensify when the neighbouring developments are occupied. At the very least, a Stage 1 Road Safety Audit should be undertaken, and the applicant should demonstrate how conflicts between vehicles and active modes will be minimised, in line with Vision Zero. Further thought should be given to the consolation of delivery and servicing activity with the delivery of the masterplan.

Parking

A car-free development, as proposed which is strongly supported, except for seven blue badge parking spaces, and is consistent with LP Policy T6. The blue badge provision meets the 3% (4 spaces) requirements from the outset (LP Policy T6.1). However, the provision of no more than seven blue badge parking spaces means that only a further 2% (3 spaces) can be provided when needed in the future. The requirement for an additional 7% (6 spaces) is not satisfied. The applicant should explain how this can be resolved.

In accordance with London Plan Policy T6, at least 20% active EVCPs must be provided from the outset, with passive EVCP provision for all remaining parking spaces. Given the low number of parking spaces, provision of active EVCP for all parking spaces is encouraged. EVCP and the Blue Badge provision should be appropriately secured by condition.

Cycle parking accords with London Plan Policy T5. A total of 238 long-stay spaces (including spaces designed for larger bicycles) and 4 short-stay spaces are provided for the residential element. One long-stay and three short-stay spaces will be provided for the commercial element. Long-stay cycle parking is accommodated in secure cycle stores at ground level. All cycle parking should accord with LCDS standards. Details of cycle parking should be secured by legal agreement.

A Parking Management Plan (PMP) detailing the arrangements for all parking (car and cycle) on-site, including provisions for managing, monitoring, enforcement and review, should be secured by condition.

Trip Generation and Impacts

The proposal is expected to have a net trip generation of 53 and 40 two-way person trips in the AM and PM peak periods respectively. The estimated trip generation for a 12-hour period has not been provided and the trip generation has not been assigned to modes. While it is reasonable to draw the conclusion that the net trip generation will not result in material impacts on the transport network, this conclusion ignores the fact that this development is part of a wider masterplan and will contribute to the overall demand that will be generated by the masterplan site. As such, it is necessary to view the trip generation, potential impacts and mitigation in the context of the wider masterplan.

Healthy Streets Improvement Project (A312 Bulls Bridge Junction)

Given the anticipated cumulative 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, TfL has developed a package of measures for the A312 and the surrounding roads,

including a Healthy Streets scheme for the A312 Bulls Bridge Junction. The scheme will improve local conditions for active travel and bus modes, as well as construction, delivery and servicing activity which would benefit the proposal site. Due to the lifting of s106 pooling mechanisms all sites in the Hayes OA are being considered for contributions towards this scheme to mitigate their impacts.

Based on the number of residential units proposed, a contribution of £85,860 is sought, although this may change depending on clarification of the trip rate information. This will need to be secured by Section 106 Agreement.

Agent of Change

Given the proximity of the site to Hayes and Harlington station, the proposed housing should include suitable protection against noise and vibration in line with the "agent of change" principle (London Plan Policy D13). In particular, balconies facing the railway are likely to experience an unavoidable level of noise from station operations. The planning consent should therefore include suitable protection of the operation of the station (including maintenance) against noise and other complaints from occupiers of the development.

Travel Plan, Delivery and Servicing and Construction Logistics Plan

A Delivery and Servicing Plan (DSP), Construction Logistics Plan (CLP) and Travel Plan will need to be secured by legal agreement/condition.

Community Infrastructure Levy

The development will be liable to Mayoral Community Infrastructure Levy 2 (MCIL2) as well as borough CIL. The rate for the Hillingdon is £60 per square metre of floorspace.

Summary

A contribution of £85,860 towards the A312 Healthy Streets scheme is requested. Further information is required regarding the provision of a safe walking environment, to demonstrate that the proposed turning head is acceptable in highway safety terms, and on how further blue badge parking will be provided. Legal agreements covering restrictions on CPZ permits, a CLP, DSP, EVCP, Travel Plan, details of cycle parking Should be appropriately secured.

I trust that the enclosed response provides you with a understanding TfL's current position on this application. Please do not hesitate to contact me should you have any queries.

Internal Consultees

POLICY OFFICER COMMENT:

Comprehensive Development

Policy DMHB 11 of the Local Plan: Part 2 (2020) outlines that development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. Policy SA 5 notes that the Council is seeking to bring forward a comprehensive development across the SA 5 area that includes both the former Nestle Factory (Site A) and the adjoining sites (Sites B and C). The policy explains that complementary design principles and resulting infrastructure requirements associated with the planned levels of growth should be integrated into proposals, to convert a 16ha industrial area into a successful mixed used environment.

It is important to recognise that this does not necessarily mean that all sites have to be promoted by

a single landowner. Rather, it means that the development of each part of the SA 5 site should not prejudice the development aspirations on other parts of the site and their capacity to integrate the required infrastructure. This precedent has already been established via planning approvals on other parts of SA 5.

The redevelopment of this site obviously has the potential to harm the satisfactory re-development of other parts of site B (in particular 4 Viveash Close and the Squirrels Trading Estate). It also has the potential to conflict with sites that have been granted planning permission, including the recently constructed Viveash Yard part of the Barratt Homes site. As previously requested, in the absence of detailed drawings being brought forward by adjacent landowners, the proposal has provided indicative floorplans, layouts and massing for the redevelopment of all sites within Site B. It does not appear that there is anything fundamentally wrong with the design proposal of 3 Viveash Close that would outright prevent development the redevelopment of the rest of Site B. Confirmation of this point should be sought through the Urban Design comments.

Notwithstanding the above, it would be beneficial if the case officer could confirm the separation distances between the proposed south eastern corner windows/balconies of 3 Viveash Close and the corresponding habitable room windows proposed for 4 Viveash Close. In addition to confirming the separation distance, it would also be beneficial to outline how this is split between the two sites (it should be broadly equal or the application site should be accommodating a greater proportion of the separation distance).

Whilst not within the red line boundary of this application, it should be noted that the indicative proposal for 4 Viveash Close would likely require some revisions, including a reduction in height along Viveash Close. Potentially this could be partly made up with greater height along the proposed pedestrian route, albeit this would be subject to the shadowing impact on the private amenity space and residential units to the north. Importantly, it is not considered that there are any significant barriers to delivery being created by 3 Viveash Close.

During pre-application discussions, the applicant highlighted that they were already in discussions with the adjacent landowners, with an indication that these landowners were also seeking to redevelop their sites in line with the site allocation. It would be useful for the applicant to provide an update on engagement with adjacent landowners. The Council would support any meeting between parties to ensure these plans are synced up and reduce the likelihood of conflicting proposals at a later date.

Principle of Development

Policy SA 5 allocates the whole of Site B for mixed use development. The proposal includes a non-residential element to the scheme, which is consistent with Policy SA 5. However, Officers are concerned about the viability of this unit and the likelihood of it being successfully occupied, noting its small scale and poor visibility. It is therefore considered that the proposal of a wholly residential scheme may be optimal, subject to the space being successfully repurposed.

It is considered that the non-residential element of the proposal should be removed to facilitate a two-storey residential entrance that engages the street and ensures that it is more visible from the public realm. It would also help balance the overall height of the building. Bicycle parking should also be brought forward from the rear of the scheme to the front, to prevent residents needing to go all the way to the back of the site. This may allow for residential units at the ground floor of the Eastern Block, which in turn would overcome the stewardship issue of who would look after the outdoor space around the back of this block. Noting that residents are a lot more likely to utilise the courtyard entrances than the service yard entrances, it would be beneficial if the courtyard entrance for the Eastern Block was larger and more welcoming.

Housing Size Mix

Policy H10 of the London Plan (2021) states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes local evidence of need. Policy DMH 2 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. Paragraph 4.6 outlines that there is a substantial borough-wide requirement for larger affordable and private market units, particularly three-bedroom properties.

Family housing is defined within the glossary of the London Plan (2021) and outlines it must generally be of a size that has three or more bedrooms. It is worth noting that the Secretary of State directed changes to Policy H10, in order address the need for new family housing, to prevent families from being forced to move outside of London. These changes were incorporated into the final version of the London Plan (2021).

In terms of factors specific to a site, Policy H10 also includes a need to consider, the mix of uses in the scheme, the range of tenures in the scheme and the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

The proposed housing size mix of the 127 units is as follows:

1-bedroom x 40 32.0 %
2-Bedroom x 57 44.5 %
3-Bedroom x 30 23.4 %

The proposal represents a range of unit sizes, which does not have an over dominance of one particular size. The absence of studio flats is supported, noting that these are the least flexible unit type. Whilst the housing size mix does not mirror the borough-wide requirement for larger affordable and private market units, it is necessary to consider site specific factors, including the close proximity to the town centre and train station, the high PTAL rating and constrained nature of the site. It is considered that, when the housing size mix policies are read as a whole, the proportions conform with the relevant development plan policies.

Public Open Space

Policy DMCI 4 of the Local Plan: Part 2 (2020) outlines that proposals for major new residential development must make provision for new or enhanced public open space. Noting the site's limited size and position within the wider site allocation, this would be best undertaken through an off-site contribution.

ACCESS OFFICER COMMENT:

No details appear to have been submitted in respect of the required drop-off point. However, it may be appropriate to address this by way of a suitable planning condition attached to any approval. The following conditions are also proposed:

Prior to the commencement of any construction on site, details of a conveniently located drop-off point for taxis, hospital transport, and other door-to-door transport services, in accordance with London Plan policy D7, as set out in Approved Document M to the Building Regulations (2010) 2015, shall be submitted to, and approved in writing by the Local Planning Authority. The facility shall remain in place in perpetuity.

REASON

To ensure that an appropriate standard of housing stock, in accordance with London Plan policy D7 and DMT1, is achieved and maintained.

The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include a minimum of one fire evacuation lift per core designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999. The required evacuation lifts shall serve all floors, including the roof garden/terrace and remain in place for the life of the development.

REASON:

To ensure the development provides reliable, convenient and dignified means of escape for all building uses in accordance with London Plan policy D5 and D12.

All Wheelchair Accessible Standard M4(3)(2)(b) and Wheelchair Adaptable Standard M4(3)(2)(a) units shall each be allocated an accessible parking space, capable of accommodating a high sided vehicle, designed to accord with the specifications set out in BS 8300:2018 which shall remain in place in perpetuity.

REASON:

To allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and to ensure an appropriate standard of housing, in accordance with policy D7 of the 2021 London Plan.

The dwellings hereby approved shall, as a minimum standard, be constructed to meet the standards for a 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 allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and ensure an appropriate standard of housing, in accordance with policy D7 of the 2021 London Plan.

The dwellings hereby approved shall ensure that 2 x 1 bed, 4 x 2 bed and 3 x 3 bed are constructed to meet the standards for a Category 3, M4(3)(2)(a) Wheelchair Adaptable Standard 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 allow the Building Control body to check compliance of the development against the optional Building Regulations standards, and ensure an appropriate standard of housing, in accordance with policy D7 of the 2021 London Plan.

Prior to occupation, the type and location of accessible play equipment for disabled children, to include sound tubes, colour and lighting canopies, and/or other play equipment that can stimulate the olfactory senses, shall be submitted to, and approved in writing, by the Local Planning Authority.

REASON:

To ensure the development provides inclusive play for all children, including those with complex multiple disabilities, in accordance with London Plan policy D5.

URBAN DESIGN AND HERITAGE OFFICER COMMENT:

Site / Surrounds

The proposed development site comprises a 2-storey industrial building located on the northern side of Viveash Close, south of Hayes town centre and adjacent to Hayes & Harlington Station. The existing building measures 2,400m² and operates as a food distribution business (Use Class B8). The site is bound to the north and east by the Nestles Conservation Area.

The existing site includes an area of hardstanding, alongside the northern boundary, that is utilised for car parking, but which is not formally laid out as a car park. Informal parking also occurs to the front of the main building, within Viveash Close.

The proposed industrial unit to be demolished is one of a number of light industrial units, also home to education buildings, self-storage units and car rental & repair shops. The surrounding buildings are of a similar functional industrial style ranging from one to three-storeys in height. The buildings have large windows and are built from metal cladding or brick.

The site was designated as industrial business area as part of the wider Nestles Avenue industrial cluster in the now withdrawn UDP. Following the adoption of the new Local Plan Part 2 (2020) the site is now 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 SA 5, the Council seeks to bring about a comprehensive development of the site, to provide new homes and commercial floorspace.

The explanatory text to Policy SA 5 explains that the Council is seeking to bring forward a comprehensive development scheme, which includes complementary design principles and integrates the infrastructure required to meet planned levels of growth. It adds that proposals from individual landowners should, as far as possible, come forward in a co-ordinated manner without prejudicing the development aspirations on other parts of the site.

SA 5 is split into three smaller sites, referred to as Site A, B and C. Together they form the most significant growth point within the Hayes OA with an indicative capacity of 1,800 units identified within Policy SA 5. The final quantum of units for SA 5 however will likely substantially exceed this figure, based on the planning applications that have already been approved to date.

The Nestles Avenue industrial cluster comprises approximately 34 hectares of land south of the railway, and extends eastwards from Station Road, across Squirrels Trading Estate and North Hyde Gardens, encompassing the electricity substation and land beneath the Hayes Bypass.

The area around the application site has now started to be redeveloped starting with the Nestle Factory Site (App: 1331/APP/2017/1883) (Site A) to the east and the granting of planning permission for the Buccleuch Site to the west within Site C (app: 73238.APP/2018/1145) and Stanford House 9 Nestles Avenue to the south (also within Site B) (app: 51175/APP/2020/2543).

The draft master plan followed three simple principles: firstly that the site should be bound together by a single linear public space leading directly to the station; secondly to share a strong sense of grain and scale, with a mix of employment and residential uses and thirdly a generous approach to creating high quality new public realm and amenity space, both for the development, and the surrounding area.

The draft OAPF was ceased by the GLA towards the end of 2017 and the 'draft Master Plan' was incomplete and never adopted.

However, the green east / west pedestrian link across the three sites A, B and C to connect through to Station Road has been positively incorporated in the consented Nestle Factory (Site A)

development and the Buccleuch scheme on (Site C).

The proposals for Sites A and C outlined above 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 and areas of public realm.

The site lies adjacent to the western and northern boundary of the Botwell Nestle Conservation Area. Its heritage significance relates to the site's industrial design and its manufacturing history. There are locally listed structures within the area, which include the Main Factory, the Canteen Building and the gates/railings at the front of the site.

The proposal

The proposals are to demolish the existing light industrial building and to erect a part 10 storey and part 11 storey residential led development comprising 128 flats and a 122 sq.m commercial space / residents lounge (Class E) with associated access (including Public Access Improvements) and landscaping works.

