

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

<b>Address</b>	CANTEEN BUILDING, FORMER NESTLE FACTORY SITE NESTLES AVENUE HAYES
<b>Development:</b>	<p>Partial demolition and redevelopment of the former canteen building to provide a new healthcare facility (Class E(e)), nursery (Class E(f)) and reconfigured residential building (Block H) (Class C3) with a commercial unit at ground floor (Class E), including associated landscaping, access, car parking and other engineering works.</p> <p>(Re-Consultation for submission of amended plans and information. The scheme has been amended from a proposal for full demolition of the Canteen Building to partial demolition of the Canteen Building with partial facade retention)</p>
<b>LBH Ref Nos:</b>	1331/APP/2022/2553
<b>Drawing Nos:</b>	<p>23.5000 Issue 2 Planning Statement Addendum (Dated April 2023)</p> <p>33302/A5/SH/NL/mg Rev. 4 Economic Benefits Statement (Dated 30th May 2022) (Submitted 21st April 2023)</p> <p>33302/A5/2023 Rev. V3 Townscape &amp; Visual Impact Assessment (Dated April 2023)</p> <p>33302/A5/EqIA Rev. 02 Equalities Impact Assessment (Dated April 2023)</p> <p>Health Impact Assessment Rev. 02 (Dated April 2023)</p> <p>Internal Daylight Amenity Addendum (Dated 11th April 2023)</p> <p>BARH3009 Heritage Statement Addendum (Dated April 2023)</p> <p>W1965 Rev. D Demolition Report</p> <p>BLNEST-DMFK-ZZ-06-DR-AR-00106 Rev. E</p> <p>Summary of S106 Healthcare Facility Obligations</p> <p>A50</p> <p>RP/ACO/01 Rev. 01 Noise Impact Assessment (Dated May 2022)</p> <p>A01 Rev. A Location Plan (Submitted 7th November 2022)</p> <p>A10 Rev. A</p> <p>TN001 Rev. A</p> <p>BOSK-90-H-ZZ-RP-0001 Rev. P03 Landscape Strategy (Dated April 2022)</p> <p>BOSK-90-H-00-DR-L-1000 Rev. P04</p> <p>BOSK-90-H-ZZ-DR-L-1000 Rev. P04</p> <p>JAC22227 Version 2 Archaeological Desk Based Assessment (Dated May 2022)</p> <p>Site Waste Management Plan (Dated April 2022)</p> <p>01669-HYD-XX-GI-CO-GE-1003 Desk Study and Ground Investigation Report &amp; Remediation Strategy Executive Summary (Dated 8th June 2022)</p> <p>Ecological Appraisal Addendum (Dated May 2022)</p> <p>11-17-66064 TC3 Thermal Comfort Report (Dated 27th May 2022)</p> <p>22104-MA-RP-D-TP-001 Rev. B Workplace and Nursery Travel Plan (Dated 16th May 2022)</p> <p>9801_AIA.001 Arboricultural Impact Assessment (Dated May 2022)</p> <p>B1029-OCSC-XX-XX-RP-M-S2-1000 Rev. P02 Ventilation Report (31st May 2022)</p> <p>EST54738 Issue 4 Energy Statement (Dated May 2022)</p> <p>FNF_C_HI_HYD_TN_01 Rev. P02 Drainage Strategy (Dated 8th June 2022)</p>

Heritage Statement (Dated May 2022)  
 33302/A3/JB/DO Cover Letter (Dated 27th July 2022)  
 BLNEST-DMFK-DR-AR-00070 Rev. A  
 BLNEST-DMFK-DR-AR-00080 Rev. B  
 BLNEST-DMFK-DR-AR-00100 Rev. B  
 BLNEST-DMFK-ZZ-BZ1-DR-AR-00101 Rev. E  
 BLNEST-DMFK-ZZ-L00-DR-AR-00102 Rev. E  
 BLNEST-DMFK-ZZ-05-DR-AR-00105 Rev. E  
 BLNEST-DMFK-I0-ZZ-DR-AR-00150 Rev. E  
 BLNEST-DMFK-H0-ZZ-DR-AR-00151 Rev. E  
 BLNEST-DMFK-H0-ZZ-DR-AR-00160 Rev. E  
 HHF\_UK03882\_FS\_001 Rev. 05 Block H Concept Fire Strategy (Dated 4th August 2022)  
 RWDI #2204232 Pedestrian Level Wind Desk-Based Assessment (Dated 30th May 2022)  
 33302/A3/JB/DO Rev. 03 Planning Statement (Dated 28th June 2022)  
 71708 - 001 Rev. 1.1 Instrument Flight Procedures & Obstacle Limitation Surfaces Assessment (Dated 19th April 2022)  
 B1029-OCSC-XX-XX-RP-M-S2-1000 Rev. P02 Utilities Distribution Strategy Report (Dated 31st May 2022)  
 B1029-OCSC-XX-XX-RP-M-S2-1002 Rev. P02 External Lighting Strategy Report (Dated 30th May 2022)  
 Construction Management Plan (Dated April 2022)  
 5049 Report on the Investigation of Certain Facade Steel Frame Element: (Dated 8th June 2022)  
 HHF\_UK03882\_FS\_002 Rev. 01 Block I Concept Fire Strategy (Dated 6th May 2022)  
 22104-MA-RP-D-TA-001C Transport Assessment (Part 1) (Dated 6th September 2022)  
 002 Air Quality Technical Note (Dated December 2022)

<b>Date Plans Received:</b>	12/08/2022	<b>Date(s) of Amendment(s):</b>	26/04/2023
<b>Date Application Valid:</b>	23/08/2022		15/08/2022
			07/11/2022

## 1. SUMMARY

This application seeks permission for the partial demolition and redevelopment of the former Canteen Building to provide a new healthcare facility (Class E(e)), nursery (Class E(f)) and residential building (Block H) (Class C3) with a commercial unit at ground floor (Class E), including associated landscaping, access, car parking and other engineering works.

The site is subject to Policy SA 5 of the Hillingdon Local Plan: Part 2 - Site Allocations and Designations (2020) which states that the Council will support proposals that provide appropriate community infrastructure to support the overall quantum of development, including health, children's services, community and sport/recreation facilities as necessary.

The proposed facility is supported by the NHS health care strategy at both the national and local level. It would result in a net increase in health care provisions, which is necessitated

by the growing local population brought about by the significant number of residential developments within the locality. The NHS North West London ICB have been independently consulted and have confirmed that they are committed to the scheme and that they have been working closely with the Developer to ensure that the proposed facility is fit for purpose for the delivery of healthcare services.

It is noted that the Local Planning Authority (LPA) has previously secured healthcare facilities which developers have offered to the NHS but to date, the facilities have not been occupied by the NHS despite having requested them at application stage. The primary reason stated for the lack of take up has been that the end users, General Practitioners (GPs), have not agreed to move into these premises. In order to safeguard against this, a planning obligation is proposed to be secured, requiring that the demolition of the Canteen Building does not commence until an NHS organisation have entered into a lease for occupation of the healthcare element of the Canteen Building. The legal agreement is also proposed to ensure that the development is fit for purpose, thereby avoiding any barriers to the occupation of the facility by an NHS organisation. Subject to such a planning obligation, Officers consider there to be sufficient surety that the Locally Listed Building would not be demolished without the delivery and long term successful operation of the healthcare facility.

The total demolition and re-build of the Canteen Building would result in substantial harm to the significance of the designated heritage asset. Following amendment to the proposed scheme, the proposed development would only partially demolish the Canteen Building, retaining the facade of the southern elevation and retaining parts of the facade on the western elevation. This amended proposal is considered to reduce the level of harm to less than substantial harm. Paragraph 202 of the NPPF (2021) states that such a level of harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As outlined within the main body of the report, the proposal is considered to provide a number of public benefits, the primary benefit being the delivery of a needed healthcare facility. When weighing the harm against the benefits, the public benefits are considered to cumulatively surmount the harm posed to the heritage asset. For this reason, and subject to the necessary planning conditions and obligations, the development is considered to accord with relevant conservation planning policy requirements.

Subject to the planning conditions and obligations to be secured by legal agreement, the proposed development is considered acceptable with respect to its impact on neighbour amenity, the local highway network, accessibility, security, landscaping, ecology, waste, energy, flood and water management, noise, contaminated land and fire safety. For the reasons set out within the main body of the report, the proposal accords with the development plan when read as a whole. This application is recommended for approval, subject to planning conditions and a Deed of Variation to the previously completed legal agreement for the Nestle redevelopment site.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Director of Planning, Regeneration & Public Realm to grant planning permission subject to:**

**A. That the Council enter a Deed of Variation with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:**

**AMENDED PLANNING OBLIGATIONS:**

i) **Affordable Housing:** Planning obligation to secure the provision of 37 no. 1 bedroom 1 person Discount Market Sale affordable units in residential Block H. This factors into the overall Nestle development as providing 40% affordable housing by habitable room (same as extant permission) comprising 435 Intermediate Housing Units and 162 Affordable Rented Housing Units. This is also to include early and late stage review mechanisms and securing the Discount Market Sale units to ensure the relevant affordability criteria for intermediate ownership are met and that the discount is appropriately passed on to future 'eligible buyers' in perpetuity,

ii) **Air Quality Contribution:** A financial contribution equal to £17,701 shall be paid to the Council to address the air quality impacts of the proposed development. This is in addition to air quality mitigation sums previously secured for the Nestle redevelopment site, increasing the total air quality contribution to £873,302.06 in Schedule 8 (Air Quality Mitigation).

iii) **Carbon Offset Contribution:** A financial contribution equal to £95 per tonne of carbon over a 30 year period for the development proposed (Phase 6a and 6b of the wider masterplan) shall be paid to the Council's carbon offset fund for the carbon emissions shortfall (to achieve net zero-carbon) identified in the Energy Assessment required by Condition 13 (Energy). The carbon offset cap stated under Schedule 8 (Carbon Offset Fund) paragraph 4 shall also be increased on a pro-rata basis to £1,594,574 (uplift by £5,127).

iv) **Public Open Space Contribution:** Addition of public open space contribution to Schedule 14 (Residential Land Public Open Space). A financial contribution equal to £3,000 shall be paid to the Council for the enhancement of existing public open space within the authority's administrative area

v) **Highways Improvements Contribution:** Addition of highway improvements contribution to Schedule 3 (Transport and Highways). A financial contribution equal to £4,679 shall be paid to the Council for local highway improvements.

vi) **Travel Plan:** Addition of a Travel Plan obligation to Schedule 9 (Residential Travel Plan) to capture the new residential Block H and new Canteen Building development (Block I). A full 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.

vii) **Parking Permits:** Addition of parking permit restriction to Schedule 3 (Transport and Highways). The residents of Block H will not to be eligible for parking permits within the Parking Management Areas and Council car parks in the vicinity of the site, apart from Blue Badge holders and a charge made against the site to ensure the future buyers are aware of the parking restrictions.

viii) **Project Management & Monitoring Fee:** A financial contribution equal to 5% of the total cash contributions, to capture all additional financial contributions.

**Pro-rata increase to the following monetary sums secured under previous legal**



agreements for the Nestle redevelopment site (based on the uplift in habitable rooms):

- ix) Parking Management Zone Review: £5,334.46 (uplifted by £17.15) (Schedule 3 (Transport and Highways))
- x) Bulls Bridge Improvements: £1,066,895.06 (uplifted by £3,430.53) (Schedule 3 (Transport and Highways))
- xi) Additional Bus Capacity: £466,233.27 (uplifted by £1,499.14) (Schedule 3 (Transport and Highways))
- xii) Legible London: £9,602.03 (uplifted by £30.87) (Schedule 3 (Transport and Highways))
- xiii) Multi Modal Transport Scheme: £466,233.27 (uplifted by £1,499.14) (Schedule 4 (Proposed MMT Scheme))
- xiv) Canalside Improvements: £373,413.59 (uplifted by £1,200.69) (Schedule 10 (Canal Improvements))
- xv) Cranford Park Improvements: £337,083.25 (uplifted by £1,083.87) (Schedule 14 (Residential Land Public Open Space))
- xvi) Child Play Space: £72,232.26 (uplifted by £232.26) (Schedule 14 (Residential Land Public Open Space))

#### **NEW PLANNING OBLIGATIONS:**

xvii) Healthcare Facility Delivery Plan: Planning obligation to prevent any development (including demolition) at the application site (residential and/or healthcare facility) until an NHS organisation has entered into a lease for occupation of the healthcare element of the Canteen Building. The obligation should also ensure that the development is fit for purpose to avoid any barriers to the occupation of the facility by an NHS organisation (New Schedule after Schedule 16).

xviii) Architect Retention: Planning obligation to secure retention of high quality architect (or equivalent) (New Schedule after Schedule 16).

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

**C. That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.**

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

**E. If the Legal Agreements have not been finalised within 6 months (or such other timeframe as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission for the following reason:**

**'The applicant has failed to secure Section 106 planning obligations required as a**

consequence of demands created by the proposed development (in respect of the Healthcare Facility Delivery Plan, affordable housing provision, air quality mitigation, carbon offsetting, public open space, highways improvements for mitigation, travel planning, parking permits, employment strategy, construction training, project management and monitoring). The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 54-57 of the National Planning Policy Framework (2021).'

**F. That if the application is approved, the following conditions be attached:**

**1 COM3 Time Limit**

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

**REASON**

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

**2 COM4 Accordance with Approved Plans**

The development hereby permitted (comprising 2,091m<sup>2</sup> floorspace for the healthcare facility (Use Class E(e)), 521m<sup>2</sup> floorspace for the nursery facility (Use Class E(f)), 230m<sup>2</sup> floorspace for flexible Use Class E, 41 no. 1 bed 1 person units within a part 5, part 6 storey, building and 20 no. car parking spaces), shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

BLNEST-DMFK-DR-AR-00070 Rev. A;  
BLNEST-DMFK-DR-AR-00080 Rev. B;  
A10 Rev. A;  
BLNEST-DMFK-DR-AR-00100 Rev. B;  
BLNEST-DMFK-ZZ-BZ1-DR-AR-00101 Rev. B;  
BLNEST-DMFK-ZZ-L00-DR-AR-00102 Rev. B;  
BLNEST-DMFK-ZZ-05-DR-AR-00105 Rev. B;  
BLNEST-DMFK-ZZ-06-DR-AR-00106 Rev. B;  
BLNEST-DMFK-I0-ZZ-DR-AR-00150 Rev. B;  
BLNEST-DMFK-H0-ZZ-DR-AR-00151 Rev. B;  
BLNEST-DMFK-H0-ZZ-DR-AR-00160 Rev. B; and

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

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**3 COM5 Compliance with Supporting Documentation**

The development hereby permitted shall be carried out in accordance with the specified supporting plans and/or documents:

BOSK-90-H-ZZ-RP-0001 Rev. P03 Landscape Strategy (Dated 4th November 2022);  
RP/ACO/01 Rev. 01 Noise Impact Assessment (Dated May 2022);  
RWDI #2204232 Pedestrian Level Wind Desk-Based Assessment (Dated 30th May

2022);  
 33302/A5/SH/NL/mg Rev. 4 Economic Benefits Statement (Dated 30th May 2022) (Submitted 21st April 2023);  
 Health Impact Assessment Rev. 02 (Dated April 2023);  
 33302/A3/JB/DO Rev. 03 Planning Statement (Dated 28th June 2022);  
 23.5000 Issue 2 Planning Statement Addendum (Dated April 2023);  
 33302/A5/2023 Rev. V3 Townscape & Visual Impact Assessment (Dated April 2023);  
 71708 - 001 Rev. 1.1 Instrument Flight Procedures & Obstacle Limitation Surfaces Assessment (Dated 19th April 2022);  
 B1029-OCSC-XX-XX-RP-M-S2-1000 Rev. P02 Utilities Distribution Strategy Report (Dated 31st May 2022);  
 B1029-OCSC-XX-XX-RP-M-S2-1002 Rev. P02 External Lighting Strategy Report (Dated 30th May 2022);  
 Construction Management Plan (Dated April 2022);  
 5049 Report on the Investigation of Certain Facade Steel Frame Elements (Dated 8th June 2022);  
 W1965 Rev. D Demolition Report;  
 Heritage Statement (Dated May 2022);  
 BARH3009 Heritage Statement Addendum (Dated April 2023);  
 HHF\_UK03882\_FS\_002 Rev. 01 Block I Concept Fire Strategy (Dated 6th May 2022);  
 HHF\_UK03882\_FS\_001 Rev. 05 Block H Concept Fire Strategy (Dated 4th August 2022);  
 33302/A5/EqIA Rev. 02 Equalities Impact Assessment (Dated April 2023);  
 JAC22227 Version 2 Archaeological Desk Based Assessment (Date May 2022);  
 Internal Daylight Amenity Addendum (Dated 11th April 2023);  
 TN001 Rev. A Parking Management Plan;  
 01669-HYD-XX-GI-CO-GE-1003 Desk Study and Ground Investigation Report & Remediation Strategy Executive Summary (Dated 8th June 2022);  
 Ecological Appraisal Addendum (Dated May 2022);  
 11-17-66064 TC3 Thermal Comfort Report (Dated 27th May 2022);  
 22104-MA-RP-D-TP-001 Rev. B Workplace and Nursery Travel Plan (Dated 16th May 2022);  
 001 Air Quality Technical Note (Dated June 2022);  
 9801\_AIA.001 Arboricultural Impact Assessment (Dated May 2022);  
 B1029-OCSC-XX-XX-RP-M-S2-1000 Rev. P02 Ventilation Report (31st May 2022);  
 EST54738 Issue 4 Energy Statement (Dated May 2022);  
 FNF\_C\_HI\_HYD\_TN\_01 Rev. P02 Drainage Strategy (Dated 8th June 2022); and  
 22104-MA-RP-D-TA-001C Transport Assessment (Dated 6th September 2022).

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

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

#### **4 NONSC Restriction of Use**

Notwithstanding the Town and Country Planning (Use Classes) Order (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the development shall not be used for any purpose other than as:

- Use Class E(e): 2,091m<sup>2</sup> floorspace for healthcare facility use;
- Use Class E(f): 521m<sup>2</sup> floorspace for nursery facility use;
- Use Class E: 230m<sup>2</sup> floorspace for flexible commercial use; and

- Use Class C3: 41 no. 1 bed 1 person residential units.

**REASON**

To ensure that the provisions of the proposed development are secured to the healthcare facility, nursery, commercial and residential use to prevent detrimental impacts arising from an alternative use within the relevant Use Class.

**5 NONSC Accessible Healthcare Facility**

The new healthcare facility hereby approved shall accord with the requirements of Policy S6 of the London Plan, and shall incorporate a Changing Places facility designed in accordance with the technical guidance set out in BS 8300-2:2018, section 18.6 (as amended). All such provisions must remain in place for the life of the building so long as it is in use as a healthcare facility.

**REASON**

To ensure the healthcare facility caters for people with complex and multiple disabilities in accordance with Policy S6 of the London Plan (2021).

**6 NONSC Accessibility Certification**

The dwelling(s) hereby approved shall accord with the requirements of Policy D7 of the London Plan (2021), and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

**REASON**

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan (2021).

**7 NONSC Wheelchair Accessible and Adaptable Dwellings**

The development hereby approved shall ensure that 4 no. residential units are constructed to meet the standards for Category 3 M4(3) dwellings, and 37 no. units designed to the standards for Category 2 M4(2) dwellings, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

**REASON**

To ensure that an appropriate standard of housing stock is achieved and maintained, in accordance with Policy D7 of the London Plan (2021).

**8 NONSC Noise Levels (Internal)**

For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8hrs between 2300 and 0700, measured inside any room of any permitted dwelling having regard to the guidance set out in British Standard 8233: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature.

**REASON**

To ensure a satisfactory living environment is achieved, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

## **9 NONSC Noise Levels (External)**

For the lifetime of the development hereby permitted the rating level of noise caused by the operation of development shall be at least 5 dB below the minimum background noise level, or 35 dB(A), whichever is higher, measured 1 metre outside of any window of any existing dwelling, or similarly noise sensitive premises, determined in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

### **REASON**

To ensure a satisfactory living environment is achieved, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

## **10 NONSC Studio Units**

Notwithstanding the plans hereby approved, the 4 no. private sale units approved as part of residential Block H (references H0-05-37, H0-05-38, H0-05-39 and H0-05-41) shall be laid out as studio flats and not as one bedroom flats with walls to subdivide the bedspace from the lounge/living space.

### **REASON**

To ensure that the development provides a satisfactory level of accommodation and amenity for future occupiers in accordance with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) and Policy D6 of the London Plan (2021).

## **11 NONSC Historic England Level 2 Recording**

Prior to the commencement of any works on site, the building shall be recorded in full, internally and externally to Historic England level 2 and discs/ copies of the document shall be submitted to and approved in writing to the Local Planning Authority. Evidence should also be submitted to demonstrate that the Historic England level 2 document, has been submitted to the local library and Uxbridge Local History Library.

### **REASON**

To ensure that a record of the building is provided, in accordance with Paragraph 205 of the National Planning Policy Framework (2021).

## **12 NONSC Partial Facade Retention Scheme**

Prior to the commencement of any works on site, the final details of the partial facade retention scheme shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the methods and proposals to be used to retain as much of the southern and western facades of the Canteen Building as possible. This shall include repair or where necessary replacement of individual tiles where beyond repair, repair of the render on the facades and any proposed repair work to the steel frame.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

### **REASON**

To ensure that a partial facade retention scheme is successfully implemented to accord with the less than substantial harm identified in respect of the designated heritage asset (rather than substantial harm), in accordance with Paragraphs 201 and 202 of the National Planning Policy Framework (2021).

