

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

**Address:** MERCK SHARPE DOHME (MSD) SITE OFF BREAKSPEAR ROAD SOUTH  
HAREFIELD

**Development:** Retention and demolition of existing buildings, construction of new buildings, all within Use Class B8 with ancillary uses, alongside hardstanding, widening of the vehicular access off Breakspear Road South, associated car and cycle parking, enhanced landscaping and ancillary works.

**LBH Ref Nos:** 72870/APP/2022/3126

**Drawing Nos:** 221723\_OP\_ICK\_L\_SE05 Rev. 01  
221723\_OP\_ICK\_L\_X002 Rev. 01  
35896IPLS-06  
35896IPLS-03  
35896IPLS-07  
1381-DR-A-00-026 Issue 00  
1381-DR-A-00-027 Issue 00  
1381-DR-A-01-015 Issue 00  
1381-DR-A-02-015 Issue 00  
1381-DR-A-03-015 Issue 00  
1381-DR-A-04-015 Issue 00  
1381-DR-A-05-015 Issue 00  
1381-DR-A-00-020 Issue 00  
1381-DR-A-00-021 Issue 00  
1381-DR-A-00-022 Issue 00  
1381-DR-A-00-023 Issue 00  
1381-DR-A-00-025 Issue 00  
1381-DR-A-00-026 Issue 00  
1381-DR-A-01-020 Issue 00  
1381-DR-A-02-020 Issue 00  
1381-DR-A-05-020 Issue 00  
221723\_OP\_ICK\_L\_X005 Rev. 01  
1381-DR-A-00-012 Issue 01  
1381-DR-A-00-013 Issue 01  
1381-DR-A-01-010 Issue 01  
1381-DR-A-01-030 Issue 01  
1381-DR-A-02-010 Issue 01  
1381-DR-A-02-030 Issue 01  
1381-DR-A-03-010 Issue 01

1381-DR-A-03-020 Issue 01  
1381-DR-A-03-030 Issue 01  
1381-DR-A-04-010 Issue 01  
1381-DR-A-04-020 Issue 01  
1381-DR-A-04-030 Issue 01  
1381-DR-A-05-010 Issue 01  
1381-DR-A-05-030 Issue 01  
1381-DR-A-00-010 Issue 02  
Design and Access Statement  
22002-SYM-XX-00-DR-C-1601 Rev. P3  
22002-SYM-XX-00-DR-C-1602 Rev. P3  
22002-SYM-XX-00-DR-C-1701 Rev. P1  
22002-SYM-XX-00-DR-C-1702 Rev. P1  
22002-SYM-XX-00-DR-C-1802 Rev. P5  
22002-SYM-XX-00-DR-C-1803 Rev. P4  
22002-SYM-XX-00-DR-C-1851 Rev. P3  
22002-SYM-XX-00-DR-C-701 Rev. P1  
22002-SYM-XX-00-DR-C-702 Rev. P1  
22002-SYM-XX-00-DR-C-1901 Rev. P3  
22002-SYM-XX-XX-RPT-C-0001 Rev. P02 Flood Risk Assessment  
22002-SYM-XX-XX-RPT-C-0002 Drainage Strategy Report  
22002 (25-07-2022) Drainage Management and Maintenance Plan  
Landscape Report Rev. 01 (September 2022)  
108003-MMD-00-XX-DC-AQ-0001 Air Quality Assessment (September 2022)  
BG22.113.7 Archaeological Desk-Based Assessment (September 2022)  
BG22.113.8 Rev. 1 Biodiversity Impact Assessment for Net Gain (September 2022)  
BG22.113.7 Rev. 1 Ecological Impact Assessment (September 2022)  
Planning Statement (October 2022)  
WB307-01/DOP/SAG/MAK Ground Investigation Report  
Interim Travel Plan (September 2022)  
Noise and Vibration Impact Assessment (September 2022)  
Operational Waste Management Strategy (September 2022)  
Proposed TVIA Viewpoints  
Ickenham Viewpoint Descriptions  
GLA Stage 1 Response Letter (Dated 22nd May 2023)  
35896IPLS-01  
35896IPLS-02  
35896IPLS-03