Site Layout

The proposed development is roughly L-shaped in plan and has its primary frontages facing west onto Viveash Close and north towards the railway line. This orientation does lend itself to the formation of a perimeter block with central communal amenity space should the owner of 4 Viveash Close 'buy' into the suggested master plan (within the DAS) for Site B. This would be an acceptable approach in principle, however, the development will also need to stand on its own merits should the rest of Site B not come forward.

The proposed master plan within the Design and access Statement is acceptable in principle but is reliant on the Squirrels Estate to provide all the public open space in order to complete the green link. All owners would need to 'buy' into the scheme for the master plan to work. I understand that there are currently ongoing discussions with neighbouring landowners within Site B. An agreed comprehensive masterplan is essential for delivering a successful scheme for the whole of Site B.

If there are three phases of development that come forward for the site due to separate ownerships, then it might result in a less cohesive development for the whole of Site B. There are concerns that if 4 Viveash Close is developed but the Squirrels estate remains, the southern elevation of 4 Viveash Close would front directly on to industrial units (what would become the green spine) and its one principal active frontage would be onto Viveash Close only. If the Squirrels Estate was then later developed and the green spine introduced, then the southern elevation of 4 Viveash Close development would be revealed and would become a primary frontage to the Green Link (but could appear dead and inactive). This highlights the difficulty of developing this site if the separate parcels of land are developed at different times and in isolation.

Notwithstanding the above concerns the footprint of the proposed development site is considered acceptable in principle given the constraints of the site. The proposal to incorporate a pedestrian link at the north end of the site to connect the Nestle Factory development to Hayes and Harlington Station via Viveash Close is welcomed and necessary as the green spine would not have been created. This link could only be delivered with the agreement of the developer of the Nestle Factory site as there is a three metre high acoustic fence that separates the sites. Has this been agreed?

The communal garden to the south is welcomed but would benefit from eventually being combined with the communal garden to 4 Viveash Close (should that site be developed) to create a more attractive and larger landscaped space.

There is the question regarding 'agents of change' i.e. will the proposed development mitigate the effects of proximity noise, odours, shared access with industrial vehicles, et. Or will it constrain the remaining industrial uses on Viveash Close - i.e. highways and noise complaints (statutory nuisance) could compromise the commercial operation of those existing (active) industrial units without an agreed comprehensive masterplan or development strategy in place. These can only be resolved comprehensively across the entire site, through the industrial uses being either positively integrated (mitigated) or omitted entirely for 'Site B'.

The other consented schemes are set within larger sites that contain landscaping and areas of public realm. In contrast the proposed 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. The proposal is reliant on the land to the north containing the running track and allotments of the Nestle Factory development to provide some form of setting which is outside their control.

It is unclear what sort of boundary treatment would surround the site or whether there would be permeability to the former Nestle Factory land to the north. The drawing suggests that there would be steps that lead into the Nestle Factory amenity space to the north. Would this be deliverable and has the developer of the Nestle Factory Site agreed to the link/access? Ideally the fence between the two developments would be removed to provide permeability, improve the landscaping and provide a more open setting.

The proposed development does not present an attractive ground floor frontage to the north and south elevations which front onto the communal gardens. The undercroft car parking, bike storage and plant create an uninviting and 'dead' frontage. It would be appropriate to relocate the plant and cycle storage to an enlarged basement and for the ground floor to accommodate residential units to provide more active frontages.

Height and Mass

Hillingdon's Local Plan defines high buildings as those structures being substantially taller than their surroundings, causing a significant change to the skyline. In terms of locational requirements, the Local Plan states that higher buildings or structures will be required to respond to local context and should generally be located in Uxbridge or Hayes Town Centres, or an area identified as appropriate for such buildings.

Site Allocation SA 5 notes that buildings should be complimentary in scale, massing, layout and design to surrounding land uses, with lower building heights located on Nestles Avenue.

The proposed development is 10 and 11 storeys the taller block of which fronts onto Viveash Close. The height is consistent with adjacent approved building heights to the west and the blocks approved and currently being built on the former Nestles Factory site and is considered acceptable. The proposal is also consistent with the taller element of 9 Nestles Avenue to the south of the application site which also forms part of SA5 and is considered appropriate for the context.

There are concerns, however, with the mass of the development which appears as one large linear block particularly to the north. This could be improved if the mass were broken up more through variation in the height of the blocks. This could be achieved with the removal of the roof top pavilion and the central portion being dropped by a storey. This would also allow for the adjacent units to have improved dual aspect units.

Elevational Treatment

The proposed articulation of the facade helps to visually break up the mass of the building. This

coupled with the proposed brick colours and tones and detailing along with windows with glazing bars and balconies will add visual interest and create an architectural language that would complement the adjacent developments. The details and materials could be controlled by condition.

Notwithstanding the above the south facing facade to the 11-storey block does present a 'dead' and inactive and would have a negative impact on the townscape.

It is accepted that if 4 Viveash Close was to be developed then it would be built up close to this elevation and could be obscured in the future. If, however, 4 Viveash Close does not get redeveloped or for some considerable time then this elevation would be exposed. There has been some attempt to add visual interest in the form of contrasting brick bands, but this is not considered sufficient to overcome the concerns. It would be beneficial if more articulation could be given to the facade with blind windows or similar such as the north facing facade approved at 9 Nestles Avenue.

A Townscape Visual Impact Assessment has been submitted with the application but does not include verified rendered views. This document will, therefore, need to be updated to include this additional information.

It is suggested that the above comments be taken into consideration and the scheme be amended.

ADDITIONAL URBAN DESIGN OFFICER COMMENT :

These comments relate to amendments received on the 19/04/22 and the Townscape Visual Impact Assessment received 3/3/22. The comments should be read alongside the design comments provided on 10 February 2022. The submitted drawings show a much-improved street frontage to Viveash Close with double height glazing and the creation of a resident's lounge giving more activation and an enhanced and celebrated entrance into the building. These amendments are considered acceptable. Improvements have also been made to the eastern portion of the building where the ground floor now incorporates residential accommodation providing front doors and fenestration to help activate the ground level. This creates a much better interface where previously dead inactive frontages were proposed. The dead inactive south elevation of the residential block that borders 4 Viveash Close has also been improved with enhanced brick detailing in the form of contrasting brick panels and stretcher courses. This will provide a more pleasing elevation from short and medium views helping to break up its monolithic appearance. This is considered important as there is no guarantee that 4 Viveash Close will come forward for development in the near future and the elevation could be exposed for a considerable amount of time. This elevation is now considered acceptable. The Townscape Visual Impact Assessment has been updated and now incorporates verified views helping to understand the impact of the development on his part of the townscape. The proposed development is generally considered acceptable in townscape grounds although there are still some concerns with the mass of the development which appears as one large linear block particularly to the north. As previously stated, in earlier comments, this could be improved if the mass were broken up more through variation in the height of the blocks. This could be achieved with the removal of the roof top pavilion and the central portion being dropped by a storey. This would also allow for the adjacent units to have improved dual aspect units. This has not been addressed in the current amendments as the applicant has argued that the development would not be viable. I understand that the viability of the scheme is still being considered by the council. Should the application be minded for approval then I would suggest conditions requesting external materials, brick sample panels to be constructed on site. Details of the balconies, entrances, windows, doors, ventilation grilles, parapets and decorative brickwork, hard and soft landscaping and boundary treatments.

LANDSCAPING OFFICER COMMENT:

This site is occupied by a food distribution business located within The Squirrels Trading Estate, at

the north end of Viveash Close.

The estate is situated between 1 Nestle Avenue to the west and the larger Nestles' site to the east - currently under construction for residential redevelopment.

Trees on the site are not protected by TPO or Conservation Area designation, however, existing trees on the adjacent (Nestle) site are protected by Conservation Area status.

COMMENT

This submission follows application ref. 36678/APP/2017/1774 for a 68 unit part 8 / part 10 storey development was refused, followed by a pre-application submission, ref. 36678/PRC/2021/30.

The current proposal is for a part 10 / part 11 storey development comprising 128 flats.

DESIGN & ACCESS STATEMENT

A landscape D&AS, dated 24 November, has been prepared by Exterior Architecture. The report sets out three key objectives for a multi-functional landscape which aims to strengthen the green infrastructure network, create a community hub and provide multi-generational amenity space which caters for explorative and informal play and amenity spaces for human interaction.

The overall masterplan shows how the development will fit into the context of the surrounding development, with the Nestle site to the east and the development phase to the south (yet to come forward). At ground level hard and soft landscaped space - the 'Border Garden' wraps around the eastern and southern elevations. To the north of the building the external space will be used for services, deliveries, refuse and management. It will also accommodate blue badge parking and pedestrian connectivity from Nestle- Hayes Station.

Section 3 describes the landscape vision and approach. At level 10 there is an intensive roof garden - a communal Roof Garden dominated by soft landscape including trees and buffer planting around the perimeters. More detailed landscape strategies for play, paving, exterior lighting and planting typologies are described in section 4.

An Urban Greening Factor score of 0.42 is provided in this document, based on an estimated mature tree canopy. - No calculations accompany the pie chart. Although these were subsequently submitted, the document does not appear to be on Ocella?

Section 5 describes the landscape vision for the wider context / peripheral sites; Viveash Close Link, Courtyard, Avenue, Green Route Extension and the Nestles Courtyard, the final section 6 outlining the landscape management plan and strategy.

The D&AS is supported by the Tate Hindle Day 1 Masterplan and general arrangement plans by Exterior Architecture.

EXISTING TREES

An arboricultural impact assessment (AIA), dated August 2021, has been prepared by Syntegra Consulting which are on the site or close enough to be influenced by it. 8 individual trees and 1 hedge have been identified and assessed, of which none are A or B category - trees of particular merit which most warrant retention on development sites. Some of the trees are self-sets. All are C category (poor), with the exception of T01 and T02 which are U grade (very poor). The two U grade trees will be removed for good management reasons, as will T05 cherry with H01 a mixed hedge being removed to enable the development.

There is no objection to the summary and conclusions of the AIA. If the application is approved, full tree protection details will be required for the remaining trees, together with an arboricultural method statement. These details will need to be understood by the demolition and building contractors and incorporated within a Demolition and Construction Method Statement, to ensure compliance with the

recommendations.

ECOLOGY & BIODIVERSITY

A preliminary ecological appraisal dated July 2021 has been prepared by Syntegra Consulting. The executive summary notes that;

- A more detailed bat survey will be required to the presence of potential bat roosts.
- Vegetation clearance should take place outside the bird nesting season (March - August inclusive)
- The presence of *Buddlia davidii*, a plant identified as a species of concern by the LISI is present within the survey area.
- Adherence to standard pollution prevention measures will be required.

In section 6.0 the report concludes that habitats on the site are considered to be of only moderate ecological value.

At 6.3 the report concludes that any potential adverse impacts can be mitigated by a an ecologically design-led process. Recommended enhancements include; the installation of bird and bat nesting boxes, the specification of a wildlife -friendly planting scheme, the installation of bug boxes/hotels and an exterior lighting scheme that is directional and of low light spill.

The above ecological mitigation proposals will need to be incorporated within the landscape layout .

SUMMARY

- The scheme places a heavy reliance on the quality of finish and establishment of the intensive green roofs. An assurance about the intended depth of topsoil /growing medium is required to ensure that multi-stemmed trees / large shrubs trees can be planted and allowed to establish to maturity is required. Growing medium is heavy and damp growing medium heavier still. The design and sustainability of the planting will have implications for the structural engineering (and cost) of the building. Irrigation details will also be required.
- The phasing of the development in relation to the development of the adjacent site (to the south) is not understood. If this site is built out much in advance of the adjacent site, the outlook to the south is very poor and the landscape buffer of the Border Garden relatively thin?
- Notwithstanding the above reservations the landscape proposals are satisfactory subject to detail..

RECOMMENDATION

No objection subject to pre-commencement condition RES8, RES9 (parts 1,2,3,4,5 and 6) and RES10.

ENERGY OFFICER COMMENT:

The proposed development does not meet the zero carbon energy requirements on site. The proposals only include an onsite saving of 56% from the baseline 127tCO₂. This leaves a shortfall of 56tCO₂.

Consequently there is a requirement to secure an offsite contribution through a Section 106 as well as the following condition to ensure the detailed energy requirements are provided:

Condition

Prior to above ground works, a detailed energy assessment shall be submitted to and approved by the Local Planning Authority. The assessment shall detail the plans and specifications for the 'be clean' and 'be green' technology solutions set out in the outline energy strategy (Couch Perry Wilkes, August 2021). The details shall include type, size and location of the heat pumps including an appraisal of the associated noise and vibration. The scheme shall detail the type and size of PV panels including their pitch and orientation. The assessment shall then ensure there is a comprehensive presentation of the reduction in carbon associated with the 'be lean', 'be clean' and 'be green' including making a clear allowance for the electricity demand of the air source heat

pumps. The assessment shall show a minimum saving of 56% of CO2 from the baseline development (2013 building regulations) as modelled and presented in the outline energy strategy. Any shortfall in this target shall be subject to an offsite contribution. The development must proceed in accordance with the approved plans and specification.

Reason

To ensure the development achieves zero carbon in accordance with policy SI2 of the London Plan.

Condition

Prior to occupation of the development, a 'Be Seen' plan for the recording and annual reporting of the energy performance of the development shall be submitted to and approved in writing by the Local Planning Authority. The 'Be Seen' plan meet the requirements set out in Policy SI2 (A)(4) of the London Plan. The plan shall set out the methods for recording the actual carbon performance of the approved scheme in line with the approved energy assessment. The plan shall then set out how this will be reported to the Local Planning Authority on an annual basis (the 'annual report') and shall set out the mechanisms for identifying shortfalls in the agreed targets and the strategy for remedying such shortfalls.

The annual report shall then be submitted to and approved by the Local Planning Authority in accordance with the agreed 'Be Seen' plan. Where the annual report identifies shortfalls in meeting the approved target, it will also present proposals, onsite or offsite to remedy the problem. The development must be operated in accordance with the approved 'Be Seen' plan.

Reason

To ensure the development continues to achieve the approved carbon reduction targets in accordance with Policy SI2 of the London Plan.

Section 106 - The current shortfall in CO2 emissions has been presented as being 56tCO2. This equates to an offsite contribution of £159,600 based on the carbon cost of £95/tCO2 annualised over 30 years.

The onsite solution in combination with the offsite solution amounts to a zero carbon saving.