## **13 NONSC Energy**

Prior to commencement of development (excluding demolition), full details of the carbon

reduction measures that conform to the outline energy strategy (EST54738 Issue 4 Energy Statement (Dated May 2022)) and demonstrate that the development will achieve zero carbon status shall be submitted and approved in writing by the Local Planning Authority. These shall include:

- 1 - Full details of the baseline energy and carbon performance of the development
- 2 - Full details of the passive energy savings measures and their impact on the baseline [1]
- 3 - Full details of how the development will connect to the site wide district heating network including:
  - a - Plans and specifications of the connection
  - b - The input and output from the CHP system in kwhr and kgCO<sub>2</sub>
  - c - The impact the connection will have on the baseline position [1] input and output (annual KgCO<sub>2</sub> and Kwhr) of the CHP system
  - d - Monitoring, reporting and maintenance regimes, to demonstrate that the 'onsite saving' is being achieved.
- 4 - Full details and specifications, including relevant plans and elevations of any additional low or zero carbon technology to be utilised in the site and the impact on the baseline [1].
- 5 - Full details of how the carbon savings proposed will be recorded, monitored and reported to the Local Planning Authority.

Where the measures do not collectively contribute to a net zero carbon saving for the development approved (noting a minimum requirement of 35% saving onsite) to the agreement of the Local Planning Authority, the report shall set out (a) the 'onsite saving' and (b) the 'shortfall'; both to set out in tCO<sub>2</sub>/annum.

The 'shortfall' shall then be subject to a cash in lieu contribution to the borough's carbon offset fund in accordance with the S106 requirements.

The development must proceed and be operated in accordance with the approved details.

#### REASON

To ensure the achieve net zero-carbon, in accordance with Policy EM1 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy SI 2 of the London Plan (2021).

#### **14 NONSC Overheating Strategy**

Prior to commencement of development (excluding demolition), the final Overheating Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submission shall demonstrate how the development 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 approved details shall thereafter be implemented and retained for the lifetime of the development.

#### REASON

To demonstrate that the final strategy will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the cooling hierarchy and Policy SI 4 of the London Plan (2021).

### **15 NONSC Surface Water Drainage Scheme**

Prior to the commencement of development (excluding demolition), a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (i) Confirm the existing and proposed greenfield run off rates from the site;
- (ii) Provide details of the 1:30 year and 1:100 year storm event including conveyance routes and any areas of ponding;
- (iii) Provide details of sustainable drainage features in accordance with the London Plan drainage hierarchy that result in a greenfield run-off rate from the site in a 1:100year (plus 40% allowance for climate change) storm event;
- (iv) Provide drainage calculations and modelling outputs to demonstrate the capacity of the drainage solution [2] and the operation (including outfalls, overflows, and drainage network connections); and
- (v) Provide a maintenance and adoption strategy.

The development must proceed and operate in accordance with the approved scheme.

#### REASON

To ensure that surface water run off is controlled and to ensure the development does not increase flood risk, in compliance with Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 12 and SI 13 of the London Plan (2021), the National Planning Policy Framework (2021), and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

### **16 NONSC Contaminated Land**

(i) The development hereby permitted (excluding demolition, site clearance and any necessary requirements for supplementary ground investigation works) shall not commence until a scheme to deal with identified unacceptable contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the LPA 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:

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

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

the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping and/or engineering 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 factual results and interpretive reports of this testing shall be submitted to 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 Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

#### **17 COM7 Materials**

Prior to commencement of above ground works, details of all materials for Block H (residential building) and Block I (Canteen Building) shall be submitted to and approved in writing by the Local Planning Authority. Details should include information relating to make, product/type, colour and photographs/images.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

#### **18 NONSC Detailed Design**

Prior to commencement of above ground works, elevation drawings (scale of 1:20) and vertical section drawings (scale of 1:2) for Block H (residential building) and Block I (Canteen Building) shall be submitted to and approved in writing by the Local Planning Authority. These should detail the following elements:

- (i) windows and doors (including reveals);
- (ii) roof parapet; and
- (iii) balconies.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

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

#### **19 NONSC Overlooking Mitigation**

Prior to commencement of above ground works, details of the mitigation measures to be implemented to prevent healthcare facility overlooking the south-facing residential flats of Block H shall be submitted to and approved in writing by the Local Planning Authority.

#### REASON

To prevent overlooking from the healthcare facility to the adjoining residential flats, in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).



## **20 NONSC Landscape Scheme**

Prior to commencement of above ground works, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Heathrow Airport Ltd, Ministry of Defence and Network Rail. The scheme shall include: -

### **1. Details of Soft Landscaping**

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

### **2. Details of Hard Landscaping**

#### **2.a Refuse Storage**

2.b Cycle Storage to accord with London Cycling Design Standards, demonstrating provision of:

- 41 no. long-stay cycle parking spaces and 2 no. short stay cycle parking spaces for the residential units;
- 11 no. long stay cycle spaces and 18 no. short stay cycle spaces to serve the healthcare facility;
- 24 no. cycle parking spaces to serve the nursery;
- 2 no. long stay cycle spaces and 6 no. short stay cycle spaces to serve the commercial unit; and
- 56 no. short-stay spaces to the serve the site.

#### **2.c Means of enclosure/boundary treatments**

2.d Car Parking Layouts, demonstrating provision of 20 no. car parking spaces as follows

- Of the 20 no. spaces, 15 no. car parking spaces shall be allocated for use by the healthcare facility;
- Of the 20 no. spaces, 5 no. car parking spaces shall be allocated for use by the nursery;
- Of the 20 no. spaces, 4 no. spaces shall be provided with active electric vehicle charging infrastructure and 16 no. spaces will be provided with passive electric vehicle charging infrastructure;
- Of the 20 no. spaces, 2 no. shall be provided as designated disabled persons parking available for the purposes of the healthcare facility and nursery.

#### **2.e Hard Surfacing Materials**

#### **2.f External Lighting**

#### **2.g Other structures (such as play equipment and furniture)**

### **3. Living Roofs**

3.a Details of the inclusion of the living / green / blue / brown / bio-solar roofs, including:

- Its location, extent, specification (plant species and growing medium type), landscape integration, integration with other roof plant or renewable energy infrastructure, structural integrity, construction, operation and access; the location and vegetation type to be discussed in advance with the Planning Authority so that benefits to reduction in exposure to air pollution can be obtained;
- Section/profile drawings showing the growing medium depth, different layers and membranes;
- Plans to show clearly its location, extent, drainage catchment areas (if relevant), inlets and outflows; and
- Maintenance plan to show how it will be maintained regularly, maintenance considerations due to other roof infrastructure and any changes in maintenance throughout the seasons.

### **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 surfacing/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. Urban Greening Factor

6.a The Urban Greening Factor score should be confirmed as part of a stand-alone drawing with calculations attached. This should include:

- A masterplan that is colour-coded according to hard and soft landscape surface cover types; and
- A completed Urban Greening Factor table.
- Details should show that an Urban Greening Factor score of at least 0.4358 is achieved.

7. Other

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

7.b Proposed finishing levels or contours

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 12, DMHB 14, DMT 2, DMT 6 and DMEI 1 of the Hillingdon Local Plan: Part 2 (2020) and Policies G1, G5 and T6.1 of the London Plan (2021).

**21 NONSC Play Area Details**

Prior to commencement of construction above fifth storey level, details of the play area for children shall be submitted to and approved in writing by the Local Planning Authority. This should include details of accessible play equipment for disabled children, including those with a sensory impairment, or complex multiple disabilities. Thereafter, the play areas shall be provided prior to the occupation of any unit within the development and maintained for this purpose.

REASON

To ensure that the development makes adequate provision of children's play space in accordance with Policies DMHB 19 and DMCI 5 of the Hillingdon Local Plan: Part 2 (2020) and Policies S4 and D5 of the London Plan (2021).

**22 NONSC Ecological Enhancement Plan**

Prior to the commencement of above ground works, a comprehensive Ecological Enhancement Scheme demonstrating net gains in biodiversity value for the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Ministry of Defence and Heathrow Airport Safeguarding). The scheme shall be made up of a plan (or plans) of the phase annotated with ecological enhancement measures to be included within the fabric of the buildings and the landscaping and accompanied by a report detailing the justification for such measures and how they will be maintained in perpetuity. The development must proceed in accordance with the approved plans.

REASON

To ensure the development contributes to a net gain in biodiversity in accordance with Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020), Policy EM7 of the Hillingdon Local Plan: Part 1 (2012), Policy G6 of the London Plan (2021) and Paragraph 174 of the National Planning Policy Framework (2021).

### **23 NONSC Bird Hazard Management Plan**

Prior to the commencement of above ground works, a Bird Hazard Management Plan for the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Ministry of Defence and Heathrow Airport Safeguarding). The submitted plan shall include details of:

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

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the buildings.

#### **REASON**

It is necessary to manage the roof in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport, to accord with the requirements of Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020)

### **24 NONSC Delivery and Servicing Plan**

Prior to the first operation of the development, details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority.

This should be in accordance with Transport for London's Delivery and Servicing Plan Guidance. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### **REASON**

To ensure appropriate servicing of the site, to safeguard highway safety and to safeguard the free flow of traffic, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy T7 of the London Plan (2021).

### **25 NONSC Waste Strategy Plan**

Prior to the first operation of the development, a Waste Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. This should detail how waste will be moved from the bin store to the pick-up location. All residential bin stores must also allow space for food waste recycling.

#### **REASON**

To ensure that there are appropriate waste storage facilities and arrangements for collection, in accordance with Policies DMHB 11, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy T7 of the London Plan (2021).

### **26 NONSC Low Emission Strategy**

Prior to the first operation of the development, a low emission strategy (LES) shall be 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 an 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 of the nursery 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 Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies SI 1 and T4 of the London Plan (2021) and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

#### **27 NONSC Secured by Design**

The building(s) 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 Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) and Policy D11 of the London Plan (2021).

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

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the 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

To comply with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy, in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 1 of the London Plan (2021) and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

#### **29 NONSC Parking Design and Management Plan**

Prior to the first operation of the development, a Parking Design and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out:

(A) Allocation, Control and Enforcement of Parking

(i) how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design. It should also set out the methodology behind the allocation/control of parking places which can be supported by enforcement structures that encourage the correct use of parking places which assists in ensuring that parking demand and allocation is properly managed.

(B) Designated Disabled Persons Parking

(i) how one designated disabled persons parking space could be provided upon request as soon as the existing non-provision for residential flats is insufficient; and  
(ii) how an additional three designated disabled persons parking (to total four) could be provided upon request as soon as the one space provided for residential flats (under part (B)(i)) is insufficient.

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

**REASON**

To ensure an unhindered and functional operation for all parking spaces and drop-off/pick-up areas within the site, in accordance with Policies T4 and T6 of the London Plan (2021) and Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020). Also to ensure that disabled persons parking is provided if there is sufficient demand, in accordance with Policy T6.1 of the London Plan (2021).

**30 NONSC Fire Statement**

Prior to first occupation of the development, the final comprehensive Fire Statement shall be submitted to and approved in writing by the Local Planning Authority. This should be accompanied by the Building Control Decision Notice or equivalent. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

**REASON**

To ensure the safety of all building users in accordance with Policy D12 of the London Plan (2021).

**31 NONSC Thames Water Informative**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk).

Application forms should be completed on line via:

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C01%7CPlanningEConsult%40Hillingdon.Gov.UK%7C15ed283ea7944073dbd08dacc81ac46%7Caaacb679c38148fbb320f9d581ee948f%7C0%7C0%7C63E047154556521368%7CUnknown%7CTWFPbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoj2luMzliLCJBTiI6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=%2BaZDZJEloarSHRD7eun%2F0CCZ70kH3Otga3xd5mhsyM%3D&reserved=0>

Please refer to the Wholesale; Business customers; Groundwater discharges section.

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMCI 2	New Community Infrastructure
DMCI 3	Public Open Space Provision
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMHB 1	Heritage Assets
DMHB 10	High Buildings and Structures
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D14	(2021) Noise
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing

LPP D8	(2021) Public realm
LPP D9	(2021) Tall buildings
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G1	(2021) Green infrastructure
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG1	(2021) Building strong and inclusive communities
LPP GG3	(2021) Creating a healthy city
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H10	(2021) Housing size mix
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP HC1	(2021) Heritage conservation and growth
LPP M1	(2021) Monitoring
LPP S1	(2021) Developing London's social infrastructure
LPP S2	(2021) Health and social care facilities
LPP S3	(2021) Education and childcare facilities
LPP S4	(2021) Play and informal recreation
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF17	NPPF 2021 - Facilitating the sustainable use of minerals
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

### **3            I70            LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other

informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

#### **4            I73            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@hillingsdon.gov.uk](mailto:planning@hillingsdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

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

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

#### **5            I72            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.

#### **6            I15            Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would



minimise disturbance to adjoining premises.

### **3. CONSIDERATIONS**

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

The application site comprises the Nestle Factory Canteen Building. This forms the central southern section of the Former Nestle Factory redevelopment site, located on Nestles Avenue in Hayes. The site is located approximately 500 metres to the south-east of Hayes Town Centre, bounded to the north by the Great Western Rail Line and Grand Union Canal and to the south by Nestles Avenue.

Planning permission for the Canteen building was originally approved in 1949 and the building was built in 1954. The original Canteen building had a distinctive facade with large windows and green glazed panels. In 1958, the Canteen building was used as a central community hub surrounded by the 'factory garden'. In 1980, the Canteen was re-used for industrial/warehouse use. Today, the Canteen building is being used for storage purposes.

The former Nestle Canteen is a locally listed building (non-designated heritage asset) and forms part of the Botwell/Nestles Conservation Area (designated heritage asset). The site is subject to Policy SA 5 of the Hillingdon Local Plan: Part 2 - Site Allocations and Designations (2020) which states that the Council will support proposals that provide appropriate community infrastructure. The site also forms part of the Hillingdon Air Quality Management Area and Hayes Air Quality Focus Area.

#### **3.2 Proposed Scheme**

This application seeks permission for the partial demolition and redevelopment of the former Canteen Building to provide a new healthcare facility (Class E(e)), nursery (Class E(f)) and residential building (Block H) (Class C3) with a commercial unit at ground floor (Class E), including associated landscaping, access, car parking and other engineering works.

The proposal is quantified as follows:

- 41 no. one bed units are proposed which is an uplift of 6 no. units when compared to the original approval for the site (which provided 35 no. one bed units). This would take the total number of units for the site from 1,473 to 1,479. 37 no. units are proposed as Discount Market Sale units and 4 no. units are proposed as Private Sale units. These units would be car free but would have access to 41 no. long-stay cycle parking spaces and 2 no. short-stay spaces.
- The extant consent for the site granted flexible permission for 2,415m<sup>2</sup> for the purposes of Use Classes A1 'Retail', A2 'Financial and Professional Services', A3 'Restaurant/Cafe', B1 'Office', D1 'Non-Residential Institutions' and D2 'Assembly and Leisure'. The proposed development would provide 2,091m<sup>2</sup> floorspace for use as a healthcare facility and 521m<sup>2</sup> floorspace is proposed for use as a nursery facility, representing a net increase of 197m<sup>2</sup> floorspace.
- The healthcare facility would employ 21 no. full time staff, and is allocated 15 no. car parking spaces, 11 no. long stay cycle spaces and 18 no. short stay cycle spaces.

- The nursery would facilitate up to 67 no. children, 8 no. full time staff and is allocated 5 no. car parking spaces and 24 no. cycle parking spaces.
- The retail / cafe use proposed would employ 12 no. full time staff and is allocated 2 no. long stay cycle spaces and 6 no. short stay cycle spaces.

### 3.3 Relevant Planning History

#### 1331/APP/2017/1883 Former Nestle Factory Nestles Avenue Hayes

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

**Decision:** 13-12-2017 Approved

#### 1331/APP/2019/1666 Former Nestle Factory Nestles Avenue Hayes

Section 73 application to vary Condition 9 (Residential Condition - Approved Plans) of planning permission ref: 1331/APP/2017/1883 dated 28/06/2018 (Part demolition of existing factory buildings and associated structures, and redevelopment to provide residential dwellings (Use Class C3), office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2), commercial floorspace (Use Classes B1c/B2/B8) and Data Centre (Sui Generis), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works) (as amended by application ref: 1331/APP/2020/50 dated 06/02/20).

The amendments to the approved plans propose: Minor changes to Blocks D, E, F1 and G involving the addition of two residential units in Block E, one additional residential unit in Block G the reorganisation of 8 residential units in Block G, including internal and external alterations involving minor facade changes, the addition of a number of balconies; and the increase in the refuse and cycle storage area in Block D, unit mix change in Block D, unit Mix change in Block F and unit mix correction to Block C.

**Decision:** 07-05-2020 Approved

#### 1331/APP/2019/1708 Former Nestle Factory Nestles Avenue Hayes

Deed of Variation (DoV) to the S106 Legal Agreement for planning permission ref: 1331/APP/2017/1883 dated 28th June 2018 (Part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3). office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2), 22,663sq.m (GEA) of commercial floorspace (Use Classes B1c/B2/B8 and Data Centre (sui generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works); To Modify: the definitions of 'Affordable Housing', 'Intermediate Units' and 'Grant Funding'; Paragraph 3.1 in Part 1 of Schedule 5 - Shared Ownership Units; The Affordable Housing Accommodation Schedule; The Affordable Housing Location Plans; and The Residential Phasing Plan

**Decision:** 21-08-2019 Approved

#### 1331/APP/2019/2314 Former Nestle Factory Nestles Avenue Hayes

Development of 4 no. new buildings comprising residential units (in addition to those approved under planning permission ref: 1331/APP/2017/1883), a basement extension to Block B, flexible

commercial uses (Class E) and associated landscaping, access, car parking and other engineering works.

**Decision:** 08-12-2020    Approved

1331/APP/2021/751            Former Nestle Factory Nestles Avenue Hayes

Section 73 application seeking a variation to Condition 61 (Approved Drawings) of planning permission ref: 1331/APP/2019/1666 dated 11-09-20 (Section 73 application to vary Condition 9 (Residential Condition - Approved Plans) of planning permission ref: 1331/APP/2017/1883 dated 28/06/2018 (Part demolition of existing factory buildings and associated structures, and redevelopment to provide residential dwellings (Use Class C3), office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2), commercial floorspace (Use Classes B1c/B2/B8) and Data Centre (Sui Generis), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works) (as amended by application ref: 1331/APP/2020/50 dated 06/02/20)).

The amendments to the approved plan proposed: Alteration to the elevations of Unit 4 involving 4 no. new loading docks (totalling 12 no. with 8 loading docks permitted by planning permission ref: 1331/APP/2017/1883 (as amended)), 1 no. roller door and 2 no. pedestrian doors, and the alteration to the dock pit, and minor alteration to internal layout to office.

**Decision:** 19-05-2021    Approved

#### **Comment on Relevant Planning History**

Planning application reference 1331/APP/2017/1883 permitted the part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3) office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2), 22,663sq.m (GEA) of commercial floorspace (Use Classes B1c/B2/B8 and Data Centre (sui generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works.

This consent required that the Nestle Canteen Building (Block I) was retained and used for the following purposes: Use Classes A1 (Shop), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Business), D1 (Non-Residential Institution), or D2 (Assembly and Leisure). Condition 53 of this permission also prohibited the use of the Canteen Building as a place of worship or banqueting hall. This consent also granted permission for residential building (Block H).

Subsequently, planning application reference 1331/APP/2019/2314 has granted permission for the development of 4 no. new buildings comprising residential units. This included Block H and granted consent for 35 no. 1 bedroom 1 person units as discount market sale units. Taking into account all previous approvals, the site has permission for 1,473 units.

It is noted that Schedule 7 of the original Section 106 agreement for the site secured a clause to transfer the ownership of the building to the Council. The Council subsequently confirmed that the obligation was not to be triggered and is considered to have fallen away, as per clause 1.8 of Schedule 7:

"In the event that the Council confirms in writing that it no longer requires the Canteen Building or fails to complete the Canteen Building Transfer within two (2) years from the

date of the Canteen Building Transfer Notice then the provisions of this Schedule 7 shall no longer apply."

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

##### **Development Plan**

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

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

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

##### **Material Considerations**

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.CI1 (2012) Community Infrastructure Provision  
PT1.CI2 (2012) Leisure and Recreation  
PT1.EM1 (2012) Climate Change Adaptation and Mitigation  
PT1.EM11 (2012) Sustainable Waste Management  
PT1.EM6 (2012) Flood Risk Management  
PT1.EM7 (2012) Biodiversity and Geological Conservation  
PT1.EM8 (2012) Land, Water, Air and Noise  
PT1.H2 (2012) Affordable Housing  
PT1.HE1 (2012) Heritage

##### **Part 2 Policies:**

DMCI 2 New Community Infrastructure  
DMCI 3 Public Open Space Provision  
DMCI 4 Open Spaces in New Development  
DMCI 5 Childrens Play Area

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMHB 1	Heritage Assets
DMHB 10	High Buildings and Structures
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D14	(2021) Noise
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP D8	(2021) Public realm
LPP D9	(2021) Tall buildings
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G1	(2021) Green infrastructure
LPP G4	(2021) Open space
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands

LPP GG1	(2021) Building strong and inclusive communities
LPP GG3	(2021) Creating a healthy city
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H10	(2021) Housing size mix
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP HC1	(2021) Heritage conservation and growth
LPP M1	(2021) Monitoring
LPP S1	(2021) Developing London's social infrastructure
LPP S2	(2021) Health and social care facilities
LPP S3	(2021) Education and childcare facilities
LPP S4	(2021) Play and informal recreation
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF17	NPPF 2021 - Facilitating the sustainable use of minerals
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

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

### **5.1 Advertisement Expiry Date:- 28th September 2022**

**21st September 2022**

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

## **6. Consultations**

### **External Consultees**

Under the first round of consultation, letters were sent to neighbouring properties, a site notice was displayed to the front of the site and an advert was posted in the local paper. All forms of consultation expired on 28th September 2022. Four objections and two comments have been received from residents and are summarised as follows:

Objections:

- The proposal would block any natural light received by neighbouring properties.
- The proposal would result in overlooking into neighbouring properties.
- The proposed residential block would take away from the uniqueness of the historical Nestle Factory.
- The residential building would be an eyesore which doesn't fit with the development.