35896IPLS-04  
 221723\_OP\_ICK\_L\_SE02 Rev. 01  
 221723\_OP\_ICK\_L\_SE03 Rev. 01  
 221723\_OP\_ICK\_L\_SE04 Rev. 01  
 1381-DR-A-EX-021 Issue 00  
 1381-DR-A-EX-022 Issue 00  
 1381-DR-A-EX-023 Issue 00  
 1381-DR-A-EX-024 Issue 00  
 22002-SYM-XX-00-DR-C-1301 Rev. P2  
 1381-DR-A-00-011 Issue 01  
 1381-DR-A-00-010 Issue 02  
 1381-DR-A-00-102 Issue 00  
 Statement of Community Involvement (September 2022)  
 Sustainability Statement Rev. 02  
 Transport Statement (September 2022)  
 14771BC.PFSS.20.02.23 (V01) Planning Fire Safety Strategy (20th February 2023)  
 22002-SYM-XX-00-DR-C-1603 Rev. P1  
 22002-SYM-XX-00-DR-C-1604 Rev. P1  
 100108003 Healthy Streets Active Travel Zone Assessment (April 2023)  
 BG22.113.6 Rev. 3 Arboricultural Impact Assessment Survey & Report (Dated May 2023)  
 Energy Report Rev. 02 (Dated 31st January 2023)  
 Whole Life Carbon Assessment Rev. 02  
 Cover Letter (Dated 7th October 2022)  
 Visualisation Document  
 1381-DR-A-00-000 Issue 00

<b>Date Plans received:</b>	11-10-2022	<b>Date(s) of Amendments(s):</b>	30-05-2023
			11-10-2022
<b>Date Application valid</b>	11-10-2022		22-05-2023
			11-10-2023
			10-10-2022

## 1. SUMMARY

This application seeks planning permission for the retention of one building (Building 1) for use as ancillary offices and demolition of all remaining buildings, construction of new buildings (Buildings 2 to 5), all within Use Class B8 with ancillary uses, alongside hardstanding, widening of the vehicular access off Breakspear Road South, associated car and cycle parking, enhanced landscaping and ancillary works.

The application site is a vacant, brownfield site, formerly used mainly as a research and development facility (Use Class E(g)(ii)). Notably, the development plan encourages the intensification of existing industrial sites in appropriate locations. The proposed development would intensify the existing employment site for industrial purposes (Use Class B8), in accordance with Policies E4 and E7 of the London Plan (2021), and Policy DME 2 of the Hillingdon Local Plan: Part 2 (2020). It is considered that the proposed development is acceptable in land use terms and would make efficient use of a brownfield site.

Significantly, the site is also located within the Green Belt. The NPPF (2023) does allow for development in the Green Belt to be considered appropriate, provided it meets one of the exceptions set out in paragraph 149. In this instance paragraph 149 part (g) is applicable and requires that redevelopment of previously developed land does not have a greater impact on the openness of the Green Belt than the existing development. Subject to an appropriately worded planning condition which restricts the level of storage that can be deposited in the external storage yards proposed, and planning conditions which ensure effective maintenance and delivery of a robust landscape scheme to screen the proposals from view, the scheme would not result in a greater impact to the openness of the Green Belt than the existing development. Subject to such conditions, the proposed scheme would constitute appropriate development and very special circumstances are not required to justify the development proposed.

Planning obligations are proposed to be secured by a Section 106 legal agreement in respect of air quality mitigation, carbon offsetting, travel planning, healthy streets and active travel, highways works, employment strategy and construction training. These are necessary to make the development acceptable, and are reasonable in scale and kind.

Subject to the planning conditions and obligations, the proposed development is considered acceptable with respect to its design and impact on the character and appearance of the area, neighbour amenity, the local highway network, public rights of way, accessibility, security, landscaping, ecology, waste, energy, flood and water management, noise, contaminated land and fire safety. For the reasons set out within the main body of the report, the proposal accords with the development plan when read as a whole. This application is recommended for approval, subject to planning conditions and a Section 106 legal agreement.

## **2. RECOMMENDATION**

**That the application be referred back to the Greater London Authority.**

**That should the Mayor not issue a direction under Article 7 of the Order that he is to act as the Local Planning Authority for the purposes of determining the application, delegated powers be given to the Director of Planning, Regeneration and Environment to grant planning permission, subject to the following:**

**A) 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:**

**i) Air Quality Contribution: A financial contribution amounting to £314,189.57 shall be paid to address the air quality impacts of the proposed development.**

**ii) Carbon Offset Contribution: Any additional shortfall identified through the ongoing reporting**

required by Condition 18 shall form a cash in lieu contribution in accordance with Policy SI2 of the London Plan at a rate of £95/tCO<sub>2</sub> annualised for not more than 30 years beginning on the commencement of development.

iii) **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.

iv) **Active Travel Zone Contribution:** A financial contribution amounting to £5,000 shall be paid to the Council to fund the delivery of works to encourage and enable trip making by walking, cycling and public transport.

v) **Highways Works:** Section 278 agreement to secure highway works, including works to the junction with Breakspear Road South.

vi) **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.

vii) **Project Management & Monitoring Fee:** A financial contribution equal to 5% of the total cash contributions secured from the scheme to enable the management and monitoring of the resulting agreement, is sought.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

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

D) That, if the Legal Agreement has 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 respect of the Air Quality, Carbon Offsetting, Travel Planning, Active Travel, Highways Works, Employment Strategy and Construction Training). The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 54-57 of the National Planning Policy Framework (2021).'

