

## **Report of the Head of Development Management and Building Control**

**Address:** THE SQUIRRELS TRADING ESTATE VIVEASH CLOSE HAYES

**Development:** Redevelopment of the site to erect a part 11 storey, part 10 storey mixed use building comprising 121 residential dwellings (Class C3) and ground level commercial premises (Class E) along with public realm delivery of Green Super Highway with associated landscaping, access, and parking following demolition of existing buildings.

**LBH Ref Nos:** 77214/APP/2022/3382

**Drawing Nos:** Energy Assessment July 2023  
Squirrels Trading Estate - Cost Plan Rev 1  
AY Updated FVA Appraisal July 2023  
Unit Mix 22.75% AH Offer  
Squirrels Trading Estate - Cost Plan Rev 1  
Planning Statement October 2022  
Statement of community involvement October 2022  
STE-PPC-00-XX-RP-G-0012  
Overheating Report - Rev A  
Air Quality Assessment October 2022  
Arboricultural Impact Assessment  
Flood Risk Assessment October 2022  
Preliminary Ecological Assessment Report Aug 2022  
Sustainability appraisal October 2022  
Infrastructure and Utilities Statement October 2022  
Marketing Report October 2022  
Townscape and Visual Appraisal GL Hearn November 2022  
2223-EXA-00-GF-DR-L-00100 PL101  
2223-EXA-00-10-DR-L-00101 PL101  
15489-A-PL-(72) - 110A Rev 07  
15489-A-PL-(72) - 110B Rev 011  
2111056- TK03F  
15489-EX-PL-(02)-100 Rev 04  
15489-A-PL-(03) - 099 Rev 012  
15489-EX-PL-(03)-001 Rev 01  
15489-D-PL-(03)-002 Rev 01  
Noise impact assessment October 2022  
Circular Economy Statement December 2022  
22-8770 October 2022

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

Whole carbon life cycle revised  
15489 N01-000 12  
P15489 N01-005\_05  
15489-A-PL-(03) - 012 Rev 02  
15489-A-PL-(03) - 100 Rev 018  
15489-A-PL-(03) - 101 Rev 011  
15489-A-PL-(03) - 103 Rev 011  
15489-A-PL-(03) - 104 Rev 09  
15489-A-PL-(03) - 110 Rev 016  
15489-A-PL-(03) - 111 Rev 010  
15489-A-PL-(04) - 400 Rev 05  
15489-A-PL-(04) - 402 Rev 00  
15489-A-PL-(05) - 501 Rev 012  
15489-A-PL-(05) - 502 Rev 012  
15489-A-PL-(21) - 100 Rev 00.  
15489-A-PL-(21) - 102 Rev 00  
15489-A-PL-(21) - 103 Rev 00  
15489-A-PL-(72) - 101A Rev 012  
15489-A-PL-(72) - 101B Rev 013  
15489-A-PL-(72) - 103A Rev 08  
15489-A-PL-(72) - 104B Rev 06  
15489-A-PL-(72) - 105B Rev 02  
JCH01762 May 2023  
Daylight and Sunlight Report Revised 08 June 2023  
Revised Transport Assessment Rev C 09/06/23  
Revised Framework Residential Travel Plan  
Revised Framework Delivery and Servicing Management Plan  
Revised Framework Construction Traffic Management Plan  
Appendix 9 Drainage Map  
Revised Gateway 1 Form 22/06/23  
Revised Stage 3 Fire Strategy June 2023  
15489-A-PL-(04) - 401 Rev 08  
15489-A-PL-(05) - 500 Rev 011  
A-PL-(21) - 104 Rev 00  
15489\_L11\_007\_02  
SQU-PPC-00-XX-DR-C-0200 P2  
SQU-PPC-00-XX-DR-C-0299 P0  
SQU-PPC-00-XX-RP-C-0005 Rev 1  
2223-EXA-00-ZZ-RP-L-00900



Fire Statement drainage and water plan  
21-8770 P3

<b>Date Plans received:</b>	04-11-2022	<b>Date(s) of Amendments(s):</b>	13-07-2023
			12-07-2023
<b>Date Application valid</b>	14-12-2022		07-11-2022
			26-01-2022
			04-11-2022
			10-07-2023

## 1. SUMMARY

Full planning permission is sought for the redevelopment of the site to erect a part 11 storey, part 10 storey mixed use building comprising 121 residential dwellings (Class C3) and ground level commercial premises (Class E) along with public realm delivery of green superhighway with associated landscaping, access, and parking following demolition of existing buildings.

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

The proposed development would provide 15 social rent units and 14 shared ownership units intermediate tenure units, equating to an overall offer of 22.75% affordable housing by habitable room. Although this does not meet the 50% affordable housing target set for former industrial sites, stated under Policy H5 of the London Plan (2021), it would positively contribute to meeting the Council's affordable housing needs and is notably supported by the Council's Housing Team. It is also agreed that this affordable housing offer is the maximum viable, affordable housing provision possible. If approved, this would be secured by the Section 106 legal agreement, alongside an Early and Late Stage Viability Review.

Regarding the agent of change principle, it is noted that the nearest commercial units to the site are at the neighbouring site (4 Viveash Close). The applicant has submitted a Noise Impact Assessment, demonstrating to the satisfaction of the Council's Noise Specialist that the proposals will provide an acceptable living environment. This is subject to conditions relating to the restriction on noise levels measured internally.

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

Based on a proposed housing mix, the development would require approximately 2775 square metres of private amenity space to accord with relevant policies. The submitted plans provide the following:

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

The above provisions total 606 sqm of amenity space, resulting in a shortfall of amenity space for the proposals. However, the applicant has agreed to a £115,685 contribution towards Cranford Park improvements to mitigate this under provision and is providing 1834.70 sqm (approximately 60% of the site area) as public open space in order to deliver a key piece of the area masterplan and Green Superhighway. It should be noted that additional amenity space could be provided if the applicant were to propose a scheme which extended the built form further into the area proposed as public open space, but this would be to the detriment of the delivery of the Green Superhighway. Significant weight is afforded to the delivery of the masterplan and therefore the benefits of delivering this key piece of public open space and the Green Superhighway outweigh the potential harm resultant of the shortfall in amenity space.

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

The proposed development would provide 4 no. disabled parking bays which accords with the immediate 3% required to be delivered by policy. Policy also requires the delivery of a further 7% should there be demand, however there is insufficient space within the application site to deliver these spaces unless the Green Superhighway public realm is lost. Significant weight is afforded to delivering the objectives of the masterplan and part of this includes the Green Superhighway. The Councils Highways Officer has confirmed that the accessibility of disabled spaces within the immediate vicinity is noted and the level of parking proposed is acceptable given the importance of delivering the Green Superhighway and the sustainable transport benefits it will provide.

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

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

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

## **2. RECOMMENDATION**

**That delegated powers be given to the Director for Planning, Regeneration and Environment to GRANT planning permission subject to the following:**

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

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

**1. Section 278 Highway Agreement for works needed to facilitate highway improvements works along Viveash Close.**

**2. Air Quality contribution of £57,050.**

**3. Employment Strategy and Construction Training: Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered. Securing an Employment/Training Strategy Agreement is the Council's priority. A financial contribution will only be accepted in exceptional circumstances.**

**4. TFL Bulls Bridge contribution of £77,403.**

**5. Active Travel Zone contribution of £92,640.**

**6. Travel Plan: 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.**

**7. Restriction upon future residents preventing them from obtaining an on street parking permit within the existing adjoining Parking Management Scheme and any future expanded scheme.**

**8. £115,685 Contribution towards Cranford Park improvements**

**9. London Healthy Urban Development Unit (HUDU) contribution of £48,938.**

**10. Affordable Housing: Planning obligation for an on-site provision of 14 Shared Ownership units comprising of 6 x 1 bed, 6 x 2 bed and 2 x 3 bed, plus 15 Social Rented units comprising of 7 x 1 bed and 8 x 2 bed. This shall include an Early and Late Stage Viability Review mechanism as defined by Policy H5 of the London Plan (2021).**

**11. Carbon off-set contribution of £385,652.**

**12. Implementation of a new landscaping treatment agreed between the Owner of this application site and the land owner of the former Nestle Site (Blocks D and E) and the removal of the closed boarded fence between the two sites, or otherwise agreed with the local planning authority.**

**13. Project management and monitoring fee: A financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.**

**C) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the review and preparation of the legal agreement and any abortive work as a result of the agreement not being completed.**

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

and conditions of approval and any changes requested by the GLA.

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

'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development in terms of s278 works, Air Quality, Employment Strategy and Construction Training, Bulls Bridge contribution, Public Realm/ATZ Improvements, Residential Travel Plan, Parking Permits, Cranford Park, HUDU Contribution, Affordable Housing, Carbon Offset Contributions and Project Management & Monitoring Fee). The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020); the adopted Planning Obligations Supplementary Planning Document (July 2014); Policy DF1 of the London Plan (2021); and paragraphs 54-57 of the National Planning Policy Framework (July 2021).'

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

**1. RES3 Time Limit**

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

**REASON**

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

**2. RES4 Accordance with Approved Plans**

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

EX-PL-(02)-100 Rev 04

15489-D-PL-(03)-002 Rev 01

15489-A-PL-(03) - 099 Rev 012

15489-A-PL-(03) - 100 Rev 018

15489-A-PL-(03) - 101 Rev 011

15489-A-PL-(03) - 103 Rev 011

15489-A-PL-(03) - 104 Rev 09

15489-A-PL-(03) - 110 Rev 016

15489-A-PL-(03) - 111 Rev 010

15489-A-PL-(04) - 400 Rev 05

15489-A-PL-(04) - 402 Rev 00

15489-A-PL-(05) - 501 Rev 12

15489-A-PL-(05) - 502 Rev 012

15489-A-PL-(72) - 101A Rev 012

15489-A-PL-(72) - 101B Rev 013

15489-A-PL-(72) - 103A Rev 08

15489-A-PL-(72) - 104B Rev 06

15489-A-PL-(72) - 105B Rev 02

15489-A-PL-(72) - 110A Rev 07  
15489-A-PL-(72) - 110B Rev 011  
2111056- TK03F  
15489-A-PL-(04) - 401 Rev 08  
15489-A-PL-(05) - 500 Rev 011  
A-PL-(21) - 104 Rev 00  
15489-A-PL-(72) - 100 Rev 06  
2223-EXA-00-10-DR-L-00101 PL101  
2223-EXA-00-GF-DR-L-00100 PL101; and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2021).

### **3. RES5 General compliance with supporting documentation**

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

Noise Impact Assessment October 2022  
Circular Economy Statement December 2022  
Whole Carbon Life Cycle 26-01-2023  
Apartment Schedule Revised 15489 N01-005 Rev 05  
Area Schedule Revised 15489 N01-000 Rev 12  
Built Heritage Statement Revised JCH01762 May 2023  
Daylight and Sunlight Report 08 June 2023  
Revised Transport Assessment Rev C 09/06/23  
Revised Framework Residential Travel Plan Rev A 09/06/202  
Revised Framework Delivery and Servicing Management Plan Rev B 09/06/23  
Revised Framework Construction Traffic Management Plan Rev B 09/06/2023  
Appendix 9 Drainage Map 29-06-2023  
Revised Gateway 1 Form 22/06/23  
Revised Stage 3 Fire Strategy June 2023  
Design and Access Statement Addendum Revised 15489\_L11\_007\_02  
Drainage Strategy Revised SQU-PPC-00-XX-DR-C-0200 Rev P2  
Overland Flow Exceedance Plan SQU-PPC-00-XX-DR-C-0299 Rev P0  
Drainage Technical Note Revised SQU-PPC-00-XX-RP-C-0005 Rev 1  
Energy Assessment July 2023  
AY Updated FVA Appraisal July 2023  
Landscaping Design and Access Statement 2223-EXA-00-ZZ-RP-L-00900  
Planning Statement October 2022  
Preliminary Basement Impact Assessment STE-PPC-00-XX-RP-G-0012 May 2022  
Overheating Report - Rev A  
Air Quality Assessment October 2022  
Arboricultural Impact Assessment 2  
Flood Risk Assessment October 2022  
Preliminary Ecological Assessment Aug 2022  
Sustainability Appraisal October 2022  
Infrastructure and Utilities Statement October 2022  
Marketing Report October 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 of the Hillingdon Local Plan Part 1 (2012), Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2021).

#### **4. RES9 Landscaping (car parking & refuse/cycle storage)**

Prior to commencement of development above ground level, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Heathrow Airport Safeguarding and the Ministry of Defence). 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, including pollution absorbing plants, giving species, plant sizes and proposed numbers/densities where appropriate.

##### 2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Cycle Storage for 211 long stay and 3 short stay spaces for the residential units, plus 1 long stay and 3 short stay spaces for the commercial unit.
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts for 4 accessible spaces (including demonstration that 1 parking space shall be served by an active electrical charging points and the remaining passive)
- 2.e Hard Surfacing Materials
- 2.f External Lighting
- 2.g Other structures including accessible play equipment for disabled children, including those with a sensory impairment, or complex multiple disabilities. Provisions could include outdoor sound tubes, colour and lighting canopies, and other play equipment that could stimulate the olfactory senses. Inclusive play is a key requirement of any new residential development.

##### 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 surfing/seeding within the

landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 5. Schedule for Implementation

#### 6. 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.

#### 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).

### 5. NONSC **Facade Improvements**

No development shall take place above ground level until the following details are submitted :

- A revised ground and first floor facade design to incorporate space for an improvement to the entrance signage for the blocks/cores/commercial unit
- Detailing of balcony and bay windows
- Detailing of the metal screening to be used at ground floor level
- Final bay elevations

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

#### REASON

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

### 6. RES7 **Materials (Submission)**

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

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

#### REASON

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

## **7. NONSC Bird Hazard Management**

Prior to the commencement of above ground works, a robust results-based Bird Hazard Management Plan (BHMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence and Heathrow Airport Limited. The BHMP should contain but not be limited to:

- Procedures and a schedule intended to ensure that breeding gulls are not supported by or attracted to the site and that any successful breeding is prevented.
- An assessment of bird strike risk at the site, to include species data and numbers.
- A monitoring schedule which includes details of means of access to all roofs.
- A checklist of measures that would be taken to address problems that may arise.