Comments:

- Support for the nursery and health care facility.
- The loss of the heritage feature of the pitched roof on the Canteen Building is only justified by the proposed provision of a green roof. Details should be secured by condition.
- The proposed lighting strategy, particularly on the pedestrian accessway to the south of the proposed residential block and north of the Canteen Building is considered necessary and acceptable. Details should be secured by condition.
- The freehold of the Canteen Building should belong to the residents of Hayes Village.
- The residents should also be able to decide the provision of the services to ensure that these are free/affordable and in keeping with the needs of the local community.

Following discussions with the Applicant, it was agreed that the proposal be changed from a full demolition of the Canteen Building to the partial demolition and partial retention of the Canteen Building. Amended plans and documents were submitted and residents were re-consulted. The second round of consultation expired on 6th May 2023. Seven objections have been received from residents and are summarised as follows:

- The new residential building will block views of the Canteen Building and Truscon building.
- The Truscon building would be overshadowed by the new residential building.
- The residential building will overlook neighbouring residential flats.
- There will be a loss of car parking.
- Traffic would be increased by the proposal.
- Concerns that parking will not be managed.
- Wear and tear will be paid by residents.
- It will increase littering.
- Concerns about security.
- There are already healthcare centres in the area.
- The shared roof terraces will impact on neighbour amenity.
- The Canteen Building should be used as a Heritage and Learning Hub instead.

**PLANNING OFFICER COMMENT:**

All material planning considerations are addressed within the main body of the report. Ownership

matters are not a material planning consideration.

#### NHS NORTH WEST LONDON INTEGRATED CARE BOARD:

Further to the planning consultation for the Nestle redevelopment application, NHS North West London Integrated Care Board remains committed to the scheme. We have been working closely with the Developer to ensure that the proposed facility is fit for purpose for the delivery of healthcare services.

I can confirm that the letters attached in your original email are an accurate reflection of our current position and commitment to the scheme. Kindly note, that any prior reference to NHS North West London CCG or 'The CCG' is now known as NHS North West London Integrated Care Board or 'The ICB' which reflects the national NHS organisational changes as of 01/07/2022.

#### HAYES CONSERVATION AREA ADVISORY PANEL:

I am writing on behalf of the Hayes Conservation Area Advisory Panel. We very much regret the proposed demolition of this iconic building but reluctantly accept that in its present condition repair is uneconomic. We do wonder if the low priority the current owners seem to have given to this part of the former Nestles site may have contributed to its dilapidated state, which appears to be to their benefit. The proposed elevation to Nestles Avenue is an acceptable pastiche of the current building that will help to maintain the look and feel of the Nestles Factory site that led to its designation as a Conservation Area. We are pleased to see that part of the proposed new building is still earmarked for various community uses, though the large meeting hall that we recall was part of the original refurbishment plans has gone. However, before we can welcome these proposals, we would like a guarantee that the proposed nursery and medical facilities will actually be provided, and will continue in perpetuity, as short-term aspirations on their own will not provide these desperately needed facilities.

#### CANAL AND RIVER TRUST:

No comment.

#### TRANSPORT FOR LONDON:

Thank you for consulting Transport for London (TfL) regarding the above application. We have reviewed the submission documents and have the following comments:

- The proposed number of cycle parking spaces meets London Plan minimum standards which is welcomed. All cycle parking should be provided in accordance with London Cycling Design Standards (LCDS) including provision for larger and adapted cycles, with the quantum and details secured by planning condition.
- No changes are proposed to the overall residential site-wide car parking provision as part of the application. We would support an overall reduction in car parking spaces below the 0.6 ratio to reflect the site PTAL of 4 and the small 1 bed, 1 person units that are now proposed for Block H.
- 15 car parking spaces are proposed for the healthcare facility and 5 for the nursery. This should include Blue Badge provision in line with London Plan Policy T6.5 and electric vehicle charging facilities. We would like to see a reduction in the number of car parking spaces for these uses so that it is limited to operational and Blue Badge parking only given the likely local catchment and the good connectivity of the site. A Parking Management Plan should show how parking spaces will be allocated and their use restricted in line with operational and special needs.



- An ATZ Assessment would normally be required to support a fresh planning application but we note that the original PERS and CERS audits submitted with the outline application have been reviewed. We support implementation of measures to address issues identified by the audits and more generally to improve active travel facilities in and around the site.

- We note that the site-wide access strategy is not amended by the current application.

- All planning obligations and conditions with respect to transport and access that are relevant to the Canteen Building, Block A or pro rata for the site as a whole should be met as part of the current planning application.

We hope that these issues can be addressed before the application is determined.

#### PLANNING OFFICER:

All relevant highways matters are addressed within the main body of the report.

When comparing to the original planning obligations secured on this site, the following highways related monetary sums are proposed to increased on a pro-rata basis:

xi) Parking Management Zone Review: £5,334.46 (uplift by £17.15)

xii) Bulls Bridge Improvements: £1,066,895.06 (uplift by £3,430.53)

xiii) Additional Bus Capacity: £466,233.27 (uplift by £1,499.14)

#### GREATER LONDON ARCHAEOLOGICAL SERVICE:

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

#### HISTORIC ENGLAND:

##### Background

Historic England was involved in extensive discussions alongside your Council regarding the masterplan for the former Nestle Factory site which was approved in 2018 (ref: 1331/APP/2017/1883). I attach for your information a copy of our advice letter on the submitted planning application for context. We were involved in this scheme because the site encompasses the entirety of the Botwell: Nestles, Hayes Conservation Area.

The conservation area's character is principally derived from the large-scale industrial buildings and landscaping associated with the manufacturing of Nescafe coffee. Whilst no conservation area appraisal has been adopted, the following four buildings within the conservation area were locally listed by your Council prior to the commencement of these discussions and were considered to contribute positively to the conservation area's character:

- the Nestle Works (Serial No. 093), a 1930s Truscon-framed factory building with later central entrance tower;
- the gates/railings to the Nestle Works (Serial No. 318) which form part of the site boundary;
- the lodge to the Nestle Works (Serial No. 317), a pair of caretakers' houses which were purpose built for the factory;
- the canteen building (Serial No. 316), built 1954 in a Moderne style, with a large uninterrupted internal volume which provided a gathering space for workers.

Early pre-application proposals involved the demolition of all but the entrance tower to the Nestle Works building and the boundary railings, which we strongly resisted. Following extensive negotiations with the Applicant Team alongside your Council's Conservation Team, a scheme was submitted that retained more historic elements of the conservation area including the refurbishment of the canteen building for nursery and business uses.

Whilst we still expressed concern over the proposed demolition of the Truscon framed factory and lodge, we recognised the heritage benefits of the scheme, highlighting the retention of the canteen building as a particularly important aspect in terms of preserving and enhancing the character and appearance of the conservation area (p3-4 of the attached letter).

A visualisation (reproduced below) of the originally proposed masterplan across Wallis Gardens was used as the introductory image in the submitted Design and Access Statement (SEGRO / Barratt, May 2017, p6, and reproduced on p15 of the current Design and Access Statement, DMFK, July 2022). This depicts the canteen building as an integral component part of the scheme alongside the retained entrance tower to the Nestle Factory. This vision for the site presented by the Applicant Team undoubtedly provided reassurances to us that the heritage value of the conservation area would be preserved and celebrated despite the extensive demolition and redevelopment on site.

### Submitted Proposals

The proposed changes involve the demolition and redevelopment of the former canteen building to provide a new healthcare facility, nursery and reconfigured residential building and associated landscaping. The canteen would be replaced by a two-storey square building with facades that draw influence from the Moderne architecture of the canteen building.

As set out in the Design and Access Statement, these changes are a result of the condition of the canteen building, the vaulted ceiling of which had "collapsed and deteriorated from water ingress, leaving the metal space frame exposed" "by time of occupation by Barratt" (p17). Further investigations of the building concluded that the corroded steelwork which is encased in brickwork has led to "Regent Street Disease" (p20). It is understood that extensive removal of fabric would be required to address this issue as identified in the elevation diagram on p21.

The Design and Access Statement also explains that the approved uses within the existing canteen building are not viable based on a market viability report (p23).

### Historic England's Position

Historic England is disappointed and concerned about this application to demolish the canteen building, which is the only intact historic building (besides the boundary railings) to now survive in this much altered conservation area. Historic England alongside your Council's Conservation Team specifically negotiated the retention and reuse of the canteen building through extensive pre-application discussions with the Applicant over the original masterplan for the former Nestle Factory site. Whilst we still maintained concerns about the scheme overall, we recognised the benefits of repairing and reusing the canteen as an integral part of the masterplan which would help to retain the authenticity of the conservation area, and celebrate its fascinating industrial heritage, in the face of such extensive change.

The poor condition of the canteen building was recognised during our early discussions, and as such we recommended that a phasing plan should be imposed as part of any approved scheme "which seeks to prioritise the heritage assets on site to minimise the potential for their further deterioration" (p4 of the attached letter). Unfortunately, it does not appear that the canteen was prioritised as part of the approved masterplan, and as a result its condition appears to have

deteriorated further.

The proposal to demolish the building would result in incremental loss to the conservation area's historic and architectural character which would raise questions regarding its overall authenticity. It would further harm the legibility of the conservation area as a former industrial complex with architecturally interesting buildings and associations to a world-famous brand.

Whilst we consider the harm resulting from this specific proposal to be 'less than substantial' in policy terms, we do consider the harm to be of a high level. Therefore, in accordance with Paragraphs 200 and 202 of the National Planning Policy Framework (July 2021), the justification for this change in approach to the masterplan, and public benefits offered would need to be particularly strong and convincing should your Council be minded to approve this application. As the building's structural condition is a key reason behind this proposal, we strongly advise that your Council seeks the views of your own specialist engineer, as well as your conservation officer who I have copied this letter to.

#### Recommendation

Historic England has concerns with these proposals on heritage grounds. In determining this application, you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

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

The full GLAAS consultation criteria are on our webpage at the following link:

<https://www.historicengland.org.uk/services-skills/our-planning-services/greaterlondon-archaeology-advisory-service/our-advice/>

#### PLANNING OFFICER COMMENT:

As per Historic England's comments, Officers have consulted with a Specialist Structural Engineer on the condition of the building. The comments provided are outlined in Section 06.2 of the report.

#### NATIONAL AIR TRAFFIC SERVICES:

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

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

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

#### HEATHROW AIRPORT LTD:

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

#### Submission of a Bird Hazard Management Plan

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

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

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

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

#### Information

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

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

We would also make the following observations:

#### 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/policy-campaigns/operations-safety/> and CAA CAP1096 Guidance to crane users on aviation lighting and notification ([caa.co.uk](http://caa.co.uk)).

All crane applications should be sent to Heathrow's Works Approval Team via the following address

[Airside\\_Works\\_Approvals@heathrow.com](mailto:Airside_Works_Approvals@heathrow.com)

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.

#### MINISTRY OF DEFENCE:

The application site occupies the statutory safeguarding zone(s) surrounding RAF Northolt. In particular, the aerodrome height and birdstrike safeguarding zones surrounding the aerodrome and is approx. 5.7km from the centre of the airfield

#### Aerodrome Heights Safeguarding zone

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

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

#### Birdstrike statutory safeguarding zone

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

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

The proposed scheme includes a Bio-diverse roof, with photovoltaic solar panels. This has the potential to result in a breeding habitat for roof nesting large gulls, creating an increased risk of birdstrike to aircraft using RAF Northolt. If this design is necessary, there should be a Bird Hazard Management plan (BHMP) to control roof nesting gulls and to ensure there is access to all roof areas. The BHMP should also provide a commitment to regularly monitor the roofs during the breeding season and to take action to prevent successful breeding if birds are found to be attempting to nest.

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

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

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

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

## HEALTH AND SAFETY EXECUTIVE:

Buildings in scope of Planning Gateway One are described in the new article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The height condition is defined as either (a) the building is 18 metres or more in height or (b) the building contains 7 or more storeys. Article 9A(7) states that 'the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms)'; and that any storey which is below ground level is to be ignored.

My understanding of the building was that it was less than 18m using the diagrams and the information held on the Fire Strategy.

This planning application does not appear to fall under the remit of planning gateway one because the height condition of a relevant building is not met.

## LONDON FIRE BRIGADE:

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (as amended) in London.

The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have the following observations to make. It should be ensured that if any material amendments to this consultation is proposed, a further consultation may be required.

The Applicant is advised to ensure the plans conform to Part B of Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.

I also enclose Guidance note 29 on Fire Brigade Access similar to that in B5 of the Building Regulations, Particular attention should be made to paragraph 16, Water Mains and Hydrants, by the applicant.

If there are any deviations from the guidance in ADB) vol 1 and 2: B5 Access and facilities for the fire service in relation to water provisions, then this information needs to be provided to the Water Office ([water@london-fire.gov.uk](mailto:water@london-fire.gov.uk)) to discuss the proposed provision.

If there are any deviations to Brigade access and facilities then this information needs to be provided to Fire Safety Regulation ([FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)) to review the proposed provision. Once we have received this information then the LFB can provide a response on the consultation and advice in regards to hydrants upon receipt of an appropriate site plan showing premises layout, access to it, and water supply infrastructure if available.

Any queries regarding this letter should be addressed to [FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk) if you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

## THAMES WATER:

### Waste Comments

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer

follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

#### Water Comments

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

#### NETWORK RAIL:

Network Rail has no objections in principle to the application.

#### **Internal Consultees**

##### PLANNING POLICY OFFICER:

I've reviewed the Planning Statement and it seems there is a reasonable amount of evidenced support for the proposal (particularly Appendix 8-9). In terms of added information that may not be in the proposal (or may not be clear), my meetings with the NHS have confirmed:

- The HESA Medical Centre is currently over two floors. The proposal is eventually to not use this building any more. The ground floor lease will expire in 2025 and the 1st floor lease will expire in 2029. The fact they have two leases may help to explain why they can part move into a building that is not big enough for them (New facility at Old Vinyl Factory) and the move further facilities to a larger facility at Nestles Factory.
- The Nestles Factory is generally supported by NHS representatives I speak to (notwithstanding the car parking issue they have raised at every new site). The proposed facility at the Canteen Building is highlighted as a source of floorspace in the short-medium term to address the lack of required

floorspace overall. It appears in various drafts when discussing trajectories/plans to meet future needs.

Re: Housing Size Mix / Affordable Housing - the proposal appear to be 6 addition DMS studio units on what has already been approved. On the basis that we have already approved a 100% studio DMS block as part of the overall permission, I would not raise an issue to an additional 6 units.

#### NOISE SPECIALIST:

Sufficient information has been provided by the Applicant to make a recommendation with respect to noise. It is recommended that no objection is made on noise grounds subject to the inclusion of suitable conditions which should be achievable based on the information provided and considering the context of the proposed development. Hence: 1. For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8hrs between 2300 and 0700, measured inside any room of any permitted dwelling having regard to the guidance set out in British Standard 8233: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature. 2. For the lifetime of the development hereby permitted the rating level of noise caused by the operation of development shall be at least 5 dB below the minimum background noise level, or 35 dB(A), whichever is higher, measured 1 metre outside of any window of any existing dwelling, or similarly noise sensitive premises, determined in accordance with the procedures set out in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound.

#### ACCESS OFFICER:

This proposal sits within a wider masterplan context to redevelop the site. The original consent required the former canteen hall to be retained, however, various technical constraints and building warranty requirements are understood to be proving difficult to achieve. A replacement building designed to reflect the style of the original is now proposed to house a medical centre and nursery. The following accessibility observations are offered:

1. The healthcare centre should incorporate a fully equipped 'Changing Places' room for use by people with complex and/or multiple disabilities.
2. All additional new housing must be accessible and adaptable, meeting the minimum requirement of M4(2) as required by London Plan policy D7. A further 10% should be designed to be wheelchair accessible or wheelchair adaptable as per the guidance set out in Approved Document M to Building Regulations 2010 (2015 edition)

Conclusion: no concerns are raised subject to the following Conditions attached to any approval:

The new healthcare facility hereby approved shall accord with the requirements of Policy S6 of the London Plan, and shall incorporate a Changing Places facility designed in accordance with the technical guidance set out in BS 8300-2:2018, section 18.6. All such provisions must remain in place for the life of the building.

REASON: To ensure the healthcare facility caters for people with complex and multiple disabilities in accordance with London Plan policy S6.

The dwelling(s) hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.



REASON: To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan.

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

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan and its contained policy D7, is achieved and maintained.

CONTAMINATED LAND OFFICER:

Summary of Comments:

I have reviewed a copy of the details within the following correspondence submitted in support of the above-mentioned application:

Letter Correspondence: Re: Former Nestle Factory, Hayes - Change of the proposed use of the canteen building - Desk Study and Ground Investigation Report & Remediation Strategy; Document ref: 01669-HYD-XX-GI-CO-GE-1003; Date: 08 Jun 2022 ; Prepared by: Hydrock Consultants Ltd

The correspondence provides summary details relating to the proposed validity of the following reports, which were prepared during 2016 and 2017, for identifying and addressing land affected by contamination at the wider Nestle Site, which includes the canteen area;

- Desk Study and Ground Investigation Report (Ref: R/151867/002 - June 2016)
- Remediation Method Statement (Ref: NES-HYD-XX-REM-RP-GE-3000 - March 2018)

The above-mentioned technical reports were produced by Hydrock Consultants and represent documented details, previously approved by the LPA, for adoption site-wide during the various on-going stages of development at the former Nestle factory.

The letter correspondence from Hydrock Consultants Ltd. in support of this application includes the following statement:

"It is essential that the remediation tasks detailed within the Remediation Method Statement are completed and recorded in line with the verification requirements stated within that document"

Therefore, to avoid any ambiguity or misinterpretation and to fully satisfy the LPA that all identified geo-environmental matters relating to land affected by contamination at the proposed site are addressed fully in accordance with the RMS, I recommend the following conditions to be imposed if planning permission is awarded for this application:

- (i) The development hereby permitted (excluding demolition, site clearance and any necessary requirements for supplementary ground investigation works) shall not commence until a scheme to deal with identified unacceptable contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

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

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping and/or engineering 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 factual results and interpretive reports of this testing shall be submitted to 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.

WASTE STRATEGY OFFICER:

I am satisfied with the allocated space for waste for the development but please do include the importance of having space allocated for food waste. All else is satisfactory.

FLOOD AND WATER MANAGEMENT CONSULTANTS:

Review Summary:

This application has not sufficiently demonstrated the use of the London Plan's drainage hierarchy and is proposing the following key items:

- Type of development: Full - Major Application (Change of Use of previous approved application.)
- Flood risk: The site is predicted to be at low risk for fluvial, groundwater, canal and sewer flooding. The risk of flooding from surface water has not been determined.
- Types of conveyance / attenuation features: The applicant proposes to use permeable paving, rain gardens and ditches to manage surface water.
- Runoff rate restriction (l/s): Not confirmed.
- Runoff attenuation volume (m3): Not confirmed.
- Maintenance plan: Not provided.

Recommendations and requests:

We object to the application for the following reasons:

- The technical note submitted provides insufficient information to assess whether the changes to the surface water drainage system is acceptable.
- The changes to the drainage strategy have not been confirmed and are not supported by updated drainage drawings or calculations. It is not clear which SuDS are being proposed and the discharge locations have not been identified.
- No drainage calculations have been provided to determine if the peak discharge flow rates have changed or to ensure that the system has sufficient capacity to pick up water from the additional rainwater downpipes which has been proposed.

- No details on the controlled rates or devices have been provided. The technical note states that the storm drainage system is to be modelled in micro drainage using a 40% climate change allowance, although the model results have not been provided. A 20% Climate change allowance was used in the previous submission.
- No hydraulic modelling has been provided to show that site will not flood in the 1 in 30 year and 1 in 100 year events.
- No maintenance strategy has been provided.

To address the above, please can the applicant submit information which:

- Provide details of the SuDS features being proposed.
- Provide drainage calculations to confirm that the systems has sufficient capacity for additional downpipes.
- Confirm the greenfield, existing and proposed runoff rates on the site.
- Provide evidence (hydraulic modelling) to confirm the site will not flood in the 1 in 30 and 1 in 100 year event.
- Provide an updated maintenance strategy which outlines the tasks and frequencies for each SuDS component and outlines who is responsible for each task.

#### PLANNING SPECIALIST TEAM MANAGER ON FLOOD AND WATER MANAGEMENT:

I have reviewed the comments from Metis and the flood risk assessment.

I accept that the information provided does not meet the requirements as set out by Metis and that further information is necessary to ensure the development is policy compliant. The issue in terms of planning is whether this needs to inform determination or whether it can be secured through a condition. I believe the latter would be a more reasonable approach.

The site is currently developed with hardstanding and with permissible uses. The proposed development does not generate a new hardstanding quantity to levels that would give rise to an increase risk of flooding from run off. The proposal does offer the opportunity to provide betterment and the proposed tank solution and green roofs would achieve that. There are currently no 'red flags' with regards to flooding that demand a unique solution to be identified to ensure the principle of the development is sound.

Furthermore, the information requested by Metis is relatively standard and the solutions required are not unique. The development is low risk in terms of flooding and a condition would be a more reasonable approach and avoids a potential refusal.