E) That if the application is approved, the following conditions be imposed:

1. COM3 Time Limit

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

of this permission.

**REASON**

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

**2. COM4 Accordance with Approved Plans**

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

**Location Plan:**

1381-DR-A-00-000 Issue 00

**Site Plans:**

1381-DR-A-00-010 Issue 02

1381-DR-A-00-011 Issue 01

1381-DR-A-00-012 Issue 01

1381-DR-A-00-013 Issue 01

**Floor Plans:**

1381-DR-A-01-010 Issue 01

1381-DR-A-02-010 Issue 01

1381-DR-A-03-010 Issue 01

1381-DR-A-04-010 Issue 01

1381-DR-A-05-010 Issue 01

**Elevations:**

1381-DR-A-01-030 Issue 01

1381-DR-A-02-030 Issue 01

1381-DR-A-03-030 Issue 01

1381-DR-A-04-030 Issue 01

1381-DR-A-05-030 Issue 01

**Roof Plans:**

1381-DR-A-01-015 Issue 00

1381-DR-A-02-015 Issue 00

1381-DR-A-03-015 Issue 00

1381-DR-A-04-015 Issue 00

1381-DR-A-05-015 Issue 00

**Section Plans:**

1381-DR-A-01-020 Issue 00

1381-DR-A-02-020 Issue 00

1381-DR-A-03-020 Issue 01

1381-DR-A-04-020 Issue 01

1381-DR-A-05-020 Issue 00

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

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November

2012) and 2 (January 2020) and the London Plan (2021).

### **3. COM5 General compliance with supporting documentation**

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

22002-SYM-XX-XX-RPT-C-0001 Rev. P02 Flood Risk Assessment;  
22002-SYM-XX-XX-RPT-C-0002 Drainage Strategy Report;  
22002 (25-07-2022) Drainage Management and Maintenance Plan;  
Landscape Report Rev. 01 (September 2022);  
108003-MMD-00-XX-DC-AQ-0001 Air Quality Assessment (September 2022);  
BG22.113.7 Archaeological Desk-Based Assessment (September 2022);  
BG22.113.8 Rev. 1 Biodiversity Impact Assessment for Net Gain (September 2022);  
BG22.113.7 Rev. 1 Ecological Impact Assessment (September 2022);  
WB307-01/DOP/SAG/MAK Ground Investigation Report;  
Interim Travel Plan (September 2022);  
Noise and Vibration Impact Assessment (September 2022);  
Operational Waste Management Strategy (September 2022);  
Sustainability Statement Rev. 02;  
Transport Statement (September 2022);  
Whole Life Carbon Assessment Rev. 02;  
14771BC.PFSS.20.02.23 (V01) Planning Fire Safety Strategy (20th February 2023);  
100108003 Healthy Streets Active Travel Zone Assessment (April 2023);  
Energy Report Rev. 02 (Dated 31st January 2023); and  
BG22.113.6 Rev. 3 Arboricultural Impact Assessment Survey & Report (Dated May 2023).

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

#### **REASON**

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

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

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

- Use Class B8: 5,804 m2 floorspace for warehouse storage and distribution use; and
- Ancillary Use Class B8: 1,290 m2 floorspace for ancillary office use.

#### **REASON**

To ensure that the provisions of the proposed development are secured to the warehouse use to prevent detrimental impacts arising from an alternative use which is not permitted, including impacts on town centres, the local highway network and air quality, in accordance with Policies DME 3, DMT C 1, DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies SD7, T4 and SI 1 of the London Plan (2021) and paragraphs 87, 111 and 174 of the National Planning Policy Framework (2023).

## **5. NONSC Restrict Enlargement of B8 Use Buildings**

Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings shall not be extended.

### **REASON**

To ensure that the Local Planning Authority have assessed all the implications of the development, including impacts on design, the local highway network and air quality, in accordance with Policies DMHB 11, DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies D4, T4 and SI 1 of the London Plan (2021) and paragraphs 111, 130 and 174 of the National Planning Policy Framework (2023).

## **6. NONSC Restrict Addition of Internal Floorspace**

Notwithstanding the provisions of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional structural internal mezzanine floorspace that can be used for storage shall be created in excess of that area expressly authorised by this permission.

### **REASON**

To ensure that the Local Planning Authority have assessed all the implications of the development, including impacts on design, the local highway network and air quality, in accordance with Policies DMHB 11, DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies D4, T4 and SI 1 of the London Plan (2021) and paragraphs 111, 130 and 174 of the National Planning Policy Framework (2023).

## **7. NONSC Use Class Restriction - Data Centre Prohibited**

Notwithstanding the Town and Country Planning (Use Classes) Order (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the development hereby approved shall not be used as a data centre.