The site shall be managed strictly in accordance with the details set out in the Bird Hazard Management Plan for the life of the development.

### **REASON**

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

## **8. NONSC Piling Method Statement**

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

### **REASON**

To ensure that the proposed works, in close proximity to underground sewerage utility infrastructure, will not adversely impact / cause failure of local underground sewerage utility infrastructure in accordance with Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

## **9. NONSC Fire Safety**

Prior to above ground level works, an updated Fire Strategy shall be submitted to and approved in writing by the Local Planning Authority. The updated Fire Strategy shall include any necessary design changes to provide the required protected access to the firefighting shaft. The development shall thereafter be completed in accordance with the approved updated Fire Strategy.

### **REASON**

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

## **10. NONSC Noise**

The development shall not be occupied until full and final details are provided to and approved by the Local Planning Authority of the sound insulation scheme(s), and any other control measures, such that ambient sound levels are no higher than the relevant internal targets within the current version of the ProPG: Planning & Noise accounting for both ventilation and overheating conditions, and to



minimise levels within external amenity areas as far as practicable. The measures shall take into account the ventilation and overheating control strategy/strategies, with any sound generated within the development by associated plant controlled to not exceed relevant targets, such as those within the current version of the Acoustics, Ventilation and Overheating Residential Design Guide.

#### REASON

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

### **11. NONSC Contaminated Land**

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

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

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

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

(iii) Upon completion of the approved remedial works for each phase (as required), 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 for each phase (as required) and their verification to show that the works have been carried out in full and in accordance with the approved methodology.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping 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 Two - Development Management Policies (2020).

## **12. NONSC Servicing and Delivery Plan**

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

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

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

### **REASON**

To ensure appropriate servicing of the site, to safeguard highway safety and to safeguard the free flow of traffic, in accordance with Policy DMT1 and DMT2 of the Local Plan: Part Two - Development Management Policies (2020) and Policy T7 of the London Plan (2021).

## **13. NONSC Construction Logistics**

Prior to the commencement of the development hereby approved (including demolition), a Demolition and Construction Logistics Plan (DLP/CLP) and a Demolition and Construction Management Plan (DMP/CMP) shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network, and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The DLP/CLP and DMP/CMP shall include details of (but shall not necessarily be limited to):

- (i) a programme of works, including hours of construction;
- (ii) the measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (iii) the haulage routes and details of a vehicle booking system including use of a banksman (if applicable), ensuring construction deliveries are received outside peak hours;
- (iv) any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;
- (v) the provision of secured restricted access as the sole means of entry to site for cyclists along with a secured turnstile entrance for pedestrians;
- (vi) a site plan identifying the location of the site entrance, exit, visibility zones, wheel washing, hard standing, hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- (vii) the loading, unloading and storage of equipment, plant, fuel, oil, materials and chemicals;
- (viii) the means to prevent deposition of mud on the highway and chemical and/or fuel run-off from into nearby watercourse(s);

- (ix) a dust risk assessment, including means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).
- (x) the likely noise levels to be generated from plant and construction works and the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded;
- (xi) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (xii) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW 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" and must be registered at <http://nrmm.london/>;
- (xiii) an asbestos survey and management plan; and
- (xiv) the arrangement for monitoring and responding to complaints relating to demolition and construction.

and, for the avoidance of doubt:

- (i) all Heavy Goods Vehicles associated with the development shall comply with the Direct Vision Standard, with a rating of 3 stars (or more).
- (ii) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC;

The development hereby approved shall be implemented in accordance with the approved DLP/CLP and DMP/CMP.

#### REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties, in accordance with Policies DMT 1, DMT 2, and DMEI 14 of the Hillingdon Local Plan: Development Management Policies (2020) and Policies D14, SI 1, T4, and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).

#### 14. NONSC Accessible Units 1

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

#### REASON

To ensure compliance of the development with the optional Building Regulations standards, and to ensure an appropriate standard of housing, in accordance with Policy D7 of the London Plan (2021).

## **15. NONSC Accessible Units 2**

The dwellings hereby approved shall, as a minimum standard, be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

### **REASON**

To ensure compliance of the development with the optional Building Regulations standards, and to ensure an appropriate standard of housing, in accordance with Policy D7 of the London Plan (2021).

## **16. NONSC Accessible Units 3**

Prior to the commencement of the development a floor plan at no less than 1:100 should be submitted to and approved by the Local Planning Authority for each of the different M4(3) units. All details, to include transfer zones, wheelchair storage area, and other spatial requirements within bedrooms, bathrooms, living and dining areas, should be shown on a separate plan for every different unit type.

### **REASON**

To ensure compliance of the development with the optional Building Regulations standards, and to ensure an appropriate standard of housing, in accordance with Policy D7 of the London Plan (2021).

## **17. RES24 Secured by Design**

The dwelling(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 dwelling shall be occupied until accreditation has been achieved.

### **REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy D11 of the London Plan (2021).

## **18. NONSC Waste Management Plan**

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

### **REASON**

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

## **19. NONSC Overheating Strategy**

Prior to the occupation of the development a revised Overheating and Ventilation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the

agreement to provide each occupant with a handover pack, which includes information on how to mitigate overheating.

#### REASON

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

### **20. NONSC Drainage Strategy**

(i) Prior to commencement of groundworks (excluding site investigations and demolition), the applicant must submit a revised drainage strategy which includes the following:

- Demonstrates the location of the water butts in the Drainage Strategy drawing.
- Clearly states the greenfield and existing runoff rates for the 1 in 1-year, 1 in 30-year and 1 in 100-year rainfall events; these should be clearly evidenced in the drainage calculations.
- Provides the existing runoff volume, evidenced with drainage calculations.
- Demonstrates where the remaining 450m<sup>2</sup> of the site area is discharging to if not into the positive drainage system.

(ii) No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), and Policies SI12 and SI13 of the London Plan (2021).

### **21. NONSC Ecological Enhancement Plan**

The development hereby approved shall be carried out in accordance with the Biodiversity Enhancement Strategy "Preliminary Ecological Assessment Report August 2022", to achieve biodiversity net gain on-site.

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

#### REASON

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

### **22. NONSC Fire Evacuation Plan**

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

#### REASON

To ensure the development provides reliable, convenient and dignified means of escape for all

building uses in accordance with Policies D5 and D12 of the London Plan (2021).

### **23. NONSC No External Lighting**

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

#### **REASON**

In the interests of the protection of the biodiversity of the Blue Ribbon Network in accordance with Policy EM7 of the Hillingdon Local Plan Part 1 and Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

### **24. NONSC Crane Operation Plan**

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

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

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

#### **REASON**

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

### **25. NONSC Energy Assessment**

Prior to above ground works, an updated energy assessment shall be submitted to and approved by the Local Planning Authority. The assessment shall detail the plans and specifications for the 'be clean' and 'be green' technology solutions set out in the outline energy strategy (Synergy Energy Strategy Report 22-8770 July 2023), GLA's Carbon Emission Reporting spreadsheet, example Be Lean and Be Green DER/TER worksheets and full Be Lean/Be Green BRUKL worksheets. The details shall include type, size and location of the heat pumps including an appraisal of the associated noise and vibration. The scheme shall detail the type and size of PV panels including their pitch and orientation. The assessment shall then ensure there is a comprehensive presentation of the reduction in carbon associated with the 'be lean', 'be clean' and 'be green' including making a clear allowance for the electricity demand of the air source heat pumps. The revised assessment should demonstrate that the minimum on-site London Plan target has been met for Part L 2021. The development must proceed in accordance with the approved plans and specification.

#### **REASON**

To ensure the development achieves zero carbon in accordance with Policy SI2 of the London Plan (2021).

### **26. NONSC Energy Monitoring**

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

#### REASON

To ensure the development contributes to a reduction in CO2 emissions in accordance with Policy S12 of the London Plan (2021).

### **27. NONSC Overheating**

The development shall be constructed in accordance with the BRUKL output document for both the domestic and the non-domestic element and ensure that overall compliance with both CO2 emission criteria and the primary energy criteria.

#### REASON

To ensure the development contributes to a reduction in overheating and CO2 emissions in accordance with Policy S14 of the London Plan (2021)

## **INFORMATIVES**

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

The above forms can be found on the planning portal at:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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

### **2.**

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)

### **3. 172 Section 106 Agreement**

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

### **4. 152 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).

### **5.**

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.

#### **Landscaping**

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

### **6.**

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/>)

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



### 153 **Compulsory Informative (2)**

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

DMAV 1	Safe Operation of Airports
DMCI 4	Open Spaces in New Development
DMCI 5	Childrens Play Area
DMCI 7	Planning Obligations and Community Infrastructure Levy
DME 2	Employment Uses Outside of Designated Sites
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 4	Development on the Green Belt or Metropolitan Open Land
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMH 7	Provision of Affordable Housing
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 2	Listed Buildings
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 3	Road Safeguarding

DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
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 E11	(2021) Skills and opportunities for all
LPP E2	(2021) Providing suitable business space
LPP E3	(2021) Affordable workspace
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP E7	(2021) Industrial intensification, co-location and substitution
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 GG2	(2021) Making the best use of land
LPP GG3	(2021) Creating a healthy city
LPP GG4	(2021) Delivering the homes Londoners needs
LPP GG5	(2021) Growing a good economy
LPP GG6	(2021) Increasing efficiency and resilience
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
LPP H2	(2021) Small sites
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP H6	(2021) Affordable housing tenure
LPP H7	(2021) Monitoring of affordable housing

LPP HC1	(2021) Heritage conservation and growth
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 SI3	(2021) Energy infrastructure
LPP SI4	(2021) Managing heat risk
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
LPP T6.2	(2021) Office parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
LPP T8	(2021) Aviation
LPP T9	(2021) Funding transport infrastructure through planning
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
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

### **3. CONSIDERATIONS**

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

The site lies approximately a third of the way along Nestles Avenue, close to Hayes town centre and Hayes and Harlington Railway station. It is a part of a larger industrial zone located to the south of the railway line and the Grand Union Canal, bordered by Nestles Avenue. Further south of Nestles Avenue lies mainly two storey suburban housing.

At the western end of the industrial zone is a cluster of separate units of which the site is one. The west of the site borders Viveash Close. The north of the site has its boundary with 4 Viveash Close.

The site is bordered to the east by the former Nestle Factory site which is currently under development for a mixed use scheme comprising over 1,300 homes and substantial industrial/distribution space. The former factory site includes a number of locally listed buildings and structures. Currently, two blocks adjacent to the site are under construction.

The site forms part of Site B within site allocation 5 of the Local Plan Part 2 - Site Allocations Policies (2020). A number of relative permissions have been granted on adjacent sites within the Site B parcel of the site allocation such as the construction of a part 11, part 10 storey building comprising of 127 units and a residents lounge on the 3 Viveash Close site which is to the north. Stanford House which is No.9 Viveash Close benefits from recent permission for an 11 storey building comprising of 103 residential units. In addition the Nestle site is being widely redeveloped with most of the parcels to the east at a significant point of construction if not occupied already.

### 3.2 Proposed Scheme

Redevelopment of the site to erect a part 11 storey, part 10 storey mixed use building comprising 121 residential dwellings (Class C3) and ground level commercial premises (Class E) along with public realm delivery of Green Super Highway with associated landscaping, access, and parking following demolition of existing buildings.

#### Proposed Unit Mix

The application proposes 48 x 1-Bedroom units, 54 x 2-bedroom units and 19 x 3-bedroom units. This would result in a housing mix of:

- 1-bedroom units - 37.1%
- 2-bedroom units - 47.4%
- 3-bedroom units - 15.5%

#### Affordable Housing

The application proposes a 22.75% by habitable room affordable housing offer at a 50/50 split tenure mix. This equates to the following:

- . 14 shared ownership units comprising of 6 x 1 bed, 6 x 2 bed and 2 x 3 bed
- . 15 social rent units 7 x 1 bed and 8 x 2 bed

#### Amenity Space

The submitted plans provide the following:

- 321 square metres of private amenity space via balconies;
- 285 square metres will the rooftop amenity space on the 10th floor and the running track to the north of the building.

#### Public Open Space

The development would provide 1834.70 sqm which is significantly more than any of the neighbouring sites. As set out within the main body of this report, the applicant is committed to delivering a key piece of public open space which equates to approximately 60% of the site area. The landscaping details submitted illustrate the provision of a good quality space which would increase permeability across the Nestle site.

#### Vehicle and Cycle Parking

The proposal would provide 4 Accessible spaces located within the undercroft at ground floor level. Whilst not strictly in accordance with the London Plan requirements, the scheme delivers the initial 3% required to be delivered at day 1, the site is in sustainable location where car free schemes should be promoted and significant weight is afforded to the delivery of the masterplan which requires this site to provide 60% of the site area as public open space.

Cycle Storage for 211 long stay and 3 short stay spaces for the residential units, 1 long stay and 3 short stay spaces for the commercial unit.

### **3.3 Relevant Planning History**

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

The site does not have any planning history relevant to the current proposals.