NOISE OFFICER COMMENT:

PREVIOUS OVERVIEW AND RECOMMENDATIONS

For ease of reference, as per the previous review (ref. 5715_002M_1-0_CW), our Overview and Recommendations were as follows.

2.1 Overview

In some respects, it's a good report, which could be deemed broadly sufficient for the purposes of the application having presented outline details, with further assessment required via planning condition. However, in the absence of discussion on good acoustic design, it is considered that further submission by the applicant is warranted prior to the Council making a decision. In doing so, there are arguably other issues identified in this review that could helpfully be addressed (though, some could be addressed via condition).

2.2 Recommendations

In the absence of discussion in the Noise & Vibration Assessment (or the DAS or Planning Statement) on good acoustic design, it is recommended that either: justification is submitted to, and approved by, the Council for the arrangement of the proposed scheme; or the scheme layout is revised, and the Noise & Vibration Assessment updated and re-submitted accordingly. In doing so, the guidance in the ProPG is to be followed, together with that in the Acoustics, Ventilation and Overheating Guide, where applicable, whilst taking into account local, regional and national policy.

Notwithstanding this, it is recommended that prior to the Council making a decision, the Noise & Vibration Assessment is updated to further describe and assess the noise associated with 4 Viveash Close and the railway plant.

It is considered optional as to whether the Noise & Vibration Assessment is also updated in terms of the following or that they are required via planning condition:

- confirm the validity of the noise survey data in terms of the operation of the railway;
- update the noise model to better reflect the spread of noise across the railway tracks;
- update and finalise (depending on whether pre- or post-application) the noise mitigation strategy to protect both external and internal noise-sensitive spaces;
- undertake an assessment of ground-borne noise from the operation of the railway; and
- provide details (depending on whether pre- or post-application) of any sources of operational noise and required noise control measures.

3. DOCUMENTS REVIEWED

3.1 Previously

· 3 Viveash Avenue, Hayes, UB3 4RY Noise & Vibration Impact Assessment, by Syntegra Consulting for Mackenzie Homes Ltd. (ref. 20-7393, Rev. A, dated 27th August 2021). Herein referred to as the Noise & Vibration Assessment. Note reference in the title to "Avenue" should be "Close".

3.2 This time

· Syntegra Consulting's Response to Council Commentary, by Syntegra Consulting (ref. 20-7393 - 3, Viveash Close, Hayes, UB3 4RY - TN1, dated 3rd February 2022). Herein referred to as the Syntegra Consulting Response.

4 REVIEW

Helpfully, the Syntegra Consulting Response uses the same subsection titles adopted in our previous review, with the associated responses considered in turn below.

4.1 Good acoustic design

It was our opinion that there was no formal documentation of a good acoustic design process having been followed, as recommended by current national policy and best practice guidance. The following response is provided:

Noise levels at the site are relatively high. Therefore, to ensure that good acoustic design is integrated into the development in line with current best practise guidance (ProPG), discussions with Architects, M&E contractors, and overheating consultants have been factored into the design to ensure a robust and comprehensive scheme of acoustic interventions.

Specifically, this includes:

- Consideration of the layout of the development - due to the size constraints of the site, it was not possible to significantly change the location of the building, with a relatively quiet communal amenity area shielded from the railway being incorporated rather than moving the location of the building further from the railway line.
- The layout of internal flats, with the vast majority of flats on the railway side of the development being dual aspect to provide a quieter side.
- Determination of glazing and ventilation requirements in line with the ANC Acoustics Ventilation and Overheating guidance and internal noise level requirements of the ProPG, in consultation with the architect and M&E consultants.
- Advice provided in terms of the mitigation of overheating in line with the ANC Acoustics Ventilation and Overheating guidance, following consultation with the architect, M&E and overheating consultants.

This being the case, we have no further comments. As per our recommendations in Section 5, a condition will be required to confirm the final details of the external noise ingress control strategy.

4.2 Future conditions

It is in keeping with local and best practice guidance to consider future (noise/vibration) conditions. The following response is provided:

During the course of the assessment, no information was discovered that would indicate future noise levels to be significantly different from presently from transportation noise sources. The industrial noise sources are likely to be reduced in the future as the area is developed for residential, however they were assessed by Syntegra in terms of noise risk as a worst-case due to time lines for the wider development being unclear.

This being the case, we have no further comments.

4.3 4 Viveash Close

Due to a lack of details provided, we were not confident the sound from the existing operation of 4 Viveash Close was sufficiently considered. The following response has been given:

The plant associated with 4 Viveash Close was modelled based on on-site observations of current operations. It is noted that the details of the plant noise are unintentionally absent from Syntegra's report. The dominant noise source was a broadband motor type noise; the precise function could not be identified from the view of the plant from the site due to access restrictions. The item of plant was approximately 2m tall and was modelled as a point source at this height for simplicity, to determine the noise risk across the site. The hours of use have been set as the operational hours of the facility based on on-site observations.

This basic approach was taken to obtain the noise risk as it is likely that the plant would not be in operation when the 3 Viveash Close site is occupied, or at least not very long and therefore a more detailed assessment of the noise was considered by Syntegra to be overly onerous.

In terms of timescales for the redevelopment of the wider site, Syntegra are informed that:

- 3 Viveash Close is scheduled to commence on site in November 2022 (subject to planning permission), with a build time of approximately 30 months, meaning occupation would not be until approximately May 2025.
- The current operations at 4 Viveash Close are due to be relocated to a yet to be decided premises. As such it is not possible to place a precise timescale on the move at this stage, but it is anticipated to be within the next 1-2 years (which would be prior to first occupation of 3 Viveash Close).
- The site immediately to the south "Squirrels Trading Estate" is due to be purchased by Mackenzie Homes (the same developer as for 3 Viveash Close) in February 2022 with a subsequent application for housing following in due course.

Hence, the basic assessment of existing plant noise at 4 Viveash Close to demonstrate the effectiveness of a standard timber fence to protect residential amenity within the communal amenity area.

This being the case, we have no further comments.

4.4 Railway plant

As with 4 Viveash Close, due to limited information being provided, we didn't feel that the railway plant reference in the Noise & Vibration Assessment had been adequately considered. The following response is provided:

The railway plant was considered the dominant noise source to the north of the site, in the absence of the passing trains, but was not considered to be very loud. The glazing specification is driven by the LAmax noise levels from train pass-bys at night and provide significant headroom in terms of the average LAeq noise levels across the daytime and at night, which should off-set any additional annoyance from the plant noise due to any potential noticeable features, which were not noted as significant whilst on site.

Significant low frequency noise was not noted on site and subsequent analysis did not note any low frequency noise levels of specific concern.

The railway plant noise has been assessed in the model and the glazing and ventilation

specifications will reduce that noise to very low levels and therefore railway plant noise would not be a source of significant adverse effects on future residents.

This being the case, we have no further comments.

4.5 Railway noise

In this regard, we had concerns with both the suitability of the monitoring location and the modelling. The following response is provided:

The measurement location was above the existing boundary fence and had a good line of sight to all railway lines according to on-site observations. The measured noise levels are therefore representative of the conditions at the time. This is verified by the noise model, which has calculated similar levels based on train pass-bys and types in accordance with Calculation of Railway Noise (CRN) methodologies.

In the absence of data detailing which specific track was utilised, assessing a single track in the middle was considered the most prudent for this assessment, as a high number of trains are likely to stop at or pass-by the station platforms, which are located at the far side of the track in relation to the site. Assuming all trains passed by on the closest track, whilst worst-case would, in this case, likely have produced unrealistic noise levels.

The L_{Amax} noise level from train pass-bys, which has driven the mitigation specifications for the northern facade of the development, were unaffected by the modelling procedure as they were derived from measurements and not the noise model.

This being the case, we have no further comments.

4.6 Vibration

We previously stated:

Unlike for the neighbouring schemes, there is no reference in the Noise & Vibration Assessment to the possibility of rail vibration resulting in ground-borne noise (also known as re-radiated noise) within the development. Potentially significant levels of ground-borne noise can occur even where there's a low probability of adverse comment based on the VDV levels.

The outline assessments for the neighbouring schemes indicate that levels could be above the typically adopted limit of 35 dB L_{Amax}, hence it was proposed by Waterman for the 233-236 Nestles Avenue scheme to undertake further monitoring and analysis at the construction stage.

Accordingly, it is considered appropriate to condition the requirement for the assessment of ground-borne noise, unless already addressed in the meantime.

In response, it is stated:

Issues of ground-borne noise (re-radiated noise) as identified by Anderson Acoustics appear to Syntegra to be unlikely at such a distance from the railway line and a specific assessment would be an overly onerous requirement. Indeed, the need would appear to be borderline, and so we are happy to leave the decision to discount this with Syntegra Consulting.

4.7 Development operational noise

There was no mention in the Noise & Vibration Assessment of the potential for the operation of the development to generate noise, and so we queried this, but in the understanding that there should be no significant issues in this regard. The following response is provided:

Noise from the proposed development is likely to consist of potential vehicle movements and plant noise. Of these, plant noise has some potential to produce significant adverse impacts and it may

be appropriate to condition a plant noise assessment to be carried out once final selections are made. It is noted, however, that the plant location is enclosed with acoustic louvres proposed and therefore high noise levels are somewhat unlikely.

Accordingly, a condition to address operational plant noise is recommended below.

5 RECOMMENDATIONS

In light of the Syntegra Consulting Response, we see no reason for LBH not to grant permission for application ref. 36678/APP/2021/3370 with respect to noise and vibration, subject to suitable noise conditions. The following conditions are recommended as a minimum:

1. The development shall not be occupied until full and final details are provided to, and approved by, the Local Planning Authority of the sound insulation scheme(s), and any other control measures, such that ambient sound levels are no higher than the relevant internal targets within the current version of the ProPG: Planning & Noise accounting for both ventilation and overheating conditions, and to minimise levels within external amenity areas as far as practicable. The measures shall take into account the ventilation and overheating control strategy/strategies, with any sound generated within the development by associated plant controlled to not exceed relevant targets, such as those within the current version of the Acoustics, Ventilation and Overheating Residential Design Guide.

Reason: To safeguard the amenity of the occupants of the development in accordance with Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. The development shall not be occupied until details are provided to, and approved by, the Local Planning Authority of any building services plant that would result in sound emitted externally, together with details of any required noise control to safeguard the amenity of the occupants of both the scheme and the neighbouring dwellings. The plant shall be selected and installed so as to limit sound externally to a practicable minimum, and, where required (due to risk of noise impact), the plant and background sound levels should be determined and assessed in accordance with the Council's Noise SPD (2006) and the current version of BS 4142.

Reason: To safeguard the amenity of the occupants of the development and surrounding properties in accordance with Policy EM8 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

HIGHWAY OFFICER COMMENT:

Development: Redevelopment of the site to erect a part 10 storey and part 11 storey residential led development comprising 128 flats and a 122 sq.m commercial space / residents lounge (Class E) with associated access (including Public Access Improvements) and landscaping works following demolition of existing light industrial building.

Location: 3 Viveash Close, Hayes

Reference: 36678/APP/2021/3370

Planning permission is sought to erect a part 10 storey and part 11 storey residential led development of 127no. units comprising 38no. 1-bed units, 57no. 2-bed units and 32no. 3-bed units. In addition, there would be 122sq.m commercial space / residents lounge (Class E).

The development would be car free except for 7no. disabled parking spaces of which 2no. would be provided with active electric vehicle charge points with 2no. having passive provision. The development would provide 126no. bicycle parking bays, 122no. would be long stay for residents and 4no. short stay for visitors.

The proposal site is situated at the far northern end of Viveash Close, Hayes. Viveash Close is no

through road leading off Nestles Avenue providing access to several commercial uses. Viveash Close also provides access to Hayes and Harlington Station car park. Whilst Viveash Close is without parking restrictions the amount of on-street parking available is limited by the large number of vehicles parked on the forecourts of the businesses regardless of whether a vehicle crossover has been provided or not. Overall Viveash Close offers a very poor walking and cycling environment, parked cars block drivers sight lines, the footways are uneven, and the street lighting could be improved. In accordance with the published London Plan (2021) Policy T2 Healthy Streets, which requires that "development proposals shall delivery improvements that support the ten Healthy Streets indicators" the Highway Authority require that applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that obliges the applicant to address these issues.

Viveash Close is situated on the edge of Hayes town centre within convenient walking and cycling distance of a range of shops, services, and facilities. 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. The proposal site has a PTAL ranking of 4 indicating that access to public transport is reasonable compared to London as a whole. When the Elizabeth Line is open the PTAL ranking will increase to 5. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The London Plan Policy T6.1 Residential Parking would allow a maximum of between 64no. and 96no. car parking spaces, the 7no. disabled spaces proposed is therefore in accordance with this Policy.

As the development would effectively be "car-free" the Highway Authority has no concerns about the impact vehicular traffic generated by the development would have on the surrounding road network.

Deliveries and servicing associated with the development would be undertaken from Viveash Close, a layby would be provided in front of the development that would give a refuse vehicle with a place to park whilst refuse is being collected. The Highway Authority require that this layby should be clearly marked that it is for drop off/pick up only. This should be secured by way of a planning condition.

For the 122sq.m of commercial floor space the London Plan Policy T6.2 Office Parking would allow a maximum of 1no. car parking space to be provided, the proposal is in accordance with this policy.

Policy T5 Cycling of the London Plan requires that a residential proposal of this type provides a minimum of 235no. cycle parking spaces for the residential units plus 3no. short stay spaces. The 126no. proposed is below this minimum standard and therefore not in accordance with policy. Policy T5 also requires that they commercial use provides 1no. cycle parking bay, if one of the residential parking spaces is allocated to the commercial use by way of a planning condition then this policy requirement would be met.

The Highway Authority has reviewed the Travel Plan and requires that the Plan is amended to include the following. Travel Plan Coordinator must be appointed before the development is occupied so they can directly engage with residents from the outset to promote active travel and public transport. The Travel Plan must contain targets for years 1, 3 and 5, these targets should be forwarded to and approved by the Highway Authority also before the development is occupied. The Travel Plan should include a monitoring and review strategy and explain what steps would be taken if the targets are not attained. The Highway Authority request a planning condition requiring the applicant the submit a revised Travel Plan for approval by the Highway Authority.

The Highway Authority has reviewed the Construction Traffic Management Plan and requires that it is amended to include the following. All construction vehicles shall comply with the Direct Vision Standard, a rating of 3 stars (or more) will be required. Freight Operators Recognition Scheme (FORS) Silver standard is to be mandated by all construction vehicles delivering to the site.