### **REASON**

To enable the Local Planning Authority to assess all the implications of the development and to ensure compliance with the Development Plan, including any impact on carbon emissions and air quality, to accord with Policies DMEI 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies SI 1 and SI 2 of the London Plan (2021), and paragraphs 154 and 174 of the National Planning Policy Framework (2023).

## **8. NONSC Ancillary Office Floorspace**

The office floorspace hereby approved shall only be used as ancillary floorspace to the primary operation of the warehouse facilities (Use Class B8).

### **REASON**

To ensure that the provisions of the proposed development are secured to the warehouse use to prevent detrimental impacts arising from an alternative use which is not permitted, including impacts on town centres, the local highway network and air quality, in accordance with Policies DME 3, DMTC 1, DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policies SD7, T4 and SI 1 of the London Plan (2021) and paragraphs 87, 111 and 174 of the National Planning Policy Framework (2023).



Framework (2023).

## **9. NONSC Stacking Height Restriction**

The external storage yards shall only be used for external storage in association with the use hereby approved. Materials, objects, equipment and vehicles shall not be stored, stacked, deposited or parked:-

- (i) To cover an area exceeding 80% of each individual external storage yard hereby approved;
- (ii) To a height exceeding 6 metres above existing ground level in external storage yards Y3 and Y4 (to the south) hereby approved;
- (iii) To a height exceeding 5 metres above existing ground level in external storage yards Y2 and Y5 (to the north) hereby approved;
- (iv) In the car park surrounding Building B1; or
- (v) On any of the soft/green landscaped areas of the site.

NOTE: The external storage yard notations (Y2, Y3, Y4 and Y5) are defined by approved drawing reference 1381-DR-A-00-010 Issue 02. External storage yards Y3 and Y4 are located within the southern section of the site where levels are lower and external storage yards Y2 and Y5 are located within the northern section of the site where levels are higher.

### **REASON**

In order to safeguard the openness of the green belt and visual amenities of the area in accordance with Policies EM2 and BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMEI 4 and DMHB 11 of the Hillingdon Local Plan: Part 2 (2020), Policy G2 of the London Plan (2021) and paragraph 149 of the National Planning Policy Framework (2023).

## **10. NONSC Noise Levels**

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

### **REASON**

To safeguard the amenity of the occupants of the surrounding properties in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

## **11. NONSC Non-Road Mobile Machinery**

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

### **REASON**

To comply with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy, in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DME1 14 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 1 of the London Plan (2021) and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

## **12. NONSC Connection to Future District Heating Network**

The development hereby approved shall connect to a district heating network should one become available in future.

### **REASON**

To ensure compliance with Policy SI 3 of the London Plan (2021).

## **13. NONSC Digital Connectivity Infrastructure**

The development hereby approved shall ensure that sufficient ducting space for full fibre connectivity infrastructure is provided.

### **REASON**

To ensure compliance with Policy SI 6 of the London Plan (2021).

## **14. NONSC HGVs Condition**

(A) The development hereby permitted shall not operate in order to allow for any inbound or outbound trips to or from the site by petrol or diesel Heavy Goods Vehicles (HGVs) between the hours of:-

- (i) 22:00 and 06:00, Monday to Saturday; and
- (ii) 22:00 and 08:00, Sundays and Bank Holidays.

(B) The development hereby permitted shall not operate in order to allow for any more than:-

- (i) 10 inbound and/or outbound trips to or from the site by petrol or diesel HGVs between the hours of 06:00 and 07:00;
- (ii) 15 inbound and/or outbound trips to or from the site by petrol or diesel HGVs between the hours of 07:00 and 08:00; and
- (iii) 4 inbound and/or outbound trips to or from the site by petrol or diesel HGVs between the hours of 20:00 and 22:00.

### **REASON**

To safeguard the amenity of the occupants of the surrounding properties in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

## **15. NONSC Bat Mitigation**

Prior to commencement of development (including demolition), full details of bat mitigation requirements shall be submitted to and approved in writing by the Local Planning Authority. These measures must be carried out in accordance with the bat licence issued by Natural England (to be issued subsequent to this planning permission) and submitted alongside the full details of bat mitigation. The development must be carried out in accordance with the approved details.

## REASON

To ensure the protection of bats in accordance with Policy G6 and G7 of the London Plan (2021) and Policy EM7 and DMEI 7 of the Hillingdon Local Plan Parts 1 (2012) and 2 (2020).