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

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

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

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

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

#### **Local Plan Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment  
PT1.EM6 (2012) Flood Risk Management  
PT1.EM8 (2012) Land, Water, Air and Noise

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

PT1.H1 (2012) Housing Growth  
PT1.E1 (2012) Managing the Supply of Employment Land  
PT1.EM1 (2012) Climate Change Adaptation and Mitigation  
PT1.EM1 (2012) Sustainable Waste Management  
1  
PT1.EM4 (2012) Open Space and Informal Recreation  
PT1.EM7 (2012) Biodiversity and Geological Conservation  
PT1.H2 (2012) Affordable Housing  
PT1.HE1 (2012) Heritage

Part 2 Policies:

DMAV 1 Safe Operation of Airports  
DMEI 10 Water Management, Efficiency and Quality  
DMCI 4 Open Spaces in New Development  
DMEI 12 Development of Land Affected by Contamination  
DMCI 5 Childrens Play Area  
DMEI 14 Air Quality  
DMCI 7 Planning Obligations and Community Infrastructure Levy  
DMEI 4 Development on the Green Belt or Metropolitan Open Land  
DME 2 Employment Uses Outside of Designated Sites  
DMEI 9 Management of Flood Risk  
DMEI 1 Living Walls and Roofs and Onsite Vegetation  
DMH 2 Housing Mix  
DMHB 4 Conservation Areas  
DMHB 11 Design of New Development  
DMHB 14 Trees and Landscaping  
DMEI 2 Reducing Carbon Emissions  
DMHB 15 Planning for Safer Places

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

DMEI 7 Biodiversity Protection and Enhancement

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMHB 7 Archaeological Priority Areas and archaeological Priority Zones

DMH 7 Provision of Affordable Housing

DMT 1 Managing Transport Impacts

DMHB 1 Heritage Assets

DMT 2 Highways Impacts

DMHB 10 High Buildings and Structures

DMT 6 Vehicle Parking

LPP D11 (2021) Safety, security and resilience to emergency

DMHB 12 Streets and Public Realm

LPP D14 (2021) Noise

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

DMHB 17 Residential Density

LPP D7 (2021) Accessible housing

LPP DF1 (2021) Delivery of the Plan and Planning Obligations

DMHB 19 Play Space

LPP G6 (2021) Biodiversity and access to nature

DMHB 2 Listed Buildings

LPP G7 (2021) Trees and woodlands

DMHB 3 Locally Listed Buildings

LPP H1 (2021) Increasing housing supply

LPP H10 (2021) Housing size mix

LPP HC1 (2021) Heritage conservation and growth

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

LPP SI1 (2021) Improving air quality

DMT 3 Road Safeguarding

LPP SI12 (2021) Flood risk management

DMT 4 Public Transport

LPP SI13 (2021) Sustainable drainage

DMT 5 Pedestrians and Cyclists

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

LPP D12 (2021) Fire safety

LPP H2 (2021) Small sites

LPP T6.5 (2021) Non-residential disabled persons parking

LPP D1 (2021) London's form, character and capacity for growth

LPP D13 (2021) Agent of change

LPP D4 (2021) Delivering good design

LPP D8 (2021) Public realm

LPP GG1 (2021) Building strong and inclusive communities

LPP GG4 (2021) Delivering the homes Londoners needs

LPP SI2 (2021) Minimising greenhouse gas emissions

NPPF11 NPPF 2021 - Making effective use of land

LPP D9 (2021) Tall buildings

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

LPP E11 (2021) Skills and opportunities for all

NPPF2 NPPF 2021 - Achieving sustainable development

LPP E2 (2021) Providing suitable business space

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**



NPPF4 NPPF 2021 - Decision-Making

LPP E3 (2021) Affordable workspace

NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

LPP E4 (2021) Land for industry, logistics and services to support London's economic function

NPPF9 NPPF 2021 - Promoting sustainable transport

LPP E7 (2021) Industrial intensification, co-location and substitution

LPP G1 (2021) Green infrastructure

LPP G4 (2021) Open space

LPP G5 (2021) Urban greening

NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

LPP GG2 (2021) Making the best use of land

LPP GG3 (2021) Creating a healthy city

LPP GG5 (2021) Growing a good economy

LPP GG6 (2021) Increasing efficiency and resilience

LPP H4 (2021) Delivering affordable housing

LPP H5 (2021) Threshold approach to applications

LPP H6 (2021) Affordable housing tenure

LPP H7 (2021) Monitoring of affordable housing

LPP S4 (2021) Play and informal recreation

LPP SI3 (2021) Energy infrastructure

LPP SI4 (2021) Managing heat risk

LPP T1 (2021) Strategic approach to transport

LPP T2 (2021) Healthy Streets

LPP T3 (2021) Transport capacity, connectivity and safeguarding

LPP T6.2 (2021) Office parking

LPP T7 (2021) Deliveries, servicing and construction

LPP T8 (2021) Aviation

- LPP T9 (2021) Funding transport infrastructure through planning
- NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding
- NPPF8 NPPF 2021 - Promoting healthy and safe communities

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

- 5.1 Advertisement Expiry Date: **19th January 2023**
- 5.2 Site Notice Expiry Date: **6th July 2023**

## **6. Consultations**

### **External Consultees**

Letters were sent to 834 neighbouring properties, a site notice was displayed outside of the site for 21 days and the application was advertised in the local press. An additional consultation was carried out upon the submission of revised plans and a change in the description of development, all consultation expired 06-07-23.

One letter of objection was received that raised the following concerns:

- Agent of change
- Noise impact upon future occupants of the development from the existing industrial buildings
- Health risk to future occupants due to dust emanating from neighbouring industrial buildings
- Increased traffic
- Pedestrian safety

Case Officer comment:

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

The first part of the objection alleges the applicant's submission has yet to consider the Agent of Change principle in the submission or the Noise & Vibration Assessment. The applicant's Noise and Vibration Assessment has regarded the existing noise sources via onsite noise survey.

To summarise, Planning Practice Guidance (Para 6) states that reliance on closed windows to mitigate noise levels is acceptable, assuming that the impact on internal living conditions is considered (e.g. ventilation and cooling for overheating). This has been taken into account for the development in line with good acoustic practice, as demonstrated in the report by Syntegra.

Objections raise the dust collector explosion relief panels sited at Paramount Powders (4 Viveash Close) and facing the proposed development site. This was not considered to be an concern which prevented the approval of the application to redevelop the 3 Viveash site which is currently in the process of validation for a stage 2 referral to the GLA.

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

The existing building on site is more than 25 metres from the side elevation of 4 Viveash and is separated by a large piece of open space. This is a much greater distance than the approx. 15 m measurement considered acceptable from the proposed building at 3 Viveash. As with the the objection received for the development application at 3 Viveash where there were claims for a potential for explosions, the effect or likelihood of occurrence has not been quantified but given the presence of the existing building for a period of over ten years, which is within blast range of the dust collectors, and no such incidents have occurred, it could be assumed that the future situation represents less risk due to the further distance of the building.

## GREATER LONDON AUTHORITY (GLA)

### Summary of conclusions

Land use principles: The redevelopment of this brownfield site, with excellent public transport accessibility, for the purposes of a residential-led, mixed-use development is acceptable in land use terms.

Affordable housing: The proposed development includes 0% affordable housing which is entirely unacceptable at this stage. GLA officers are robustly interrogating the Financial Viability Appraisal (FVA) with a view to increasing the amount of affordable housing. Affordability and eligibility criteria and early and late-stage reviews should be secured.

Urban Design: The development layout is strongly interlinked to the wider masterplan and desire to establish a green superhighway. As such, the proposed layout is supported. The height and massing would be generally consistent with the developing area however, in relation to height, the proposals do not comply with Part B of Policy D9 and further assessment against the criteria in Part C of D9 will be carried out at Stage 2. The proposal would not result in harm to the significance of the adjoining Conservation Area. Further information is required in order to demonstrate the highest standards of fire safety in accordance with Policy D12. Other issues on transport, sustainable development and environment also require resolution prior to the Mayor's decision-making stage.

### Recommendation

That Hillingdon Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 96. Possible remedies set out in this report could address these deficiencies.

### Case Officer comment:

The GLA identifies the following material considerations need to be addressed:

- Updated Fire Statement is required confirming that the proposal generally complies with the proposed Building Regulation amendments
- Respond to transport matters raised by TFL
- Prepare a response to all energy, WLC and Circular Economy spreadsheets (including updated energy/WLC/CE statements to accompany these spreadsheets)
- Provide surface water drainage details.
- Affordable Housing

The applicant has provided an updated Fire Safety Strategy, however it is agreed that further amendments are required to satisfy the HSE comments relating to the fire safety shaft and have accepted a condition pertaining to the submission of a revised strategy which will incorporate these comments. With regards to energy, the applicant has submitted a revised Energy Report which is in line with the 2022 Part L requirements. The document has been reviewed by the Council's Energy Officer who has raised no objection subject to conditions. The applicant has also submitted further drainage information which has

been reviewed by the Council's Flood Risk Consultant who has not raised an in principle objection however further information is required there for an appropriately worded condition is suggested. Finally, in response to the TFL comments, no objection is raised however it is noted that they have requested further information to demonstrate the provision of an additional 7% DA spaces upon demand and the provision of both a CLP and Servicing & Delivery Plan. With regards to the additional 7% DA spaces, a response to this is provided in more detail in section 7.1, in summary the scheme delivers a high quality piece of public open space required to deliver the objectives of the masterplan. The applicant could deliver additional spaces however this would compromise the design, a reduction in open space and the delivery of the masterplan. As such an on-balance view has been taken in favour of delivery a well design and required piece of public open space. Both a servicing and delivery and CMP condition have been suggested.

Finally, in regard to affordable housing, the applicant has agreed to a 22.75% by habitable room affordable housing offer with an tenure mix split of 50:50. This offer has been supported by a revised FVA which has been tested by the Councils Viability Consultant who considers the offer to be robust and the maximum reasonable on this site.

## TRANSPORT FOR LONDON (TfL)

TfL hold significant concerns regarding the proposal. In particular regarding the following:

- Lack of improvements to Viveash Close: Given the extremely poor quality of the environment, particularly at night significant improvements are required such as upgraded streetlighting, CCTV, an improved street cleansing regime and improved footway conditions. A contribution and/or delivery of these works should be secured through the appropriate mechanism. The site is part of a wider masterplan and that development of the neighbouring sites will lead to a positive transformation of Viveash Close in the long-term. However, the planning status and timing of construction and occupation of the other masterplan sites is unknown, which could mean a long gap between occupation of this development and the neighbouring sites, and the risk that the development could be built and occupied for a considerable period of time before conditions in Viveash Close are fitting for residents of the development. It is noted that improvements have been secured via neighbouring sites, but consideration should be given to the delivery of such improvements if this development should come forward before their delivery.

It is imperative that improvements to the walking environment are made prior to occupation in line with London Plan Policies T2 and T5.

- A312 Healthy Streets Scheme: In line with ALL other developments in Hayes, TfL requests a contribution of £77,403 is secured to mitigate the cumulative impact of development in the area on active travel modes, bus journey times and general traffic.

Other issues where alterations are needed:

- Cycle parking design - Although the quantum of parking now meets London Plan standards, the quality of the parking undermines its usability. This should be redesigned to ensure LCDS are met. In addition, access to the store should be from the pedestrianised area rather than through the servicing area to minimise the potential for conflict between vehicles and cyclists. This request is made in line with the Mayor's Vision Zero approach.

- Car Parking - Details required on EVCP. A Car Parking Design Management Plan should be secured.

- Construction - A CLP should be secured through the appropriate mechanism. This should include the opportunity to co-ordinate with any development sites coming forward in proximity to this site with appropriate measures identified to reduce the cumulative impact and the CLP should be prepared in line with TfL Guidance.

- Deliveries and Servicing - DSP should be secured through appropriate mechanism. This should

demonstrate how conflicts between vehicles and active modes will be minimised, information regarding smaller deliveries (Amazon, Uber etc.). This document should be prepared in line with TfL guidance - Travel Plan needs to be secured. This should include mode share targets for the residential and commercial elements ensuring they meet the targets in the London Plan as identified in Policy T1.

Case Officer comment:

In regard to the lack of improvements to Viveash Close, as set out in the comments by the Councils Highways Officer, a contribution of approximately £132,000 towards a suite of enhancement works are proposed and will be secured via the s106. The application site is 1 of at least 4 sites along the eastern side of Viveash Close which will be required to contribute towards the enhancements of the public highway. The 3 Viveash Close application secured £196,000 towards enhancements and both No7 and No4 would be expected to provide contributions when development applications come forward for them. Furthermore the scheme will deliver a public open space and public realm enhancement which is a £500,000 investment according to the submitted FVA. Taking both of these points into consideration, the contribution requested and agreed is considered to be acceptable. The Healthy Streets contribution is proposed to be secured in the s106 legal agreement and the details set out in the "other issues" part of the TfL comments are to be resolved by condition.

#### GREATER LONDON ARCHAEOLOGY ADVISORY SERVICE (GLAAS)

##### Recommend No Archaeological Requirement

The Greater London Archaeological Advisory Service (GLAAS) gives advice on archaeology and planning. Our advice follows the National Planning Policy Framework (NPPF) and the GLAAS Charter. NPPF section 16 and the London Plan (2021 Policy HC1) make the conservation of archaeological interest a material planning consideration.

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

The planning application is not in an Archaeological Priority Area. The application would not affect any known assets of archaeological interest and previous studies of the adjacent former Nestle factory site indicated generally low potential for significant remains.

No further assessment or conditions are therefore necessary.

#### NETWORK RAIL

Network Rail has no objection in principle to the proposals. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).

#### MINISTRY OF DEFENCE (MoD)

I can confirm that the MOD maintains no safeguarding objection to this application subject to the inclusion of the following conditions:

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

#### Condition 1:

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

#### Reason

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

#### Condition 2:

No development shall take place until such time as a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence (MOD). The Bird Hazard Management Plan should contain, but not be limited to:

- Procedures and a schedule intended to ensure that breeding gulls are not supported by or attracted to the site and that any successful breeding is prevented;

The site shall be managed strictly in accordance with the details set out in the Bird Hazard Management Plan for the life of the development.

#### Reason

To limit the potential of the site to attract and support populations of those bird species that may cause detriment to aviation safety

### HEATHROW SAFEGUARDING

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

#### Submission of a Bird Hazard Management Plan

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

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

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

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

#### Information

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be

monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Heathrow Airside Operations staff. In some instances it may be necessary to contact Heathrow Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

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

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

We would also make the following observations:

#### Landscaping

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

#### Cranes

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

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.

#### NATIONAL AIR TRAFFIC SERVICES (NATS)

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

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

If any changes are proposed to the information supplied to NATS in regard to this application which

become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

## THAMES WATER

### Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

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.

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. Should you require further information please refer to our website.

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) . Application forms should be completed on line. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.

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



## 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.

## HEALTH AND SAFETY EXECUTIVE (HSE)

### Scope of consultation

It is noted that the above application relates to a development containing one residential block of 12-storeys (basement and 11 upper floors) comprising cores A and B and having an upper most floor height of 30.8m. Both cores are proposed to be firefighting shafts that include a protected staircase and a firefighting lift.

Section 6 of the fire statement states that the residential accommodation has been designed using Approved Document B volume 1 ('ADBv1') and the 'flexible use' areas have been designed using Approved Document B volume 2 ('ADBv2'). It is noted that BS9991 has been used to design the open plan flats, as 'ADBv1' does not provide guidance on this element of design. HSE has assessed the application accordingly.