Furthermore, all deliveries shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC. This is to ensure improved fields of vision across the front of the vehicles. There will be no daytime or overnight parking of lorries within the vicinity of the construction site. All construction deliveries shall enter site directly on arrival and not wait on any road in the vicinity of the site. These requirements should be secured by way of a planning condition.

As mentioned above the development would provide 7no. disabled parking spaces to serve 127no. dwellings. However, the published London Plan 2021 Policy T6.1 Residential Parking requires that for 3% of dwellings, at least 1no. designated disabled persons parking bay per dwelling is available from the outset. For this development this would be 4no. spaces so the requirement has been met. However, Policy T6.1 also requires that new developments demonstrate as part of the Parking Design and Management Plan, how an additional 7% of dwellings could be provided with 1no. designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. For this development this would be a further 9no. spaces, the development should therefore be able to provide up to 13no. disabled car parking spaces should they be needed. The Highway Authority require that standard of provision is secured by way of a planning condition.

As mentioned above the number of cycle parking spaces proposed would be less than the standard required in the London Plan. To address this shortfall in provision the Highway Authority require that the applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that obliges the applicant to fund the installation of a Santander Bike Hire 10no. bay docking station together with bicycles at a cost of £15k. Contributions towards the Santander Bike Hire scheme have already been secured from other developments in the Hayes town centre area. The vision is to provide a network of docking stations around the town allowing people to pick up a bicycle at one location, make their trip and then park it at their destination. A new docking station at 3 Viveash Close would provide the occupiers of the development with access to a bicycle without them needing to own one of their own. This together with other Active Travel Measures would offset the shortfall in cycle parking spaces, helping to make the development self-sufficient in terms of travel need.

As aforementioned there would be 7no. disabled car parking spaces of which 2no. would be provided with active electric vehicle charge points and 2no. passive. To be in accordance with the London Plan Policy T6.1 Residential Parking the Highway Authority requires that 2no. spaces should be provided with active electric vehicle charge points with all the remaining having passive provision.

Heads of Terms

The Highway Authority require the following Heads of Terms should the proposal be approved.

- The Highway Authority require that applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that obliges the applicant to fund the delivery of car parking management measures along Viveash Close £8k.
- The Highway Authority require that applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that obliges the applicant to resurface the carriageway and both footways along Viveash Close including new kerb stones £196k.
- The Highway Authority require that applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that obliges the applicant to provide new street lighting along the full length of Viveash Close.
- The Highway Authority require that applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that prohibits the occupiers of the proposal from applying for permits for any Parking Management Scheme permits in operation within the vicinity of the site.
- The Highway Authority require that the applicant enter a 1990 Town and Country Planning Act s.106 legal agreement that obliges the applicant to fund the installation of a 10no. stand Santander Bike Hire docking station with bicycles at a cost of £15k.

Planning conditions

The Highway Authority require the following conditions should the proposal be approved.

- The Highway Authority require a planning condition obliging the applicant submit an amended

Construction Logistics Plan for approval as set out above.

- The Highway Authority require a planning condition obliging the application to submit a Service and Delivery Plan for approval.
- The Highway Authority require a planning condition obliging the application to submit a Car Parking Management Plan for approval.
- The Highway Authority require a planning condition obliging the applicant submit an amended Travel Plan for approval as set out above.
- The Highway Authority require a planning condition obliging the applicant to clearly mark the layby at the front of the development to ensure it is used for pick up/drop off only and not general parking
- The Highway Authority require a planning condition obliging the applicant to increase the number of disabled car parking spaces provided up to 13no. in response to demand

Subject to the above there are no highway objections to this proposal.

AIR QUALITY OFFICER COMMENT:

The proposed development is located within the LBH Air Quality Management area (AQMA), and within Hays Focus Area (FA), bringing additional traffic emissions which will add to current poor air quality. As per the London Plan and LBH Local Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of air pollutant emissions in these sensitive locations. LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan (March 2021) requires development to be air quality neutral as minimum and air quality positive in certain circumstances, actively contributing to reduce pollutant emissions to the atmosphere.

Given the accessible location of the site, the proximity of Hays and Harlington Station and the car-free nature of the proposed development, it is considered that the majority of person trips will be undertaken by sustainable modes of travel and only a very small number of trips will be by private car. Therefore, the development is considered Air Quality Neutral.

However, according to LBH, proposed development within Focus Areas needs to be Air Quality positive and further action is required to reduce total emissions produced by its operation.

Based on the sample of TRICS sites and the proposed development of 129 dwellings would be expected to attract servicing vehicles. The proposed commercial use provides 122 square metres of E class land use and will likely be occupied by a use such as a coffee shop or cafe. It is considered that a use such as a cafe/coffee shop will likely result in delivery/servicing trips per day associated with restocking food and drinks as well as customer trips. Therefore, the total emissions associated with these activities (which still exclude uber/taxis/visitors/and a small use of private car by residents) needs to be mitigated.

DAMAGE COST AND MITIGATION MEASURES

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach. The mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied. Table 1 and 2 summarise the aspects of air quality and planning requirements for the proposed development.

The level of mitigation required to the proposed development for traffic emissions is £7,637. Once all

deductions were applied, the remaining value of mitigation due is £7,637. Flat rate deductions applied are as follow: Travel Plan (10%), Green Sustainable Measures (5%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (10%), totalling a reduction of £7,637. Therefore, a section 106 agreement with the LAP of £7,637 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.

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

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

1) secure compliance with the current London Plan (March 2021) and associated Planning Guidance requirements

2) the implementation of a fast electric vehicle charging bay. This is to be implemented above the minimum number of charging points required in the London Plan.

3) Produce a robust Travel Plan with a clear and effective strategy to encourage staff / users to

a) use public transport;

b) cycle / walk to work where practicable;

c) enter car share schemes;

d) purchase and drive to work zero emission vehicles.

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

Reason - As the application site is within an Air Quality Management Area, and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

Conditions - Reducing Emissions from Demolition and Construction

A

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

Reason:

Compliance with London Plan Policy SI 1 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

B

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of

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

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

Reason:

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

Context

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

Local Plan Part 2 Policy DME1 14

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

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

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

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

FLOODING OFFICER COMMENT:

Drainage

I have no objections to the proposed development. The proposal is to advance a pumped solution to control attenuation to a 2l/s hectare runoff rate in storm event. This is a considerable improvement on the existing unattenuated rates.

The pumped solution is, however, not ideal given the potential for failure notwithstanding that the applicant has provided suitable justification for why the pump is required given site levels and outfalls.

The following condition is required:

Prior to occupation of the site, a drainage maintenance and monitoring plan shall be agreed in writing with the Local Planning Authority. The plan shall set out how the drainage arrangements, including the pump and attenuation tanks, will be monitored for performance and efficiency on an annual basis with records retained for inspection by the Local Planning Authority. The maintenance regime shall ensure that the tanks and pumps are operating at optimum capacity and in line with the approved drainage arrangements throughout the lifetime of the development; the monitoring and recording will be in place throughout the lifetime of the development also.

To ensure the development does not increase the risk of flooding.

[Please note that there is no need for a separate drainage condition. The development must proceed in accordance with the approved details]

Basement

Comments were previously made about the scope of the basement impact assessment. The proposed basement amounts to minimal construction below surface level and therefore the risk of impact on groundwater flows to the extent where there would be an increase risk of flooding is very low.

FINANCIAL VIABILITY APPRAISAL COMMENTS (Summary):

Conclusion

Overall the appraisals show that the scheme can provide between 30% and 35%. Our appraisals

can be found at appendix 3 and 4. In the light of the marginal deficit from the 35% policy compliant mix we are of the view that the scheme can make a 35% provision of affordable housing with a policy compliant unit mix of 70% social rent and 30% shared ownership.

The cross check of comparable land evidence clearly demonstrates that sites are transacting for considerably more than the values that the residual appraisals are producing. Accordingly, we have revisited the appraisals and made adjustments to the inputs to reflect the land evidence. This land evidence reinforces the costs and values we have applied. As we indicated above, there are other ways to achieve the same objective in applying the land evidence, such as reducing the profit margin or finance costs but they would achieve the same objective. We are confident that our appraisal inputs are robust and that the scheme can viably support a 35% provision of affordable housing.

CONTAMINATED LAND OFFICER COMMENT:

I have reviewed a copy of the geo-environmental information within the following report submitted in support of the application:

Title: Environmental Desk Study & Basement Impact Assessment Report for Land Adjacent to 3 Viveash Close, Hayes, UB3 4RY; Ref: P3056J232 V2.1; Date: 28 June 2021; Prepared by: Jomas Associates Ltd.

The report provides details of a phase 1 desk study, including an initial conceptual site model and preliminary risk assessment which identifies a moderate risk from potential pollutant linkages at the site.

The phase 2 investigations shall be designed to more fully characterise the site in terms of its suitability for the proposed change of use to residential land.

For land that is affected by contamination I recommend the following standard conditions, to be imposed if planning consent is awarded:

Proposed conditions for land affected by contamination.

(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of any required 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 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 water and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, 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 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.

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.

2 Reason for Refusal (if objecting):

N/A

3 Observations:

Section 7 of the submitted report identifies possible key contaminants that may be present within the soils, and which shall require laboratory testing to confirm their presence, or otherwise, at site.

The chemical testing of soils shall include analyses for

- Metals: cadmium, chromium, copper, lead, mercury, nickel, zinc;
- Semi-metals and non-metals: arsenic, boron, sulphur;
- Inorganic chemicals: cyanide, nitrate, sulphate and sulphide;
- Organic chemicals: aromatic hydrocarbons, aliphatic hydrocarbons, petroleum hydrocarbons, phenol, polyaromatic hydrocarbons;
- Others: pH, Asbestos.
- VOCs

DAYLIGHT AND SUNLIGHT COMMENTS:

Summary and recommendations:

5.1 AY have completed the review of the DSO report and associated appendix documents prepared by Waldrams in connection with the proposed redevelopment of the 3 Viveash Close Site.

5.2 In overall terms we would conclude that the DSO Report is reasonably comprehensive in respect of its neighbouring properties scope and methodology adopted. The relevant specialist technical analysis is generally provided.

5.3 The review of the assessment results has concluded that AY are generally in agreement with the overall conclusions provided by Waldrams in connection with Compass Building, 233-236 Nestles Avenue, Former Nestle Factory Block D and Squirrels Estate and 4 Viveash Close.

5.4 For these properties the overall daylight and sunlight have been considered as minor adverse on the basis of the number of rooms and windows adherence to the BRE guidelines, or the Proposed Development has been shown to be generally commensurate with a mirror-image analysis.

5.5 For Former Nestle Factory Block E, majority of rooms and windows experience significant adverse daylight effects with 33% experiencing a major adverse effect under the main assessment. Whilst a mirror image analysis has been deemed a useful supplementary analysis the results and commentary with the DSO report shows there will still be a proportion of rooms and windows which

show deviations from the mirror analysis. Mirror image and without balconies deemed a useful supplementary analysis show that for the vast majority of adverse effects there are reasonable mitigation points, nevertheless there remains a proportion of windows which experience adverse effects regardless.

5.6 Overall, the effect on daylight to Former Nestle Factory Block E is considered to be moderate in consideration of the large number of rooms and windows which experience significant adverse effects, albeit this can be considered reasonable In light of the limiting design features at Block E.

5.7 With regards to internal amenity, the Proposed Development is considered to make good use of the daylight available to the Site. 89% of rooms assessed meet the BRE guideline whereas rooms below guidance are isolated to pinch point locations on lower floors where less amenity is available, or habitable spaces below balconies or in recessed locations.

5.8 In relation to sunlight amenity, 20% of windows would meet the BRE guideline. The majority of habitable areas assessed will therefore not meet the BRE guideline. Sunlight amenity may be considered low for future residents, albeit this may considered reasonable on balance of the north facing rooms included and in comparison to sunlight amenity received by schemes of a broadly similar typology..

5.9 Overshadowing within the scheme has been deemed as reasonable in light of the received sunlight

during the summer month and courtyard style of the amenity area which can make sunlight access difficult.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy SA 5 allocates the area for mixed-use development. Parcel B of site allocation SA5 includes the application site, 7 and 9 Nestles Avenue, Squirells Industrial Estate and no. 4 Viveash Close. The allocation policy sets out the requirement to provide 300 residential units and the provision of appropriate community infrastructure to support the overall quantum of development, including educational use where necessary.

The application site was formerly designated as a Strategic Industrial Location. However, as part of the current Local Plan, the council released 16 hectares of industrial land, including the application site. However, a key principle of site allocation policy SA5 is that there is a mix of residential and employment-generating uses, including office (Class E), light industrial (Class B2), and storage and distribution (Class B8) uses that would be compatible with the residential elements of the scheme.

A non-residential element was included in the initial design of the scheme. However, given the provision of employment uses elsewhere within SA5, it was considered that the overall design of this development could be enhanced by removing a commercial element to allow for a two-storey entrance leading into a resident's lounge, providing space for residents to mingle and interact with one another. This change sought by the council is reflected in the revised plans.

Policy SA 5 also requires the provision of pedestrian links to Hayes town centre and key transport nodes. Before constructing the central east-to-west pedestrian access through SA5, the northern part of this site is an essential pedestrian link for those occupying the northern part of the site allocation (Parcel A) and Hayes and Harlington Station.

Comprehensive Development

Policy DMHB 11 of the Local Plan: Part 2 (2020) outlines that development will be required to ensure the design safeguards the satisfactory redevelopment of any adjoining sites with

development potential. As policy SA5 seeks to bring forward a comprehensive development across a large area, the policy explains that complementary design principles and resulting infrastructure requirements associated with the planned levels of growth should be integrated into proposals. Consequently, it must be demonstrated that the redevelopment of a parcel within the site allocation does not prejudice another. The applicant has provided an indicative masterplan showing how the proposed development would integrate with the redevelopment of the neighbouring sites at 4,7, and 9 Viveash Close. The applicant has also committed to redeveloping a larger proportion of the Squirrels Trading parcel of the site allocation by purchasing No.7 Viveash Close (otherwise referred to as Squirrels Estate).

It is noted that the GLA have provided support for the indicative masterplan within their stage 1 comments:

"The applicant's proposed approach to the masterplan appears logical given the complexities that the various site ownerships bring about. The proposals appear to allow for commercially viable future development in a manner which also allows for the retention of the green spine as a fundamental masterplan component."

The Council and the GLA consider the indicative masterplan to be acceptable and therefore complies with the principles of DMHB 11 of the LPP2.