### **16. NONSC Construction Management and Logistics Plan**

Prior to the commencement of works on site, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with relevant stakeholders). This plan shall detail:

- (i) The phasing of the works;
- (ii) The hours of work;
- (iii) On-site plant and equipment;
- (iv) Measures to mitigate noise and vibration;
- (v) Measures to mitigate impact on air quality;
- (vi) Waste management;
- (vii) Site transportation and traffic management, including:
  - (a) Routing;
  - (b) Signage;
  - (c) Vehicle types and sizes;
  - (d) Hours of arrivals and departures of staff and deliveries (avoiding peaks times of day);
  - (e) Frequency of visits;
  - (f) Parking of site operative vehicles;
  - (g) On-site loading/unloading arrangements;
  - (h) wheel washing; and
  - (i) Use of an onsite banksman (if applicable).
- (viii) The arrangement for monitoring and responding to complaints relating to demolition and construction;
- (ix) Details of cranes and other tall construction equipment (including the details of obstacle lighting);
- (x) Measures to maintain unfettered access to the bridleway for Public Right of Way U42 during construction.

This plan should accord with Transport for London's Construction Logistic Planning Guidance and the GLA's 'The Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (July 2014) (or any successor document). It shall cover the entirety of the application site and any adjoining land which will be used during the construction period. It shall include the details of cranes and any other tall construction equipment (including the details of obstacle lighting).

The construction works shall be carried out in strict accordance with the approved plan.

## REASON

To safeguard the amenity of surrounding areas and to ensure that the construction works include appropriate efficiency and sustainability measures so as not to compromise the safe and efficient operation of the local highway network and local air quality, in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (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: Part 2 (2020).

## **17. NONSC Contaminated Land**

(i) The development hereby permitted (excluding demolition, site clearance and supplementary ground investigation works e.g. beneath demolished buildings) shall not commence until a scheme to address unacceptable contamination, in accordance with the Environment Agency's guidance "Land contamination risk management" (LCRM), has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of an approved 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 detailed remediation strategy, to also include how completion of the remedial works will be verified, along with the details of a watching brief to address undiscovered contamination, shall be agreed in writing with the LPA. 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 strategy is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and

(iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The verification report shall include the details of the final remediation works and demonstrate that they have been conducted 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 laboratory testing including details of placement of the suitable materials shall be submitted to and approved in writing by the Local Planning Authority.

### **REASON**

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

## **18. NONSC Consent for Discharge Point**

Prior to commencement of groundworks, evidence of consent for the proposed connection to the public surface water sewer from the relevant Water and Sewerage Undertaker should be submitted to and approved in writing by the Local Planning Authority.

### **REASON**

To ensure that surface water run off is controlled and to ensure the development does not increase flood risk, in compliance with Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 12 and SI 13 of the London Plan

(2021), the National Planning Policy Framework (2021), and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

## **19. NONSC Energy Monitoring, Recording and Reporting**

Prior to commencement of development (excluding demolition), a detailed energy monitoring, recording and reporting plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the requirements of London Plan Policy SI2 and the GLA Energy Assessment Guidance (April 2020 or as amended) and demonstrate that the development will secure the 154% saving in CO2 emissions from the regulated energy load in accordance with the energy strategy (Energy Report Rev. 02 (Dated 31st January 2023)).

The development must proceed in accordance with the approved reporting structure and where there is a failure to achieve the carbon savings as set out in the energy strategy, the quantum (tCO2) shall be treated as part of the shortfall and shall result in a cash in lieu contribution in accordance with the formula set out in the S106.

### **REASON**

To ensure the development's onsite carbon savings from regulated energy demand is achieved in perpetuity (i.e. annually over 30years) in accordance with the Policy SI2 of the London Plan (2021).

## **20. NONSC Overheating**

Prior to commencement of development (excluding demolition), the final Overheating Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submission shall demonstrate how the development will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy:

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

The approved details shall thereafter be implemented and retained for the lifetime of the development.

### **REASON**

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

## **21. NONSC Materials**

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

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

## REASON

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

### **22. NONSC Details of Access**

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

## REASON

To ensure an accessible and inclusive development for everyone in accordance with Policy D5 of the London Plan (2021).

### **23. COM9 Landscape Scheme**

Prior to commencement of development above ground level, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

#### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100) to demonstrate no net loss of trees, and including (but not limited to) dense planting on the southern boundary in order to achieve effective screening of the site from views taken from the south

1.b Written specification of planting and cultivation works to be undertaken

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

#### 2. Details of Hard Landscaping

2.a Refuse Storage

2.b Means of enclosure/boundary treatments

2.c Car Parking Layouts, including:

- 13 no. car parking spaces are served by active charging infrastructure;

- 52 no. car parking spaces are served by passive charging infrastructure; and

- All operation parking spaces, including spaces for freight vehicles, are served by rapid electric vehicle charging points.

2.d Hard Surfacing Materials

2.e External Lighting

2.f Other structures

#### 3. Living Roofs

3.a Notwithstanding the plans submitted, details for the provision and maximisation of 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.

3.b Robust and evidenced justification as to why a living / green / blue / brown / bio-solar roofs cannot be provided.