#### Condition

Prior to the commencement of development (post demolition), a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

1. Confirm the existing and proposed greenfield run off rates from the site
2. Provide details of the 1:30 year and 1:100 year storm event including conveyance routes and any areas of ponding.
3. Provide details of sustainable drainage features in accordance with the London Plan drainage hierarchy that result in a greenfield run-off rate from the site in a 1:100year (plus 40% allowance for climate change) storm event
4. Provide drainage calculations and modelling outputs to demonstrate the capacity of the drainage solution [2] and the operation (including outfalls, overflows, and drainage network connections)
5. Provide a maintenance and adoption strategy

The development must proceed and operate in accordance with the approved scheme.

## AIR QUALITY OFFICER:

### Summary of Comments

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. The Application Site is located approximately 500 metres to the south-east of Hayes Town Centre, bounded to the north by the Great Western Railway Line and Grand Union Canal and to the south by Nestles Avenue. It is noted that Hays is one of the mostly densely populated and polluted areas within the AQMA.

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.

The Application Site is located at the Former Nestle Factory, Nestles Avenue, Hayes, UB3 4RF, in the southern part of London Borough of Hillingdon (LBH), West London. The area occupied by the Canteen Building and the proposed Block H, is located towards the south of the site. This planning application focuses on this part of the Application Site and is for the following uses:

- Block H - 41 one-bedroomed affordable residential units (Class C3) and 257m2 (Class E), 6 (six) more units than the presently consented on this part of the site (35 residential units);
- Canteen Building - 2,091m2 healthcare use and
- 521m2 nursery use.

Based on the Transport Assessment submitted to support the planning application, the proposed development would generate in total 111 additional vehicles during AM and PM peak hours. In summary:

Residential (6 units): 4 additional vehicles during AM and PM peak hours  
Healthcare: 35 additional vehicles during AM and PM peak hours  
Nursery: 72 additional vehicles during AM and PM peak hours

Based on the Air Quality Assessment submitted to support the planning application (please see page 4, section 7.3) and the Air Quality Technical Note issued in December 2022 the proposed development would generate a total of 112,417 trips per annum. In summary:

Residential (6 units): 10.50 trips per day or 3,833 trips per year  
Healthcare: 190.18 trips per day or 69,414 trips per year  
Nursery: 107.32 trips per day or 39,171 trips per year

This would equate to a Peak to daily trip generation ration (k) of 2.625 for the residential extra dwellings (6 units), 5.4 for the Healthcare facility and 1.5 for the nursery use.

Given that the total number of car parking spaces is not changing for the proposed residential use, the estimated daily trip generation associated with the proposed additional 6 residential units has been affected by an adjustment factor of 2.625 so that only contribution to the congested hours of

the day was accounted for in terms of air pollutant emissions. This is due to the parking restrictions applied to the

proposed development, which would be equivalent to a car free proposal for the additional units. Hence, the following numbers are used in the air quality damage cost calculator:

Residential (6 units): 4 trips per day or 1,460 trips per year

Healthcare: 190.18 trips per day or 69,414 trips per year

Nursery: 107.32 trips per day or 39,171 trips per year

Total: 301.5 trips per day or 110,047.5 trips per year

The proposed development is not Air Quality Neutral for the nursery use.

In addition, the proposal needs to be Air Quality positive and further action is required to reduce the total emissions produced by its operation, associated with 110,047.5 trips per annum. As per standard practice within Focus Areas, air quality management does not have regard to extant use emissions, given that current situation cannot be mended by existing measures and additional efforts are required to improve air quality. Therefore, the total emissions associated with this additional traffic generated by the operation of the proposed development 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.

Mitigation measures proposed by the applicant wherever quantifiable, are calculated and subtracted from the overall value due. When no quantification is possible, but sustainable measures agreed with LBH are offered, a flat rate discount is applied.

The total level of mitigation required to the proposed development for traffic emissions is £4,126 for the 6 residential additional units, £195,984 for the healthcare facility and £110,370 for the nursery, totalling £310,480 when considering total emissions. This is the LBH standard practice for development applications within Focus Areas, with no regard to extant use to effectively manage air quality.

LBH have only reflected the uplift in the number of residential units (6) and the uplift of 197m<sup>2</sup> in total area. This results in sums of £4,126 for the 6 residential units and £23,106 for the 197m<sup>2</sup> of healthcare and nursery floorspace. This totals £27,232.

In addition, the following deductions were applied: Travel Plan (15%), Green Sustainable Measures (5%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift, social housing, etc) (15%). The total value of £27,232 is discounted by 35% to £17,701.

Therefore, a section 106 agreement with the LPA of £17,701 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

### Observations

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

## Condition Air Quality - Low Emission Strategy

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

- 1) secure compliance with the current London Plan (March 2021) and associated Planning Guidance requirements.
- 2) the implementation of an 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 of all land uses 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

## HIGHWAYS OFFICER:

A planning application has been received seeking permission to redevelop the Canteen Building on the Former Nestle Factory site and make changes to Block H of the wider consented Nestle Factory development.

The Application Site is located approximately 500m to the south-east of Hayes Town Centre and is bounded to the north by the Great Western Railway Line and Grand Union Canal and to the south by Nestles Avenue. To the west, is the existing Squirrels Industrial Estate, accessed from Viveash Close and to the east is North Hyde Gardens. To the north-east of the site is Hayes and Harlington Railway Station. The PTAL ranking for the site is 4 indicating that access to public transport is reasonable compared to London as a whole.

The extant permission would provide in Block H 35no. residential units with 41no. car parking spaces and 232m<sup>2</sup> (GEA) of flexible commercial space (class E) with 20no. parking spaces. The Canteen building would provide 1,537sq.m of flexible community uses with 20no. parking spaces.

This application seeks planning permission to extend Block H by providing a further 6no. units - increasing the size of the block from 35no. to 41no. units. There would remain 41no. parking spaces for Block H. The 257sq.m (Class E) ground floor flexible commercial spaces with 20no. parking spaces would remain unchanged. The Canteen building would be redeveloped to provide 2,000sq.m healthcare use and a 500sq.m nursery use. The Highway Authority are advised that the healthcare use would employ 21no. full time members of staff and the nursery 8no. The nursery would be able to accept up to 67no. children.

As per the previous consent there would be 20no. car parking spaces associated with the Canteen building, 15no. would be allocated to the healthcare use with the remaining 5no. allocated to the nursery use. The proposal would not therefore provide any additional car parking. The applicant mentions that 4no. of the 20no. car parking spaces would be made available for drop off with a waiting time of 20 minutes, the remainder would be short stay with a maximum dwell time of 2 hours, this would be managed by a concierge. It is not clear whether these drop off space would be for use by nursery or healthcare visitors or both. There would be 24no. cycle stands to serve nursery and 11no. for the healthcare use.

The main entrance to both the healthcare use and nursery would both be on the western side of the building, each use would have it's own separate entrance. In front of this would be a layby measuring c.16m in length, this would be long enough for 3no. cars to formally parallel park. If it were to be used as a drop off then it would only be able to cater for 2no. cars as drivers parking to drop off generally park informally and occupy more space. The nursery entrance is located off an internal access road just c.50m north of Nestles Avenue.

As mentioned above the healthcare use would employ 21no. full time members of staff, there would be 6no. treatment rooms, 3no. consultation/examination rooms as well as a reception and office (Planning Statement part 1 June 2022) . The published London Plan 2021 does not include parking standard for healthcare uses of this type. The Highway Authority has therefore referred to the Hillingdon Local Plan: Part 2 Development Management Policies Policy DMT 6: Vehicle Parking which requires at least 2no. parking spaces per consulting room, the healthcare element of the proposal should therefore provide 18no. car parking spaces. The cycle parking standards are one cycle parking space per 50no. staff plus one cycle parking spaces per 10no. visitors. The 11no. cycle parking spaces proposed are in accordance with this standard. Taking into account that the site benefits from good access to shops, services, facilities and transport opportunities the 15no. healthcare car parking spaces proposed is accepted, the Highway Authority would however want a planning condition requiring the applicant to provide a Car Parking Management Plan that sets out which parking spaces would be allocated to the healthcare use.

The London Plan does not provide any parking standards for nursery uses, the Highway Authority has therefore referred to the The Hillingdon Local Plan: Part 2 Development Management Policies Policy DMT 6: Vehicle Parking. The Local Plan requires that parking for nurseries is determined "on an individual basis using a transport assessment and travel plan and in addition to car parking requirements , provision for pick up and drop off facility to be provided". Transport Assessment

submitted alongside the application reports that the proposed nursery use would generate 17no. arrivals and 18no. departures in the AM peak, 35no movements in total. In the PM peak there would be 37no. movements, 14no. arrivals and 23no departures. The majority of the 67no. children that attend the nursery are likely to arrive by car, parents/guardians typically drop their children off on their way to work.

It is anticipated that relatively few people would travel to the nursery by public transport because of the time taken to walk to the bus stop, waiting for a bus to arrive, journey time on the bus and then the walk to the nursery. The speed and distance that a small child can walk further detracts from the attractiveness and convenience of travelling to the nursery by public transport or on foot. There would be 24no. cycle parking spaces to serve the nursery, the Hillingdon Local Plan standard is determined on a case-by-case basis by referring to the Transport Assessment, the 24no. spaces proposed is accepted.

In the AM peak many parents/guardians arriving by car are all likely to arrive more or less at the same time, the AM peak is concentrated whereas the PM peaks is more spread. Each parent/guardian arriving will need to park, take their child out of a car seat, collect their day bag and then walk into the nursery, register their child with a member of staff before returning to their car and driving off. As mentioned above, 4no. parking spaces would be drop off spaces but it is not clear whether these spaces would serve the healthcare use, nursery or both. Even if all 4no. were to serve the nursery, this would be insufficient to cater for up to 67no. children being dropped off by car, demand for drop off parking would far exceed supply. Parents/guardians would resort to using the layby - which is shared with the healthcare use and stopping indiscriminately in the middle of the lane, holding up the traffic behind. This high level of activity would present a risk to road safety, parents/guardians would be in a rush to get to work not noticing small children moving around them hidden by moving or stationary cars.

The Highway Authority consider it acceptable to increase the number of units in Block H without any uplift in the number of car parking spaces given the overall size of the Nestles Avenue development, increasing the number of units across the whole site by 6no. would have an insignificant impact upon parking demand and vehicular trip generation.

Whilst there are no principal highway objections to the residential part of this application there are concerns regarding the redevelopment of the Canteen building to provide a health use and nursery. Providing the spaces are clearly allocated, 15no. car parking spaces to serve the healthcare use can be accepted. However, just 5no. car parking spaces to serve the nursery is insufficient, taking into account the number of vehicle trips that the nursery is likely to generate the proposal would present a risk to road safety and not be in accordance with the published London Plan 2021 Policy which requires that development proposals "should not increase road danger".

For the reasons outlined above there the Highway Authority objects to this proposal.

#### PLANNING OFFICER:

Amended plans were submitted to address the Highways Officer's concerns regarding the pick-up and drop-off arrangements. A Parking Management Plan was also submitted to the relevant management controls proposed.

#### HIGHWAYS OFFICER FOLLOW-UP:

It is anticipated that most nursery pick-ups and drop-offs will take place using the layby, with capacity to cater for up to 5no. cars. This together with the 4no. short-stay nursery car parking bays and Travel Plan is considered sufficient to cater for demand.



The development would be car-lite. A developer's contribution towards measures that make active travel more attractive, convenient, and safe is required to increase the travel choice offered to those visiting the development thereby reducing dependency on the private car for trip making to and from the development. If this investment is not provided then Block H residents and visitors to the Health Centre and Nursery may resort to trip making by private car and in the absence of parking on-plot they may park injudiciously on-street leading to parking stress, an increased risk to road safety and hindering the free flow of traffic.

There are no highway objections to this proposal subject to the following planning conditions and Heads of Terms.

#### Conditions

The Highway Authority require that a Travel Plan is submitted to the Highway Authority for approval. As surety that the Travel Plan will be delivered and targets achieved the Highway Authority requires that the developer provides a £20,000 bond. In the event of the Travel Plan not being delivered the Highway Authority will use this bond to implement the Travel Plan itself. This should be secured by way of a 1990 Town and Country Planning Act s.106 legal agreement. If the Travel Plan is successful the bond will be returned.

REASON to be in accordance with the published London Plan policy T2 Healthy Streets.

The Highway Authority required that the applicant enter a 1990 Town and Country Planning Act s.106 legal agreement with the Council obliging them to contribute towards active travel measures that will include new dropped kerbs with tactile paving, benches, litter bins and street trees. The cost of these works is £36,985.

REASON to be in accordance with the published London Plan 2021 Policy T9 Funding transport infrastructure through planning.

Prior to the commencement of works on site the Highway Authority required that a Construction Logistics Plan is submitted to the Council for approval.

Before the development is put into use/occupied the Highway Authority require that a Service and Delivery Plan is submitted to the Council for approval.

The Highway Authority required that the applicant enter a 1990 Town and Country Planning Act s.106 legal agreement with the Council that prohibits additional residents of Block H from applying for a permit to join any parking management scheme in the vicinity of the site.

Prior to the healthcare element of the development being put into use the applicant is required to submit a Car Parking Management Plan for approval.

#### PLANNING OFFICER COMMENT:

Following further discussions with the Council's Highways Officer, it has been agreed that the £36,985 is apportioned. This is discussed within the main body of the report.

CONSERVATION OFFICER (Dated October 2022):

#### Background

The former Nestle Factory Canteen Building is a Locally Listed building (non-designated heritage asset) and forms an important part of the Botwell / Nestles Conservation Area (designated heritage

asset).

The conservation area derived its character from the large-scale industrial buildings and landscaping associated with the manufacture of chocolate and coffee across the site.

The area originally contained four (one now demolished) locally listed buildings which make a positive contribution to the character and appearance of the conservation area. These include the Nestle Works a 1930s Truscon-framed factory building with later central entrance tower; the gates and railings to the Nestle Works that front onto Nestles Avenue; the lodge to the Nestle Works that was situated in the southeast corner of the site (now demolished) and the canteen building (the subject of this application) which was built in 1954 in a Moderne style that fronts onto Nestles Avenue.

In June 2018 planning permission (Ref.1331/APP/2017/1883) was granted for the redevelopment of the site to provide 1,386 dwellings (Class C3), office, retail, community and leisure uses (Class A1/A3/A4/B1/B8/D1/D2), 22,663sqm (GEA) of commercial floorspace (Classes B1c/B2/B8 and Data Centre (Sui Generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works."

This application was followed up with two section 73 applications ref.1331/APP/2019/1666 granted May 2019 and app: 1331/APP 2021/751 granted November 2021.

Lengthy pre-application discussion were undertaken prior to the original application being submitted which included input from Historic England. The original proposals involved the demolition of all the buildings on site apart from the entrance tower to the Nestle Works building and the boundary railings. Strong objections were raised to the extent of demolition of the locally listed buildings due to the harm this would have caused to the character and appearance of the conservation. Following further negotiations, a scheme was eventually submitted that retained more historic elements of the conservation area that included the retention and reuse of former canteen building.

Notwithstanding the reduction in demolition concerns were still raised at application stage with the extent of demolition to the Truscon factory / Sandow's original factory building and the loss of the Lodge.

One of the key heritage benefits of the planning permission was for the former canteen building to be retained, repaired and repurposed. The central vaulted space was intended to be kept as a single, open volume and re-used as a multipurpose space, to include community facilities, thereby maintaining a semblance of its original function. In addition, the compromised front elevation, the 'public' elevation addressing Nestles Avenue, was to be restored and the later large, projecting canopy to the western elevation removed and the elevation made good. The colonnade to the east was to be demolished and rebuilt due to its poor condition and the rest of the garden elevation was to be restored to enhance and improve the historic connection between the building and the adjoining landscape.

The retention of the canteen building was considered a particularly important aspect in terms of preserving and enhancing the character and appearance of the conservation area.

## Proposals

The proposed development now proposes the demolition and redevelopment of the former canteen building (Block I) to provide a new healthcare facility and nursery. The canteen would be replaced with a two-storey square building with facades that are influenced by the Moderne architecture of the former canteen building. The development also proposes the redesign of the previously approved residential Block H with a different form and elevational treatment that aligns to the proposed

replacement Block I.

#### Impact of the proposals on the heritage assets

The former canteen building is a prominent Locally Listed building that contributes positively to the Botwell / Nestle Conservation Area forming an important part of the site's development history. There has already been substantial demolition within the Conservation Area which has seen the loss of the original Sandow factory building and the loss of the lodge house. The Truscon factory was also substantially demolished apart from its Truscon facade and its mid 20th century Art Deco style entrance foyer. The Truscon factory building, the former canteen and the boundary railings have group value forming the heart of the conservation area that retains the 'factory in a garden' character.

This application is directly related to the original planning permission and sight should not be lost to the fact that the original design intention was to retain the former canteen building so that the integrity of the conservation area was not wholly compromised and that it retained authenticity. The proposals to demolish the canteen would result in further piecemeal loss to the conservation area's historic and architectural character. As previously stated, the retention of the canteen building was considered a particularly important aspect in terms of preserving and enhancing the character and appearance of the conservation area. If the Canteen building were to be demolished, then one of the key benefits of the original approved scheme would be lost.

All that would be left of the buildings of heritage significance would be the Truscon factory facade and the Locally Listed railings along Nestles Avenue. Given the level of demolition on site the importance of the canteen building has increased as it is now the only near complete building left on site.

The submitted Heritage Report acknowledges the significance of the Canteen and its contribution to the conservation area. The report also recognises that harm would result from its demolition concluding that the harm would be less than substantial. It then goes on to argue that the less than substantial harm would be outweighed by the public benefits of the proposal to provide a health centre / nursery.

Taking into consideration the planning history of the site and the proposed development that sees the demolition of the former canteen building, it is my view that the proposals would constitute substantial harm to the heritage asset given the complete loss of a significant locally listed building and a key building within the Conservation Area. The loss of the Canteen building would result in further significant piecemeal erosion of the heritage asset beyond that which was permitted on the approved permission which was at the time a finely balanced decision.

The proposed development for the above reasons would cause harm neither preserving nor enhancing the character and appearance of the Botwell: Nestles Conservation Area contrary to the requirements of the local plan DMHB 1 and DMHB 4.

In considering development affecting a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

The duties imposed by section 72 of the Act are in addition to the duty imposed by section 3(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

In this case, the primary issue relates to preserving or enhancing the character and appearance of

the Botwell: Nestles Conservation Area. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the harm caused.

The NPPF requires its own exercise to be undertaken as set out in its chapter 16. Conserving and enhancing the historic environment. Paragraphs 189-208 require consideration of the impact of a proposed development on the significance of a designated heritage asset and assessment of the identification of any harm. In particular, where there is harm identified Paragraph 201 states that 'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 207 of the NPPF states:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The harm identified in this case is considered 'substantial harm' to the Botwell: Nestles Conservation Area. It is therefore considered that paragraph 201 would apply to this case.

#### Condition of building

An updated report submitted by GBG: Report on the Investigation of Certain Facade Steel Frame Elements (dated 8th June 2022) has reassessed the building. The report does not conclude that the building cannot be repaired and makes recommendations for further investigation where cracking in the brickwork / render is evident, suitable repairs and installation of a cathodic protection system. It also states that: as part of any repair of the steel frame elements and masonry encasement materials, it is imperative to mitigate further water ingress.

Water ingress has been a problem over recent years and the building has been neglected contributing to the buildings worsening condition.

On pages 79-81 of the Planning Statement it appears to refer to another structural report that comes to a different conclusion to the GBG report:

"As noted above, the building is suffering from 'Regents Street Disease', with the steel structure embedded in the facades starting to corrode and cause damage to the facades. In order to rectify this problem, the steel would all need to be exposed and protected, which would involve dismantling the facades from around the steelwork."

This suggests that there is another report which has not been submitted with the application? The only report I can see is the one by GBG dated 8th June. The GBG report also appears to be the one

viewed and commented on by the Council's Structural Engineer.

There appears to be conflicting views with respect to the condition of the building and it has not been demonstrated that the building is beyond repair and requires dismantling.

It would appear that the argument the applicant is making is that in order to re-use the building and to gain a building warranty, the building would need to be certified for a residual design life of 60 years. This might be driving the applicant's desire to demolish the building in order to construct a brand new building? However, the GBG report seems to take the warranty requirement into consideration on page 3 and still makes the recommendations for repairing the existing building.

#### The replacement buildings

If a clear and convincing case could be made for demolition of the former canteen building because the building is demonstrably beyond repair, which in my view has not been made to date, then a replacement scheme could be supported.

The proposed replacement building on the canteen site to provide a healthcare facility and nurse's (Block I) has been designed to closely match the elevational design of the former canteen building. In so doing the proposal offers some mitigation for the loss of the locally listed building as from street level the views from Nestles Avenue would appear relatively unchanged. The building would also recreate the colonnade to the gardens to the east.

Block H is proposed to be realigned to relate to the symmetry of the health facility (Block I) and would present a more art-deco style elevation than the previously approved design. This would not be objectionable given the height and volume of the previously consented block of flats. The proposed white brick frame, with grey brick / vert de terre tiles along with the same Crittal style windows as F1 would be complementary to the conservation area.

#### Conclusion

There is still an objection to the demolition of the canteen building as outlined within the comments above. There appears to be conflicting structural advice and it has not been demonstrated within the documentation that the former canteen building cannot be repaired and repurposed. The GBG report makes recommendations for the repair of the building including the installation of a cathodic protection system.

#### PLANNING OFFICER COMMENT:

It should be noted the report referred to on pages 79-81 of the Planning Statement is document reference 'W1965 Demolition Report'. This has been reviewed by the Council's Conservation Officer.