Provision of Housing

Policy GG4 (Delivering the homes Londoners need) of the London Plan (2021) states that to create a housing market that works better for all Londoners, those involved in planning and development must:

- ensure that more homes are delivered.
- support the delivery of the strategic target of 50 per cent of all new homes being genuinely affordable.
- create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing.
- identify and allocate a range of sites, including small sites, to deliver housing locally, supporting skilled precision-manufacturing that can increase the rate of building, and planning for all necessary supporting infrastructure from the outset.
- establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value

Policy H1 (Housing Growth) of the Hillingdon Local Plan: Plan 1 - Strategic Policies (2012) requires that the borough meets and exceed its minimum strategic dwelling requirement in accordance with other Local Plan policies. The Borough's target was increased as part of the London Plan.

As stated above, the site allocation details dictate that the principle of developing the site for residential use is acceptable and as such accords with local and regional planning policies. In addition, the introduction of residential accommodation at this location is considered appropriate in light of the character of the site's surrounding area. No objection is therefore raised to the principle of redevelopment of the site with a residential scheme, subject to compliance with other policies in the development plan.

Unit Mix

Policy H10 of the London Plan (2021) states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes local evidence of need. Policy DMH 2 of Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. Paragraph 4.6 outlines that there is a substantial borough-wide requirement for larger affordable and private market units, particularly three-bedroom properties.

Family housing is defined within the glossary of the London Plan (2021) and outlines it must generally be of a size that has three or more bedrooms. It is worth noting that the Secretary of State directed changes to Policy H10, in order address the need for new family housing, to prevent families from being forced to move outside of London. These changes were incorporated into the final version of the London Plan (2021).

In terms of factors specific to a site, Policy H10 also includes a need to consider, the mix of uses in the scheme, the range of tenures in the scheme and the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.

The proposed housing size mix of the 127 units is as follows:

41 x 1 bed, 56 x 2 bed and 30 x 3 bed units.

1-bedroom x 41 33.00 %

2-Bedroom x 56 44.0 %

3-Bedroom x 30 23.0 %

The proposal represents a range of unit sizes, which does not have an over dominance of one particular size. The absence of studio flats is supported, noting that these are the least flexible unit type. Whilst the housing size mix does not mirror the borough-wide requirement for larger affordable and private market units, it is necessary to consider site specific factors, including the close proximity to the town centre and train station, the high PTAL rating and constrained nature of the site. It is considered that, when the housing size mix policies are read as a whole, the proportions conform with the relevant development plan policies

7.02 Density of the proposed development

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 (2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2.

Paragraph 5.67 of the Hillingdon Local Plan: Part 2 (2020) states that Hillingdon will apply the density standards set out in the London Plan in a flexible manner, according to local circumstances. Large parts of the borough, including many areas in close proximity to town centres, are suburban in character and will lean heavily towards the applications of lower to mid range density scales. Table 5.2 represents a starting point for discussions on the issue of residential density, which should ultimately be determined by a design led approach.

Policy D3 (Optimising Site Capacity through the Design-led Approach) of the London Plan (March 2021) further requires all development to make the best use of land following a design-led approach that optimises the capacity of sites, including site allocations and

offers no density matrix figures. The policy further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

The PTAL score for the site is 4, which identifies the area as having a low level of public transport accessibility. Table 5.2 indicates that sites within 4-6 rating areas are considered Central locations and should provide between 495 - 1,100 habitable rooms per hectare and between 165 - 405 units per hectare if the scheme proposes a housing type of flatted accommodation.

The area surrounding the site is mixed in character. As a former industrial site, there are several industrial sheds remaining. However, the broader site allocation is largely under redevelopment, with occupants now accommodated in many of the residential buildings within the former Nestle Factory site. As such, the character is changing from industrial to a more urban residential / mixed-use.

The proposed development would provide 365 habitable rooms between 127 new units.

The scheme, as proposed, results in a density of approximately 1,586 habitable rooms per hectare or 552 units per hectare. However, the proposed number of units is higher than the guidance within Policy DMHB 17, given that the scale, bulk and massing of the development are considered acceptable and the location of the site within the Hayes Opportunity Area. Furthermore, the density matrix should not be applied mechanistically, enabling account to be taken of other factors relevant to the local context and all other material planning policy requirements.

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

ARCHAEOLOGY

Policy HC1 of the London Plan (2021) and Policy DMHB 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) seek to ensure that areas which are identified as being of archaeological interest are protected. The application site is not located within an area of archaeological priority or interest and notably Historic England (GLAAS) have raised no objections to the current proposals. As such the application is considered acceptable.

HERITAGE

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should '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 in relation to 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 designated 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 can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. 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. 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.

London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The policy further states that development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

The application site is not situated within a Conservation Area and does not contain any listed buildings. Notwithstanding this, the application site abuts the Nestles Conservation Area to the east. A TVIA has been submitted which has been reviewed by the Councils Heritage and Conservation Officer who has raised no objection to the design of the building or it's potential impact upon the adjacent Conservation Area which is a designated heritage asset.

The proposal is for a staggered building. The tallest element of the proposal is 11-storeys with a plant enclosure at roof level. The profile of the building then steps down at 1 interval, however the design of the rooftop amenity spaces reduces some of the height, mass and scale further.

In terms of its height, mass and scale, the proposed development is very similar to the recently approved Stanford House scheme and other developments which bound the site such as Block E which is located to the east of the site. Although clearly this is a building of a reasonable height which would change the industrial nature of the existing character of the area, given the wider redevelopment of the former Nestle Factory it is considered that the building would relate to the scale bulk and massing of the surrounding development which is now part of the character of the Conservation Area. As such the proposed development would not result in harm to the setting of the Conservation Area and therefore complies with Policies DMHB 1, DMHB 4, DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy HC1 of the London Plan (2021) and paragraphs 202, 203 and 207 of the NPPF (2021).

7.04 Airport safeguarding

The National Planning Policy Framework requires that planning decisions promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:

- A) The Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas.

Proposals that may be a hazard to aircraft safety will not be permitted.

B) In consultation with the Airport Operator, the Council will ensure that:

- i) areas included in Airport Public Safety zones are protected from development which may lead to an increase in people residing, working or congregating in these zones; and
- ii) sensitive uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

Given the heights of the proposed building (10-11 stories) it has been necessary to consult with NAT's, Heathrow Airport Safeguarding and the MOD. NATS have stated that the proposal is anticipated to have a technical impact on its radar located at Heathrow Airport and require a condition relating to a Radar Mitigation Scheme (RMS) AGL, crane operation and construction, would be required if planning permission were to be granted. Heathrow Airport Safeguarding and the MOD have raised no objection subject to standard conditions pertaining to the submission of a crane management and bird hazard management plan. Subject to the agreement of the above conditions the application is considered to comply with the above policies.

7.05 Impact on the green belt

Not applicable to the consideration of this application which is not within or close to any Green Belt land.

7.07 Impact on the character & appearance of the area

Policies D1-D3 of the London Plan (2021) requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites. The policies set out a range of urban design principles relating to the quality of public realm, the provision of convenient, welcoming and legible movement routes and the importance of designing out crime by, in particular, maximising the provision of active frontages and minimising inactive frontages and improving permeability and overlooking.

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy D8 of the London Plan (2021) requires development proposals to ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Paragraph D in particular, expects development proposals demonstrate an understanding of how people use the public realm, and the types, location and relationship between public spaces in an area, identifying where there are deficits for certain activities, or barriers to movement that create severance for pedestrians and cyclists.

Policy D9 of the London Plan (2021) requires that development proposals, where tall buildings are being provided, should be serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm and that entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas.

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 4 of the Hillingdon Local Plan : Part 2- Development Management Policies

(2020) states new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.

B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.

C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

Policy DMHB 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) be of a height, form, massing and footprint proportionate to its location and sensitive to adjacent buildings and the wider townscape context. Consideration should be given to its integration with the local street network, its relationship with public and private open spaces and its impact on local views.

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 previously refused application (36678/APP/2017/1774) was dismissed for reasons relating to design and the impact this would have on the townscape and, more critically, the success of the wider plan to redevelop the land within the site allocation. This revised proposal addresses the design concerns by including a master plan demonstrating how the scheme would integrate with the redevelopment of the broader allocation.

The proposal is for a staggered building. The tallest element of the proposal is 11-storeys with a plant enclosure at the roof level. The profile of the building then steps down at one interval. However, the design of the rooftop amenity spaces reduces some of the height, mass and scale further. The initial drawings included a ground-level commercial unit on its western side. It has since been removed as officers felt the scheme would be vastly improved by introducing a double-storey entrance to the building incorporating a resident's lounge. This has improved the view of the frontage of the building at street level and created an improved active frontage which is inviting for future occupants.

Improvements have also been made to the eastern portion of the building. The ground floor now includes residential accommodation providing front doors and fenestration to help activate the ground level. This creates a much better interface where previously inactive frontages were proposed.

The southern elevation creates the potential to link up with the future redevelopment of 4 Viveash Close. However, concerns were raised regarding this potentially blank elevation, and improvements have been secured through enhanced brick detailing in the form of contrasting brick panels and stretcher courses. This will provide a more pleasing elevation from short and medium views helping to break up its monolithic appearance until a redevelopment of 4 Viveash Close is progressed. However, it is anticipated that the site to the south will likely come forward relatively soon, as highlighted in the supporting master plan.

The applicant has submitted a Townscape Visual Impact Assessment, which incorporates verified views, enabling Officers to assess the impact the development could have on the local townscape. This document has been reviewed by the council's Urban Design and Conservation Officer, who has stated that whilst there are still some concerns with the mass of the development, which appears as one large linear block to the north, the bulk, scale, mass and design of the building is a vast improvement to the previously refused scheme. In response to the Urban Design Officer's comments, revisions have been made, which reduces the number of units. Any further reduction in the number of units proposed would have implications on viability, affecting the affordable housing offer, which has taken considerable effort to agree. On balance, it was considered that the benefits of a higher affordable offer outweigh the minimal harm arising from the scale, bulk and massing towards the middle of the block, where the Urban Design Officer would like to have seen a further reduction.

Turning to defensible space, adequate distances at ground floor level have been provided for ground floor units, and more soft landscaping has been provided. In addition, the change to the layout from the previous proposal is more compatible with the surrounding context and provides more visual interest to each main elevation.

Based on the improved design and comprehensive masterplan approach to the application site and the wider Parcel B, the development proposal is considered to be acceptable in terms of its impact on the character and appearance of this regeneration area, in accordance with the Hillingdon Local Plan; the London Plan; and the NPPF.

TALL BUILDINGS

Paragraph 3.9.3 of the London Plan (2021) states that tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. It outlines that Boroughs should define what is a 'tall building' for specific localities, however this definition should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. Paragraph 5.32 of the Local Plan: Part 2 (2020) also outlines that for the purposes of Policy DMHB 10, high buildings and structures are those that are substantially taller than their surroundings, causing a significant change to the skyline. The terms tall and high building appear to be treated synonymously within these sections of the Development Plan.

As buildings within the proposal are taller than 6 storeys or 18 metres, it is necessary to

analyse whether they meet the subsequent parts of the definitions held within the Development Plan, namely if the buildings are substantially taller than their surroundings and whether they cause a significant change to the skyline.

In terms of its relationship with its surroundings, the building is located next to a busy roundabout in an immediate area which is characterised by different neighbourhoods, which vary in urban grain. The East of the site comprises of a business park, whilst the West and a portion of the North East are defined by 2 storey streets of housing. The North contains the mixed-use Old Vinyl Factory redevelopment site. Transport infrastructure such as railway lines and wide roads (Dawley Road and North Hyde Road) create a separation distance between the site and the residential neighbourhoods and the Old Vinyl Factory area to the North.

The development proposal comprises of buildings of 10 to 11 storeys, which result in similar height ratios with existing buildings within 150m of the site, that range from 2 to 11 storeys. Despite the presence of a notable proportion (approximately 50%) of two storey residential buildings within 150m of the site, it is considered that the taller existing non-residential buildings form the more prominent immediate surroundings, due to their proximity to the site and the separation created by Dawley Road and North Hyde Road in particular. The agreed design for Keith House (27189/ APP/2020/2181) will also result in the inclusion of a 9-storey residential building nearby, which will further increase the height of surrounding buildings. It is therefore not considered that the proposed buildings are substantially taller than their surroundings and cannot be considered a tall building in line with the definitions within the Development Plan.

Further analysis was undertaken into the potential for the proposal to cause a significant change to the skyline. It was determined that from mid-range views the proposal would have a strong impact on the skyline and from long-range views the impact would be moderate. Therefore, the scheme would create a significant change to the skyline. However, this change is not deemed to be unacceptable, as outlined within the Urban Design comments elsewhere in this report, which outlines that it would add variation to the skyline and not dominate the surrounding context.

As such this application it is considered that the proposal would not conflict with Section 16 of the NPPF (2021), or with Policy HC1 of the London Plan (2021) Policies D1-D3, D8, and D9 Policy HE1 of the Local Plan Part 1 (2012), and Policies DMHB10, DMHB 11 and DMHB 4 of the Local Plan: Part Two (2020).

7.08 Impact on neighbours

The NPPF includes as a core planning principle that planning should always seek to secure a high-quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

B) Development proposals should not adversely impact the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable

rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The council will also seek to ensure that the design of the new development optimises the levels of daylight and sunlight. The council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice guidance".

In refusing the previous scheme on this site, concerns were raised relating to the breach of the council's minimum distance criteria, whereby windows that serve habitable rooms within the proposed development should be positioned away from windows serving habitable rooms in existing buildings by at least 21m. The proposed site plan indicates that the revised scheme now complies with the council's 21m separation distance to the closest neighbouring residential properties.

The development has also been located 11m from the adjacent site to the south along Viveash Close (4 Viveash Close). This being greater than half the policy requirement by Hillingdon for privacy distances ensures that the proposal would not prejudice this site from coming forward. It will allow greater flexibility for this owner to design a development compatible with the overall master plan. On the western side, the proposed building wraps around to connect with a future building at No. 4 which should complete the Viveash Close street scene.

Turning to daylight and sunlight matters, the applicant has submitted a daylight and sunlight assessment undertaken by Waldrams, which has been reviewed by an independent consultant appointed by the council.

To assess good levels of daylight and sunlight, the use of the BRE's "Site Layout Planning for Daylight and Sunlight: a guide to good practice (BR209)" is supported by planning policy. This guidance was updated in June 2022. As this version of guidance had only been updated a month or so when this application was initially presented to the committee in July 2022, the daylight and sunlight assessments submitted to support this application reflect the earlier version of the guidance. While this version of the guidance has now been superseded, the information presented does provide detailed technical information examining the proposal's impact on surrounding properties.

The applicant's report assesses the potential impact the proposed development will have on neighbouring blocks and the internal light levels for the proposed units. For this section of the report, the effect on neighbouring blocks will be discussed only.