Following a review of the information provided in the planning application, HSE has identified the fire safety concerns described below.

### Fire service access and facilities

The ground floor plan shows fire service access to core B is via a 47.2m<sup>2</sup> entrance lobby. Fire safety standards state that; "entry to a fire-fighting shaft at fire and rescue service access level should be available either by directly from the open air or by way of a protected corridor not exceeding 18m in length. The corridor is deemed to be part of the fire-fighting shaft, and any access to it from the accommodation should be by way of protected lobbies."

Design changes to provide the required protected access to the firefighting shaft will affect land use planning considerations regarding design, layout and appearance of the building.

### Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

### Qualitative Design Review

Section 7 of the fire statement states that "the residential cores contain travel distances within the common corridors that are within the recommendations of Approved Document B." However, the 'Stage 3 Fire Strategy' document, available on the planning register, states that "the travel distances of the residential cores are not as per the recommendations within ADB, however they are justified using a mechanical smoke extraction system."

Section 7 of the fire statement also states that "a fire curtain is provided to separate the furnished entrance lobby from the escape route of Core A" (proposed installation between the main entrance lobby of core A and the firefighting shaft).

HSE acknowledges that section 7 of fire statement confirms that Computational Fluid Dynamics (CFD) assessment will be required at a later design stage. However, the fire statement does not provide

information relating to the completion of a qualitative design review ('QDR') in support of the reliance on fire engineered solutions.

A QDR should assess the implications of fire safety systems failure or foreseeable events. Fire safety design guidance on the QDR process includes the provision of a 'what if' study; and advises that an assessment of 'what if' events should be made to identify system failures or foreseeable events that might have a significant influence on the outcome of the study. This may include fire safety system failures, management failures, workmanship failures, or the potential for fire conditions to deteriorate, thereby requiring immediate building evacuation concurrently with firefighting operations.

Additionally, BS7974 (5.5.1) states that "in developing trial designs, the QDR team should not just look at adding additional fire protection systems but should also review the potential for reducing or eliminating some of the hazards by amending the construction or layout of the building. When practical, reducing any hazards inherent in the design of a building is often preferable to adding additional fire protection measures."

Approved Document B Volume 1: Dwellings', states that 'if alternative methods are adopted, the overall level of safety should not be lower than the approved document provides. It is the responsibility of those undertaking the work to demonstrate compliance.'

Accordingly, where alternative approaches are proposed, HSE considers that the level of fire safety should not be lower than the prescriptive document provides. The proposed alternatives should demonstrate that an equivalent level of safety to fire standards has been achieved and should provide explanatory information to support the planning application, evidence from the 'QDR' should demonstrate how the proposed fire engineered solution provides an equivalent level of safety.

HSE advises that where a fire engineered solution is proposed, this should be identified on a fire statement form along with suitable explanatory text and justification demonstrating why a fire engineered solution, as opposed to construction amendments, is the only viable option. A helpful approach would be to append a benchmarking schedule that provides an explanation demonstrating the alternatives proposed against fire safety standards, as a result of a 'QDR'. Where necessary, cross reference to more detailed explanations and evidence in the 'QDR' can be included.

HSE also advises that the outcome of a 'QDR' may require subsequent design changes which could affect land use planning considerations such as design, layout and appearance of the proposed development.

#### Means of escape

Section 7 of the fire statement confirms the proposed flat layouts are open plan. The floor plans do not show the proposed flat layouts. Fire safety standards state that "the kitchen should be enclosed in open-plan flats having an area exceeding 8m and 4m. Cooking appliances in open-plan flats having an area smaller than 8m and 4m should not be adjacent to the entrance of the flat." Cooking facilities should be located at the most remote part of the flat to protect the means of escape. Any design changes necessary will not affect land use planning in this instance but will be subject to later regulatory consideration.

It is advisable to consider the risk to fire safety due to the presence of electric vehicles (EV) as they contain lithium-ion batteries. Guidance on this matter is provided in Approved Document S: 'infrastructure for charging electric vehicles'. Lithium-ion batteries may suffer thermal runaway and cell rupture, releasing large quantities of toxic gases, heat and smoke before catching fire, as well as post-ignition. When they burn, a large amount of water is required to flow on the batteries, however, fire keeps flaring up even after it appears to have been extinguished. Furthermore, there is a danger of electrical shock to firefighters whilst tackling a fire due to the high voltage used in EVs. Any subsequent design changes may affect land

use planning considerations relating to car parking provision in the development.

Where the installation of photovoltaic panels (PV panels) are proposed on the roof of core A, it should be noted that fire safety standards require suitable support of cabling to avoid obstruction of escape routes and firefighting access due to the failure of fixings and consideration should be given to ensure that all power supplies, electrical wiring and control equipment is provided with appropriate levels of protection against fire.

## **Internal Consultees**

POLICY OFFICER

### Site Allocation

The application proposes 116 residential dwellings (Class C3) and ground level commercial premises (Class E) along with public realm delivery of Green Super Highway. The application site is allocated in the Local Plan: Part 2 under Site Allocation 5. The site is referenced Site B within the allocation. The allocation states that proposals should for example provide pedestrian links to Hayes Town Centre and key transport nodes as well adopt a complementary set of scale, massing, layout and design principles that take account of surrounding land uses and existing suburban context. Given the site allocation and the context of the proposed scheme, including residential units, commercial units and pedestrian connections in form of the Green Super Highway, it is considered that the proposal is acceptable in principle.

### Housing Mix

The application proposes 43 x 1-Bedroom units, 55 x 2-bedroom units and 18 x 3-bedroom units. This would result in a housing mix of:

1-bedroom units - 37.1%

2-bedroom units - 47.4%

3-bedroom units - 15.5%

The applicant states in their Planning Statement that the proposal would manage to provide 73 family dwellings (62.9%), however, this calculation is based on the number of 2-bedroom and 3-bedroom units provided and as set out in the London Plan that family sized units should comprise of 3-bedrooms or more, as such the statement provided by the applicant is considered incorrect, and the proposal would only provide 15.5% of family units. It is noted that the proposal does not mirror the borough-wide need for family housing. However, Paragraph A.6 of Policy H10 of the London Plan states that "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". In this regard it is noted that the that the application site has a high PTAL rating and is located in close proximity to Hayes & Harlington Station, and given the constrained nature of the site, including the need to provide new public open space is also considered to restrict the capacity for a high proportion of family units. As such it is considered that on balance the proposed housing mix would be acceptable.

### Affordable housing

The baseline for the application is to provide 50% affordable housing. Policy DMH7 of the Local Plan: Part two requires a tenure mix is 70% Affordable Rent and 30% Intermediate housing. This will be the parameters for the threshold approach to affordable housing, however it is noted that a viability assessment has been provided which sets out that the application is unable to provide any affordable housing, this information should be reviewed by a third-party consultant.

ADDITIONAL POLICY OFFICER COMMENT

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

The previous housing mix proposed was 43 x 1-Bedroom units, 55 x 2-bedroom units and 18 x 3-bedroom units. The revised proposal would result in a housing mix of: 48 x 1-bedroom units, 54 x 2-bedroom units and 19 x 3-bedroom units. Overall it is considered that the proposed housing mix would remain to be acceptable, given the specific constraints of the application site.

## NOISE OFFICER

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 a suitable condition. Hence: '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 8 hrs between 2300 and 0700, measured inside any room of any permitted dwelling whilst achieving acceptable internal living conditions with respect to ventilation and temperature. This has regard to the guidance set out in British Standard 8233: 2014'

## CONTAMINATED LAND OFFICER

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

Title: Phase 1 Site Appraisal; Ref: STE-PPC-00-XX-RP-G-0001; Date: May 2022; Prepared by: PPCP T/A Patrick Parsons

The report provides an initial conceptual site model and preliminary risk assessment based on findings from desk study research concerning the site.

The Phase 1 study indicates there is a low to moderate risk of significant contamination being present at the site, the report also concludes further works will be required to confirm land conditions accordingly.

I recommend the standard contamination condition should be imposed if planning consent is awarded.

## HIGHWAYS

A planning application has been received seeking permission to redevelopment land on the eastern side of Viveash Close, Hayes to provide 121no. residential dwellings (Class C3) and ground level commercial premises (Class E). The site forms part of the wider Nestles Avenue development for which a Master Plan has been produced; it is one of 5no. individual sites leading off Viveash Close. The unit mix would be 48no. one-bed, 54no. two-bed and 19no. three-bed. The site would be car-free save for 4no. disabled parking spaces, one of these parking spaces would be provided with an active electric vehicle charge point with the remained all having passive provision. These disabled persons parking spaces would be situated on-plot within a single-storey under croft. The access would operate with vehicles entering the site having priority and vehicles exiting being required to 'Give Way'.

The application site is on the edge of Hayes town centre which offers convenient access to a wide range of shops, services and facilities as well as walking, cycling and public transport travel opportunities. The site currently hosts two separate 2-storey industrial buildings which are further subdivided into 7no. individual commercial units. The existing buildings provide c.1,268.7sqm of floorspace. To the south Viveash Close intersects with Nestles Avenue and to the north by 4 Viveash Close. To the east is the former Nestles Factory development and to the south 7 & 9 Nestles Avenue. Viveash Close provides vehicular access to numerous small/medium enterprises as well as Hayes and Harlington Railway Station car park. The road exhibits on-street parking stress evident by many vehicles parking on/off the footway and on the forecourts of premises even though they do not have formal vehicle crossovers. Viveash Close is an adopted highway

with footways on either side of the road and street lighting.

On its northern boundary the site would abut the proposed 'Green Superhighway', this is a corridor of linear open space traversing the Nestle Avenue development. This provides a seamless off-road facility for pedestrians and cyclists to use when moving between the site and Hayes and Harlington Station and Hayes town centre.

For the residential component of the proposal there would be 211no. long-stay and 3no. short-stay cycle parking spaces, for the commercial element 1no. long stay staff cycle parking space and 3no. short stay visitor cycle parking spaces would be provided. This standard of provision is in accordance with the London Plan (2021).

Transport for London use as system called PTAL (Public Transport Accessibility Level) to measure access to the public transport network. PTAL assesses walk times to the nearest public transport location taking into account service frequency. The location is then scored between 0 and 6b where 0 is the worst and 6b the best. According to the Transport for London WebCAT service the application site has a PTAL ranking of 4 indicating access to public transport is good compared to London as a whole suggesting that there are opportunities for some trips to be made to and from the site by modes other than the private car.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The London Plan (2021) Policy T6.1 Residential Parking requires that development proposals must comply with the relevant parking standards. For a development of this type in an area ranked PTAL 4 the London Plan would allow 0.5 to 0.75 car parking spaces per unit in total, the maximum number of car parking spaces that could be provided would be 87no. (116no. units x 0.75=87no.). However, Policy T6 Car parking also states that car-free development should be the starting point for 'all development proposals in places that are (or planned to be) well connected by public transport'. As mentioned above the development would be car-free save 4no. disabled persons parking spaces.

Policy T6.1 of the London Plan (2021) requires that disabled persons parking should be provided for new residential developments delivering 10no. or more units. As a minimum the London Plan requires that for 3% of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. However, Policy T6.1 also requires that new developments demonstrate as part of the Parking Design and Management Plan how an additional 7% of dwellings could be provided with 1no. designated disabled persons parking space per dwelling in future upon request as soon as existing provision is insufficient. For the 121no. units proposed this standard would require 4no. disabled parking bays from the outset with capacity to provide a further 8no. in response to demand.

Whilst the 4no. disabled parking bays are shown on the submitted plans, the 8no. disabled car parking spaces to be provided in response to demand are not. The applicant has highlighted the development could provide a further 8no. disabled car parking spaces but this would require land being taken from the 'Green Superhighway', as mentioned above this facility is a key transport component of the wider Nestle development and the Highway Authority would not want parts of it being used for car parking.

However, there is still scope for providing further disabled parking in response to demand. The wider Nestles Avenue Master Plan shows the location of the disabled car parking that would serve the 5no. sites leading off Viveash Close. This provides an opportunity for the provision of further disabled parking in response to demand without detriment to the 'Green Superhighway'.

In accordance with Transport for London guidance the applicant has undertaken an Active Travel Zone (ATZ) assessment of the site. This involved mapping all key destinations such as bus stops, railway

## **Major Applications Planning Committee - 26th July 2023**

### **PART 1 - MEMBERS, PUBLIC & PRESS**

stations, town centres, parks, schools/colleges, hospitals/doctors and place of worship and then assessing the routes to them against the ten Healthy Street indicators. The purpose of the ATZ is to identify locations where the Healthy Streets indicators are not met and suggest ways that these could be overcome.

The Highway Authority has reviewed the ATZ provided by the applicant and carried out a 'high level' assessment of its own, this has identified further locations where Healthy Streets indicators have not been met and identified ways that this could be overcome.

If the application is recommended for approval, the Highway Authority require that the applicant enter a s.106 legal agreement of the 1990 Town and Country Planning Act that commits the developer to delivering the improvements identified in the ATZ. This is a requirement of the published London Plan 2021 Policy T2 Healthy Streets which states that development proposals should "demonstrate how they will deliver improvements that support the ten Healthy Streets indicators in line with Transport for London guidance". This investment would broaden residents travel choice thereby reducing their reliance on the private car for trip making. If this investment is not provided resident may resort to owning a 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 hinder the free flow of traffic.

Tactile paving with dropped kerbs 9no. locations £59,400  
12no. Street benches £7,200  
Speed table Viveash Close £22,200  
10no. Street trees £3,840  
Total £92,640

There are no highway objections to this proposal subject to the above requirements, that a Construction Logistics Plan and Delivery and Servicing Plan be secured by condition and that the s106 agreement prohibits future residents of the development from applying for a permit to join any parking management scheme in the vicinity of the site.

#### AIR QUALITY OFFICER

The proposed development is located within the LBH Air Quality Management Area and Hayes Focus Area, bringing additional traffic emissions which will add to current likely exceedances and contribute to poor local air quality. As per the London Plan, developments need to be neutral as minimum and LBH requires new developments located in Focus Areas to be air quality positive (LBH Air Quality Local Action Plan 2019-2024), contributing to the reduction of emissions in these sensitive areas.