Document reference 'Canteen Block - Response to Conservation Comments - Cathodic Protection (Dated 7th November 2022)' has also been submitted. This is addressed within the main body of the report.

#### BUILDING CONTROL OFFICER:

I have read the GBG report and it appears to be broadly in line with our initial observations in May 22 ie. the steel frame is not in such poor condition that requires it to be demolished. Section 3.3 of the report recommends further investigation where cracking in the brickwork / render is evident, suitable repairs and installation of a cathodic protection system.

Regarding the Demolition Report, I agree that the facade is suffering from Regents Street disease. I cannot comment on the extent of the steelwork which will need to be exposed.

I don't have any further comments.

#### PLANNING OFFICER COMMENT:

Given the Building Control Officer's comments, the LPA have instructed an external Structural Engineer Specialist to assess the technical information submitted.

#### STRUCTURAL ENGINEER SPECIALIST:

##### Answers to Key Questions:

1 - What is the condition of the steelwork and does it need to be repaired in its entirety?

According to investigation reports, the steelwork is generally in good condition. It does not need repair apart from Hall roof trusses.

2 - Is the only way to repair the steelwork to dismantle the entire facade?

None of the options explored include dismantle the entire facade to repair steelwork.

3 - Is the steelwork in good enough condition to not be exposed in its entirety and then repaired (i.e. localised repairs only) if a cathodic protection system (or other solution) is installed? Would this approach achieve the necessary warranties to occupy the building as a healthcare facility and nursery?

Column CL -1 residual section size (West facade)

D: 252mm, B: 204mm, T: 18.7mm, t: 11.0mm

which is 10"x8"x55 Steel Joist, D: 254mm, B: 203.2mm, T=19.9mm, t= 10.2mm

We noticed the dimensions are almost identical with no loss of section.

Column CL-2 residual section size (West facade)

D:253mm, B: 207mm, T: 19.6mm, t: 10.6mm

which is 10"x8"x55 Steel Joist, D: 254mm, B: 203.2mm, T=19.9mm, t= 10.2mm

We noticed the dimensions are almost identical with no loss of section.

Column CL-3 residual section size (South facade)

D: 207mm, B: 156mm, T: 16.8mm, t: 6.2mm

Which is 8"x6"x35 steel joist, D: 203.2mm, B: 152.4mm, T: 16.5mm, t: 8.9mm

We noticed the dimensions are almost identical with no loss of section.

Column CL-4 residual section size (South facade)

D: 250mm, B: 150.5mm, T: 16.7mm, t: 5.7mm

Which is 10"x6"x40 steel joist, D: 254mm, B: 152.4mm, T: 18.0mm, t: 9.1mm

We noticed the dimensions are almost identical with no loss of section.

Column - C3 on wraparound building wall to the Hall

Measured section D: 260mm, B:255mm, T: 20mm, t: 12mm

Which is 10"x10"x72 Universal Column, D: 266.7mm, B: 258.8mm, T: 20.5mm, t: 12.8mm

All options presented in this report will achieve the requirements of NHBC warranty.

#### Recommended Scenario and Option

The author recommends Scenario 2, Option 2 (Retention of wraparound two-storey building) for the following reasons:

- 1 - Approximately 1450.00m<sup>2</sup> of floorspace will be saved.
- 2 - Balanced choice between facade only retention and whole building retention and will not disturb western and southern facades.
- 3 - Steel frame and concrete planks were exposed at locations show worst condition in terms of cracks and surface staining.
- 4 - Steel frame is in good condition with no section loss identified. Columns to Hall side are structurally over-sized steel sections. All concrete pad foundations are of adequate size for the expected loads founded on good ground with acceptable concrete thickness and depth.
- 5 - No specialist sub-contractors required apart from Fibre Carbon repair if it is the applicant's choice for repairing/strengthening roof and first floor precast concrete planks.
- 6 - Gives the applicant the freedom they needed to produce a scheme that is marketable as the Hall and the colonnade are to be demolished. The existing columns are spaced at 7.2m centres on west facade and at 4.00m at the south facade.
- 7 - Meeting the current Building Regulations requirements is easily achievable by the design team already on board.
- 8 - No delay in project construction. New parts could be constructed at the same time other teams are dealing with retained structure.
- 9 - In terms of cost, it is cheaper to retain than demolish and build a replica structure.
- 10 - Meets NHBC Warranty, NHBC Standards 2022, clause R3 Materials requirements in terms of:
  - A - Materials and products used for critical functions. Tested steel specimen proved Grade S 275 steel for existing columns and beams
  - B - Materials and products used for non-critical function (retained western and southern facades)

PLANNING OFFICER COMMENT:

Retention of the L-shaped block would not facilitate a viable operation for the use by the NHS. As such, facade retention is considered to be feasible as per the Structural Engineers consideration. This is addressed further by the Council's Conservation Officer below.

#### CONSERVATION OFFICER FOLLOW-UP (Dated February 2023):

These comments follow on and re confirm the level of harm and respond to the findings of the structural report commissioned by the London Borough of Hillingdon from Samilr Al Nagi (12th December 2022) and the subsequent Facade Retention Study (January 2023) submitted by the applicants.

#### Level of Harm

In his comments Mark Butler stated that the proposal would cause substantial harm to the heritage asset given the complete loss of a significant locally listed building and a key building within the Botwell: Nestles Conservation Area.

Historic England in comments dated 12th September 2022 assessed the level of harm as less than substantial in policy terms but they did consider the level of harm to be of a high level.

The heritage statement by Turley submitted by the applicants acknowledged the significance of the canteen and its contribution to the conservation area. They also acknowledged harm but assessed this as less than substantial, above the middle of the spectrum of harm.

In summary, all three assessments are in agreement that there is harm and that this harm is not below the middle of the spectrum of less than substantial level of harm but instead lies above that level to varying degrees.

Assessment of harm is based on the impact on the significance of the heritage asset, in this case the locally listed canteen building and the Botwell/Nestles Conservation Area. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed (PPG Historic Environment para 18). Despite the variation in assessing the level of harm laid out above, it is my view that Mark Butler was correct in his assessment of substantial harm.

Although there is no conservation area appraisal, it is clear from the name alone, that the conservation area and the Nestle site are synonymous. The conservation area is solely focused on the site of the Nestle factory and derives its significance uniquely from the history and architecture of the site which produced chocolate and coffee for most of the twentieth century. There are no other character areas, it is a narrowly focused conservation area which once housed the large-scale industrial buildings that manufactured the chocolate and coffee.

Much of the site has now been redeveloped and there has already been demolition and erosion of the heritage assets. This therefore makes the surviving Nestle structures even more sensitive to change and even more vital and important to the significance of the conservation area and its long-term conservation.

There were originally four locally listed Nestle structures on the site/in the conservation area, all of which made a positive contribution to the character and appearance of the conservation area. These were the 1930s Trucson-framed factory, the lodge, the canteen building and the gates and railings. Of these, the lodge has now been demolished and only the facade of the factory had been retained in the redevelopment of the site. The original Sandow factory was also demolished as part of the redevelopment. The remaining structures are therefore an absolutely integral and essential part of the character and appearance of the conservation area. It was with this in mind, that the canteen building was to be preserved, restored and repurposed in the approved application



(Ref.1331/APP/2017/1883).

The canteen was built in 1954 in a Moderne style and fronts onto Nestle Avenue. It is particularly important and prominent, given its proximity to Nestle Avenue and the contribution it makes to the street scape and views of the conservation area and locally listed building from the public sphere. It forms a visibly interlinked group with the railings in front and the surviving facade of the Truscon framed factory to the rear at the heart of the conservation area,

The canteen is the only surviving complete building, if it is demolished this would leave only the gates and railings and the facade of the factory which would seriously diminish the significance of the conservation area. The impact on the significance of the locally listed Canteen building is self-evident with total demolition.

The degree of harm is therefore assessed as substantial harm to the designated heritage asset. The Botwell Nestles Conservation Area neither preserving nor enhancing it in line with Local Plan DMHB 1 and DMHB 4. The NPPF 201 test should therefore be applied.

The NPPF gives clear policy guidance that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, this is irrespective of the level of harm (NPPF 199)

Any harm to or loss of, the significance of a designated heritage asset should require a clear and convincing justification. This is irrespective of the level of harm (NPPF 200).

Where the development will lead to substantial harm then it should be refused unless that harm is necessary to achieve substantial public benefits that outweigh that harm or loss (NPPF 201).

#### Condition of the Building

In his conservation comments Mark Butler summarised the recommendation of the applicant's submitted structural report by GBG dated 8 June 2022. In essence that there was a varying degree of corrosion of the steel frame from light to heavy and recommended further investigation, prevention of further water ingress, repair and the introduction of a cathodic protection system. At no point did the report suggest that the building could not be repaired.

#### Structural Engineer report for LBH

The London Borough of Hillingdon commissioned its own report by the Council's Structural Engineer dated 12th December 2022 to assess the Canteen structure and look at three options, Western and southern facade retention, wrap around building retention, whole building retention. All of the options were found to be feasible.

The report concluded:

- that the steelwork was in generally good condition, only the hall roof trusses would need repair.
- None of the options explored would need to dismantle the facade in order to carry out the repairs.
- All options explored in the report would achieve the requirements of NHBC warranty

The report recommended Scenario 2, Option 2, the retention of the wrap around building as the best compromise moving forward.

A site visit was conducted by the case officer and Sami El Nagi on 6th January with the applicants.

## Facade Retention Study by DMFK

In response the applicants submitted a Facade retention study by DMFK dated January 2023. Through visuals and small amounts of text this puts forward the argument that only the steel frame from the original fabric would be retained in facade retention. They make a number of points which are in italics below without any particular supporting documentary evidence.

- The north end of the west facade would be removed to create Block H,

While it would be regrettable to lose the north end of the western facade and ideally it would be retained, there would still however be substantial heritage benefits in retaining the rest of the western and southern facades in order to preserve the character and appearance of the conservation area. It is noted that in the approved application it was possible to preserve the full length of this elevation.

- The original single glazed windows would need to be replaced to meet NHS requirement for a sustainable medical centre

The replacement of the existing windows while regrettable could be mitigated with sensitively designed replacement double glazed metal windows with a matching form so that the character of the conservation area would still be preserved.

- window openings on the west elevation would be altered 'to facilitate the medical centre design and room size'

This would need to be explored further, the operative word appears to be facilitate rather than being essential. It would not be necessary to highlight the wall to window junction with a vertical green tile panel junction which would break up the rhythm of the facade and draw the eye. Alternative layouts could be explored to avoid this and if not, could the design of the replacement windows not be utilised to screen the junction in some way?

- The green tiles would need to be wholly replaced.

There is no accompanying condition report to support and assess this and no justification is given in this report beyond the need for repair in some areas requires the wholesale removal of all the tiles in order to match. This is simply not necessary. Photographs of the tiles appear to show them in reasonable condition, where repair and/or replacement is needed, there are a number of companies and specialists working in this field.

- facing render would need to be wholly replaced.

The LBH report states that the render could be stitch bonded using heli-bars or similar product installed strictly to the manufacturers details and specifications

- removal of the brickwork in order to treat the steel frame so that it would need to be wholly dismantled

The applicant's own GBG report did not recommend this and does not appear to support this approach. The LBH report by the Council's Structural Engineer has clearly stated that this is not necessary.

## Conclusion

It is disputed that the only part of the original fabric of The Canteen Building as laid out in the Facade Retention Study that could be preserved, is the steel frame. LBH's report has clearly shown that it is

entirely feasible to repair and preserve the building in its entirety or in part and still meet the NHBC warranty. This report does not provide any convincing evidence to the contrary and appears to contradict the approach of the submitted GBG report.

The level of harm to demolish the Canteen Building in its entirety remains classed as substantial harm with the NPPF 201 test applied. If the western and southern facades were preserved the harm identified would be reduced and would be classed as less than substantial harm to the conservation area, at the higher end. This option would preserve the streetscape as well the relationship between the gates and railings to the front and the factory facade to the rear. This would require the NPPF 202 test to be applied requiring that the harm be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.

If the wrap around building were to be preserved the harm identified would also be less than substantial at a lower level but still above the medium level. NPPF 202 would also need to be applied in this scenario

#### PLANNING OFFICER COMMENT:

Following discussions with the Applicant Team, the scheme was amended from a proposal for full demolition of the Canteen Building to a partial demolition of the Canteen Building with retention of the southern facade and retention of parts of the western facade.

#### CONSERVATION OFFICER FOLLOW-UP (Dated May 2023):

##### Background

These comments follow on from comments dated 6th February 2023 which focused on the level of harm to the conservation area were the Canteen Building to be wholly demolished and the structural reports for LBH (12th December 2022) and the facade retention report by DMFK (January 2023). The LBH report concluded that it was entirely feasible to repair and preserve the building in its entirety or in part and still meet the NHBC warranty

The applicants now propose to retain the southern elevation facing Nestle Avenue and part of the western elevation, amended plans and documentation have been submitted on 21st April 2023.

##### Proposal

Behind the retained facades, the proposed medical centre will be built around a central courtyard. The colonnade along the east elevation will be rebuilt and the new facade will match the original facades. Block H to the rear has been redesigned and is now more clearly separated from the Canteen building (block I) but also aligns better than the previously approved application. The roof line is now stepped.

On the western elevation, the northern nib will be removed as well as the projecting bay at the southern end. The windows on the west elevation will be narrowed to reflect the optimum treatment rooms sized internally and new vert de terre tiles introduced which will match those on Block H and elsewhere on site.

##### Impact

The retention of the southern facade and parts of the western facade of the Canteen building are welcome, given the previous scheme proposing demolition of this locally listed building. While regrettable that more of the building will not be preserved, what is proposed here will lessen the degree of harm to the conservation area and will partially preserve the locally listed building. The

southern facade should be particularly carefully preserved to offset the impact of the extensive alterations to the only partially preserved western facade. Comments on alterations to the following:

#### Tiles

The original tiles on the southern facade need to be preserved, they are part of the character and interest of the building and no case has been made as to why they cannot be retained. This will need to be conditioned. The proposed alterations to the fenestration of the west elevation means that the tiles will not be preserved in this location and instead will have vert de terre tiles that will match those used elsewhere on the development, which on balance is likely to be acceptable. These tiles will also need to be conditioned and a judgement can be made at that point whether it is more appropriate to match these to the existing tiles on the south facade or the new buildings.

#### Windows

The replacement of the single glazed Crittal windows while regrettable will introduced some thermal benefits and on balance is acceptable. This will also need to be conditioned. They will need to be constructed in metal and follow the form of the existing windows rather than the replacement buildings.

#### Render

For the sake of clarity the existing render on the southern facade needs to be preserved and any cracks stitch bonded with helibars rather than wholesale removal and re-rendering. This will need to be conditioned.

#### Conclusion

The amended plans will preserve the streetscape and the relationship between the Canteen building and the gates and railings to the front and the factory facade to the rear. The level of harm to the Botwell: Nestles Conservation Area is now classed as less than substantial and the NPPF 202 test should therefore apply.

#### Conditions

##### Historic England Level 2 Recording

Prior to the commencement of any works on site, the building shall be recorded in full, internally and externally, to Historic England level 2 and discs/ copies of the document shall be submitted to and approved in writing to the Local Planning Authority. Evidence should also be submitted to demonstrate that the Historic England level 2 document, has been submitted to the local library and Uxbridge Local History Library.

#### REASON

To ensure that a record of the building is provided, in accordance with Paragraph 205 of the National Planning Policy Framework (2021).

#### Partial Facade Retention Scheme

Prior to the commencement of any works on site, the final details of the partial facade retention scheme shall be submitted to and approved in writing by the Local Planning Authority. This should include details of the methods and proposals to be used to retain as much of the southern and western facades of the Canteen Building as possible, including the repair of the render on the southern facade and any proposed repair work to the steel frame.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

To ensure that a partial facade retention scheme is successfully implemented to accord with the less than substantial harm identified in respect of the designated heritage asset (rather than substantial harm), in accordance with Paragraphs 201 and 202 of the National Planning Policy Framework (2021).

#### Materials

Prior to commencement of above ground works, details of all materials and external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Details should include information relating to make, product/type, colour and photographs/images.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

#### Detailed Design

Prior to commencement of above ground works, elevational drawings (scale of 1:20) and vertical sectional drawings (scale of 1:2) shall be submitted to and approved in writing by the Local Planning Authority. These should detail the following elements:

- (i) Windows (including reveals) we need them to give information on the materials as well
- (ii) Doors (including reveals);
- (iii) Roof parapet; and
- (iv) Railings.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

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

#### Tiles

The green tiles on the southern facade of the Canteen Building shall be preserved in situ. Any works, including their repair or where necessary replacement of individual tiles where beyond repair, will require a methodology statement to be submitted and approved in writing prior to commencement.

#### REASON

To preserve the locally listed building and by extension the Botwell: Nestle Conservation Area in accordance with DMHB 4 of the Hillingdon Local Plan: Part 2 (2020).

#### PLANNING OFFICER COMMENT:

If recommended for approval, the Partial Facade Retention Scheme condition will capture all elements of facade retention.

## PLANNING SPECIALIST TEAM MANAGER (ENERGY):

The energy assessment submitted with the application unfortunately collates the carbon savings across the Nestle redevelopment and therefore does not allow for the canteen proposals to be understood in isolation. However, given the nature of the proposals the development can be reasonably assumed to achieve minimum carbon savings onsite and zero carbon requirement in total (i.e. through onsite and offsite measures). Consequently, the following condition and S106 head of terms is required:

### Condition

Prior to commencement of development (excluding demolition), a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall accord with the requirements of the London Plan (policy SI2) and the GLA Energy Assessment Guidance (April 2020 or as amended). The assessment shall clearly identify the baseline energy demand and associated carbon emissions in accordance with the prevailing building regulation requirements. The assessment shall then clearly define the 'be lean', 'be clean' and 'be green' measures to demonstrate that the development will meet as far as practicable the zero carbon standards of the London Plan. Where the measures do not collectively contribute to a zero carbon saving (noting a minimum requirement of 35% saving onsite) to the agreement of the Local Planning Authority, the report shall set out (a) the 'onsite saving' and (b) the 'shortfall'; both to set out in tCO<sub>2</sub>/annum.

The 'shortfall' shall then be subject to an offsite contribution in accordance with the London Plan Policy SI2.

The Energy Assessment shall also provide details of the 'be seen' recording and reporting measures to be agreed in writing by the Local Planning Authority. The 'be seen' measures must comply with the requirements of London Plan Policy SI2 and demonstrate that the 'onsite saving' is achieved.

The development must proceed and be operated in accordance with the approved details.

### Section 106 Requirement

On commencement of development (excluding demolition), the shortfall (where applicable) identified in the Energy Assessment required by Condition [energy] shall form an in lieu contribution to the Council's carbon offset fund at £95/tCO<sub>2</sub> annualised over 30 years (i.e. shortfall x 30 x 95 = £contribution).

## DAYLIGHT AND SUNLIGHT CONSULTANT:

AY are generally in agreement with the scope of properties assessed and the daylight methodology implementation. However, AY would have assessed all rooms rather than a sample and secondly, we would have assessed LKD's against a 200-lux target as well as a 150-lux target.

In relation to sunlight Point 2 have not included any sunlight exposure analysis or commentary and AY would recommend this be included within the report for review.

## PLANNING OFFICER:

The applicant provided the following response:

1. We have followed the same approach as the original consented scheme for the Site, whereby a

representative sample of units was deemed appropriate by Hillingdon to reflect the overall daylight amenity within such a large masterplan.

2. Hillingdon previously advised (on the original planning consents for the site) that a 1.5% ADF would be considered the appropriate measure for an LKD (rather than the BRE 2% target). Therefore, applying the same logic to the new CBDM guidance, a 150 Lux target should also be considered appropriate, rather than the 200 Lux target. This also aligns with advice and recommendations in BRE Appendix C17.

3. In terms of sunlight exposure, the previous planning applications on the site have been considered on the basis of internal daylight provision only. This includes the various S73 applications. We have applied this same methodology with the current applications.

4. They cannot locate the internal daylight results for the extant permission - these can be found at Appendix 3 of the report.

#### DAYLIGHT AND SUNLIGHT CONSULTANT FOLLOW-UP:

1. Avison Young (AY) understand this approach and while we may have executed differently agree that it is sufficiently comprehensive.

2. AY understand the logical implementation of the previous advice on this new guidance and confirm that in principle the methodology is sound.

3. BRE guidance recommends the assessment of both daylight and sunlight amenity and as such AY would as standard assess the internal daylight and sunlight amenity of the scheme. However, it is up to the council to decide whether they require this or are happy to progress without it as per the previous reports.

4. Apologies for any confusion on this one, we were referring to blocks C4, C5, C6, F1 and B3 as per the previous report but on review these will not be required.

#### PLANNING OFFICER:

Given that permission has already been granted for a very similar scheme, it is considered appropriate, on balance, to accept that the information submitted is sufficient and acceptable.

#### LEGAL OFFICER:

Planning obligations in the Deed of Variation to the Original Section 106 Agreement secure the delivery of the Healthcare Centre under the terms of a lease between the applicant and the end user who is approved in writing by the NHS North-West London Integrated Care Board as a suitable tenant of the Health Centre. The Deed of Variation secures the necessary amendments to ensure consistency between the master plan permission and the additional unit scheme planning permission for phase 6a and 6b to ensure both permissions are capable of implementation.

The underlying master plan permission shall not be affected by the additional unit schemes as the planning permissions are severable (Hillside Parks Ltd (Appellant) V Snowdonia National Park Authority [2022] UKSC [30]) enabling the implementation of the master plan and the drop-in application for phase 6a and 6b.