#### 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 turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 5. Schedule for Implementation

#### 6. Other

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

6.b Proposed finishing levels or contours

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

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 12, DMHB 14, DMT 2, DMT 6 and DME1 1 of the Hillingdon Local Plan: Part 2 (2020) and Policies G1, G5, T6, T6.2 and T7 of the London Plan (2021).

### **24. NONSC Public Right of Way U42 Scheme**

Notwithstanding the plans hereby approved and prior to commencement of development above ground level, a detailed scheme for the new bridleway connection to Public Right of Way U42 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a 3 metre wide bridleway on the south side of the access road and a crossing point to re-join the existing bridleway.

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

#### REASON

To ensure that the development provides safe, direct and inclusive access for pedestrians and cyclists on the public right of way, in accordance with Policies DMT 1 and DMT 5 of the Hillingdon Local Plan: Part 2 (2020).

### **25. NONSC Ecological Enhancement Plan**

Prior to commencement of development above ground level (excluding demolition), a scheme for the enhancement of ecology shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the development will contribute positively to ecological value through the use of features and measures within the landscaping (i.e. nectar rich and diverse planting including living walls and/or roofs) and the fabric of the new built form (i.e. bat and bird boxes). The scheme shall include a plan with the features annotated and the development must be

built and operated in accordance with the approved scheme.

#### REASON

To ensure the development contributes positively to the ecological value of the area in accordance with Policy EM7 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 7 of the Hillingdon Local Plan: Parts 2 (2020) and Policies G6 and G7 of the London Plan (2021).

### **26. NONSC Sustainable Drainage Scheme Details**

Prior to commencement of groundworks (excluding site investigations and demolition), a final detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. This shall include drawings and supporting calculations, in accordance with document reference '22002-SYM-XX-XX-RPT-C-0002 Drainage Strategy Report' and associated drawings. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.

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

#### REASON

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

### **27. NONSC Sustainable Drainage Scheme Verification**

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

### **28. NONSC Cycle Parking Details**

Prior to first operation of the development, details of the cycle parking to provide space for 24 no. bicycles shall be submitted to and approved in writing by the Local Planning Authority. Details shall confirm that the covered cycle hub is to be sited on the eastern side of Building 1 and that all cycle parking to be provided accords with the London Cycling Design Standards.

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



#### REASON

To ensure that the development secures appropriate cycle parking provision, in accordance with Policy T5 of the London Plan (2021).

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

Prior to the first operation of the development, a Parking Design and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

The Parking Management Plan shall be implemented as approved and shall remain in force for the life of the development.

#### REASON

To allow sufficient space for all vehicles to access the application site and neighbouring sites, and to safeguard the safety of highway users, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policies T4 and T6 of the London Plan (2021).

### **30. NONSC Delivery, Servicing and Waste Management Plan**

Prior to the first operation of the development, a Delivery, Servicing and Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate that arrival and departure of HGVs shall not take place at the same time to avoid conflict and highway safety issues. This should accord with Transport for London's Delivery and Servicing Plan Guidance.

Thereafter the development shall be operated in full accordance with the approved details.

#### REASON

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

### **31. NONSC Fire Statement**

Prior to the first operation of the development, the final comprehensive Fire Statement shall be submitted to and approved in writing by the Local Planning Authority. This should be accompanied by the Building Control Decision Notice or equivalent.

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

#### REASON

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

### **32. NONSC Secured by Design**

The building(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief

Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

#### REASON

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

### **33. NONSC Low Emission Strategy**

Prior to the first operation of the development, a Low Emission Strategy (LES) shall be submitted to and approved in writing by the Local Planning Authority. The LES shall address but be not restricted to:

- 1) Compliance with the current London Plan (March 2021) and associated Planning Guidance requirements.
- 2) Implementation of a fast electric vehicle charging bay for cars, and rapid charging provisions for freight vehicles.
- 3) Update the proposed Travel Plan to make it more ambitious with a clear and effective strategy to encourage staff / users of the site to
  - a) use public transport;
  - b) cycle / walk to work where practicable;
  - c) enter car share schemes;
  - d) purchase and drive to work zero emission vehicles.
- 4) Avoid, whenever possible, urban areas including Air Quality Focus Areas.

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

#### REASON

As the application site is within an Air Quality Management Area, and to reduce the impact on air quality in accordance with Policy EM8 of the Local Plan: Part 1 (2012), Policy DME1 14 of the Hillingdon Local Plan: Part 2 (2020), Policies SI 1 and T4 of the London Plan (2021) and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

### **34. NONSC Circular Economy Monitoring Report**

Prior to operation of the development, a post-construction monitoring report should be completed in line with the Greater London Authority's (GLA) Circular Economy Statement Guidance.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority, prior to operation of the development.

#### REASON

In the interests of sustainable waste management and in order to maximise the re-use of materials, in accordance with Policy SI 7 of the London Plan (2021).