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 DME1 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.

The proposed 116-unit residential development is anticipated to generate 124 daily residential vehicle trips and 34 flexible use E vehicle trips per day, plus 13 servicing vehicles daily. The proposed variation is not air quality neutral as required by the London Plan and not air quality positive, as required by the LBH Local Action Plan.

#### Damage Cost and Mitigation Measures

The proposed development is not air quality neutral. In addition, according to LBH Local Action Plan,

proposed development within Focus Areas (or with impacts on FAs) needs to be Air Quality positive and further action is required to reduce total emissions produced by its operation.

Therefore, the total emissions associated with these activities need to be mitigated. 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.

Any mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied. Table 1 and 2 summarise the aspects of air quality and planning requirements for the proposed development.

The total level of mitigation required to the proposed development for traffic emissions is £71,313.

Once all deductions were applied, the remaining value of mitigation due is £57,050. Flat rate deductions applied are as follow: Travel Plan (15%), Green Sustainable Measures (5%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (0%), totalling a reduction of £14,263.

Therefore, a section 106 agreement with the LAP of £57,050 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

In addition, Air Quality conditions to secure:

1. Low Emission Strategy
2. Reducing Emissions from Demolition and Construction; and
3. Non-Road Mobile Machinery (NRMM); are required to manage operation and construction emissions as required by the Mayor of London.

## ACCESS OFFICER

This proposal is for a mixed-use residential development comprising a part 10, part 11 storey building comprising 116 dwellings consisting of 1 bed (37%), 2 bed (47%) and 3 bed (16%), and 97m<sup>2</sup> of commercial space.

60% of the site is understood to be allocated to the Green Superhighway public realm with each apartment having private amenity space. An external roof garden terrace is shown on the tenth floor to include play space.

The Green Superhighway would be a designated mix of flexible recreation space with a variety of plant types acting as a woodland habitat space serving as a series of green links between the new residential buildings and green amenities outside the site. The facility would provide a footpath, a play lawn, and rain gardens with pathway.

The site has been designed to be fully accessible with step free access via the principal private entrance, and all other points of entry and exit. Four accessible parking spaces are allocated in the undercroft. Each core comprises of two lifts providing level access to all floors and the 10th floor terrace. One lift per core will be a designated fire evacuation lift in accordance with London Plan (2021) Policies D12 and D5. New corridors, doorways and lobbies will be designed in accordance with Approved Document M to the building regulations.

A development of this size and scale would be subject to compliance with London Plan (2021) Policies D1, D5, D7, D12, S4 and T6.1. The following accessibility observations should be observed and addressed prior to any approval:

1. Access from the carpark into cores A and B is straightforward via an entrance lobby leading to a lift lobby, however, the number of accessible parking bays should be increased to ensure an accessible parking bay can be provided for every M4(3) unit.

N.B: Standard 18 as set out in the Mayor of London Housing Supplementary Planning Guidance (March 2016) states that, "each designated wheelchair accessible dwelling should have a car parking space that complies with Part M4(3)." Please also refer to the Council's Supplementary Planning Document 'Accessible Hillingdon' (adopted 2017).

[https://www.london.gov.uk/sites/default/files/housing\\_spg\\_final.pdf](https://www.london.gov.uk/sites/default/files/housing_spg_final.pdf)

[https://www.hillingdon.gov.uk/media/3297/Accessible-Hillingdon-SPD---September-2017/pdf/Accessible\\_Hillingdon\\_SPD\\_2017\\_Published\\_1.pdf?m=1598976226033](https://www.hillingdon.gov.uk/media/3297/Accessible-Hillingdon-SPD---September-2017/pdf/Accessible_Hillingdon_SPD_2017_Published_1.pdf?m=1598976226033)

2. A convenient drop off point should be shown on plan for door to door transport services such as Dial a Ride, taxis, and hospital transport. Plans should be amended.

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

4. 10% of Affordable Housing units would be required to satisfy the design standards for an M4(3) Wheelchair Accessible unit.

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

6. The kitchen/dining/living areas within the required M4(3) units must meet the technical specifications set out in Table 3.2 and 3.4, as prescribed in Approved Document M to the Building Regulations (2015 edition). The kitchen design should be capable of providing a section of 'rise and fall' worktop to accommodate a sink and hob unit installed side by side. Plans should demonstrate a user-friendly wheelchair accessible layout within the kitchen.

7. A floor plan at no less than 1:100 should be submitted for each of the different M4(3) units. All details, to include transfer zones, wheelchair storage area, and other spatial requirements within bedrooms, bathrooms, living and dining areas, should be shown on a separate plan for every different unit type.

8. All remaining units must be designed to the standards for Category 2 M4(2) Accessible and Adaptable dwellings, as set out in Approved Document M 2015.

9. Details should be required on the accessible play equipment for disabled children, including those with a sensory impairment, or complex multiple disabilities. Provisions could include outdoor sound tubes, colour and lighting canopies, and other play equipment that could stimulate the olfactory senses. Inclusive play is a key requirement of any new residential development.

10. The Design and Access statement should be broadened to explain how accessibility and inclusive

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**



design have influenced the design from the stage of project inception through to the current design as proposed.

Further details and/or a discussion are requested prior to any approval.

Case Office Comment:

A more detailed response to the above accessibility queries is provided in Section 7.12 of this report. In summary the revised plans respond positively to points 3, 4 & 5 which are the key requirements to recommend approval. Points 6,7, 8 and 9 are proposed to be resolved with appropriate conditions. With regards to the DA parking provision, the proposal delivers the day-one 3% required, the additional 7% is based on demand and it should be noted that this is a heavily constrained site. The applicant is delivering a large area of public open space, this area could have been utilised to provide additional parking, however this would have been at the detriment of the public open space, the Green Superhighway and the delivery of the masterplan. Significant weight is afforded to the delivery of this key piece of public open space to link developments east to west and provide permeability through the Nestle site. The Council's Highways Officer has confirmed that additional accessible parking will be available within the immediate locality should demand increase. A pick up and drop off point is provided within the main vehicular access area to the rear of the building.

## DAYLIGHT AND SUNLIGHT

The site has been analysed based on two scenarios, namely:

1. Existing vs Proposed on the Squirrels Estate site with consented/under-construction/ recently completed schemes in the surrounding context (drawings 2845-03-01 to -03-03).
2. Existing vs Proposed on the Squirrels Estate site with all outline massings/consented/under construction/recently completed schemes in the surrounding context (drawings 2845-03-04 to -03-06).

Option 1 has less massing on site and is analysed with existing warehouses to the north and south of the site. Option 2 has assumed massing of the warehouse sites.

### Daylight

The following buildings have been assessed within the report:

- 233-236 Nestles Avenue Block B
- Catimor House
- Rasina Court
- 3 Viveash Close
- 62 Nestles Avenue
- 1 Black Rod Close
- 233-236 Nestles Avenue Block D
- 9 Nestles Avenue

Windows and rooms at 62 Nestles Avenue and 1 Black Road Close all pass the daylight and sunlight testing and have not been discussed in the report.

With regards to 233-236 Nestles Avenue Block B, with option 1, 7 windows fall short of the target values. With option 2, this increases to 13 windows. All rooms pass the No Sky Line (NSL) analysis in option 1, but 2 rooms fall short in option 2.

At Catimor House, all 217 windows tested achieved the target values, 1 room from 187 fell short of NSL test in option 1. With option 2, all windows and rooms passed.

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

The results at Rasina House, of the 114 windows analysed, 35 windows fell short in option 1. Of the 112 rooms analysed, 67 rooms failed to meet the target values. With option 2, 31 windows and 45 rooms did not achieve the target values.

Looking at 3 Viveash Close, in option 1 of the 491 windows tested, 2 failed to meet the target values. Of the 379 rooms analysed, 11 rooms fell short. With option 2, 4 windows and 23 rooms fell short of the target values.

At 233-236 Nestles Avenue Block D, of the 140 windows tested 22 windows failed to meet the target values and of the 88 rooms analysed 4 fell short in option 1. With option 2, 35 windows and 12 rooms failed to meet the criteria.

Lastly, at 9 Nestles Avenue of the 106 windows tested 21 fell short of target values and of the 102 rooms tasted, 10 failed to meet the target values with option 1. With option 2, 31 windows and 28 rooms fell short of target values.

#### Balconies

A number of surrounding building have balconies, these balconies, as accepted by BRE, have an impact on the windows and rooms below these. The developer has assessed daylight with the balconies removed. The revised results show:

With regards to 233-236 Nestles Avenue Block B, under option 1&2, 2 windows fall short of the target values. All rooms pass the NSL analysis in option 1&2.

At Catimor House, all 217 windows tested achieved the target values in option 1&2. There was 1 room in option 1 that fell short of NSL analysis, but all met the values in option 2.

The results at Rasina House, 20 windows fell short in option 1 and 18 in option 2. With NSL analysis 42 rooms failed to meet the target values. With option 2, 43 rooms did not achieve the target values.

At 3 Viveash Close, all windows meet the target values in options 1&2. With NSL, 11 rooms fell short in option 1 and 25 rooms option 2.

At 233-236 Nestles Avenue Block D, 7 windows failed to meet the target values in option 1 and 21 in option 2. With NSL all rooms pass in option 1 and 26 rooms failed to meet the criteria in option 2.

At 9 Nestles Avenue, 16 windows fell short of target values in option 1 and 22 windows in option 2. With NSL 7 rooms fell short of target values in option 1 and 26 in option 2.

#### Undeveloped sites

Two properties, currently not built, 4 Viveash Close and 7 Nestles Avenue, the developer has undertaken facade analysis.

Whilst the actual massing, room uses, window sizes and positions for these properties are unknown, the analysis shows the following:

At 4 Viveash Close, the levels of Vertical Sky Component (VSC) are between 15% VSC and 18% on the ground to third floors, and between 20% and 27% on the floors above.

At 7 Nestles Avenue the VSC levels are between 10% and 15% at low level, rising to 22% on the higher

floors.

#### Overshadowing

Overshadowing analysis has been undertaken to 2 surrounding amenity areas. Both of the amenity areas pass the overshadowing analysis.

#### Proposed Accommodation

##### Daylight

With regards to internal daylight, in option 1, 217 out of 323 (67%) rooms tested will meet target values. In option 2, this drops to 142 (44%). With regards to sunlight, in option 1, 64 from 116 (55%) of units will have at least one room which will receive at least 1.5 hours of sunlight on 21 March. In option 2, 57 (49%) of units will have at least one room which will receive at least 1.5 hours of sunlight on 21 March.

There are a lot of balconies serving the units, as discussed above, these balconies have an impact on daylight and sunlight to those rooms below.

##### Conclusion

As to be expected, on a congested site, there are a number of windows and rooms that fail to meet the target values. The developer has used two different options in the analysis, one with two sites not developed (with warehouses) and the other with assumed massing for those sites. Option 1 does fair better, as you would expect.

Balconies to the neighbouring properties do have an impact on daylight and sunlight. The analysis with the balconies removed, does improve the daylight situation and the number of windows that fail to meet target values reduces.

Sunlight fares better, with 23 windows falling short in option 1 and 27 in option 2. When the balconies are removed, there are just 4 windows that fall short in option 2.

Both amenity areas analysed for overshadowing meet the requirements.

With regards to internal daylight and sunlight there are a large number of rooms that do not meet the target values. The primary reason for this is balconies serving the units. Without the balconies, daylight and sunlight would improve, but the external amenity area would be lost.

#### HOUSING OFFICER

This is an exceptional site due to the amount of open space that must be retained to link to master plan for the area. If both the applicants and the Council's FVA Consultants agree 22.75% Affordable Housing is an acceptable offer I support the proposed mix and welcome the change to traditional housing tenures.

#### WASTE MANAGEMENT OFFICER

Please provide details for how bulk bins will be stored/held on collection day as the 2 x temporary storage spaces are not adequate.

Case Officer comment:

This is addressed in Section 7.15 of the report.

## ENERGY OFFICER

The energy assessment appears to have been set against 2013 Building Regulations whereas it should now be set against Part L 2021. Zero carbon requirements are still a necessity.

Can you ask the applicant to revise the assessment in line with the energy guidance of the GLA - <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>

Case Officer comment:

The applicant has submitted a revised Energy Assessment which includes the 2021 Part L requirements and this is addressed in Section 7.16 of the report.

## FLOODING OFFICER

Review Summary:

This application has changed from the previous application submitted in the following way(s):

- Types of conveyance / attenuation features: The applicant has confirmed that no raingardens or attenuation tanks are being proposed within the development.
- Runoff rate restriction (l/s): The greenfield runoff rates have been provided and show that the 1 in 100yr greenfield runoff rate is being achieved by the proposed runoff rate of 5l/s.
- Runoff rate restriction per hectare (l/s/ha): N/A
- Runoff attenuation volume (m3): N/A
- Maintenance plan: The applicant has provided a maintenance plan for the proposed drainage features and has stated the maintenance owner.

Recommendations and requests:

We object to the application for the following reasons:

- The water butts have not been included in the Drainage Strategy drawing.
- The greenfield and existing runoff rates for the 1 in 1, 1 in 30, and 1 in 100 year rainfall events are unclear in the calculations.
- The existing runoff volume has not been provided.
- It is unclear where the remaining 450m<sup>2</sup> of the site area is discharging to if not into the positive drainage system.

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

- Demonstrates the location of the water butts in the Drainage Strategy drawing.
- Clearly states the greenfield and existing runoff rates for the 1 in 1-year, 1 in 30-year and 1 in 100-year rainfall events; these should be clearly evidenced in the drainage calculations.
- Provides the existing runoff volume, evidenced with drainage calculations.
- Demonstrates where the remaining 450m<sup>2</sup> of the site area is discharging to if not into the positive drainage system.

The following matter is to be conditioned once the above information has been provided:

The LLFA accept the proposed runoff rate of 5l/s for the development site, on the condition that this is also approved by Thames Water following submission by the applicant.

Case Officer comment:

The principle of the flood mitigation measures are considered acceptable, the additional information requested by the Flooding Consultant will form an appropriately worded condition.