## **7. MAIN PLANNING ISSUES**

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

## LAND USE

Planning permission for the Canteen Building was approved in 1949 and the building was built in 1954. In 1958, the Canteen Building was used as a central community hub and in 1980, the Canteen was re-used for industrial warehouse use. The building is now in a state of disrepair and is not being used.

The proposed medical centre and nursery would both fall under Use Class E and would be consistent with its previous uses as well as the use approved under application reference 1331/APP/2017/1883. The proposed residential block (Use Class C3) and ground floor cafe (Use Class E) would also accord with the uses permitted under application reference 1331/APP/2017/1883.

The site is subject to Policy SA 5 of the Hillingdon Local Plan: Part 2 - Site Allocations and Designations (2020) which states that the Council will support proposals that provide appropriate community infrastructure to support the overall quantum of development, including health, children's services, community and sport/recreation facilities as necessary. Accordingly, a sequential test for main town centre use within an out-of-town centre location is not required.

## HEALTH SERVICES

It is acknowledged that there is general planning policy support for health care facilities. Relevant planning policies are set out below for reference.

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 S2 of the London Plan (2021) states:

B) Development proposals that support the provision of high-quality new and enhanced health and social care facilities to meet identified need and new models of care should be supported.

C) New facilities should be easily accessible by public transport, cycling and walking.

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.

Paragraph 7.23 of the Hillingdon Local Plan: Part 2 (2020) states that new medical and health service uses are best located in town centres and areas well served by public transport and supported by adequate parking provision. Proposals for 'out of centre' medical and health services in former residential dwellings will be supported provided they do not result in unacceptable noise, traffic and other sources of disturbance to residential areas.

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

A) Proposals for the refurbishment and re-use of existing premises for community facilities will be supported.

B) Proposals for the provision of new community facilities will be supported where they:

- i) are located within the community or catchment that they are intended to serve;
- ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards that meet the needs of intended occupants;
- iii) are sited to maximise shared use of the facility, particularly for recreational and community uses; and
- iv) make provision for community access to the facilities provided.

C) New cultural facilities that are expected to attract significant numbers of visitors should be located in Town Centres.

Evidence has been submitted to demonstrate the need by the NHS North West London Integrated Care Board (formerly the referred to as the Clinical Commissioning Group or 'CCG') for an affordable health centre site in Hayes to replace an unsuitable facility. Interest and support from the ICB is expressed via a letter included within the application submission. This has been independently verified by the NHS North West London ICB.

As part of the pre-application response, Officers posed several questions. These are outlined below alongside the relevant responses:

1. Does the proposed facility form part of the NHS health care strategy?

The proposed facility is supported by the NHS health care strategy at both national and local level, specifically in accordance with the following papers:

- NHS Long Term Plan ("NHS LTP");
- North-West London Health Care Partnership;
- NHS North-West London CCG/ICS Estate Strategy; and
- The Hillingdon Locality Strategy.

2. Is the facility needed by the NHS?

The facility is needed in order to fulfil the following objectives which have been developed in line with the aforementioned strategic aims:

1. Improve access to primary care outside GP core hours of 8am to 6.30pm Monday-Friday.
2. Enable GP Practices to work in partnership with other services.

3. Relocation of outpatient and community services from other sites.
4. Support delivery of the PCN model.
5. Deliver the vision for a community focal point for the Hayes and Harlington locality (patients can access a wide range of services from a single location).
6. Deliver sufficient capacity in modern, purpose-built facilities to meet the current and growing demands for primary and community care to the local population.

### 3. What is the lifetime of this development?

The design life of the premises required by the NHS is at least 60 years. The commissioning proposal is that NHS services will be delivered from the premises for the duration of the proposed 25-year lease. The expectation is for the premises to serve at least one full lease renewal at 25 years and the expectation is that NHS services will be delivered from the premises for at least 50 years.

### 4. Who is the development serving?

The development will serve the growing Hayes population and provide urgently needed capacity to enable the improved and enhanced delivery of primary care services as well as extensive community and out-patient services tailored for the specific needs of the local population. These services will be delivered through NWL Integrated Care Partnership's NHS organisations as follows:

- Hesa Medical Centre GP Practice providing primary care services;
- Central North-West London foundation Trust providing mental health and a range of community clinical services;
- Hayes and Harlington Primary Care Network (HH Collaborative) providing Direct Enhanced Services;
- London Borough of Hillingdon CYP;
- London Northwest University Hospital Trust Sexual Health Services;
- Hillingdon Primary Care Confederation; and
- Health Intelligence - Retinal Screening Service.

### 5. Does the development result in a net increase in healthcare provisions or is it just a replacement of existing facilities which are to be vacated?

The development will result in a net increase in health care provisions, which is necessitated by the growing local population brought about by the significant number of residential developments within the locality.

The audit of existing GPs identified that the existing GP provision is generally operating overcapacity, with only two of the identified 16 GP practices currently have capacity. The site and surrounding area would benefit from an additional GP provision to support increasing demand for GP places arising from housing developments.

The NHS North West London ICB have been independently consulted and have confirmed that they are committed to the scheme and that they have been working closely with the Developer to ensure that the proposed facility is fit for purpose for the delivery of healthcare services.

It is noted that the Local Planning Authority (LPA) has previously secured health facilities within major developments and developers have offered the facilities to the NHS but to date, the facilities have not been occupied by the NHS despite having requested them at

application stage. The primary reason stated for the lack of take up has been that the end users, GP Practitioners, have not agreed to move into these premises. This has taken place on RAF Uxbridge, Drayton Garden Village, Woodside Day Centre and Yiewsley Pool site in recent years.

If recommended for approval, a planning obligation is proposed to be secured, requiring that the demolition of the Canteen Building does not commence until an NHS organisation have entered into a lease for occupation of the healthcare element of the Canteen Building. The legal agreement is also proposed to ensure that the development is fit for purpose, thereby avoiding any barriers to the occupation of the facility by an NHS organisation.

Subject to the relevant planning conditions and legal agreement, the proposed health care facility is considered to accord with the NPPF (2021), London Plan (2021) and the Hillingdon Local Plan: Part 1 (2012) and Part 2 (2020).

## NURSERY

Policy S3 of the London Plan (2021) states:

B) Development proposals for education and childcare facilities should:

- 1) locate facilities in areas of identified need
- 2) locate facilities in accessible locations, with good public transport accessibility and access by walking and cycling
- 3) locate entrances and playgrounds away from busy roads, with traffic calming at entrances
- 4) link to existing footpath and cycle networks to create healthy routes to schools, and other education and childcare facilities, to enable all children to travel actively to school (walk, cycle or travel by public transport)
- 5) maximise the extended or multiple use of educational facilities for community or recreational use, through appropriate design measures
- 6) encourage the shared use of services between schools, colleges, universities, sports providers, and community facilities, and between early years and health and social care providers
- 7) ensure that new developments are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach
- 8) ensure that facilities incorporate suitable, accessible outdoor space
- 9) locate facilities next to parks or green spaces, where possible

Each point of Policy S3 is addressed in turn below:

1. In view of local neighbouring residents and following the construction of the residential elements of the Nestle development, it is considered that the proposal will effectively serve an existing and emerging need.

2. The current PTAL rating varies across the site, ranging from 2 to 3, and is thought to rise with the opening of the new Elizabeth Line service at Hayes and Harlington Station. The nursery will be accessible via public transport, walking and cycling.

3. The entrance is located away from the main road on the western elevation of the Former Canteen Building. The playground for the nursery is also set back circa 17.5 metres from Nestles Avenue.

4. A footpath is provided on Nestles Avenue as well as within the Nestle development. The

site is fully accessible by walking, cycling or public transport.

5. Given the nature of a healthcare facility, the premises it is not considered to be suitable for out-of-hours use by the community. The nursery is also minor in scale and also would not be suitable for community use.

6. The proposal inherently encourages shared use, proposing a healthcare centre alongside the nursery.

7. The Council's Access Officer has raised no objection, subject to conditions which ensure that the development is accessible.

8. The nursery will provide outdoor space for the children and will provide appropriate mitigation to the outdoor space to ensure the safety and welfare of the children.

9. The nursery is located adjacent to Wallis Gardens which is a green space that forms part of the Nestle development.

Subject to the relevant conditions, the proposal accords with Policy S3 of the London Plan (2021).

#### ECONOMIC AND EMPLOYMENT BENEFIT

Paragraph 81 of the NPPF (2021) states that significant weight should be placed on the need to support economic growth and productivity.

As per the Economic Benefits Statement (Dated 30th May 2022) submitted, the proposed development would deliver economic and employment benefits, including:

- 117 direct construction jobs on site per month and an estimated Gross Value Added (GVA) of £13.1m over the 18-month construction period;
- 114 indirect employment positions and an estimated GVA of £22.5m over the construction period;
- 12 full time employment jobs from retail or cafe use;
- 8 full time employment jobs from the nursery;
- 21 full time employment jobs from the healthcare facility; and
- A total of 41 full time employment jobs and a estimated GVA of £1.7m per annum.

It is noted that the original permission technically also delivered economic benefits, although the current scheme does result in an uplift in floorspace and as such, there would be a net benefit.

Policy E11 of the London Plan (2021) states that development proposals should support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases, including through Section 106 obligations where appropriate. In accordance with this, the Council's Planning Obligations Supplementary Planning Document (2014) requires that developments with estimated construction costs of over £2 million and a construction period of three months or more deliver an in-kind employment and training scheme or financial contributions towards training and employment in the borough.

It is noted that an in-kind employment and training scheme has been secured for the overall site under previous permissions granted. Subject to compliance with the existing

employment and training scheme, it is not considered necessary to secure any additional employment and training scheme obligations.

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

### **DENSITY**

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 of the London Plan (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 area surrounding the site is mixed in character. There is an established suburban character with low-rise residential properties located to the north-east, south and west. It is also located within a commercial estate, approximately 560 metres west of Hayes Town Centre and has a good PTAL rating of 4, characteristics more akin to an urban setting.

If suburban/urban density guidelines are applied, Table 5.2 states that the density should be between 150 - 330 habitable rooms per hectare. The development proposal provides 82 habitable rooms with a site area of 0.39 hectares, equating to a density of 210 habitable rooms per hectare. This accords with the density matrix attached to Policy DMHB 17.

### **UNIT MIX**

Policy H10 of the London Plan (2021) requires that schemes consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

- 1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment
- 2) the requirement to deliver mixed and inclusive neighbourhoods
- 3) the need to deliver a range of unit types at different price points across London
- 4) the mix of uses in the scheme
- 5) the range of tenures in the scheme
- 6) 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
- 7) the aim to optimise housing potential on sites
- 8) the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock
- 9) the need for additional family housing and the role of one and two bed units in freeing up existing family housing.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require 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. The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties, as identified in the Strategic Housing Market Assessment 2016. In accordance with Policy DMH 2, developments should demonstrate how the provision of family housing (>3 bedroom units) has been optimised, to address local needs.

Block H has consent (under application reference 1331/APP/2019/2314) for 35 no. 1 bedroom 1 person units. The proposal to provide 41 no. 1 bedroom 1 person units would be consistent with this unit mix. Within the context of the overall Nestle development, 50% of units would be provided as 1 bedroom units, 40% as 2 bedroom units and 10% as 3 bedroom units. Although when viewed in isolation the scheme would represent a conflict with the development plan, it is acknowledged and considered to be consistent with previous permissions granted on this application site. The unit mix is accepted on this basis.

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

#### **ARCHAEOLOGY**

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

GLAAS have been consulted as part of the application process and have confirmed that proposal is unlikely to have a significant effect on heritage assets of archaeological interest. All necessary processes have been followed and the proposal would not be considered contrary to Policy DMHB 7 of the Hillingdon Local Plan: Part 2 (2020).

#### **CONSERVATION AND HERITAGE**

The former Nestle Factory Canteen Building is a prominent Locally Listed building (non-designated heritage asset) that positively contributes to the Botwell / Nestles Conservation Area (designated heritage asset), forming an important part of the sites development history.

#### **Planning History:**

As part of the original permission for the site (under application ref. 1331/APP/2017/1883), it was concluded that the scheme posed less than substantial harm to the Conservation Area, in part, due to the retention of the locally listed Canteen Building. Further, it was confirmed that the provision of a new community hub within the retained Canteen Building, alongside employment benefits and the creation of a permeable and accessible site and public open space, cumulatively created substantial public benefit to outweigh the less than substantial harm. Significantly, the current application would partially demolish the locally listed Canteen Building, harming the heritage significance of the last original structure within the Conservation Area.

Under the original application, the Council also had the option to purchase the Canteen Building for £1. This was a provision set out in Schedule 7 of the Section 106 agreement (dated 27th June 2018) pursuant to that original planning permission (ref.1331/APP/2017/1833). On 14 April 2020, a Canteen Building transfer notice was served under and in compliance with the terms of a Section 106 Agreement. As per Appendix 3 of the Planning Statement submitted, the Council formally confirmed the following on 2nd September 2020:

"Pursuant to paragraph 1.8 of Schedule 7 of the above Section 106 Agreement, the Council by way of this letter confirms that it no longer requires the Canteen Building and further confirms that the provision of Schedule 7 as it relates to the Canteen Building shall no longer apply."

Relevant planning policies are listed below for reference:

Policy SA 5 of the Hillingdon Local Plan: Part 2 - Site Allocations and Designations (2020) requires that development on this allocated site retains and reuses the Locally Listed structures.

Policy DMHB 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:

- i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
- ii) it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the NPPF;
- iii) it makes a positive contribution to the local character and distinctiveness of the area;
- iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;
- v) the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials;
- vi) buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and
- vii) opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.

Policy DMHB 3 of the Hillingdon Local Plan: Part 2 (2020) states:

A) There is a general presumption in favour of the retention of buildings, structures and features included in the Local List. The Council will take into account the effect of a proposal on the building's significance and the scale of any harm or loss when considering planning applications, including those for major alterations and extensions. Proposals will be permitted where they retain the significance, appearance, character or setting of a Locally Listed Building.

B) Applications should include a Heritage Statement that demonstrates a clear understanding of the importance of the structure and the impact of the proposals on the significance of the Locally Listed Building.

C) Replacement will only be considered if it can be demonstrated that the community benefits of such a proposal significantly outweigh those of retaining the Locally Listed Building.

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 (2020) states that 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.

The above policies are supported by Policy HE 1 of the Hillingdon Local Plan: Part 1 (2012) and Policy HC1 of the London Plan (2021).

#### Marketing Evidence:

Marketing exercises have been carried out by GCW, Town Centre Property Consultants, on the viability of the previous consented uses on this site for the Canteen Building. This includes Use Classes A1 'Retail', A2 'Financial and Professional Services', A3 'Restaurant/Cafe', B1 'Office', D1 'Non-Residential Institutions' and D2 'Assembly and Leisure'. GCW conclude as follows:

"Given the location of the Canteen within the development of this 10acre site and its proximity to a vibrant town centre and established commercial areas such as the Vinyl Factory, I believe there will be restricted demand from occupiers for this location. I do not see the opportunity presented by a refurbishment of the building and provision of the accommodation the current planning permission allows for, securing a pre-sale or pre-let of sufficient size and gravitas to attract other occupiers to this location or make proceeding with a refurbishment viable. For the market testing GCW have done and Barratt themselves it would seem a new build development anchored with a medical centre and children's nursery does present a route to delivering a sustainable offer at the heart of Hayes Village to service the residents and work force of this development and the immediate surrounding catchment."

It is noted that the Council's Property and Estates Team supports the above position, concluding that the building is not viable to refurbish for council services or the NHS Clinical Commissioning Group. The building is not in a condition to let, and it is not viable to refurbish for a community group that would expect to pay less than market rent. Officer's do not dispute these conclusions.

#### Retention of the Structure:

Document reference '5049 Report on the Investigation of Certain Facade Steel Frame Elements (Dated 8th June 2022)' assesses the condition of the building. The report does not conclude that the building cannot be repaired and makes recommendations for further investigation where cracking in the brickwork / render is evident, suitable repairs and installation of a cathodic protection system. It also states that as part of any repair of the steel frame elements and masonry encasement materials, it is imperative to mitigate further water ingress.



Document reference 'W1965 Demolition Report' Rev. D states that the building is suffering from 'Regents Street Disease', with the steel structure embedded in the facades starting to corrode and cause damage to the facades. In order to rectify this problem, extensive work will be needed to expose and inspect the steelwork, and an impressed current cathodic protection system is likely to be needed to provide protection against significant further deterioration of the steelwork.

The Council's Structural Engineer advises that there are number of retention options, including retaining the building in its entirety, retaining just the L-shaped block and retaining the facade. All of these options are technically feasible but don't necessarily meet the requirements of a healthcare facility use. As above, it is agreed that the building is very unlikely to be occupied in its current form due to lack of demand. In respect of the L-shaped block, it is also acknowledged that the plan form would be restricted, resulting in long and narrow rooms and corridors, not well suited to a healthcare facility use. Officers appreciate that facilities need to work for the occupiers, especially for healthcare operators.

The above conclusions leaves a retention of the facade as the last technically feasible option. The Council's Structural Engineer advises that a cathodic protection system could be employed alongside a paint solution to the facade to prevent further deterioration of the steel structure.

Following discussions with the Applicant Team, the scheme has been revised from a proposal for full demolition of the Canteen Building to partial demolition of the Canteen Building with retention of the southern facade and parts of the western facade. If recommended for approval, the final details of the partial facade retention scheme shall be secured by condition to ensure that as much of the southern and western facades are retained as is technically feasible.

#### Heritage Significance and Harm:

There has already been substantial demolition within the Conservation Area which has seen the loss of the original Sandow factory building and the loss of the lodge house. The Truscon factory was also substantially demolished and utilises a facade retention. If the Canteen Building were to be fully demolished then all that would be left of the buildings of heritage significance would be the Truscon factory facade and the Locally Listed railings along Nestles Avenue. Given the level of demolition on site, the importance of the Canteen Building has increased as it is now the only near complete building left on site.

Paragraph 207 of the NPPF states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Officers consider a proposal for full demolition of the Canteen Building to constitute 'substantial harm' to the heritage asset given the complete loss of a significant locally listed building and a key building within the Conservation Area. The loss of the Canteen Building would result in further significant piecemeal erosion of the heritage asset beyond that which was permitted by the original planning permission for the Nestle site, which was concluded to pose less than substantial harm with sufficient public benefit to outweigh such harm.

Following amendment to the proposed scheme, the proposed development would only partially demolish the Canteen Building, retaining the facade of the southern elevation and retaining parts of the facade on the western elevation. The Council's Conservation Officer has confirmed that the revised proposal would result in less than substantial harm to the significance of the heritage asset.

#### Public Benefit:

Paragraph 202 of the NPPF (2021) states that development which leads to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The main public benefit which forms a core part of the proposed scheme is the delivery of a healthcare facility. The facility is understood to form part of the NHS health care strategy at both national and local level, and is need to serve the growing Hayes population. Increased capacity is urgently needed to enable the improved and enhanced delivery of primary care services as well as extensive community and out-patient services tailored for the specific needs of the local population.

The NHS North West London ICB have been independently consulted and have confirmed that they are committed to the scheme and that they have been working closely with the Developer to ensure that the proposed facility is fit for purpose for the delivery of healthcare services.

Paragraph 204 of the NPPF (2021) states that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

It is noted that the LPA has previously secured healthcare facilities which developers have offered to the NHS but to date, the facilities have not been occupied by the NHS despite having requested them at application stage. In order to safeguard against this, a planning obligation is proposed to be secured, requiring that the demolition of the Canteen Building does not commence until an NHS organisation have entered into a lease for occupation of the healthcare element of the Canteen Building. The legal agreement is also proposed to ensure that the development is fit for purpose, thereby avoiding any barriers to the occupation of the facility by an NHS organisation. Subject to such a planning obligation, Officers consider there to be sufficient surety that the Locally Listed Building would not be demolished without the delivery and long term successful operation of the healthcare facility.

Aside from the delivery of the healthcare facility, it is acknowledged that the scheme would also deliver a nursery which is considered to be a use which will positively serve the growing Hayes population, including residents of Hayes Village itself.

It is appreciated that there is a positive benefit to bringing the site back into use, although it would not technically be bringing the original Locally Listed Building back into use as it is proposed to be demolished in the main. The Applicant notes that were permission not to be granted, the building would continue to remain vacant and could result in the further deterioration of both the Locally Listed building and Conservation Area. Marketing evidence has been submitted which states that there is no demand for the uses granted approval under the original flexible permission within a refurbished building. This includes A1 'Retail',

A2 'Financial and Professional Services', A3 'Restaurant/Cafe', B1 'Office', B2 'General Industry', D1 'Non-Residential Institutions' and D2 'Assembly and Leisure'. There is, however, concrete interest from the NHS North West London ICB in a redevelopment of the site to deliver a purpose built healthcare facility. There is also interest in a nursery use which would cater for the growing Hayes population.

It is also noted that the proposed scheme has been designed to closely match the elevational design of the former Canteen Building, which includes white rendered elevations, crital windows, green tiled window separations and the recreation of the colonnade to face the gardens on the eastern side of the building. In so doing the proposal offers some mitigation for the loss of the Locally Listed building as the views taken from Nestles Avenue would appear relatively unchanged when compared to permissions already granted on site.

In tandem with the original permission, the proposed development would deliver economic and employment benefits. This would include:

- 117 direct construction jobs on site per month and an estimated Gross Value Added (GVA) of £13.1m over the 18-month construction period;
- 114 indirect employment positions and an estimated GVA of £22.5m over the construction period;
- 12 full time employment jobs from retail or cafe use;
- 8 full time employment jobs from the nursery;
- 21 full time employment jobs from the healthcare facility; and
- A total of 41 full time employment jobs and a estimated GVA of £1.7m per annum.