### **35. NONSC Whole Life-Cycle Carbon Assessment**

Prior to the operation of the development the post-construction tab of the Greater London Authority's (GLA) Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the Local Planning Authority, prior to operation of the development.

#### **REASON**

In the interests of sustainable development and to maximise on-site carbon dioxide savings, in accordance with Policy SI 2 of the London Plan (2021).

### **36. COM10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plans shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### **REASON**

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

## **INFORMATIVES**

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

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act

(1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

## **3. I72 Section 106 Agreement**

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

## **4. I73 Community Infrastructure Levy (CIL) (Granting Consent)**

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

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

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

## **5.**

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

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

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

following are complied with:-

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

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

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

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

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

**7.**

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**8.**

The developer is advised that the application site is in the vicinity of land that may be required to construct and/or operate Phase One of a high-speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for Phase One of HS2. Accordingly the applicant is advised to follow ongoing progress of the HS2 project at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.

**9.**

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

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

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

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

## **10. IT05 Wildlife and Countryside Act 1981**

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, if applicable, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

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

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMAV 1	Safe Operation of Airports
DMCI 7	Planning Obligations and Community Infrastructure Levy
DME 1	Employment Uses in Designated Sites
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
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMT 7	Freight

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 D14	(2021) Noise
LPP D2	(2021) Infrastructure requirements for sustainable densities
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
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 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 G2	(2021) London's Green Belt
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP G7	(2021) Trees and woodlands
LPP GG2	(2021) Making the best use of land
LPP GG5	(2021) Growing a good economy
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 SI5	(2021) Water infrastructure
LPP SI7	(2021) Reducing waste and supporting the circular economy
LPP T1	(2021) Strategic approach to transport
LPP T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6.2	(2021) Office parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF13	NPPF 2021 - Protecting Green Belt Land

NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport

### **3. CONSIDERATIONS**

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

The application site comprises an irregularly shaped 4.87 ha complex of 20 one and two-storey buildings, laid out in an ad-hoc fashion with extensive hardstanding, and which have been vacant for approximately three years but were previously used by Merck Sharpe Dohme (MSD) as an animal research facility. This is reflected in the planning history for the site which shows that throughout the 90s and early 2000s, planning permission was granted for a number of additional buildings across the site including offices, laboratories, storage space and other uses ancillary to the main use across the site as a "research farm". Based on the submissions, it is considered that the whole of the site would likely be considered as falling within Use Class E(g)(ii) (the research and development of products or processes), although it is noted that a number of individual buildings across the site may fall within other use classes, such as offices or agricultural buildings, if assessed independently.

To the north of the buildings, and included within the application site, is an area of woodland next to an area of scrubland, and the site more generally sits within wider farmland within the Green Belt and Colne Valley Regional Park. Immediately to the south of the site, and formerly owned by MSD, is a HS2 compound; used as a staging area for plant and construction materials associated with the construction of HS2. The site is accessed from Breakspear Road South, to the east, via a new road constructed to allow access into the HS2 compound.

#### **3.2 Proposed Scheme**

The proposal seeks permission for the demolition of all of the existing buildings and structures on-site, except for Building 1 which would be retained and refurbished, and erection of four new warehouse-style buildings (Buildings 2 to 5), totalling 6,370m<sup>2</sup> gross internal area (GIA), arranged around a slightly re-aligned central access road connecting Breakspear Road South (to the east) with the retained Building 1 (at the west end of the site). Each proposed building would have an operational yard associated with it, of varying size but always to the south of the associated building, whilst all parking spaces for the development would be provided at the western end of the site, arranged around Building 1.

It is proposed that the site as a whole would operate within the B8 use class (storage and distribution), although Building 1 would be retained to provide a supporting office role ancillary to the wider B8 uses across the site.