The submitted document sets out the BRE guidance and where the proposed development would comply with this guidance. Where parts of the proposed development would fail to meet the guidance, it is common to refer to a mirror image analysis and or alternative criteria, such as a balcony study whereby a test is undertaken on all windows which fail to meet the BRE guidance to ascertain whether there would still be a significant adverse impact upon the habitable room which the window serves, if balconies were to be removed.

The review on behalf of the council generally agrees with the overall conclusions provided by Waldrams in connection with Compass Building, 233-236 Nestles Avenue, Former Nestle Factory Block D and Squirrels Estate and 4 Viveash Close.

Regarding the Former Nestle Factory Block E, most rooms and windows experience significant adverse daylight effects, with 33% experiencing a major adverse effect under the main assessment. Whilst this is a considerable concern, the applicant has provided evidence to demonstrate that some form of impact upon this block is inevitable as it would be in any other urban location subject to wide-scale redevelopment. This evidence includes a mirror image analysis which indicates the level of impact is similar to the neighbouring blocks, and a balcony study which suggests that there is already an impact to the majority of the windows affected are already impacted by the balconies above the windows.

Overall, the effect on daylight to Former Nestle Factory Block E is considered moderate given a large number of rooms and windows which experience significant adverse effects. However, this is reasonable in light of the limiting design features at Block E. In response to the initial appraisal on behalf of the council, the applicant was asked to provide an assessment of the proposal, which included several storeys being removed from the edge of the new building closest to block E as such, Waldrams submitted a further assessment which included the requested modelling which showed a minimal improvement (between 1-3.5%). With this in mind, the council is required to consider whether the potential impact upon Block E outweighs the harm which would be resultant of the need to lose additional units by setting some of the uppermost floors from the closest elevation at Block E. Part of this consideration includes how viable the scheme is. Having held lengthy discussions with the applicant team, an affordable offer consistent with the council's appraisal of the submitted FVA has been submitted. As such, the council considers that the benefits of the proposed affordable housing outweigh the potential harm to Block E.

7.09 Living conditions for future occupiers

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should:

- i) meet or exceed the most up to date internal space standards, as set out in Table 5.1; and
- ii) in the case of major developments, provide at least 10% of new housing to be accessible or easily adaptable for wheelchair users.

Table 3.1 of London Plan (2021) Policy D6 requires the following:

- One storey 1-bed 1 person unit should provide a minimum of 39 square metres Gross Internal Area (GIA) with a bathroom (or 37 square metres with shower room);
- One storey 1-bed 2 person unit should provide a minimum of 50 square metres GIA;
- One storey 2-bed 3 person unit should provide a minimum of 61 square metres GIA;
- One storey 2-bed 4 person unit should provide a minimum of 70 square metres GIA;
- One storey 3-bed 4 person unit should provide a minimum of 74 square metres GIA; and

- One storey 3-bed 5 person unit should provide a minimum of 86 square metres GIA.

The above is also supported by Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020)

Based on the plans submitted, all of the proposed units meet the minimum space requirements and are provided with adequate outlook from all habitable rooms.

A Daylight Sunlight and Overshadowing Assessment was submitted in accordance with the 2011 BRE guidance in force at the time of the application. As discussed above, this guidance was superseded by new guidance issued by the BRE in June 2022.

As confirmed by the Council's Daylight and Sunlight Consultant, not all rooms achieve adequate daylight and sunlight but it is not considered that the extent of failures warrant a reason for refusal given the urban context of the site. Subject to conditions, the council's Noise Consultant also confirms that a satisfactory noise environment can be achieved for the proposed habitable rooms.

Given the above, the proposed development complies with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) and Policy D6 of the London Plan (2021).

PRIVATE AMENITY SPACE

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 (2020) states:

A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.2.

B) Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.

C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the streetscene and the character of the buildings on the site.

D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

Table 5.2 states that studio and 1-bedroom flats should provide a minimum of 20 square metres of amenity space, 2-bedroom flats should provide a minimum of 25 square metres of amenity space and 3+ bedroom flats should provide a minimum of 30 square metres of amenity space.

Based on a proposal for 41 x 1 bed, 56 x 2 bed and 30 x 3 bed units, the proposed development would require approximately 3120 square metres of private amenity space.

Based on the submitted plans, the proposed development would provide the following:

- 1177.37 square metres of private amenity space via balconies;
- 564.92 is to be provided via the a residential courtyard to the south at ground level, the roof top amenity space on the 10th floor and the running track to the north of the building.

The above provisions total 1,742.29 sqm square metres of amenity space which results in a shortfall of approximately 1,378 sqm. However, it is a material consideration that in

determining the previous appeal scheme on this site, the planning inspector did not uphold the council's reason for refusal relating to the lack of policy compliant levels of amenity space. Paragraphs 13 and 14 of the inspector's decision conclude that the quality of the spaces together with the contribution agreed for local park improvements is considered to be acceptable. As a material consideration, the inspector's view on this should be carried forward to this assessment. Therefore, subject to an open space contribution which is to be secured through a s106 agreement, the development would be considered acceptable.

PLAY SPACE

Policy S4 of the London Plan (2021) states that residential development proposals should incorporate good-quality, accessible play provision for all ages. At least 10 square metres of play space should be provided per child that:

- a) provides a stimulating environment
- b) can be accessed safely from the street by children and young people independently
- c) forms an integral part of the surrounding neighbourhood
- d) incorporates trees and/or other forms of greenery
- e) is overlooked to enable passive surveillance
- f) is not segregated by tenure

This is supported by the Mayor's supplementary planning guidance (SPG) 'Shaping Neighbourhoods: Play and Informal Recreation', which sets a benchmark of 10m² of usable child play space to be provided per child, with under-fives play space provided on-site as a minimum, and makes clear that play space should not be segregated by tenure.

Policies DMCI 5 and DMHB 19 of the Hillingdon Local Plan: Part 2 (2020) state:

A) For all major development proposals, the Council will apply Hillingdon's child yields and the London Plan SPG; 'Providing for Children and Young Peoples Play and Informal Recreation', which specifies that 10sqm of play space should be provided for each child and an accessibility standard of 400 metres to equipped playgrounds.

B) In areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision.

C) The Council will resist the loss of existing play spaces unless:

- i) a replacement play space of equivalent size and functionality is provided to meet the needs of the local population. Where this is not possible, development will only be permitted in exceptional circumstances where there are over-riding planning merits to the proposal; and
- ii) it can be demonstrated robustly that they are no longer required and that their loss would not lead to a shortfall in overall play provision in the local area.

Paragraph 5.79 of the Hillingdon Local Plan: Part 2 (2020) states that the council's Open Space Strategy proposes an accessibility standard for children's playgrounds based on a 400 metre travel distance. Specifically, Wallis Gardens which is part of the Nestle Factory redevelopment is located approximately 230 metres from the site, and Pinkwell Park is located over 600 metres to the west of the site. Whilst Hillingdon contains approximately 100 equipped playgrounds within parks and other areas of open space, there are areas of deficiency in relation to the accessibility standard. One of the main areas of deficiency is located within Pinkwell ward where the application site is located.

Based on the Mayor's supplementary planning guidance (SPG) 'Shaping Neighbourhoods: Play and Informal Recreation', play space requirements is divided into 3 categories;
-age 0-4; door step play/within 100m;

- age 5-11 years; play within 400m of site;
- age 12+ years; play within 800m of site.

Based on the GLA Population Yield Calculator (v3.2), it is anticipated that the following numbers would be yielded from the proposed development:

- 26.4 no. children under the age of 5 years old;
- 19.6 no. children aged 5 to 11 years old; and
- 12.4 no. children aged 12 to 17 years old.

This yields a total of 58.3 children, requiring 536.4 m² of play space where only the 0-4 age group and 5-11 age group must be provided on site or within 400 metres of the site.

Based on the plans submitted, it can be identified that approximately 405 m² would be provided between the ground floor area to the south of the building and the roof garden. This demonstrates that a policy compliant level of play space could be provided for the 0-11 year old occupants within the distance set out within the policy above. Wallis Gardens is located within 230 metres and Pinkwell Park just over 600 metres from the site and is able to serve the remaining 12-17 years age group. The Landscaping Design and Access Statement (DAS) indicates there is a small piece of soft landscaping to the north of the site boundary which could also be used for child play space. A financial contribution is therefore required towards child play space improvements beyond the site boundary. Subject to the agreement of a financial contribution, the proposal would not be considered contrary to Policy S4 of the London Plan (2021) and Policies DMCI 5 and DMHB 19 of the Hillingdon Local Plan: Part 2 (2020).

PUBLIC OPEN SPACE

Policy G4 of the London Plan (2021) states that development proposals should create areas of publicly accessible open space, particularly in areas of deficiency, where possible

Policy EM4 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will safeguard, enhance and extend the network of open spaces, informal recreational and environmental opportunities that operate as carbon sinks and that meet local community needs and facilitate active lifestyles by providing spaces within walking distance of homes. Provision should be made as close as possible to the community it will serve. There will be a presumption against any net loss of open space in the Borough. The Council will identify new opportunities for open space through an Open Space Strategy. Major developments will be expected to make appropriate contributions to the delivery of new opportunities, or to the improvement and enhancements of existing facilities.

Policy DMCI 4 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Proposals for major new residential development will be supported where they make provision for new open space, or enhancements to existing open space, which meets the needs of the occupiers of the development and contributes to the mitigation of identified deficiencies in the quantity, quality and accessibility of open space. Regard will be had to Hillingdon's local recommended standards of provision for all relevant typologies of open space.

B) The provision of major new pieces of open space should contribute positively to Hillingdon's existing networks of green spaces. In major town centre developments, new civic space may be required as an alternative to green open space.

C) Proposals for major new residential development that fail to make provision for new or enhanced open space, or which would result in open space that is inappropriate in type,

quality or location, will be resisted.

The development should provide 6,780 square metres of publicly accessible open space in accordance with the planning obligations SPG (2014). The proposed plans indicate that no publicly accessible open space is to be provided. If sufficient publicly accessible open space cannot be accommodated within the site, a financial contribution is required. In the context of the proposed development, it is considered appropriate that contributions are sought for the enhancement of existing public open space in Hayes. Based on the Planning Obligations Supplementary Planning Document (July 2014), the financial contribution required is £169,500 and the applicant has agreed to pay this sum.

Subject to a Section 106 agreement securing a financial contribution in accordance with the above, the proposal would accord with Policy DMCI 4 of the Hillingdon Local Plan: Part 2 (2020), Policy EM4 of the Hillingdon Local Plan: Part 1 (2012) and Policy G4 of the London Plan (2021).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The site is located on Viveash Close. Based on TfL's WebCAT planning tool, the site has a PTAL rating of 4 however as noted in the Highway Officer's comments in section 6.2 of this report, it is likely that the PTAL rating will be increased to 5 when the Elizabeth Line is open fully.

The following planning policies are considered:

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

RESIDENTIAL CAR PARKING PROVISION

The proposed development would effectively be car-free apart from the 7 disabled accessible spaces. Given that the PTAL rating is likely to rise to 5 together with the site's constraints, including the requirement to devote a proportion of the land within the site towards the green super highway, a car-free development is considered acceptable.

The proposed development should be viewed in the context of Table 10.3, attached to Policy T6.1 of the London Plan (2021), which states that Outer London sites with a PTAL

rating of 4 and moving towards 5 should not exceed a maximum car parking provision of 0.5 spaces per dwelling. The site is located within an area with a PTAL rating of 4, circa 500 metres (8 min walk) from Hayes and Harlington Station with 4 bus stops within a 400-metre radius. The application site is well-connected. Furthermore, it should be noted that the previous application on this site was refused for insufficient car parking. However, the Inspector did not uphold this reason for refusal. As such, the principle of car-free development is accepted.

MEASURES TO ENCOURAGE SUSTAINABLE TRAVEL

The Active Travel Zone Assessment submitted identifies a number of areas along key routes which do not fulfil the healthy streets criteria. In connection with this, the following improvements are to be secured by a Section 106 legal agreement if recommended for approval:

- Financial contribution of £196k for improvement works to resurface the carriageway and both footways along Viveash Close including new kerb stones.
- Financial contribution of £15k towards the implementation of a cycle share scheme.

Parking Management Scheme Review

It is considered reasonable and proportionate to secure a financial contribution of £8000 towards the review of local roads; including but not limited to Viveash Close; with a view to implementing a Parking Management Scheme. If recommended for approval, this would be secured by Section 106 legal agreement.

Restriction on Parking Permits

If recommended for approval, the residents of this development will not to be eligible for parking permits within the Parking Management Areas and Council car parks in the vicinity of the site.

Cycle Parking Provision

Table 10.2 of Policy T5 of the of the London Plan (2021) states that residential developments should provide the following long-stay cycle spaces:

- 1 no. space per studio or 1 person 1 bedroom dwelling
- 1.5 no. spaces per 2 person 1 bedroom dwelling
- 2 no. spaces per all other dwellings

In addition, residential developments should provide the following short-stay cycle spaces:

- 5 to 40 dwellings: 2 spaces
- thereafter: 1 space per 40 dwellings

Based on the London Plan standards a scheme of 127 units would require 235 cycle spaces. The scheme proposes 126no. spaces which falls short of the London Plan standards proposed is below this minimum standard and therefore not in accordance with policy. However, the scheme does propose a contribution towards the Santander Bike sharing scheme which would help extend the area which is covered within the scheme locally leading up to the Hayes and Harlington Station and various other key locations. This is an acceptable offset.

Whilst not strictly in accordance with policy it is evident that the proposed development

commits to a significant number of cycle parking spaces in aid of encouraging a shift towards more sustainable travel modes.

Travel Plan

If recommended for approval, a full Travel Plan is to be secured alongside a £20,000 Travel Plan bond to ensure that it is delivered.

Sustainable Travel Summary

Subject to securing the measures set out above, the level of on-site car parking is considered to be acceptable.

ACCESSIBLE PARKING

Policy T6.1 of the London Plan (2021) states:

G) Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

- 1) ensure that for 3% of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset
- 2) demonstrate as part of the Parking Design and Management Plan, how an additional 7% of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. This should be secured at the planning stage.

The proposed development would provide 7 no. designated disabled persons parking bays and exceeds the 3% requirement (which is equal to 4 no. spaces). The applicant has submitted a day 1, day 2 and day 3 scenario which indicates how the wider masterplan will evolve as the neighbouring sites are brought forward. The Day 3 master plan study for Viveash Close demonstrates how another 6 parking spaces could be delivered in the future as soon as existing provision is insufficient. This would take the total number of spaces up to 13 which is in line with the Councils Highway Officers comments. Subject to a planning condition securing a Parking Design and Management Plan, this is considered acceptable.