It is noted that the original permission technically also delivered economic benefits, although the current scheme does result in an uplift in floorspace and as such, there would be a net benefit.

Summary:

In summary, the partial demolition and re-build of the Canteen Building would result in less than substantial harm to the significance of the heritage asset. As per paragraph 199 of the NPPF (2021), great weight should be given to the asset's conservation. Paragraph 202 of the NPPF (2021) states that development which leads to less than substantial harm should be weighed against the public benefits of the proposal. As outlined above, the proposal is considered to provide a number of public benefits, the primary benefit being the delivery of a needed healthcare facility. When weighing the harm against the benefits, the public benefits are considered to cumulatively surmount the less than substantial harm posed to the heritage asset. For this reason, and subject to the necessary planning conditions and obligations, the development is considered to accord with relevant conservation planning policy requirements.

#### **7.04 Airport safeguarding**

Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020) states:

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.

National Air Traffic Services (NATS), the Ministry of Defence and Heathrow Airport Safeguarding have been consulted and have confirmed either no comment or no safeguarding objection to the proposed development. As the proposed development creates new habitats which may attract and support populations of large and / or flocking birds close to aerodromes, a Bird Hazard Management Plan is required. If recommended for approval, this would be secured by planning condition. Subject to such a condition, the proposed development would accord with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020).

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

Not applicable to the consideration of this application.

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

##### **TALL BUILDING**

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 and cause a significant change to the skyline. The terms tall and high building appear to be treated synonymously within these sections of the Development Plan.

Block H is proposed as a part 5, part 6 storey building measuring in excess of 18 metres in height. It is therefore 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.

The building would be located with the Nestle redevelopment site. Blocks F and B are located to the North, Block G is located to the East and Block C is located to the West. All of the approved buildings exhibit heights between 4 and 11 stories. As such, it is considered that such a development would not be substantially taller than the surroundings, would not cause a significant change to the skyline and cannot be considered a tall building in line with the definitions within the Development Plan.

##### **DESIGN**

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

- A) All development will be required to be designed to the highest standards and, incorporate principles of good design including:
- i) harmonising with the local context by taking into account the surrounding:
    - scale of development, considering the height, mass and bulk of adjacent structures;
    - building plot sizes and widths, plot coverage and established street patterns;
    - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
    - architectural composition and quality of detailing;
    - local topography, views both from and to the site; and
    - impact on neighbouring open spaces and their environment.
  - ii) ensuring the use of high quality building materials and finishes;
  - iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
  - iv) protecting features of positive value within and adjacent to the site, including the

safeguarding of heritage assets, designated and un-designated, and their settings; and  
v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

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

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential.

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.

The above policies are supported by Policy BE 1 of the Hillingdon Local Plan: Part 1 (2012)

Planning permission has previously been granted on this site for the retention of the Nestle Canteen Building (Block I) and the construction of a 6 storey residential building (Block H) sited on the north-east corner of the site. The general design principle of a new residential block to adjoin the Canteen Building site has therefore been established.

The proposed replacement building on the Canteen Building site to provide a healthcare facility and nursery (Block I) has been designed to closely match the elevational design of the former Canteen Building, which includes white rendered elevations, crissal windows, green tiled window separations and the recreation of the colonnade to face the gardens on the eastern side of the building. In so doing the proposal offers some mitigation for the loss of the Locally Listed building as the views taken from Nestles Avenue would appear relatively unchanged when compared to permissions already granted on site.

Block H is proposed to be realigned to relate to the symmetry of the healthcare facility (Block I) and would present a more art-deco style elevation than the previously approved design. The height and volume of the proposed scheme is materially similar to the block of flats previously consented. The proposed white brick frame, with grey brick and vert de terre tiles alongside the same crissal style windows as Block F1 would be complementary to the Conservation Area.

Subject to a condition securing the details of the proposed materials, the development would accord with Policy BE 1 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

## **7.08 Impact on neighbours**

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

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

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 (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 (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 (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 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".

Based on the plans submitted, the first floor south facing residential units of Block H would directly face the first floor of the proposed healthcare centre. This design relationship compromises the private amenity of the residential units and the associated private balconies. In order to preserve the amenity of future residents, a planning condition is proposed to secure mitigation measures.

The separation distance between the north and west facing units to the adjoining blocks has also been assessed. Based on the plans submitted, the development would accord with the 21m separation distance requirement and as such, no mitigation measures are required.

The principle form of the proposed development has already been granted planning permission. As such, the impact of the building on adjoining blocks has already been established as acceptable.

In terms of a comparison between the current proposal and the approved application, the Canteen Building would change as follows:

- reduction in length by 27.28m (from 71.18m to 43.9m);
- reduction in width by 1.6m (from 43.1m to 41.5m); and
- the main height would stay the same at 9.6m but the dual-pitched roof form would be removed.

The residential block would change as follows:

- increase in height by 0.6m (from 20.9m to 21.5m);
- increase in width by 7.6m (from 23.5m to 31.5m); and
- decrease in depth by 0.4m (from 15.8m to 15.4m).

Given that the proposed rebuilt Canteen Building would actually be reduced in mass and scale, and given that the residential block would be very similar to that previously approved, it is considered that the development would not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space over and above that which has already been approved.

#### **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 meet or exceed the most up to date internal space standards.

Table 3.1 of London Plan (2021) Policy D6 requires one storey 1-bed 1 person units to provide a minimum of 39 square metres Gross Internal Area (GIA) with a bathroom or 37 square metres with shower room. 41 no. 1 bedroom 1 person units are proposed, including 4 no. units which measure 40m<sup>2</sup> floorspace and 37 no. units which measure 37m<sup>2</sup> floorspace.

Policy D6 of the London Plan (2021) also requires that a one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide. In accordance with this requirement, the bedrooms proposed would be circa 2.5 metres wide and 8.5m<sup>2</sup> in floor area.

The units are proposed to include a subdividing wall between the bedspace and lounge/living space, thereby creating a defined bedroom more akin to 1 bedroom 2 person units and larger unit sizes. As such, these units could be occupied as substandard 1 bed 2 person units which requires 50m<sup>2</sup> floorspace. It is understood that the discount market sale units can only be sold to individuals (and occupied as such) but that the private sale units will be on the open market and therefore could be occupied as substandard 2 person units. If recommended for approval, a planning condition would ensure that the 4 no. private sale units are laid out as a studio flats and not as one bedroom flats with walls to subdivide the bedspace from the lounge/living space.

Subject to condition, the proposed residential units are considered to provide an adequate living environment, in accordance 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 provided a minimum of 30 square metres of amenity space.

A proposal for 41 no. 1-bed units would require 820m<sup>2</sup> of private amenity space. Based on the plans submitted, it is understood that the proposed development would provide the following:

- 205m<sup>2</sup> of private amenity space via balconies; and
- 154m<sup>2</sup> of communal amenity space provided via two communal roof terraces.

The proposed amenity space provision would total 359m<sup>2</sup> and falls short of the 820m<sup>2</sup> requirement noted above. It is noted that 4 no. of the units provided are oversized by 4m<sup>2</sup> and that the overall site does positively provide communal public open space. Although the shortfall represents a conflict with Policy DMHB 18, it is also acknowledged that the principle of this shortfall has already been deemed acceptable within the development of the overall site. This non-compliance was mitigated through a contribution to the improvement of Cranford Park. It is therefore proposed that the £335,999 contribution secured under 1331/APP/2019/2314 is uplifted on a pro-rata basis equal to the habitable room uplift associated with 6 additional units (from 35 to 41). If recommended for approval, the Deed of Variation would secure a £337,083.25 contribution towards Cranford Park improvements, equal to an uplift by £1,083.87.

## 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 10m<sup>2</sup> of useable 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.

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, 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, the ward for the application site.

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:

- 2.9 no. children under the age of 5 years old;
- 1.7 no. children aged 5 to 11 years old; and
- 0.3 no. children aged 12 to 17 years old.

This yields a total of 4.9 children, requiring 48.6m<sup>2</sup> of play space.

For comparison, the play space requirements for the previous scheme yielded 4.1 children, requiring 41.5m<sup>2</sup> of play space, equalling a 7.1m<sup>2</sup> difference.

The development is proposed to provide play space for age groups 0-4 on the communal roof terrace of Block H.

It is also proposed that the £72,000 contribution secured under 1331/APP/2019/2314 is uplifted on a pro-rata basis equal to the habitable room uplift associated with 6 additional units (from 35 to 41). If recommended for approval, the Deed of Variation would secure a £72,232.26 contribution towards child play space, equal to an uplift by £232.26.

In combination with the play space already delivered on-site, and on the basis that 1 bedroom 1 person units would yield only a small number of children according to the GLA Population Yield Calculator (v3.2), especially when compared to the development already approved, the development would achieve policy compliance with 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 extant scheme delivers a variety of on-site public open space including Wallis Gardens, Viveash Square, Milk Street Garden, Coffee Park, Canal Square. The extant scheme was also delivered prior to the adoption of local plan policy DMCI 4 which requires major residential developments to deliver public open space. As noted under planning permission ref. 1331/APP/2019/2314, any future proposals which diminish the delivery of the approved public open space would be strongly resisted given the quantum of development already on this site.

Using a 20 square metres per person requirement (based on 2.0 ha per 1,000 people required by London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)) and estimated 41 occupants, the development should provide 820 square metres of publicly accessible open space.

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 Pinkwell, which is identified as a ward with insufficient open space (London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)). Based on the Planning Obligations Supplementary Planning Document (July 2014), this is calculated as follows:

Contribution = (Build Costs + On-costs) x ([Standard Provision per person x Occupancy of Development] - Existing Capacity)

In this context, these variables would equate to the following for the uplift in residential units (from 35 to 41):

- Build Costs: £20 per square metre (capital costs for providing open space per person)
- On-costs: £5 per square metre (capital/revenue costs of establishment, maintenance and management for an initial period or in perpetuity)
- 'Standard Provision per person': 20 square metres per person (based on 2.0 ha per 1,000 people required by London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011))
- 'Occupancy of Development': 6 occupants
- Existing Capacity: 0 (zero)

The financial contribution works out as follows:

$$((20+5) \times ((20 \times 6) - 0)) = £3,000$$

Subject to a legal 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 North Hyde Road. Based on TfL's WebCAT planning tool, the site has a PTAL rating of 2 (low), although borders a PTAL rating of 4 to the west.

The following planning policies are considered:

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) 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 committed 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. This should be viewed in conjunction with Policies T6 and T6.1 of the London Plan (2021).

Paragraph 111 of the 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).

#### CAR PARKING FOR THE OVERALL SITE

Car parking provision for the consented scheme was for 914 parking spaces across the site, equivalent to 0.6 spaces per unit, plus 20 spaces for the mixed uses. The development proposals include an increase by six residential units, from 1473 to 1479 across the site. With the 914 spaces proposed being unchanged, the minor increase in residential units means that the approved 0.6 parking ratio will remain unchanged.

#### CAR PARKING FOR RESIDENTIAL

Policy T6.1, Table 10.3, of the London Plan (2021) states that residential development in Outer London with a PTAL rating of 2-3 requires up to 0.75 spaces per 1 and 2 bed units and up to 1 space per 3+ bed unit.

The Highway Officer has confirmed that it is acceptable to increase the number of units in Block H without any uplift in the number of car parking spaces given the overall size of the Nestles Avenue development, increasing the number of units across the whole site by 6no. would have an insignificant impact upon parking demand and vehicular trip generation.

#### CAR PARKING FOR HEALTHCARE FACILITY

Policy DMT 6, Appendix C, of the Hillingdon Local Plan: Part 2 (2020) states that at least two spaces per consulting room should be provided for a medical centre. Based on the provision 9 no. consulting rooms, 18 no. car parking spaces should be provided.

Taking into account that the site benefits from good access to shops, services, facilities and transport opportunities, the 15 no. healthcare car parking spaces proposed is accepted, subject to a Car Parking Management Plan being secured by planning condition

#### CAR PARKING FOR NURSERY

Policy DMT 6, Appendix C, of the Hillingdon Local Plan: Part 2 (2020) states that car parking for a nursery should be provided on an individual basis using a transport assessment and travel plan and in addition to car parking requirements, provision for pick up and drop off facility to be provided.

The Transport Assessment submitted reports that the proposed nursery use would generate 17no. arrivals and 18no. departures in the AM peak, 35no movements in total. In the PM peak there would be 37no. movements, 14no. arrivals and 23no departures. The majority of the 67no. children that attend the nursery are likely to arrive by car, with parents/guardians typically dropping their children off on their way to work.

Following the submission of amended plans and a Parking Management Plan, the proposed nursery pick-up and drop-off has been clarified. Of the 5 no. car parking spaces proposed for the purposes of the nursery, 4 no. spaces would be short stay which would have a 20 minute maximum stay restriction in place, which will be managed and sign posted.

A dedicated layby facility is also proposed to the west of the building. It is set back from the main carriageway and will have the ability to accommodate a minimum of three cars at any given time for short stay drop off and collection. The layby will also be utilised for delivery purposes. This is considered acceptable by the Council's Highways Officer.

#### CAR PARKING FOR COMMERCIAL UNIT

No car parking is proposed for the commercial unit and is considered to be acceptable by the Highways Officer.

#### DISABLED PERSONS CAR PARKING FOR RESIDENTIAL

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

G) Disabled persons parking should be provided for new residential developments. As a minimum, proposals should:

- 1) ensure that for three per cent 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 seven per cent 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.

H) All disabled persons parking bays associated with residential development must:

- 1) be for residents' use only (whether M4(2) or M4(3) dwellings)
- 2) not be allocated to specific dwellings, unless provided within the curtilage of the dwelling
- 3) be funded by the payment of a commuted sum by the applicant, if provided on-street (this includes a requirement to fund provision of electric vehicle charging infrastructure)
- 4) count towards the maximum parking provision for the development
- 5) be designed in accordance with the design guidance in BS8300vol.1
- 6) be located to minimise the distance between disabled persons parking bays and the dwelling or the relevant block entrance or lift core, and the route should be preferably level or where this is not possible, should be gently sloping (1:60-1:20) on a suitable firm ground surface.

Based on the plans submitted, 2 no. accessible spaces are proposed but it is understood that these are provided for the purpose of the healthcare facility. As such, no accessible car parking spaces are proposed to serve the residential development. The residential units are also proposed to be car-free. Although this is a conflict with policy, the non-provision is considered to be acceptable by the Council's Highways Officer.

If recommended for approval, a Parking Design and Management Plan is proposed to be secured by condition and would initially secure the delivery of one designated disabled person parking space if required by demand and then the delivery of three additional designated disabled person parking spaces (to total four) again if required by demand.

Subject to the above planning condition, the non-compliance with Policy T6.1 is considered to be resolved.

#### DISABLED PERSONS CAR PARKING FOR HEALTHCARE FACILITY AND NURSERY

Policy T6.5, Table 10.6, of the London Plan (2021) states that medical and health facilities should provide 6% of car parking spaces as designated disabled persons bays and 4% of car parking spaces as enlarged bays. The same standards would be applicable to the car parking provision made for the nursery.

Two disabled bays are proposed, equating to 10% of the spaces provided. This is considered to be acceptable.

#### ELECTRIC VEHICLE CHARGING POINTS

Policy T6 of the London Plan (2021) states that new developments with car parking should make provision for electric vehicles or other Ultra-Low Emission vehicles.

Following correspondence with the applicant, it is confirmed that 4 no. car parking spaces shall be provided with active electric vehicle charging infrastructure and 16 no. car parking spaces shall be provided with passive electric vehicle charging infrastructure. If recommended for approval, this would be secured by planning condition.

#### CYCLE PARKING FOR SITE

A total of 56 no. short stay cycle parking spaces are proposed within the red line boundary of the site. This is considered acceptable.

#### CYCLE PARKING FOR RESIDENTIAL

Policy T5, Table 10.2, of the London Plan (2021) states that residential development should provide the following:

- Long-stay: 1 space per studio or 1 person 1 bedroom dwelling
- Short-stay: 2 space for 5 to 40 dwellings and 1 space per 40 dwellings thereafter.

Based on the above, 41 no. long-stay cycle parking spaces and 2 no. short-stay spaces should be provided. If recommended for approval, this would be secured by condition.

#### CYCLE PARKING FOR HEALTHCARE FACILITY

Policy DMT 6, Appendix C, of the Hillingdon Local Plan: Part 2 (2020) states that a maximum of 1 cycle space per 50 staff plus 1 cycle space per 10 visitors should be provided.

A total of 11 no. long stay cycle spaces and 18 no. short stay cycle spaces are proposed to serve the healthcare facility. This is considered to be acceptable.

## CYCLE PARKING FOR NURSERY

Policy DMT 6, Appendix C, of the Hillingdon Local Plan: Part 2 (2020) also states that the cycle parking provision for a nursery is subject to a transport assessment.

A total of 24 no. cycle parking spaces are proposed to serve the nursery. This is considered to be acceptable.

## CYCLE PARKING FOR COMMERCIAL UNIT

Policy DMT 6, Appendix C, of the Hillingdon Local Plan: Part 2 (2020) also states that the cycle parking provision for a cafe or retail unit is either 1 space per 350m<sup>2</sup> or 1 per 20 staff and 1 per 20 customers.

The commercial unit would measure 230m<sup>2</sup> in floorspace and would generate 12 full time employment jobs. As such, the 2 no. long stay cycle spaces and 6 no. short stay cycle spaces proposed are considered to be acceptable.

## PARKING MANAGEMENT STRATEGY

A Parking Management Plan has been submitted. This outlines the following:

- Onsite parking provision will be controlled via the Estate Management Company and dedicated Car Parking Management Team appointed by the applicant. Any person's parking within the dedicated long stay spaces provided on the site will require a permit to indicate that they have permission to park in this location.
- Short stay spaces (including 4 of the nursery spaces) and the layby facility will have a 20 minute maximum stay restriction in place, which will be managed and sign posted.
- The management company will employ a patrol of the layby facility, ensuring that vehicles do not exceed the stated time limit and where necessary, asking persons to leave the layby once the time limit has been exceeded, issuing a warning or, should the errant parking persist, a fine.
- Through the Travel Plan process, information will be issued to parents at regular intervals to outline the drop off and collection procedures in place at the site, providing additional details regarding alternative transport modes as necessary. If any parents require further assistance during these times, they will be able to discuss their needs with staff and further staff members will be on hand to assist as necessary.
- Appropriate signage will be displayed to outline the parking procedures in place at the site, clearly detailing the wait time of the layby facility and the control mechanisms in place for the dedicated parking.

In principle, the above measures are considered acceptable. If recommended for approval, a final detailed strategy shall be secured by planning condition.

## HIGHWAYS IMPROVEMENTS

Policy T4, part C, of the London Plan (2021) states that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

The proposed development would increase the density of residential units on site and

intensify the uses operational onsite in the form of a healthcare facility, commercial unit and nursery. As such, the Highways Officer has conducted an Active Travel Zone Assessment, concluding that a £36,985 contribution is necessary to delivery off-site highway improvement works, including the provision of tactile paving, street furniture and tree planting along key local routes. Such works would encourage more sustainable forms of travel, hence mitigating in part the adverse transport impacts identified.

Officers acknowledge that the proposed development forms part of the wider Hayes Village redevelopment, which itself forms part of the wider site allocation under Policy SA 5 of the Hillingdon Local Plan: Part 2 (2020) which is estimated to deliver circa 3,000 units. The Hayes redevelopment site would deliver approximately half of these units and as such, the Hayes Village site should deliver half of the Active Travel Zone improvements.

Officers also acknowledge that part of the scheme already has permission in essence and as such, the above sum needs to be apportioned further in order to be considered fair and reasonable. The sum has been apportioned in accordance with the uplift in residential units and floorspace. This is summarised below:

Uplift in residential unit apportionment:

-  $\text{£}36,985 / 2 = \text{£}18,492.50 / 35$  (approved resi units) =  $\text{£}528.36 \times 6$  (uplift in resi units) =  $\text{£}3,170$  (rounded)

Uplift in floorspace apportionment:

-  $\text{£}36,985 / 2 = \text{£}18,492.50 / 2,415$  (approved floorspace) =  $\text{£}7.66 \times 197$  (uplift in floorspace) =  $\text{£}1,509$  (rounded)

Total highways contribution =  $\text{£}3,170 + \text{£}1,509 = \text{£}4,679$

If recommended for approval, a financial contribution amounting to £4,679 shall be secured for local highway improvement works.

## TRAVEL PLAN

As surety that the Travel Plan will be implemented and targets achieved, the Highway Authority requires that the developer provides a £20,000 bond. In the event of the Travel Plan not being delivered the Highway Authority will use this bond to implement the Travel Plan itself. This would be secured by way of a Section 106 agreement. If the Travel Plan is successful the bond will be returned.

## CONSTRUCTION LOGISTICS PLAN AND SERVICE DELIVERY PLAN

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

## SUMMARY

Subject to the necessary planning conditions and obligations, the proposed development would not be considered to prejudice conditions on the local highways network, in accordance with Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020) and Policies T4 and T7 of the London Plan (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) also requires that development must 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 noted that an evacuation lift is proposed as per Policy D5 of the London Plan (2021).



Play space is proposed to be provided and a condition would ensure that it is accessible and inclusive.

The Council's Access Officer has considered the detail of the proposal and has noted that the proposal should incorporate a fully equipped 'Changing Places' room for use by people with complex and/or multiple disabilities. All housing must be accessible and adaptable, and a further 10% should be designed to be wheelchair accessible or wheelchair adaptable. If recommended for approval, these provisions would be secured by planning condition.