## FVA CONSULTANT

Whilst the appraisal shows the maximum reasonable provision that the scheme can support is 22.75% affordable housing, we remain of the view that the land evidence suggests there could be further uplift in this figure. We recognise however the market challenges at the present time and the fact that in isolation, the land evidence route represents a riskier route for the Council. On this basis the offer represents the maximum reasonable as we have sensitised the profit margin to reflect the underlying tone of the land evidence to reach our conclusions. As per GLA policy an early and late-stage review should be included within the S.106 agreement to ensure that a proportion of the potential uplift realised by the Council.

## URBAN DESIGN

The application has been subject to discussions to improve the design of the development on this heavily constrained site. It should be noted that the scale, bulk and massing of the building is considered to be acceptable by both the LPA and the GLA. The Council's Urban Design Officer has been involved in these discussions which has resulted in the submission of a revised scheme. The revised design is considered to improve the standard of accommodation and the building's integration with surrounding developments, however further improvements are required. As such a condition pertaining to facade improvements is suggested and if committee are minded to approve the application it would be attached to the decision notice.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

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

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

The application site is viewed as a key parcel in the delivery of the masterplan. The masterplan includes the provision of the "Green Superhighway" which is a pedestrian and cyclist access route extended east to west through the entire site allocation. This site abuts Viveash Close therefore the delivery of the proposed development would assist with connecting the residential development to the west of Viveash Close with the development to the east. A commercial element which fronts Viveash Close has been secured within the ground floor eastern corner of the block and this will provide an active street frontage in a key are of the Green Superhighway.

Policy SA 5 also requires the provision of pedestrian links to Hayes town centre and key transport

nodes. Before constructing the central east-to-west pedestrian access through SA5, the northern part of this site is an essential pedestrian link for those occupying the northern part of the site allocation (Parcel A) and Hayes and Harlington Station.

### Comprehensive Development

Policy DMHB 11 of the Local Plan: Part 2 (2020) outlines that development will be required to ensure the design safeguards the satisfactory redevelopment of any adjoining sites with development potential. As Policy SA5 seeks to bring forward a comprehensive development across a large area, the policy explains that complementary design principles and resulting infrastructure requirements associated with the planned levels of growth should be integrated into proposals. Consequently, it must be demonstrated that the redevelopment of a parcel within the site allocation does not prejudice another. The applicant has provided an indicative masterplan showing how the proposed development would integrate with the redevelopment of the neighbouring sites.

### Provision of Housing

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

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

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

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

### Unit Mix

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

requirement for larger affordable and private market units, particularly three-bedroom properties.

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

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

The proposed housing size mix of the 121 units is as follows:

The revised proposal would result in a housing mix of:

1-bedroom units - 48 - 37.1%,

2-bedroom units - 54 - 47.4%,

3-bedroom units - 19 - 15.5%

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

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

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

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

Policy D3 (Optimising Site Capacity through the Design-led Approach) of the London Plan (March 2021) further requires all development to make the best use of land following a design-led approach that optimises the capacity of sites, including site allocations and offers no density matrix figures. The policy further states that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure, and amenities by public transport, walking and cycling.

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

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

The proposed development would provide 334 habitable rooms between 121 new units.

The scheme, as proposed, results in a density of approximately 1113 habitable rooms per hectare or 403 units per hectare. However, the proposed number of units is higher than the guidance within Policy DMHB 17, given that the scale, bulk, and massing of the development are considered acceptable and the location of the site within the Hayes Opportunity Area. Furthermore, the density matrix should not be applied mechanistically, enabling account to be taken of other factors relevant to the local context and all other material planning policy requirements.

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

#### **ARCHAEOLOGY**

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

#### **HERITAGE**

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should 'should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' and in relation to conservation areas, special attention must be paid to 'the desirability of preserving or enhancing the character or appearance of that area'.

The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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



The application site is not situated within a Conservation Area and does not contain any listed buildings. Notwithstanding this, the application site abuts the Nestles Conservation Area to the east. A TVIA has been submitted which has been reviewed by Officers and is not considered to introduce an element of change to the character and appearance of the area which would result in detrimental harm to the adjacent Conservation Area.

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

In terms of its height, mass and scale, the proposed development is very similar to the recently approved Stanford House, 3 Viveash Close schemes and other developments which bound the site such as Block E which is located to the east of the site. Although clearly this is a building of a reasonable height which would change the industrial nature of the existing character of the area, given the wider redevelopment of the former Nestle Factory it is considered that the building would relate to the scale bulk and massing of the surrounding development which is now part of the character of the Conservation Area. As such the proposed development would not result in harm to the setting of the Conservation Area and therefore complies with Policies DMHB 1, DMHB 4, DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy HC1 of the London Plan (2021) and paragraphs 202, 203 and 207 of the NPPF (2021).nts.

#### **7.04 Airport safeguarding**

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

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

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

- A) The Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the airport operator on proposals in the safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted.
- B) In consultation with the Airport Operator, the Council will ensure that:
  - i) areas included in Airport Public Safety zones are protected from development which may lead to an increase in people residing, working or congregating in these zones; and
  - ii) sensitive uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

Given the heights of the proposed building (10-11 stories) National Air Traffic Services (NATS), Heathrow Airport Safeguarding and the Ministry of Defence (MoD) have been consulted on the proposals. NATS have confirmed that the scale of the development does not give rise to concerns with their radar detection equipment. Heathrow Airport Safeguarding and the MoD have raised no

objection, subject to standard conditions pertaining to the submission of a Crane Management Plan and Bird Hazard Management Plan.

Subject to the agreement of the above conditions the application is considered to comply with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

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

Not applicable to the consideration of this application as the application site is not within, or close to, Green Belt land.

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

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

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

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

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

Policy DMHB 4 of the Hillingdon Local Plan : Part 2- Development Management Policies (2020) states new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. To achieve this, the Council will:

- A) Require proposals for new development, including any signage or advertisement, to be of a high-quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.
- B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification.
- C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

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

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

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

The proposal is for a staggered building. The tallest element of the proposal is 11-storeys with a plant enclosure at the roof level. The profile of the building then steps down at one interval. However, the design of the rooftop amenity spaces reduces some of the height, mass, and scale further. The building is formed by a linear block which enables the site to be redeveloped whilst delivering a high-quality piece of public realm which will contribute towards delivering the Green Superhighway, a key piece of the Nestle masterplan.

The applicant has submitted a Townscape Visual Impact Assessment, which incorporates verified views, enabling Officers to assess the impact the development could have on the local townscape. This document has been reviewed by Officers who consider the bulk scale and massing of the building to be comparable to more recent development applications such as 3 Viveash. As such proposed building would not appear over dominant within its immediate or wider context.

The massing is divided into three distinct blocks to reduce the scale and create variation along all facades. This gives definition to the elevation along the Green Superhighway and breaks down the extent of the long facades. The ground floor and first floor facade design has been designed to introduce a double height space on the two outer blocks delivering an appropriate scale at street level. The chamfer to the building softens the building edge at the point in which the Green Superhighway turns. This cut back produces a marker point along the pedestrian route and provides space at ground level for gathering and activity around the entrance to the commercial space.

At ground floor the plan is split into two distinct sides housing each core with an open undercroft between, used for accessible parking and cycle storage. Views through this space to proposed green courtyards in the neighbouring scheme to the south are maintained through a folded pattern metal screen. The plan form at ground level, aligns with the three massing blocks expressed in the elevation. The principal entrances to each core are on the long northeast facade, directly off the Green Superhighway. The building's northwest elevation fronts on to Viveash Close. On the ground floor, a commercial space occupies this principal facade. Wrapping around the west core to the south are service and access areas for the substation and bin store. Vehicle access to the central undercroft is via a double height colonnade at the southern boundary of the building reach via Viveash

Close.

Based on the improved design and comprehensive masterplan approach to the application site and the wider Parcel B, the development proposal is acceptable in terms of its impact on the character and appearance of this regeneration area, in accordance with the Hillingdon Local Plan, the London Plan (2021) and the NPPF.

## TALL BUILDINGS

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

As buildings within the proposal are taller than 6 storeys or 18 metres, it is necessary to analyse whether they meet the subsequent parts of the definitions held within the Development Plan, namely if the buildings are substantially taller than their surroundings and whether they cause a significant change to the skyline.

The development proposal comprises of buildings of 10 to 11 storeys, which result in similar height ratios with existing buildings within 150m of the site, that range from 2 to 11 storeys. Despite the presence of a notable proportion (approximately 50%) of two storey residential buildings within 150m of the site, it is considered that the taller existing non-residential buildings form the more prominent immediate surroundings, due to their proximity to the site and the separation created by Dawley Road and North Hyde Road in particular. The agreed design for Keith House (27189/ APP/2020/2181) will also result in the inclusion of a 9-storey residential building nearby, which will further increase the height of surrounding buildings as well as the recent scheme for a 10-11 storey building at 3 Viveash Close which was determined for approval by Major Application's Planning Committee and is awaiting the completion of the GLA stage 2 referral. It is therefore not considered that the proposed buildings are substantially taller than their surroundings and cannot be considered a tall building in line with the definitions within the Development Plan.

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

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

### **7.08 Impact on neighbours**

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

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

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

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states: "The Council will aim to ensure that there is sufficient privacy for residents, and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

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

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

The application is supported by a masterplan which includes the proposed building within the context of the existing buildings which have been constructed, those which have been granted consent but are yet to be built out and an indication of how the remaining parcels which are yet to come forward would be designed. As such the applicant has taken into consideration Policy DMHB 11 and the site allocation which set out the requirements for comprehensive redevelopment.

The development would also be located adjacent to the site to the west, known as 7 and 9 Nestles Avenue. 9 Nestles Avenue is also referred to as Stanford House which benefits from permission for the redevelopment of the site to provide 103 units within an 11-storey building. The proposed building would be located approximately 10 metres from No.7 and approximately 6 metres from No.9 Nestles Avenue. Both No.7 and No.9 Nestles Avenue will feature blank elevations facing the rear elevation of the proposed building as such there would be no concerns raised regarding privacy or overlooking. Given the design of the consented schemes is a blank facade, it is appreciated that this proposal would not prejudice these sites but instead respond to the masterplan.

A Daylight, Sunlight and Overshadowing Assessment has been submitted which includes an assessment of the following sites:

- 233-236 Nestles Avenue
- Catimore House
- Rasina Court

- 3 Viveash Close
- Stanford House (9 Nestles Avenue)
- 7 Nestles Avenue

The daylight and sunlight assessment has been reviewed by an independent specialist procured by the LPA. As stated within the internal comments section (Section 6.2) of this report, whilst the development would result in a potential reduction of daylight/sunlight and natural light levels for some of the neighbouring residential units, the impact is limited and is common within an urban area of dense residential development. Furthermore, like the 3 Viveash application, the applicant has undertaken an alternative assessment whereby the units are tested both with and without balconies. The document concludes that the removal of the balconies associated to the units for the neighbouring sites would increase light levels for the units which fail to meet the BRE guidance therefore the failure is not solely attributed to the proposed development. Taking into consideration the comments raised by the Daylight and Sunlight specialist, the development would not result in significant reduction in light levels for surrounding developments. As such the proposed is deemed to be acceptable.

### **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 to provide an appropriate living environment. To achieve this all-residential development or conversions should:

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

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

- One storey 1-bed 1 person unit should provide a minimum of 39 square metres Gross Internal Area (GIA) with a bathroom (or 37 square metres with shower room);
- One storey 1-bed 2 person unit should provide a minimum of 50 square metres GIA;
- One storey 2-bed 3 person unit should provide a minimum of 61 square metres GIA;
- One storey 2-bed 4 person unit should provide a minimum of 70 square metres GIA;
- One storey 3-bed 4 person unit should provide a minimum of 74 square metres GIA; and
- One storey 3-bed 5 person unit should provide a minimum of 86 square metres GIA.

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

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

A Daylight Sunlight and Overshadowing Assessment was submitted in accordance with the 2022 BRE guidance.

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

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

## PRIVATE AMENITY SPACE

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

- A) All new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.2.
- B) Balconies should have a depth of not less than 1.5 metres and a width of not less than 2 metres.
- C) Any ground floor and/or basement floor unit that is non-street facing should have a defensible space of not less than 3 metres in depth in front of any window to a bedroom or habitable room. However, for new developments in Conservation Areas, Areas of Special Local Character or for developments, which include Listed Buildings, the provision of private open space will be required to enhance the streetscene and the character of the buildings on the site.
- D) The design, materials and height of any front boundary must be in keeping with the character of the area to ensure harmonisation with the existing street scene.

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

Based on a proposal for 48 x 1 bed units, 54 x 2 bed units and 19 x 3 bed units, the proposed development would require approximately 2880 square metres of private amenity space.

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

- 321 square metres of private amenity space via balconies;
- 285 is to be provided via the roof top amenity space on the 10th floor

The above provisions total 606 sqm square metres of amenity space which results in a shortfall of approximately 2274 sqm. However, consideration should be given to the provision of a large amount of public open space to the front of the site to deliver a vital piece of the Green Superhighway and masterplan which will link the development from the east of Viveash Close with those to the west. The delivery of this key piece of open space is considered to be a high public benefit which would partially outweigh the shortfall in private amenity space.

Furthermore, in determining the planning appeal on the 3 Viveash Close site (reference APP/R5510/W/18/321884), the planning inspector did not support the Council's reason for refusal relating to the lack of policy-compliant levels of amenity space. Para 13 and 14 of the inspector's decision concluded that the quality of the spaces, combined with an offsite contribution for local park improvements, would be acceptable.

In order to mitigate the shortfall, a financial contribution is required towards improvement works to Cranford Park, which is the closest public park to the application site, with a pedestrian access into Cranford Park located off North Hyde Road. A financial contribution of £115,685 has been agreed by the applicant towards the Cranford Park improvements.

## 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 usable child play space to be provided per child, with under-fives play space provided on-site as a minimum, and makes clear that play space should not be segregated by tenure.

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

- A) For all major development proposals, the Council will apply Hillingdon's child yields and the London Plan SPG; 'Providing for Children and Young Peoples Play and Informal Recreation', which specifies that 10sqm of play space should be provided for each child and an accessibility standard of 400 metres to equipped playgrounds.
- B) In areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision.
- C) The Council will resist the loss of existing play spaces unless:
  - i) a replacement play space of equivalent size and functionality is provided to meet the needs of the local population. Where this is not possible, development will only be permitted in exceptional circumstances where there are over-riding planning merits to the proposal; and
  - ii) it can be demonstrated robustly that they are no longer required and that their loss would not lead to a shortfall in overall play provision in the local area.