ELECTRICAL VEHICLE CHARGING POINTS

Policy T6.1 of the of the London Plan (2021) states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. If recommended for approval, this would be secured by condition.

TRIP GENERATION

The Transport Assessment confirms that at the busiest time during the AM Peak the proposed development would generate 70 no. two-way person trips. Given the sites sustainable location and the fact the proposal is for a car free development the vast majority of these trips would be undertaken by sustainable transport modes. This volume of car traffic is considered insignificant and is not anticipated to present a risk to road safety or be detrimental to the free flow of traffic.

SERVICING AND DELIVERY

If recommended for approval, a finalised Servicing and Delivery Plan would be secured by condition.

CONSTRUCTION LOGISTICS PLAN

If recommended for approval, a finalised Construction Logistics Plan would be secured by condition.

SUMMARY

If recommended for approval, a number of planning obligations would be secured by Section 106 legal agreement and would contribute to the mitigation of impacts that may arise from the proposed use. This includes the following:

- Highways Works: Section 278 agreement to secure highway works.
- Highways Improvements: A financial contribution amounting to £196,000 shall be paid to the Council for the local highway improvements.
- Parking Management Scheme Review: A financial contribution amounting to £8,000 shall be paid to the Council for the review of local roads with a view to implementing a Parking Management Scheme.
- Parking Permit Restrictions: The residents of this development will not to be eligible for parking permits within the Parking Management Areas and Council car parks in the vicinity of the site.
- Travel Plan: A full Travel Plan is to be secured alongside a £20,000 Travel Plan bond to ensure that it is delivered.
- Financial contribution towards the installation of a Santander Bike Hire docking station.

Subject to the planning obligations and conditions noted above, the proposed development would accord with Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policy T4 of the London Plan (2021) and the NPPF (2021).

7.11 Urban design, access and security

URBAN DESIGN

Please see Section 07.07 of the report.

ACCESS

Please see Section 07.12 of the report.

SECURITY

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

This is supported by Policy D11 of the London Plan (2021).

If recommended for approval, a secure by design condition would be attached to achieve appropriate accreditation. Subject to such a condition, the proposal would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) and Policy D11 of the London Plan (2021).

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. They should:

- 1) be designed taking into account London's diverse population;
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion;
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment;
- 4) be able to be entered, used and exited safely, easily and with dignity for all; and
- 5) be designed to 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 suitable to be used to evacuate people who require level access from the building.

Policy D7 of the London Plan (2021) states:

A) To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

It is understood that all unit layouts have been designed to meet Part M4(2) and 10% of units would meet Part M4(3) standard. This equates to 13 no. wheelchair accessible units, all of which are a mix of 1,2 and 3 bed units.

If recommended for approval, details to demonstrate that all external areas and amenity areas would be accessible to older and disabled people, including wheelchair users, would be secured by planning condition. Details of accessible play equipment for disabled children, including those with a sensory impairment, or complex multiple disabilities, would also be secured by condition. Finally details relating to the a pick up and drop off point are to be secured by way of condition.

Subject to conditions, the proposal would accord with Policies D5 and D7 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Policy H5 of the London Plan (2021) requires a minimum of 50% affordable housing where the application is to redevelop a former industrial site. To follow the fast track route and not be required to submit a financial viability assessment, applicants must meet the following criteria:

- Meet or exceed the relevant threshold level of affordable housing on site (50%) without public subsidy
- Be consistent with the relevant tenure split (70/30 social rent/intermediate).

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.

The Financial Viability Appraisal submitted has been independently assessed by the Council's external consultants and following negotiations with the applicant, parameters have been agreed in order to allow the LPA to understand the viability of the proposed development and the associated number of affordable housing units which can be provided on-site.

Consequently, an affordable offer of 35% by unit and 37% by habitable room at a policy compliant tenure mix (70-30 social/intermediate) consisting of 31 social rent units on the ground to fifth floors and 13 intermediate tenure units on floors 6,7 and 8. An independent review of the scheme's viability has determined to the satisfaction of officers that this is the maximum viable affordable housing provision that the scheme can deliver on-site with the tenure that best meets the needs of the Borough. This is notably supported by the council's Housing Team.

In addition, the proposed affordable housing would be built to the same standards as the private housing. The affordable housing would also share the same communal amenity spaces on all levels.

If recommended for approval, the affordable housing provision proposed would be secured by a Section 106 legal agreement with an Early and Late Stage Viability Review mechanism imposed to secure further affordable housing units if the viability of the scheme improves. As such, the proposed development accords with Policy H5 of the London Plan (2021), Policy H2 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING

Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy DMEI 1 of the Hillingdon Local Plan: Part 2 (2020) states that all development proposals are required to comply with the following:

- i) All major development should incorporate living roofs and/or walls into the development. Suitable justification should be provided where living walls and roofs cannot be provided; and
- ii) Major development in Air Quality Management Areas must provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (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 Hillingdon Local Plan: Part 2 (2020) states:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

The application is supported by a Design and Access Statement which sets out the landscaping strategy for this development and a tree survey which indicates none of the 8 trees on site are of any particular value therefore there is no objection raised to their removal.

The submitted landscaping scheme sets out three key objectives for a multi-functional landscape which aims to strengthen the green infrastructure network, create a community hub and provide multi-generational amenity space which caters for explorative and informal play and amenity spaces for human interaction.

The submission of the masterplan is welcomed as it indicates how the development would be integrated within the wider context of the site allocation and beyond. At ground level hard and soft landscaped space is to be provided. To the south of the building is communal soft landscaped areas where new trees and planting will be provided as well as some child play space. To the north of the building is a hardscaped area which provides space for the accessible parking spaces, servicing. There is also a small running track to be provided which is partly within the site boundary and this will serve as a useful link to the area to the north which is used as access into the wider Nestle site. Finally a communal garden on the tenth floor is proposed with a proportion illustrated as being covered. A planting schedule indicating the type of planting to be provided has been submitted along with details of a number of trees to be planted also. This is welcomed.

In terms of the existing trees, 4 grade U trees would be removed to facilitate the development and according to the landscaping scheme, significantly more trees would be planted thus creating a net increase of green infrastructure. A condition pertaining to tree retention of those shown to be retained within the Arboricultural Assessment is to be attached to any grant of consent. Subject to conditions the proposed landscaping scheme is considered to be acceptable.

URBAN GREENING FACTOR

Policy G5 of the London Plan (2021) states:

a. 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.

b. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.

During the assessment of the application the Council's Landscaping Officer raised

concerns with the lack of evidence to support the UGF scoring of 0.44 within the DAS and planning statement. The applicant has submitted an UGF plan which illustrates how the proposal will meet the UGF and this is considered to be acceptable.

ECOLOGY

Paragraph 174 of the NPPF (2021) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

The re-development of the site would not result in any indirect ecological impacts that would be considered significant.

The report does suggest the requirement for further Bat surveys, however looking at the potential for roosting areas or areas of interest, these would be limited to the existing vegetation, which there is little of and the Grand Union Canal which is a significant distance from the site. The only point of question within the initial Bat Survey is whether the exterior of the building provides any reasonable roosting opportunities. Given that there are limited opportunities outside of the building itself and no signs of roosting have been found internally, it is very unlikely that there would be any potential for roosting on the external area of the building. As such the Council does not consider the need for additional Bat surveys to be undertaken as necessary.

Various enhancements are proposed which include, bird boxes, native trees, replacement of the buddleia and future fencing to have hedgehog gates. These enhancements are considered to be acceptable and to ensure they are delivered the ecological appraisal will be included within the approved documents conditions. As such the the proposal is considered to accord with the NPPF (2021), Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

7.15 Sustainable waste management

Policy EM11 of the Local Plan: Part 1 (2012) requires all new development to address waste management at all stages of a development's life from design and construction through to the end use and activity on site, ensuring that all waste is managed towards the upper end of the waste hierarchy.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

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

Dedicated bin stores are provided within the curtilage of the building. Waste will be trolleyed directly from the westernmost bin store to the refuse vehicle stopped adjacent to the site. Waste stored within the easternmost bin stores will be transferred to the western bin store, by building management, on the day of collection and waste collection operatives will collect these bins from the western bin store. Site management will be responsible for transferring these bins back to the eastern bin store after collection. Given the requirement for bins to be taken to a location where there can be accessed within the required distance on the day of collection, a refuse management plan will be required and this can be secured by way of an appropriately worded condition. Subject to this condition the

proposed development is considered to accord with Policy EM11 of the Local Plan: Part 1 (2012) and Policy DMHB 11, part D), of the Hillingdon Local Plan: Part 2 (2020).

7.16 Renewable energy / Sustainability

ENERGY

Policy SI 2 of the London Plan (2021) requires major developments to be net zero-carbon. Major development proposals are expected to include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided that an alternative proposal is identified and delivery is certain.

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 (2021).

Policy DMEI 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 applicant has submitted an energy assessment which demonstrates that the proposed development does not meet the zero carbon energy requirements on site. The proposals only include an onsite saving of 67% from the baseline 108.5tCO₂. This leaves a shortfall of 36.1tCO₂. This equates to an offsite contribution of £102,885 based on the carbon cost of £95/tCO₂ annualised over 30 years.

The offsite contribution will be secured through a Section 106. In addition further information relating to the submission of energy performance reporting and the submission of a more detailed energy assessment which provides detailed plans for the specification of the be clean and be green solutions set out within the assessment is required.

OVERHEATING ASSESSMENT

Policy SI 4 of the London Plan (2021) states:

- A) Development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.
- B) Major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:
 - 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;

- 2) minimise internal heat generation through energy efficient design;
- 3) manage the heat within the building through exposed internal thermal mass and high ceilings;
- 4) provide passive ventilation;
- 5) provide mechanical ventilation; and
- 6) provide active cooling systems.

The energy assessment contains details relating to overheating.

The energy statement makes reference to the requirement to address overheating as a material consideration and the policy which the scheme should comply with but there is not enough information to confirm whether the development would comply. It is noted that further information relating to overheating and ventilation has been requested by the GLA therefore it is appropriate to add a condition for this to be secured. Subject to such a condition, the proposal would accord with Policy SI 4 of the London Plan (2021).

7.17 Flooding or Drainage Issues

Policy SI 13 of the London Plan (2021) requires development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy.

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that applicants must demonstrate that Flood Risk can be suitably mitigated.

Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.

The application site is not identified as being at risk of flooding, however due to the scale of the development an FRA and Drainage Strategy have been submitted. The council's Flooding Team have reviewed the detail of these documents and whilst the drainage solutions are not considered to be the most ideal, reasonable justification for an advance pumped solution to control attenuation to 2l/s hectare of running rate in a storm event is considered to be acceptable.

In terms of the basement the Flooding Team have stated that the basement is unlikely to result in any additional flood risk given it is a small scale basement and the site is not located within a flood risk zone.

The submitted information has been reviewed by the flooding team and is considered to be acceptable subject to a condition pertaining to the submission of a drainage monitoring and maintenance plan. Subject to such a condition, the proposed development is considered to comply with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

NOISE

Policy D13 of the London Plan (2021) places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) 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 existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) 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 applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

This is supported by Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

Regarding the agent of change principle, it is noted that the nearest commercial units to the site are at the neighbouring site (4 Viveash Close). These are not considered to generate noise levels which will impact the site. Whilst the noise generated by the remaining commercial units needs to be factored into the assessment of this application, the site is an allocated site for residential development (with commercial elements within), and appropriate weight needs to be given to this. The applicant has submitted a noise assessment, which was reviewed by an independent consultant appointed by the LPA. The initial evaluation identified the need for more detail about noise and vibration. A further report was received and is considered acceptable, subject to conditions about submitting plant noise details and sound insulation/control measure details.

The applicant's revised noise report includes text that states that: 'to ensure that good acoustic design is integrated into the development in line with current best practice guidance (ProPG), discussions with Architects, M&E contractors, and overheating consultants have been factored into the design to ensure a robust and comprehensive scheme of acoustic interventions.

Specifically, this includes:

- Consideration of the layout of the development - due to the size constraints of the site, it was not possible to significantly change the location of the building, with a relatively quiet communal amenity area shielded from the railway being incorporated rather than moving the location of the building further from the railway line.
- The layout of internal flats, with the vast majority of flats on the railway side of the development being dual aspects to provide a quieter side.
- Determination of glazing and ventilation requirements in line with the ANC Acoustics Ventilation and Overheating guidance and internal noise level requirements of the ProPG, in consultation with the architect and M&E consultants.
- Advice provided in terms of mitigating overheating in line with the ANC Acoustics Ventilation and Overheating guidance, following consultation with the architect, M&E and

overheating consultants.'

A holistic approach to noise and overheating is important, as residents may want to keep windows closed where there are higher background noise levels (e.g., close to railway lines). This has been demonstrated through the revised noise assessment.

The central part of the objection from No.4 Viveash Close is a legal letter that focuses on the Agent of Change principle and alleges that it has not been considered within the Noise & Vibration Assessment. It is incorrect that the Agent of Change principle has not been considered as the existing noise sources identified by the applicant in their noise assessment were included in the noise survey work (including the existing plant from 4 Viveash Close). They were included in the applicant's noise model and mitigated. The Council's specialist noise consultant considers the proposed mitigation acceptable, subject to conditions.

Subject to the aforementioned conditions, the proposal would therefore accord with Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

AIR QUALITY

Paragraph 181 of the National Planning Policy Framework (February 2019) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan and Policy SI1 of the London Plan (2021) , and paragraph 170 of the National Planning Policy Framework (2021)

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to safeguard and improve all land, water, air and noise quality. All development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors.

Policy DMEI 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all development proposals are required to comply with the following:

- i) All major development should incorporate living roofs and/or walls into the development. Suitable justification should be provided where living walls and roofs cannot be provided; and
- ii) Major development in Air Quality Management Areas must provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

Policy DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

- A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.
- B) Development proposals should, as a minimum: i) be at least "air quality neutral"; ii)

include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The application site is located within the Hillingdon Air Quality Management Area and Hayes Air Quality Focus Area. The proposed development, due to its size and location, will add to current exceedances of the nitrogen dioxide annual mean limit value within this sensitive area as a result of traffic emissions. The proposal is also not air quality neutral in terms of traffic emissions.

As advised by the Council's Air Quality Officer, the level of mitigation required for traffic emissions associated with the proposed development is £7,637. Planning conditions pertaining to an Air Quality Emission and Exposure Mitigation Plan and control of Non-Road Mobile Machinery are also required.