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

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

Policy H2 of the Hillingdon Local Plan: Part 1 (2012) states that housing provision is expected to include a range of housing to meet the needs of all types of households and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Hillingdon Local Plan: Part 1. For sites with a capacity of 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units.

Policy H5 of the London Plan (2021) requires that the threshold level of affordable housing on gross residential development is initially set at 35%. Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020) supports this and states that affordable housing should be delivered with the tenure split 70% Social/Affordable Rent and 30% Intermediate. In exceptional circumstances, where on-site provision of affordable housing cannot be delivered and as a last resort, a financial contribution will be required to provide off-site affordable housing on other sites which may be more appropriate or beneficial in meeting the Borough's identified affordable housing needs.

For comparison, Block H has consent (under application reference 1331/APP/2019/2314) for 35 no. 1 bedroom 1 person units as discount market sale units. It is understood that the proposed development would provide 6 no. additional 1 bedroom 1 person units, to total 41 no. 1 bedroom 1 person units, 37 no. of which would be provided as discount market sale units and 4 no. of which would be provided as private sale units. Within the bounds of the Nestle Canteen site specifically, the proposal would represent the provision of 90% affordable housing. Within the context of the overall Nestle redevelopment, the proposal would combine with the remaining Nestle redevelopment site to provide the following:

- 1498 habitable rooms within the affordable tenure (40.13%);
- 2235 habitable rooms within the private tenure (59.87%); and
- 3733 habitable rooms in total (100%).

As per the above, the development would deliver 40.13% of all habitable rooms as affordable housing, this being materially the same as the 40.15% of affordable habitable rooms to be provided as part of previous permissions granted on site.

Policy H5 of the London Plan (2021) states that developments that provide 75% or more affordable housing may follow the fast-track route where the tenure mix is non-compliant but acceptable to the borough. It is noted that the principle of 35 no. DMS studio units has already been accepted as part of the broader housing offer across the Nestle redevelopment site. The provision of 6 additional units is not considered to be a material change, particularly given the overall percentage of affordable housing would be materially the same. Given the unique circumstances of this application, it is considered the

application can follow the fast-track route. If recommended for approval, the affordable housing provision would need to be secured by legal agreement.

## **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.

Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) require that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should enhance amenity, biodiversity and green infrastructure. 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 site forms part of the Botwell / Nestle Conservation Area, a designation which protects trees. The arboricultural impact of the proposed redevelopment comprises only the selective pruning of two trees (T60 and T63) to allow the demolition of the existing Canteen Building and the construction of Block H. No trees will need to be removed to undertake the works. As such, the scheme will have a negligible effect on the site's public amenity and that of the surrounding Conservation Area.

A total of 30 no. trees are proposed within the confines of the site, with more approved as part of the original permission for the wider site. These are concentrated down either side of Canal Street within the proposed parking areas, within the nursery play area and between the healthcare facility and residential block. Areas of soft landscaping complements this. Furthermore, bio-diverse green roofs are proposed on both Blocks H and I. This landscape strategy is considered to be sufficient and acceptable.

If recommended for approval, the final details of the landscape scheme would be secured by planning condition. Subject to such a condition, the proposal would accord with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020).

### **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) The Mayor recommends an Urban Greening Factor target score of 0.4 for developments

that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).

The Landscape Strategy (Dated 4th November 2022) confirms that an Urban Greening Factor score of 0.4358 is achieved as part of the proposals. This exceeds the target score of 0.4 and would be secured by condition if recommended for approval.

## 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 site is not subject to any statutory or non-statutory nature conservation designations. The Grand Union Canal Metropolitan Level Site of Importance for Nature Conservation is located adjacent to the wider site boundary and is set circa 200m to the north-east of the application site.

In the main, the proposal will be accommodated within the already approved development footprint, and as such the proposal will result in no additional loss of habitat. On this basis, the impacts identified within the original Ecological Appraisal (dated May 2017) in terms of effects on habitats and ecological features remain applicable.

Under the original permission for the site, the provision of bat boxes, bird boxes and bee bricks were secured by planning condition. If recommended for approval, the final details of an Ecological Enhancement Scheme demonstrating net gains in biodiversity value for the development shall be secured by planning condition. Subject to such a condition, 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 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.

Separate internal bin storage is proposed at the ground floor level of both Blocks H and I for the purposes of the residential flats, the commercial unit, the healthcare facility and the nursery.

The external layout is largely unchanged from the consented scheme for the application site. The only difference is that the loading bay previously located in Block H is now located to the west of the Canteen Building and is shared between all proposed uses in this part of the site. Vehicle swept paths have been submitted to demonstrate that large refuse vehicle can access the site and loading bay.

If recommended for approval, a Waste Strategy would be secured by planning condition.

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

Policy SI 2 of the London Plan (2021) states that:

A. Major development should be net zero-carbon. This means reducing greenhouse gas

emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- 1) be lean: use less energy and manage demand during operation
- 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
- 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
- 4) be seen: monitor, verify and report on energy performance.

B. Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

C. 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, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

E. Major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions.

Based on the plans submitted, pv panels are proposed on top of the Canteen Building and Block H. The energy assessment submitted collates the carbon savings across the Nestle redevelopment and therefore does not allow for the proposals to be understood in isolation. Given the nature of the proposals, the development can reasonably be assumed to achieve minimum carbon savings onsite and zero carbon requirement in total (i.e. through onsite and offsite measures). If recommended for approval, a condition would secure the details of an energy assessment which clearly defines the 'be lean', 'be clean' and 'be green' measures to demonstrate that the development will meet as far as practicable the zero carbon standards of the London Plan. Where the measures do not collectively contribute to a zero carbon saving (noting a minimum requirement of 35% saving onsite), the report shall set out (a) the 'onsite saving' and (b) the 'shortfall'; both to set out in tCO<sub>2</sub>/annum. The 'shortfall' shall then be subject to an offsite contribution, to be secured by a Section 106 legal agreement.

Subject to a condition and requisite clause within the Section 106 legal agreement, the proposal would accord with Policy SI 2 of the London Plan (2021).

## OVERHEATING

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 details submitted indicates that the cooling hierarchy has been incorporated into the principle of the proposed design. If recommended for approval, the detail of the Overheating Strategy shall be secured by condition. Subject to condition, the proposal would accord with Policy SI 4 of the London Plan (2021).

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

Policy SI 12 of the London Plan (2021) requires that development proposals ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) also requires that development proposals utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). Notably, proposals that fail to make appropriate provision of flood risk and surface water flooding mitigation will be refused.

The site is currently developed with hardstanding and with permissible uses. The proposed development does not generate a new hardstanding quantity to levels that would give rise to an increase risk of flooding from run off. The proposal does offer the opportunity to provide betterment and the proposed tank solution and green roofs would achieve that. The development is low risk in terms of flood and water management. If recommended for approval, a condition would be secure the details of a drainage scheme. Subject to such a condition, the scheme would accord with Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020) and 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).

The Noise Impact Assessment (Dated May 2022) has been reviewed in detail by the Council's Noise Specialist who concludes that sufficient information has been provided and that no objection is raised subject to conditions which control the external and internal noise level conditions in perpetuity. Subject to such conditions, the development is considered to accord with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policies D13 and D14 of the London Plan (2021).

## AIR QUALITY

Paragraph 186 of the National Planning Policy Framework (2021) 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.

Policy SI 1 of the London Plan (2021) supports the above.

Policy EM8 of the Hillingdon Local Plan: Part 1 (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 14 of the Hillingdon Local Plan: Part 2 (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 development is located within the declared Air Quality Management Area and is within the declared Hayes Air Quality Focus Area. Focus Areas are defined as places where the pollution levels are already elevated and therefore improvements are required. The nature of the development will attract more vulnerable receptors into the AQMA and the Hayes Air Quality Focus Area and therefore the air quality impacts of the development, their mitigation and the protection of the users from exposure to pollution sources is a material

consideration.

The proposed development is not Air Quality Neutral and needs to be Air Quality positive, requiring that the additional traffic generated by the operation of the proposed development needs to be mitigated. The Council's Air Quality Officer has calculated the level of mitigation required as equal to £27,232. Flat rate deductions have been applied for the Travel Plan (15%), green sustainable measures (5%) and contribution to highways improvement measures (10%). The remaining value of mitigation is £17,701.

If recommended for approval, the above sum would be secured by a Section 106 legal agreement alongside conditions for a Low Emission Strategy and compliance with the GLA Control of Dust and Emissions from Construction and Demolition SPG.

Subject to such planning obligations and conditions, the proposal would accord with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 1 of the London Plan (2021) and the NPPF (2021).

#### **7.19 Comments on Public Consultations**

Please see Section 06.1 of the 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 the following planning obligations, to be secured by

a Deed of Variation to the previous legal agreements secured on the Nestle redevelopment site:

#### AMENDED PLANNING OBLIGATIONS:

i) Affordable Housing: Planning obligation to secure the provision of 37 no. 1 bedroom 1 person Discount Market Sale affordable units in residential Block H. This factors into the overall Nestle development as providing 40% affordable housing by habitable room (same as extant permission) comprising 435 Intermediate Housing Units and 162 Affordable Rented Housing Units. This is also to include early and late stage review mechanisms and securing the Discount Market Sale units to ensure the relevant affordability criteria for intermediate ownership are met and that the discount is appropriately passed on to future 'eligible buyers' in perpetuity,

ii) Air Quality Contribution: A financial contribution equal to £17,701 shall be paid to the Council to address the air quality impacts of the proposed development. This is in addition to air quality mitigation sums previously secured for the Nestle redevelopment site, increasing the total air quality contribution to £873,302.06 in Schedule 8 (Air Quality Mitigation).

iii) Carbon Offset Contribution: A financial contribution equal to £95 per tonne of carbon over a 30 year period for the development proposed (Phase 6a and 6b of the wider masterplan) shall be paid to the Council's carbon offset fund for the carbon emissions shortfall (to achieve net zero-carbon) identified in the Energy Assessment required by Condition 13 (Energy). The carbon offset cap stated under Schedule 8 (Carbon Offset Fund) paragraph 4 shall also be increased on a pro-rata basis to £1,594,574 (uplift by £5,127).

iv) Public Open Space Contribution: Addition of public open space contribution to Schedule 14 (Residential Land Public Open Space). A financial contribution equal to £3,000 shall be paid to the Council for the enhancement of existing public open space within the authority's administrative area

v) Highways Improvements Contribution: Addition of highway improvements contribution to Schedule 3 (Transport and Highways). A financial contribution equal to £4,679 shall be paid to the Council for local highway improvements.

vi) Travel Plan: Addition of a Travel Plan obligation to Schedule 9 (Residential Travel Plan) to capture the new residential Block H and new Canteen Building development (Block I). A full 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.

vii) Parking Permits: Addition of parking permit restriction to Schedule 3 (Transport and Highways). The residents of Block H will not to be eligible for parking permits within the Parking Management Areas and Council car parks in the vicinity of the site, apart from Blue Badge holders and a charge made against the site to ensure the future buyers are aware of the parking restrictions.

viii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total



cash contributions, to capture all additional financial contributions.

Pro-rata increase to the following monetary sums secured under previous legal agreements for the Nestle redevelopment site (based on the uplift in habitable rooms):

- ix) Parking Management Zone Review: £5,334.46 (uplifted by £17.15) (Schedule 3 (Transport and Highways))
- x) Bulls Bridge Improvements: £1,066,895.06 (uplifted by £3,430.53) (Schedule 3 (Transport and Highways))
- xi) Additional Bus Capacity: £466,233.27 (uplifted by £1,499.14) (Schedule 3 (Transport and Highways))
- xii) Legible London: £9,602.03 (uplifted by £30.87) (Schedule 3 (Transport and Highways))
- xiii) Multi Modal Transport Scheme: £466,233.27 (uplifted by £1,499.14) (Schedule 4 (Proposed MMT Scheme))
- xiv) Canalside Improvements: £373,413.59 (uplifted by £1,200.69) (Schedule 10 (Canal Improvements))
- xv) Cranford Park Improvements: £337,083.25 (uplifted by £1,083.87) (Schedule 14 (Residential Land Public Open Space))
- xvi) Child Play Space: £72,232.26 (uplifted by £232.26) (Schedule 14 (Residential Land Public Open Space))

#### NEW PLANNING OBLIGATIONS:

xvii) Healthcare Facility Delivery Plan: Planning obligation to prevent any development (including demolition) at the application site (residential and/or healthcare facility) until an NHS organisation has entered into a lease for occupation of the healthcare element of the Canteen Building. The obligation should also ensure that the development is fit for purpose to avoid any barriers to the occupation of the facility by an NHS organisation (New Schedule after Schedule 16).

xviii) Architect Retention: Planning obligation to secure retention of high quality architect (or equivalent) (New Schedule after Schedule 16).

#### S106 CLARIFICATIONS

Under the original application, the Council had the option to purchase the Canteen Building for £1. This was a provision set out in Schedule 7 of the Section 106 agreement (dated 27th June 2018) pursuant to that original planning permission (ref.1331/APP/2017/1833). On 14 April 2020, a Canteen Building transfer notice was served under and in compliance with the terms of a Section 106 Agreement. As per Appendix 3 of the Planning Statement submitted, the Council formally confirmed the following on 2nd September 2020:

"Pursuant to paragraph 1.8 of Schedule 7 of the above Section 106 Agreement, the Council by way of this letter confirms that it no longer requires the Canteen Building and further confirms that the provision of Schedule 7 as it relates to the Canteen Building shall no longer apply."

The obligation under Schedule 7 (Canteen Building) has been discharged. As such, the obligation does not need to be removed from the S106 agreement via a Deed of Variation as it does not conflict with the scheme for which permission is sought.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 100m<sup>2</sup> 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 per square metre (from April 2019). The London Borough of Hillingdon 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, which came into effect on 1st August 2014. The liability payable is as follows:

- Large format retail development (A1) greater than 1,000 square metres, outside of designated town centres - £215 per square metre
- Offices (B1) - £35 per square metre
- Hotels (C1) - £40 per square metre
- Residential Dwelling Houses (C3) - £95 per square metre
- Industrial (B8) - £5 per square metre

Should you require further information please refer to the Council's Website [www.hillingdon.gov.uk/index.jsp?articleid=24738](http://www.hillingdon.gov.uk/index.jsp?articleid=24738)

It is important to note that this CIL liability will be in addition to the planning obligations (s106) that the Council may seek from your scheme.

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

Not applicable.

#### **7.22 Other Issues**

##### **CONTAMINATED LAND**

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

B) 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.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

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 of the London Plan (2021) states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

A final fire strategy will be secured by condition if recommended for approval and will need to be assessed by a suitably qualified Fire Safety Specialist. The discharge of condition application should be accompanied by a Building Control application. Subject to such a condition, the proposal would accord with Policy D12 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**

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.

This application seeks permission for the partial demolition and redevelopment of the former Canteen Building to provide a new healthcare facility (Class E(e)), nursery (Class E(f)) and residential building (Block H) (Class C3) with a commercial unit at ground floor (Class E), including associated landscaping, access, car parking and other engineering works.

The proposed facility is supported by the NHS health care strategy at both the national and local level. It would result in a net increase in health care provisions, which is necessitated by the growing local population brought about by the significant number of residential developments within the locality. The NHS North West London ICB have been independently consulted and have confirmed that they are committed to the scheme and that they have been working closely with the Developer to ensure that the proposed facility is fit for purpose for the delivery of healthcare services.

It is noted that the LPA has previously secured healthcare facilities which developers have offered to the NHS but to date, the facilities have not been occupied by the NHS despite having requested them at application stage. In order to safeguard against this, a planning

obligation is proposed to be secured, requiring that the demolition of the Canteen Building does not commence until an NHS organisation have entered into a lease for occupation of the healthcare element of the Canteen Building. The legal agreement is also proposed to ensure that the development is fit for purpose, thereby avoiding any barriers to the occupation of the facility by an NHS organisation. Subject to such a planning obligation, Officers consider there to be sufficient surety that the Locally Listed Building would not be demolished without the delivery and long term successful operation of the healthcare facility.

Following amendment to the proposed scheme, the proposed development would only partially demolish the Canteen Building, retaining the facade of the southern elevation and retaining parts of the facade on the western elevation. As such, the development would result in less than substantial harm to the heritage asset. Paragraph 202 of the NPPF (2021) states that development which leads to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. As outlined within the main body of the report, the proposal is considered to provide a number of public benefits, the primary benefit being the delivery of a needed healthcare facility. When weighing the harm against the benefits, the public benefits are considered to cumulatively surmount the harm posed to the heritage asset. For this reason, and subject to the necessary planning conditions and obligations, the development is considered to accord with relevant conservation planning policy requirements.

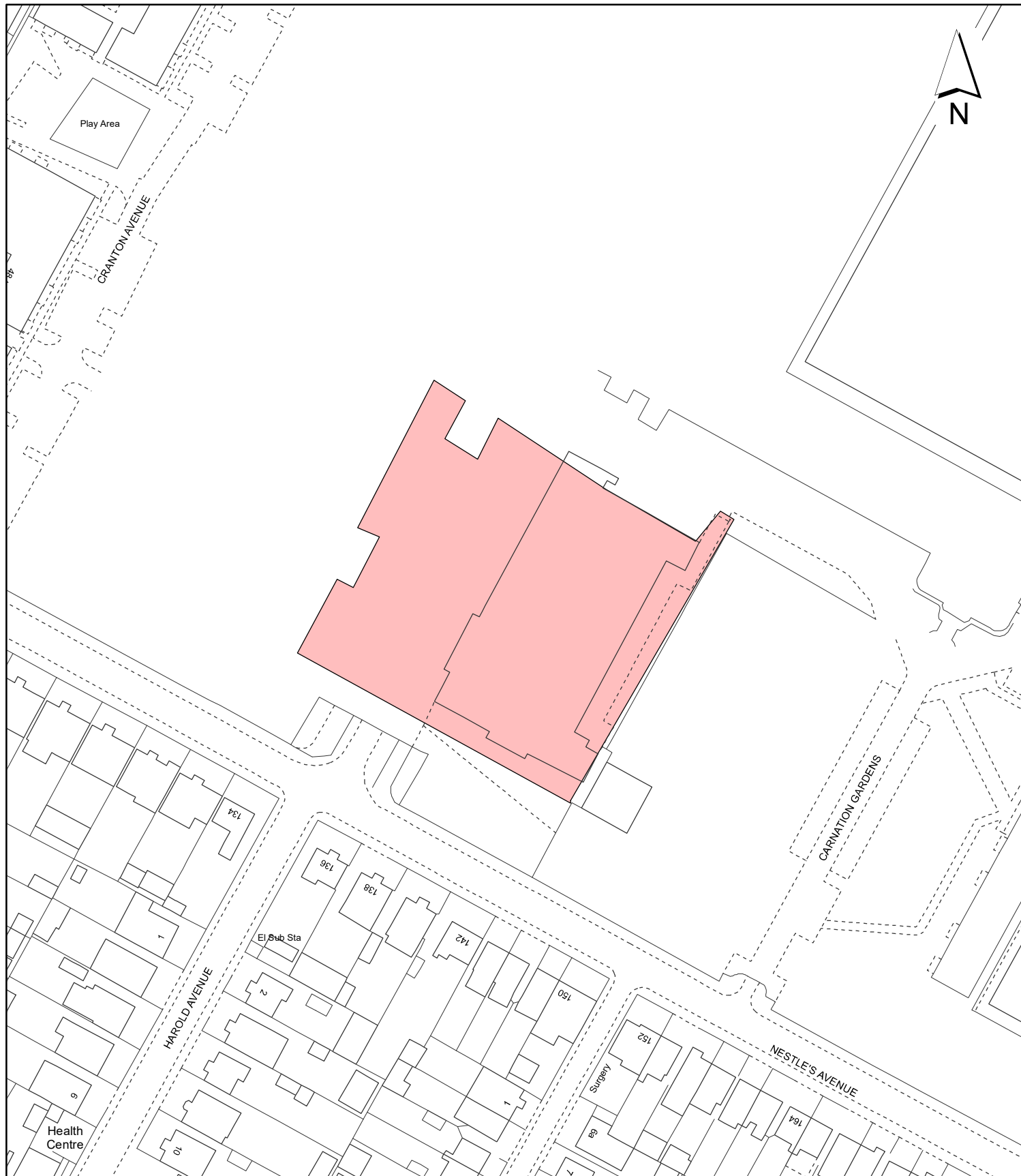
Subject to the planning conditions and obligations to be secured by legal agreement, the proposed development is considered acceptable with respect to its impact on neighbour amenity, the local highway network, accessibility, security, landscaping, ecology, waste, energy, flood and water management, noise, contaminated land and fire safety. For the reasons set out within the main body of the report, the proposal accords with the development plan when read as a whole. This application is recommended for approval, subject to planning conditions and a Deed of Variation to the previously completed legal agreement for the Nestle redevelopment site.

## **11. Reference Documents**

National Planning Policy Framework (July 2021)  
Technical Housing Standards - Nationally Described Space Standard (May 2016)  
The London Plan (March 2021)  
The Housing Standards Minor Alterations to The London Plan (March 2016)  
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)  
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)  
Accessible Hillingdon Supplementary Planning Document (September 2017)  
Planning Obligations Supplementary Planning Document (July 2014)  
London Borough of Hillingdon Open Space Strategy 2011-2026 (July 2011)

**Contact Officer:** Michael Briginshaw

**Telephone No:** 01895 250230



# Notes:



Site boundary

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Site Address:

**Canteen Building,  
Former Nestle Factory Site**

Planning Application Ref:

**1331/APP/2022/2553**

Planning Committee:

**Major**

Scale:

**1:1,250**

Date:

**May 2023**

**LONDON BOROUGH  
OF HILLINGDON**  
**Residents Services  
Planning Section**

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



**HILLINGDON**  
LONDON