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

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:

- 19.1 no. children under the age of 5 years old;
- 13.2 no. children aged 5 to 11 years old; and
- 6.3 no. children aged 12 to 17 years old.

This yields a total of 38.6 children, requiring 323 m<sup>2</sup> of play space where only the 0-4 age group and 5-11 age group must be provided on site or within 400 metres of the site.

Based on the plans submitted, it can be identified that approximately 75 m<sup>2</sup> would be provided between the ground floor area to the south of the building and the roof garden. Whilst the scheme fails to provide a policy compliant level of play space, it is clear that the ground floor level public open



space would also provide natural space to play for children and adults. Wallis Gardens is located within 230 metres and Pinkwell Park just over 600 metres from the site and is able to serve the remaining 12-17 years age group. Whilst a financial contribution would normally be applicable where there is a shortfall in on-site provision, the applicant has agreed a £115,685 contribution towards off site enhancements to Cranford Park and it should be noted that a new play area is proposed within Cranford Park. This contribution is in addition to the on-site public open space provision. As such a further contribution towards play space is not considered to be required. Taking these points into consideration the proposal on-balance would not be considered contrary to Policy S4 of the London Plan (2021) and Policies DMCI 5 and DMHB 19 of the Hillingdon Local Plan: Part 2 (2020).

## PUBLIC OPEN SPACE

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

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

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

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

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

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

The development would provide 1834.70 sqm of publicly accessible open space, approximately 60% of the site area. This is significantly more than most of the sites within the boundaries of the entire site allocation. Considerable weight is afforded to the quality of the landscaping proposal and the delivery of a key piece of the masterplan on a site where a considerable area within the site boundary is being provided as open space rather than accommodating further built form.

The proposal is therefore deemed to accord with Policy DMCI 4 of the Hillingdon Local Plan: Part 2 (2020), Policy EM4 of the Hillingdon Local Plan: Part 1 (2012) and Policy G4 of the London Plan (2021).

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

The site is located on Viveash Close. Based on TfL's WebCAT planning tool, the site has a PTAL rating of 4 however as noted in the Highway Officer's comments in section 6,2 of this report, it is likely

that the PTAL rating will be increased to 5 when the Elizabeth Line is open fully.

The following planning policies are considered:

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

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

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

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

#### RESIDENTIAL CAR PARKING PROVISION

The proposed development would effectively be car-free apart from the 4 accessible spaces. Given that the PTAL rating is likely to rise to 5 together with the site's constraints, including the requirement to devote a proportion of the land within the site towards the green superhighway, a car-free development is considered acceptable.

The proposed development should be viewed in the context of Table 10.3, attached to Policy T6.1 of the London Plan (2021), which states that Outer London sites with a PTAL rating of 4 and moving towards 5 should not exceed a maximum car parking provision of 0.5 spaces per dwelling. The site is located within an area with a PTAL rating of 4, circa 500 metres (8 min walk) from Hayes and Harlington Station with 4 bus stops within a 400-metre radius. The application site is well-connected and therefore the principle of a car-free development is acceptable.

#### CYCLE PARKING PROVISION

Cycle Storage for 211 long stay and 3 short stay spaces for the residential units, 1 long stay and 3 short stay spaces for the commercial unit. The proposed quantum of cycle parking is Policy compliant.

#### MEASURES TO ENCOURAGE SUSTAINABLE TRAVEL

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

- Financial contribution of £132,640 for improvement works to improve the public highway on Viveash

Close. These works would include tactile paving with dropped kerbs, street benches, provision of a speed table, enhancements to cycle facilities and new street trees.

## ACCESSIBLE PARKING

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

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

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

The proposed development would provide 4 no. designated disabled persons parking bays which accords with the immediate 3% required to be delivered to accord with the above policy. The requirement to deliver a further 7% upon demand is noted, however significant weight is afforded to delivering the objectives of the masterplan and part of this includes the Green Superhighway. The application is providing approximately 60% of the site area as public open space, additional parking could be provided but this would be to the detriment of the delivery of the Green Superhighway. A day three scenario indicative plan was submitted as part of the application approved for the neighbouring site 3 Viveash Close which illustrated where within Site B accessible spaces would be located. This illustrated that up to 44 spaces could be provided across the entire of Site B. The Councils Highways Officer has confirmed that the accessibility of disabled spaces within the immediate vicinity is noted and the level of parking proposed is acceptable given the importance of delivering the Green Superhighway and the sustainable transport benefits it will provide.

To summarise, whilst the additional 7% is required to accord with the London Plan standards, the benefits of delivering a high quality and key piece of public realm, which would also improve pedestrian and cyclist's environment and permeability, would outweigh the potential harm. As such, on balance the parking provision is acceptable.

## ELECTRICAL VEHICLE CHARGING POINTS

Policy T6.1 of the of the London Plan (2021) states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. As only 4 spaces are proposed then 1 space would have active provision and the remaining 3 spaces would have passive provision. If recommended for approval, this would be secured by condition.

## SERVICING AND DELIVERY

The proposed development includes the provision of an on-site loading bay on the southern side of the building. Whilst vehicles accessing to the on-site loading bay will be required to reverse across the footway to enter the site, the benefit of this arrangement is that servicing vehicles, including refuse vehicles, will stop on-site and off the public highway when undertaking loading activity. As such, goods being unloaded or waste bins being collection, will not need to be wheeled/moved across the public highway and this activity can be undertaken entirely on-site. It is considered that this arrangement, which minimising the need for goods and bins to be wheeled across the public realm

and pedestrian/cycle route, is appropriate and assist in minimising conflict between loading activity and pedestrians/cyclists on Viveash Close

TfL has requested that further detail be provided to demonstrate how the green super highway will be managed to protect it from being utilised by smaller delivery vehicles such as Amazon deliveries. It is highlighted that bollards will be positioned at the entrance to the green super highway from Viveash Close. Detail of the bollards is included on the Landscape Masterplan and the Landscaping Design & Access Statement, submitted alongside the planning application. The bollards would be telescopic bollards while can be lowered for emergency vehicle access, but would prevent other vehicles such as delivery vehicles entering the green super highway.

Whilst a concern was raised regarding the location of the access to the cycle stores from the servicing areas, allowing access to them from the public open space at the front of the building would raise secure by design concerns.

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

#### CONSTRUCTION AND LOGISTICS

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

#### SUMMARY

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

- Highways Works: Section 278 agreement to secure highway works.
- Highways Improvements: A financial contribution amounting to £92,640 shall be paid to the Council for the local highway improvements.
- Parking Permit Restrictions: The residents of this development will not to be eligible for parking permits within the Parking Management Areas and Council car parks in the vicinity of the site.
- TfL contribution
- Travel Plan: A full Residential Travel Plan is to be secured.

Subject to the planning obligations and conditions noted above, the proposed development would accord with Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policies T4 and T6 of the London Plan (2021) and the NPPF (2021).

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

#### URBAN DESIGN

Please see Section 07.07 of the report.

#### 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 Secured by Design condition would be attached to achieve appropriate accreditation. Subject to such a condition, the proposal would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) and Policy D11 of the London Plan (2021).

## **7.12 Disabled access**

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

- 1) be designed taking into account London's diverse population;
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion;
- 3) be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment;
- 4) be able to be entered, used and exited safely, easily and with dignity for all; and
- 5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

Policy D7 of the London Plan (2021) states:

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

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

The comments raised by the Councils Access Officer have been shared with the applicant and the revised plans indicate 10% of units would meet the standards for M4(3) category 3 and 10% of the affordable units meet M4(3) standards. Furthermore, the affordable units have been designed to be suitable for 'day one' occupation by a wheelchair user. Notwithstanding this point a condition pertaining to the submission of detailed floor plans demonstrating compliance of all kitchen/dining/living areas with approved document M standards is recommended to be attached to any grant of planning consent. Two further conditions are also recommended that will secure all remaining units to be designed to the standards for category 2 M4(2) and the submission of accessible play equipment.

Due to the requirement to deliver a good quality and large area of public open space in accordance with the masterplan this is a very constrained site. This makes finding adequate space for the additional 7% accessible spaces on site extremely difficult. It is important to note that the additional

7% would only need to be provided upon demand and the application secures the 3% required to serve the development at day one. Significant weight should be afforded to the accordance with the masterplan and the benefits of providing the public open space to deliver the Green Superhighway linking development east of Viveash Close with the developments to the west of Viveash Close.

In addition, it is considered that the main vehicular access area to the rear of the building can be used for pickup and drop off as requested by the Council's Accessibility Officer.

Therefore, subject to the conditions noted above, the proposal is considered to be acceptable on-balance.

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

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

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

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

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

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

Consequently, an affordable housing offer of 22.75% by habitable room with a tenure mix of 50% shared ownership and 50% social rent consisting of 15 social rent units and 14 shared ownership units. An independent review of the scheme's viability has been undertaken and led to the satisfaction of officers that this is the maximum viable, affordable housing provision that the scheme can deliver on-site with the tenure that best meets the needs of the Borough. The Council's Housing Team notably supports this. Whilst the Council's viability consultant indicates that an additional surplus could be used to provide a slightly higher contribution, they also agree that the market conditions may have shifted. Therefore, an early and late-stage review mechanism is an appropriate method for capturing any additional surplus post-determination of the application.

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

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

Plan: Part 1 (2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 (2020).

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

### **TREES AND LANDSCAPING**

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

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

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

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

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) states:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

This application is supported by a Landscaping Design and Access statement which sets out the landscaping strategy for this development and a Tree Survey which indicates that 7 on site trees are to be removed and are all C grade or less. No objection is raised to the removal of these trees to facilitate the development. As mentioned above the proposal is delivering a key piece of the masterplan by proposing a large section of public open space which will connect development to the east with that to the west of Viveash Close. The submitted landscaping scheme sets out three key objectives for a multi-functional landscape which aims to strengthen the Green Superhighway, create a community hub and provide multi-generational amenity space which caters for explorative and informal play and amenity spaces for human interaction.

The submission of the masterplan is welcomed as it indicates how the development would be integrated within the wider context of the site allocation and beyond. At ground level hard and soft landscaped space is provided. The hardscaped surface is necessary to permit emergency vehicle access to the site, however a day 2 scenario has been proposed whereby southern corner of the ground floor public space would be amended to permit access for emergency vehicles to cross the neighbouring site to either enter or egress from the site. The illustrative landscaping plan shows the planting of at least 50 trees and other soft planting at ground level. A communal garden on the tenth floor is proposed with a proportion illustrated as being covered. A planting schedule indicating the type of planting to be provided has been submitted along with details of a number of trees to also be planted. Full landscaping details are recommended to be secured by an appropriate condition.

### **URBAN GREENING FACTOR**

Policy G5 of the London Plan (2021) states:

- a. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls, and nature-based sustainable drainage.
- b. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2 but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development.

The proposal would deliver a landscaping scheme which achieves a UGF score of 0.45, this is above the policy requirement and as such the proposal complies with Policy G5 of the London Plan (2021).

## ECOLOGY

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

The re-development of the site would not result in any indirect ecological impacts that would be considered significant. The report does suggest the requirement for further nesting bird survey which would need to take place between March and August. Various enhancements are proposed which include, bird boxes, native trees, and future fencing to have hedgehog gates. These enhancements are considered to be acceptable and to ensure they are delivered the ecological appraisal will be included within the approved documents conditions. As such the the proposal is considered to accord with the NPPF (2021), Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

### **7.15 Sustainable waste management**

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

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

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

Refuse collection will be undertaken from this loading area created within the under-croft access on the building frontage on Viveash Close. Swept path analysis appended to the Transport Assessment illustrate how this can be carried out appropriately.

Dedicated bin stores are provided within the curtilage of the building. Waste will be trolleyed directly from the westernmost bin store to the refuse vehicle stopped on site. Waste stored within the easternmost bin stores will be transferred to the western bin store, by building management, on the



day of collection and waste collection operatives will collect these bins from the western bin store. Site management will be responsible for transferring these bins back to the eastern bin store after collection. A framework servicing and delivery plan has been submitted which gives a brief understanding of how servicing and delivery will be undertaken, refuse collection forms part of this. A more substantial document will be required including a management plan which demonstrates the responsibility for transferring bins from one refuse store to the other and ensuring that waste is not in an area where it could obstruct collection. Subject to the aforementioned condition the proposal is considered to be acceptable in terms of waste management.

## **7.16 Renewable energy / Sustainability**

### **ENERGY**

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

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (2021).

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

The applicant has submitted an energy assessment which demonstrates that the proposed development does not meet the zero carbon energy requirements on site. The proposals only include an onsite saving of at least 35% which meets the London Plan requirements. This leaves a shortfall of 135.32 CO<sub>2</sub>. This equates to an offsite contribution requirement of £385,652 based on the carbon cost of £95/tCO<sub>2</sub> annualised over 30 years.

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

### **OVERHEATING ASSESSMENT**

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

A) Development proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials and the incorporation of green infrastructure.

B) Major development proposals should demonstrate through an energy strategy how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:

- 1) reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure;
- 2) minimise internal heat generation through energy efficient design;
- 3) manage the heat within the building through exposed internal thermal mass and high ceilings;
- 4) provide passive ventilation;
- 5) provide mechanical ventilation; and
- 6) provide active cooling systems.

The energy assessment contains details relating to overheating.

An overheating assessment has been submitted has been undertaken in line with the cooling hierarchy. The assessment considers both natural and mechanical ventilation measures to address the potential for unacceptable levels of overheating. According to the report a large proportion of units fail marginally if natural ventilation were to be used only. As such mechanical ventilation will be required. The report suggests that active cooling loads could be avoided if external louvres are adopted in all the occupied spaces. However, cooling will be required in order for all habitable spaces to achieve comfortable internal temperatures in future climate weather scenarios. The revised design results in improvements in terms of natural cooling and ventilation through a number of ways. There are more dual aspect units that would benefit from passive ventilation/cooling. Also, it is noted that the units on the southern side which are more susceptible to overheating have the benefit of being mostly set back beyond balconies which means that the terrace above provides shade to these openings, acting somewhat similarly to louvres.