Subject to such planning obligations and conditions, the proposal is not considered contrary to Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy SI 1 of the London Plan (2021).

7.19 Comments on Public Consultations

These have been dealt with in the body of this report.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) 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. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

i) to secure the provision of affordable housing in relation to residential development schemes;

ii) where a development has infrastructure needs that are not addressed through CIL; and

iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

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.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request planning obligations relating to the following:

1. A S278; Highway works needed to facilitate highway improvement works along Viveash Close
2. Air quality damage cost £7,637
3. Employment Strategy and Construction Training: 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 the Council's priority. A financial contribution will only be accepted in exceptional circumstances.
4. Canals and Rivers Trust £25,000 towards towpath surfacing, wayfinding, planting and public realm improvements
5. TFL healthy streets contribution of £85,860
6. LBH highway improvement works comprising:
 - £196,000 relating resurfacing of the footways and replacement of kerbs along Viveash Close;
 - £8,000 for the delivery of a parking management scheme; and
 - £15,000 towards the Santander Cycle scheme.
7. Travel Plan: An amended Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will include such as matters as: targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the Travel Plan; and a commitment to delivering the Travel Plan objectives. A £20,000 Travel Plan bond is also to be secured.
8. Implementation of a new boundary treatment agreed between the Owner of 3 Viveash Close and the land owner of the former Nestle Site (Block E) and the removal of the closed boarded fence between the two sites, or otherwise agreed with the local planning authority
9. Provision of new street lighting along the full length of Viveash Close.
10. Restriction upon future residents preventing them from obtaining an on street parking permit within the existing adjoining Parking Management Scheme and any future expanded Scheme
11. Open space contribution £169,500
12. Health contribution of £69,098
13. Affordable Housing: Planning obligation for an on-site provision of 31 no. Social Rent units, comprising 4 no. 1-bed , 17 no 2-bed, 10 no 3-bed and 13 intermediate units which comprises of 3 no.1-bed, 6 no. 2-bed and 4 no 3-bed. This shall include an Early and Late Stage Viability Review mechanism as defined by Policy H5 of the London Plan (2021).
14. Carbon off-set contribution of £102,885
15. Financial contribution towards child play space £19,840

16. 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 (CIL):

The scheme would also be liable for payments under the Community Infrastructure Levy.

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 100m² or more will be liable for the Mayoral Community Infrastructure Levy (Mayoral CIL), as legislated by the Community Infrastructure Levy Regulations 2010 and The Community Infrastructure Levy (Amendment) Regulations 2011. The liability payable will be equal to £60 (plus indexation) per square metre (from April 2019). The London Borough of Hillingdon (LBH) is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

In addition the development represents Chargeable Development under the Hillingdon Community Infrastructure Levy (Hillingdon CIL), which came into effect on 1st August 2014. The liability payable is equal to £95 (plus indexation) per square metre for residential development (Use Class C3).

The CIL liability is estimated as follows:

Hillingdon CIL: £1,561,163.46

Mayoral CIL: £708,125.82

7.21 Expediency of enforcement action

None.

7.22 Other Issues

CONTAMINATED LAND

Policy DMEI 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.

An Environmental Study report has been submitted and sets out the results of the surveys carried out on this Industrial Site. The report identified a number of contaminants thus monitored mitigation work will need to be carried out. The Council's Contamination Officer considers that the proposal is acceptable subject to a planning condition requiring details of a remediation strategy. Subject to such a condition, the proposal is not considered contrary to Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

FIRE SAFETY

Policy D12 (Fire safety) of the London Plan (2021) says 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. In this regard an Outline Fire Strategy has been submitted as part of the application. It is considered that a condition should be added to any permission to secure the submission, agreement and implementation of a detailed Fire Strategy for all parts of the development in accordance with Policy D12 (Fire safety) of the London Plan (2021).

A revised Fire Safety Strategy has been submitted to demonstrate compliance with the Building Regulations (generally in the form of recommendations BS9991 and BS9999). The designs of the residential cores, such as travel distances, are compliant within the common areas in accordance with BS9991 and now provide more than one means of escape for both residential cores. Either a natural or mechanical smoke shaft system may be utilised and an automatic opening vent will be provided at the head of each staircase to provide air to the system. Elements of the structure will achieve varying levels of fire resistance dependent on the height of each core although since the cores are likely to share elements of structure depending on the structural design, the fire resistance should be the more onerous of the two. Each core will be provided with a firefighting shaft. The shaft will incorporate a firefighting stair, smoke clearance and a dry main. A firefighting lift will also be provided. Based upon the above proposals it is considered that adequate measures would be provided to meet the functional requirements of the Building Regulations.

Further information is required in relation to the products and materials to be used in the building's construction and the ongoing management of the development in terms of fire safety. The fire statement must therefore be revised to ensure it meets the requirements of London Plan Policy D12. This shall be secured by condition and discharged in conjunction with the London Fire Brigade and the Council's Building Control Team.

HEALTH

Paragraph 92 of the NPPF (2021) states that planning decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

Paragraph 93 of the NPPF (2021) states that planning decisions should:

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

Policy GG3 of the London Plan (2021) states that in order to improve Londoners' health and reduce health inequalities, those involved in planning and development must:

a) ensure that the wider determinants of health are addressed in an integrated and co-ordinated way, taking a systematic approach to improving the mental and physical health of all Londoners and reducing health inequalities

b) assess the potential impacts of development proposals and Development Plans on the mental and physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities

c) plan for appropriate health and care infrastructure to address the needs of London's changing and growing population

Policy CI1 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will ensure that community and social infrastructure is provided in Hillingdon to cater for the needs of the existing community and future populations.

Paragraph 7.2 of the Hillingdon Local Plan: Part 2 (2020) also states that there is a particularly pressing need in the Borough for additional health care facilities to address higher than expected birth rates and an increase in the older population.

The floorspace occupied by affordable housing is not liable to Community Infrastructure Levy. Accordingly, the HUDU Planning Contributions Model has been used to assess the health service requirements and cost impacts of the development. A financial contribution amounting to £69,098 has been calculated and would be secured as part of the Section 106 legal agreement if recommended for approval.

INFRASTRUCTURE ASSESSMENT

Policy D2 of the London Plan (2021) states that an unallocated site that may cause planned infrastructure capacity to be exceeded might need to provide additional infrastructure proportionate to the development. This can only be identified through an infrastructure assessment during the planning application process.

An Infrastructure Impact Assessment was submitted by the applicant during the application process. In respect of the impact upon infrastructure, the proposal will generate Hillingdon and Mayoral CIL contributions to fund the provision of infrastructure. A comprehensive set of planning obligations are also to be secured by a Section 106 legal agreement if recommended for approval. Accordingly, the proposal is not considered to be contrary to Policy D2 of the London Plan (2021).

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

In conclusion, the proposed redevelopment of the vacant site to provide a residential development comprising 127 no. residential units (Use Class C3) is considered acceptable in principle.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would provide 31 social rent units and 13 intermediate tenure units, equating to an overall offer of 35% affordable housing, in accordance with Hillingdon Local Plan Policy DMH7. Although this does not meet the 50% affordable housing target set for former industrial sites, stated under Policy H5 of the London Plan (2021), it would positively contribute to meeting the council's affordable housing needs and is notably supported by the council's Housing Team. It is also agreed that this affordable housing offer is the maximum viable, affordable housing provision possible with the tenure that best meets the needs of the Borough. If approved, this would be secured by the Section 106 legal agreement, alongside an Early and Late Stage Viability Review.

Regarding the agent of change principle, it is noted that the nearest commercial units to the site are at the neighbouring site (4 Viveash Close). The applicant has submitted a revised noise assessment, demonstrating to the satisfaction of the council's independent noise consultant that the proposals will provide an acceptable living environment. This is subject to conditions requiring the submission of plant noise details and sound insulation/control measure details. Subject to these conditions, the proposal would accord with Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012)

and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

The proposed part 10-storey, part-11-storey building blocks are viewed within the context of an urban/suburban area, which comprises a mix of characteristics, including buildings of a similar bulk, scale and massing. Based on the immediate surrounding context, the scale and mass of the proposed development are acceptable.

Based on a proposal for 41 x 1 bed, 56 x 2 bed and 30 x 3-bed units., the proposed development would require approximately 3120 square metres of private amenity space. The submitted plans provide the following:

- 1177.37 square metres of private amenity space via balconies;
- 564.92 will be provided via a residential courtyard to the south at ground level, the rooftop amenity space on the 10th floor and the running track to the north of the building.

The above provisions total 17,42.29 sqm of amenity space, resulting in a shortfall of approximately 1378 sqm. However, it is a material consideration that in determining the previous appeal scheme on this site, the planning inspector did not support the council's reason for refusal relating to the lack of policy-compliant levels of amenity space. Para 13 and 14 of the inspector's decision concluded that the quality of the spaces, combined with an offsite contribution for local park improvements, would be acceptable. The applicant has agreed to an offsite open space contribution, which will be secured through an s106 agreement.

The proposed development would provide 7 disabled accessible parking spaces and is therefore considered to be a car-free development. The application site has a PTAL rating of 4 and is about 600 metres (9 min walk) from Hayes and Harlington Station with 4 bus stops within a 400-metre radius. The application site is well-connected. If recommended for approval, some planning obligations would be secured by Section 106 legal agreement and would contribute to mitigating any impacts that may arise from the proposed use. This includes a travel plan, a contribution towards a Parking Management Scheme Review, parking permit restriction and Active Travel Zone improvements. Subject to securing these measures, the proposal is considered acceptable concerning its impact on the local highway network.

Taking all relevant material planning considerations into account, including the previous appeal decision, the proposed development is considered acceptable regarding its impact on neighbour amenity, access, security, highways, landscaping, ecology, refuse, energy, flooding, noise and contaminated land.

In summary, the proposed development is considered a suitable use of the site. The proposal is deemed to meet the site allocation requirements and integrate with surrounding redevelopment proposals. Although the proposed development would technically conflict with local plan private amenity space standards, the conflict is minor. It would be outweighed by the planning gain secured as part of a recommendation for approval. Material considerations, therefore, indicate that the scheme's benefits outweigh the minor policy conflict concerning private amenity space. On balance, taking these factors into account, it is recommended that the scheme is granted planning permission.

The application is therefore recommended for approval subject to recommended planning conditions, a Section 106 legal agreement and Stage 2 Mayoral referral.

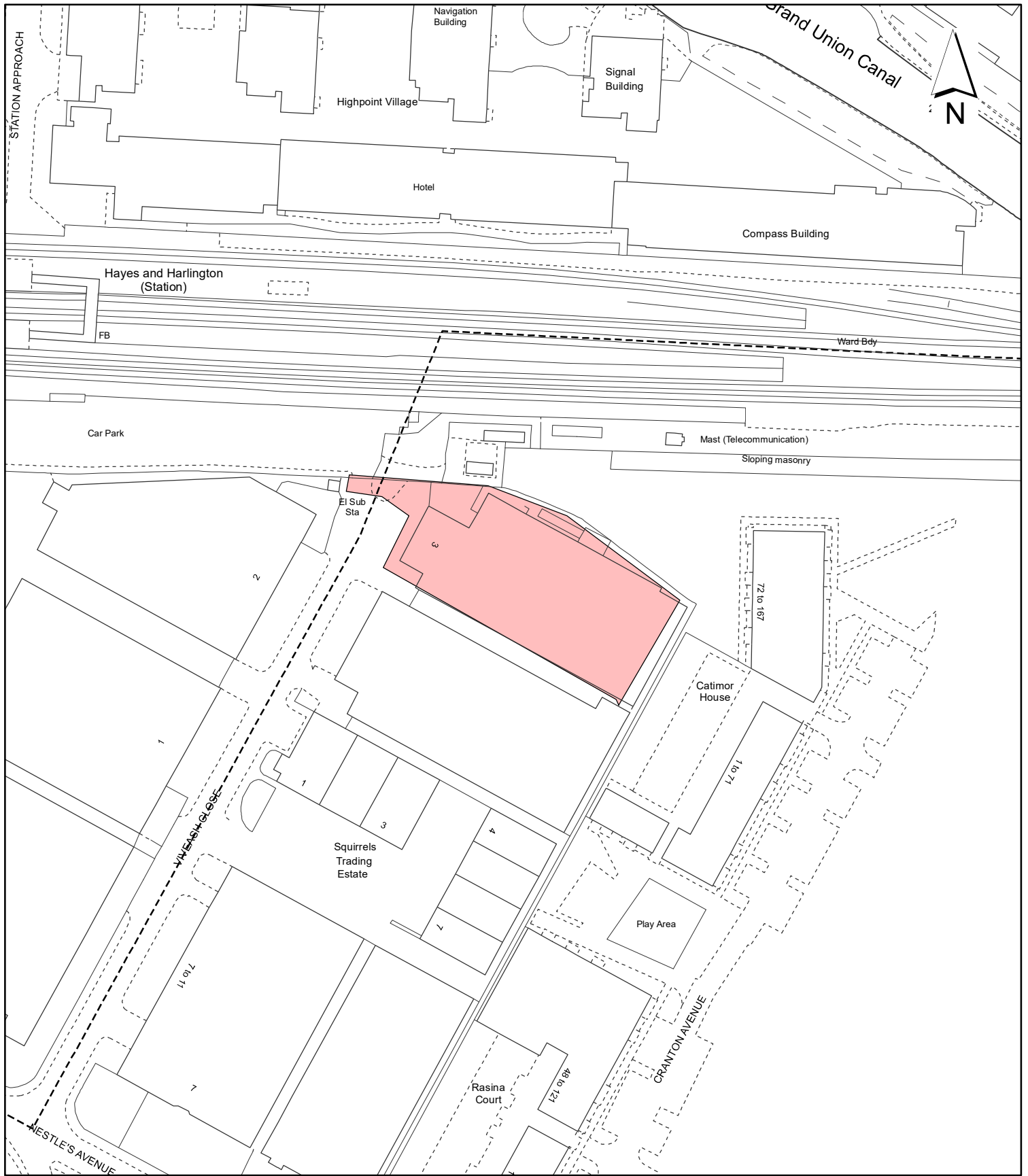
11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
Hillingdon Local Plan: Part 2 - Site Allocations and Designations (January 2020)
Accessible Hillingdon Supplementary Planning Document (September 2017)
Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Christopher Brady

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Notes:

 Site boundary

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Site Address:

3 Viveash Close

LONDON BOROUGH OF HILLINGDON
Residents Services Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

36678/APP/2021/3370

Scale:

1:1,250

Planning Committee:

Major

Date:

April 2023



HILLINGDON
 LONDON