Subject to a condition to secure full details of the mechanical ventilation requirements, the proposal would accord with Policy SI 4 of the London Plan (2021).

## **7.17 Flooding or Drainage Issues**

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

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

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

The application site is not identified as being at risk of flooding, however due to the scale of the development an FRA and Drainage Strategy have been submitted.

The submitted Drainage Strategy indicates sustainable mitigation is to be used to deal with water generated by the site within the site boundary. Whilst the flood and water management consultants

objection is noted, the principle of the flood mitigation measures is recognised by them as acceptable and the additional information can be secured by way of an appropriately worded condition.

The submitted information is considered to be acceptable subject to a condition pertaining to the submission of a revised Drainage Strategy to include the additional information required. Subject to such a condition, the proposed development is considered to comply with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies SI 12 and SI 13 of the London Plan (2021).

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

### **NOISE**

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

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

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

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

With regard to the agent of change principle, it is noted that the nearest commercial units to the site are at the neighbouring site (4 Viveash Close). These are not considered to generate noise levels which will significantly impact the site. Whilst the noise generated by the remaining commercial units needs to be factored into the assessment of this application, the site is an allocated site for residential development (with commercial elements within), and appropriate weight needs to be given to this. The applicant has submitted a Noise Impact Assessment, which has been reviewed by the Council's Noise Officer and they have confirmed that they consider the document to be robust.

An objection has been received which is centred around the agent of change principle. The objection is supported by a review of the applicant's Noise Impact Assessment that concludes that occupants of

the new development could raise concerns with the noise generated by the neighbouring commercial uses and in the opinion of the noise consultant who reviewed the document, would have adequate reasons to justify a noise abatement notice being served. The site is located next to a busy train station which accommodates various train lines that generate a significant amount of noise. In addition the application includes a commercial unit and plant equipment which would also generate noise.

The first part of the objection is a legal letter that focusses on the Agent of Change principle and alleges that it has not been considered within the Noise Impact Assessment. Whilst the Agent of Change text is missing from the NPPF and Planning Practice Guidance sections of the Noise Impact Assessment, it is incorrect that the Agent of Change principle has not been considered as the existing noise sources identified by Syntegra during the noise survey (including existing plant from 4 Viveash Close) are considered.

Moreover, it is a reasonable assumption to consider the opening of a window is directly related to the desire for natural ventilation. However, it is common with urbanised sites which are subject to large scale masterplan redevelopment to require mechanical ventilation thus reducing the requirement for natural ventilation (opening of windows). Given the requirement for mechanical ventilation, which is to be secured by condition, it is reasonable to consider the requirement to open a window for cooling or natural ventilation less likely.

It is noted that is set out very clearly in the Planning Practice Guidance (Para 6) that reliance on closed windows to mitigate noise levels is acceptable, assuming that the impact on internal living conditions is taken into account (e.g. ventilation and cooling for overheating). This has been taken into account for the development in line with normal good acoustic practice, and the approach taken by Syntegra is the same as for the 3 Viveash Close site.

Noisy plant is located primarily on the northern facade of 4 Viveash Close, as evidenced by the focus on that part of the site in the Quantum Acoustics report appended to the objection letter.

The closest existing building at Squirrels Estate are located at approximately 2.5m from 4 Viveash Close. The proposed development is located at a distance of approximately 25m from 4 Viveash Close. The immediate issue would therefore appear to be the impact on the existing situation, regardless of the frequency of occupation.

It is noted that a similar objection was raised during the assessment of the application recently determined for approval by Planning Committee for the redevelopment of the 3 Viveash Close site (northern side of 4 Viveash). The objection was centred around the impact of dust/pollution and health concerns as opposed to noise. The principle of the agent of change and the LPA's response to this has not been a cause for concern by the GLA during the Stage 1 comments and Stage 2 discussion for application reference 36678/APP/2021/3370 (3 Vivesh Close) and has not been raised as a concern in the Stage 1 GLA comments for this application.

As stated above the applicant is supported by a Noise Impact Assessment which has been reviewed by the Council's Noise Officer and they have raised no objection to the proposed development, subject to conditions pertaining to the restriction of noise levels. Subject to the aforementioned conditions, the proposal would therefore accord with Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

## **7.19 Comments on Public Consultations**

**Major Applications Planning Committee - 26th July 2023**

**PART 1 - MEMBERS, PUBLIC & PRESS**

One letter of objection was received raising the following concerns.

- Agent of change
- Noise impact upon future occupants of the development from the existing industrial buildings
- Health risk to future occupants due to dust emanating from neighbouring industrial buildings
- Increased traffic
- Pedestrian safety

These comments are addressed within the main body of this committee report.

## **7.20 Planning obligations**

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

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

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

- i) to secure the provision of affordable housing in relation to residential development schemes;
- ii) where a development has infrastructure needs that are not addressed through CIL; and
- iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

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

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

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

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

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

1. Section 278 Highway Agreement for works needed to facilitate highway improvements works along Viveash Close.
2. Air Quality contribution of £57,050.
3. Employment Strategy and Construction Training: Details shall be in accordance with the Council Planning Obligations SPD with the preference being for an in-kind scheme to be delivered. Securing an Employment/Training Strategy Agreement is the Council's priority. A financial contribution will only be accepted in exceptional circumstances.
4. TFL Bulls Bridge contribution of £77,403.

5. Active Travel Zone contribution of £92,640.

6. Travel Plan: 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.

7. Restriction upon future residents preventing them from obtaining an on street parking permit within the existing adjoining Parking Management Scheme and any future expanded scheme.

8. £115,685 Contribution towards Cranford Park improvements.

9. London Healthy Urban Development Unit (HUDU) contribution of £48,938.

10. Affordable Housing: Planning obligation for an on-site provision of 14 Shared Ownership units comprising of 6 x 1 bed, 6 x 2 bed and 2 x 3 bed, plus 15 Social Rented units comprising of 7 x 1 bed and 8 x 2 bed. This shall include an Early and Late Stage Viability Review mechanism as defined by Policy H5 of the London Plan (2021).

11. Carbon off-set contribution of £385,652.

12. Implementation of a new landscaping treatment agreed between the Owner of this application site and the land owner of the former Nestle Site (Blocks D and E) and the removal of the closed boarded fence between the two sites, or otherwise agreed with the local planning authority.

13. Project management and monitoring fee: A financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL):

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

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 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 (plus indexation) per square metre (from April 2019). The London Borough of Hillingdon (LBH) is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

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

The CIL liability is estimated as follows:

Hillingdon CIL: £763,864.14

Mayoral CIL: £346,480.00

### 7.21 Expediency of enforcement action

Not applicable to this application

## **7.22 Other Issues**

### **CONTAMINATED LAND**

Policy DMEI 12 of the Local Plan: Part Two (2020) requires proposals for development on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants. Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

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

### **FIRE SAFETY**

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

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

### **HEALTH**

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

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

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

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

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

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

b) assess the potential impacts of development proposals and Development Plans on the mental and

physical health and wellbeing of communities, in order to mitigate any potential negative impacts, maximise potential positive impacts, and help reduce health inequalities

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

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

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

The floorspace occupied by affordable housing is not liable to Community Infrastructure Levy. Accordingly, the London Healthy Urban Development Unit (HUDU) Planning Contributions Model has been used to assess the health service requirements and cost impacts of the development. A financial contribution amounting to £48,938 has been calculated and would be secured as part of the Section 106 legal agreement if recommended for approval.

## INFRASTRUCTURE ASSESSMENT

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

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

## 8. Observations of the Borough Solicitor

### General

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

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

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

### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should



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

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

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

Not applicable

#### **10. CONCLUSION**

In conclusion, the proposed redevelopment of the site to provide a residential development comprising 121 no. residential units (Use Class C3) is considered acceptable in principle.

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

The proposed development would provide 15 social rent units and 14 shared ownership units intermediate tenure units, equating to an overall offer of 22.75% affordable housing by habitable room. Although this does not meet the 50% affordable housing target set for former industrial sites, stated under Policy H5 of the London Plan (2021), it would positively contribute to meeting the Council's affordable housing needs and is notably supported by the Council's Housing Team. It is also agreed that this affordable housing offer is the maximum viable, affordable housing provision

possible. If approved, this would be secured by the Section 106 legal agreement, alongside an Early and Late Stage Viability Review.

Regarding the agent of change principle, it is noted that the nearest commercial units to the site are at the neighbouring site (4 Viveash Close). The applicant has submitted a Noise Impact Assessment, demonstrating to the satisfaction of the Council's Noise Specialist that the proposals will provide an acceptable living environment. This is subject to conditions relating to the restriction on noise levels measured internally.

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

Based on a proposed housing mix, the development would require approximately 2775 square metres of private amenity space to accord with relevant policies. The submitted plans provide the following:

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

The above provisions total 606 sqm of amenity space, resulting in a shortfall of amenity space for the proposals. However, the applicant has agreed to a £115,685 contribution towards Cranford Park improvements to mitigate this under provision and is providing 1834.70 sqm (approximately 60% of the site area) as public open space in order to deliver a key piece of the area masterplan and Green Superhighway. It should be noted that additional amenity space could be provided if the applicant were to propose a scheme which extended the built form further into the area proposed as public open space, but this would be to the detriment of the delivery of the Green Superhighway. Significant weight is afforded to the delivery of the masterplan and therefore the benefits of delivering this key piece of public open space and the Green Superhighway outweigh the potential harm resultant of the shortfall in amenity space.

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

The proposed development would provide 4 no. disabled parking bays which accords with the immediate 3% required to be delivered by policy. Policy also requires the delivery of a further 7% should there be demand, however there is insufficient space within the application site to deliver these spaces unless the Green Superhighway public realm is lost. Significant weight is afforded to delivering the objectives of the masterplan and part of this includes the Green Superhighway. The Council's Highways Officer has confirmed that the accessibility of disabled spaces within the immediate vicinity is noted and the level of parking proposed is acceptable given the importance of delivering the Green Superhighway and the sustainable transport benefits it will provide.

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

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

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

## **11. Reference Documents**

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

Hillingdon Local Plan: Part 2 - Site Allocations and Designations (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

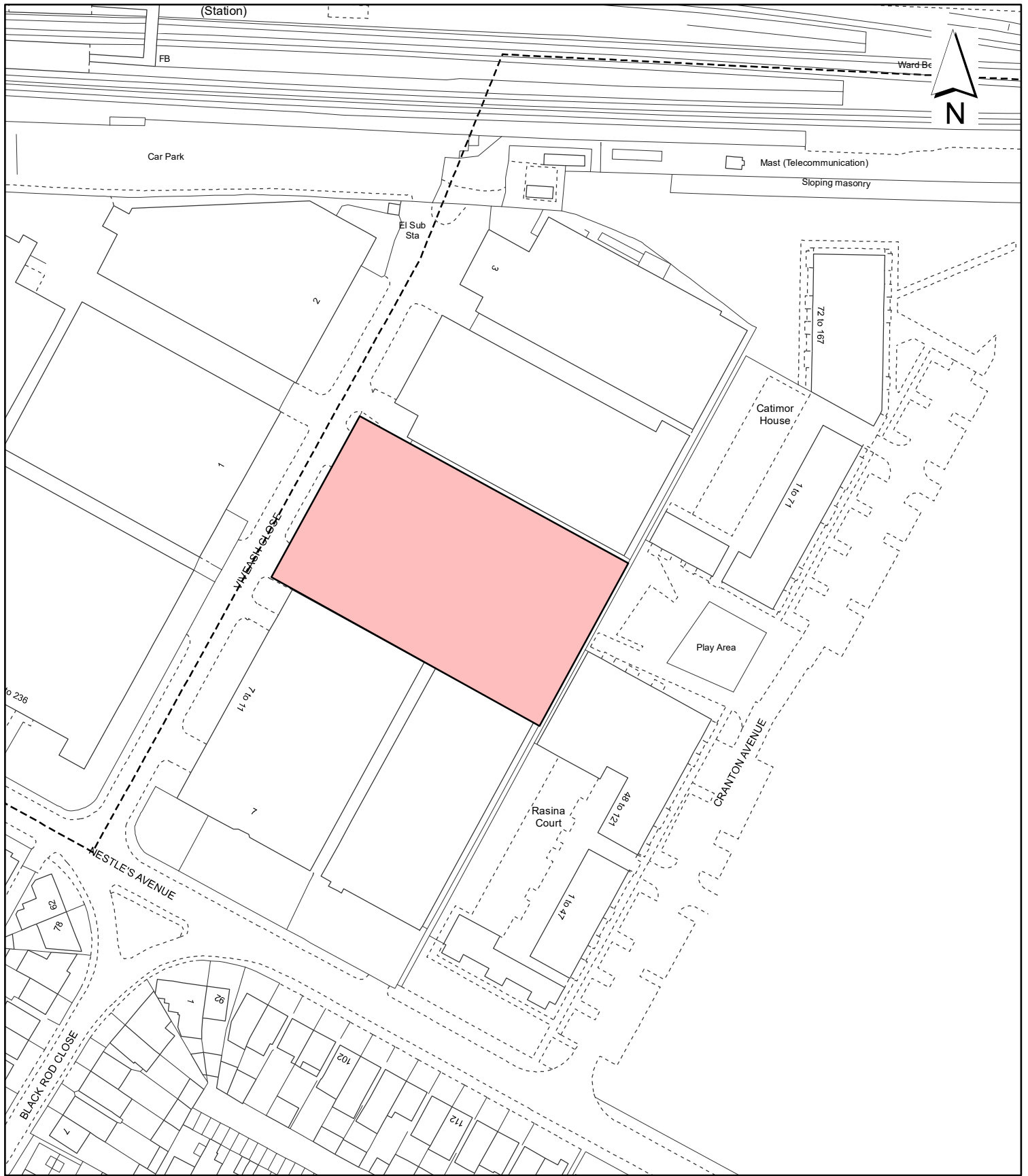
Planning Obligations Supplementary Planning Document (July 2014)



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	<p>Planning Committee:</p> <p><b>Major</b></p>	<p>Date:</p> <p><b>July 2023</b></p>	 <p><b>HILLINGDON</b> LONDON</p>