#### **3.3 Relevant Planning History**



- 2725/APP/2002/3014 Schering Plough Breakspear Road South Harefield  
ERECTION OF A 997 SQ. METRE STORAGE BUILDING WITH ASSOCIATED OFFICE AND WELFARE FACILITIES  
**Decision:** 08-08-2003 Approved
- 2725/AR/89/2203 Pitman-Moore Ltd Breakspear Road South Harefield  
Erection of new buildings and extensions to existing Research Farm (outline application)  
**Decision:** 27-03-1990 Approved
- 2725/AX/90/1531 Pitman-Moore Ltd Breakspear Road South Harefield  
Erection of two detached Animal Houses and one library building; the erection of extensions and alterations to two existing buildings and details of landscaping and planting improvement  
**Decision:** 24-05-1991 Approved
- 2725/BG/91/1234 Pitman-Moore Ltd Breakspear Road South Harefield  
Erection of a two storey laboratory and office building at existing research farm, associated landscaping and car parking (Phase two of outline planning permission for redevelopment)  
**Decision:** 10-06-1992 Approved
- 2725/CC/97/0519 Mallinckrodt Veterinary Limited Breakspear Road South Harefield  
Use of premises for Class B1 purposes, as defined in the Town and Country Planning (Use Classes) Order 1987, comprising buildings with a total floorspace of 11,839 sq metres(127,440 sq feet) (Application for a Certificate of Lawfulness for an existing use or operation or activity)  
**Decision:** 09-10-1998 Approved
- 72870/APP/2017/1861 Merck Sharpe Dohme (Msd) Site Off Breakspear Road South Harefield  
Plans and Specifications submission under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for earthworks to create 4 no. ponds, associated earthworks and hibernacula  
**Decision:** 13-07-2017 Approved
- 72870/APP/2018/2952 Merck Sharpe Dohme (Msd) Site Off Breakspear Road South Harefield  
Request for approval of lorry routes under condition imposed by Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 relating to road transport associated with demolition, site clearance and other enabling works at the Merck Sharpe Dohme (MSD) worksites.  
**Decision:** 26-10-2018 Refused
- 72870/APP/2019/2597 Merck Sharpe Dohme (Msd) Site Off Breakspear Road South Harefield  
Request for approval of Plans & Specifications under condition imposed by Schedule 17 to the High Speed Rail (London-West Midlands) Act 2017 (permanent above ground works comprising a road vehicle park, fences and external lighting, ancillary to the new access road)

**Decision:** 08-01-2020      Approved

72870/APP/2019/2598      Merck Sharpe Dohme (Msd) Site Off Breakspear Road South Harefield  
Request for approval of Bringing into Use under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017.(new private access road to the Merck Sharpe Dohme (MSD) pharmaceutical site)

**Decision:** 08-01-2020      Approved

72870/APP/2022/2692      Merck Sharpe Dohme (Msd) Site Off Breakspear Road South Harefield  
HS2 request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017, relating to a site area of 65,977.4m<sup>2</sup> comprising; the realignment of approx. 96m of the River Pinn with associated works including a new footbridge, a flood compensation area, drainage stepped outlets, outfalls, ditches, access stairs and fencing; an attenuation pond for the approved Gatemead Embankment track drainage with an associated road vehicle parking area, access junction and fencing; and two further access junctions for maintenance access with associated access strips and fencing.

**Decision:** 09-11-2022      Approved

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

The planning history for the site is listed under three different site addresses on Breakspear Road South. The most pertinent site history is listed below in the order the decisions were issued:

#### **PITMAN-MOORE LTD:**

Planning permission reference 2725/AR/89/2203 dated 27th March 1990:

- Erection of new buildings and extensions to existing Research Farm (outline application)

Planning permission reference 2725/AX/90/1531 dated 24th May 1991:

- Erection of two detached Animal Houses and one library building; the erection of extensions and alterations to two existing buildings and details of landscaping and planting improvement

Planning permission reference 2725/BG/91/1234 dated 10th June 1992:

- Erection of a two storey laboratory and office building at existing research farm, associated landscaping and car parking (Phase two of outline planning permission for redevelopment)

#### **MALLINCKRODT VETERINARY LIMITED:**

Planning permission reference 2725/CC/97/0519 dated 9th October 1998:

- Use of premises for Class B1 purposes, as defined in the Town and Country Planning (Use Classes) Order 1987, comprising buildings with a total floorspace of 11,839 sq metres(127,440 sq feet) (Application for a Certificate of Lawfulness for an existing use or operation or activity)

#### **SCHERING PLOUGH LTD:**

Planning permission reference 2725/APP/2002/3014 dated 11th August 2003:

**Hillingdon Planning Committee - 1st November 2023**

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

- Erection of a 997m2 storage building with associated office and welfare facilities.

The above planning history tracks the development of the site for the purposes of a research farm from 1990 to 2003. The planning history below tracks the development of the site resulting from the purchasing of the Merck Sharpe Dohme site for the purposes of a HS2 compound, used as a staging area for plant and construction materials associated with the construction of HS2.

**MERCK SHARPE DOHME:**

Planning approval reference 72870/APP/2017/1861 dated 17th July 2017:

- Plans and Specifications submission under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for earthworks to create 4 no. ponds, associated earthworks and hibernacula.

Planning approval reference 72870/APP/2019/2597 dated 9th January 2020:

- Request for approval of Plans & Specifications under condition imposed by Schedule 17 to the High Speed Rail (London-West Midlands) Act 2017 (permanent above ground works comprising a road vehicle park, fences and external lighting, ancillary to the new access road).

Planning approval reference 72870/APP/2019/2598 dated 9th January 2020:

- Request for approval of Bringing into Use under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017.(new private access road to the Merck Sharpe Dohme (MSD) pharmaceutical site).

Planning approval reference 72870/APP/2022/2692 dated 10th November 2022:

- HS2 request for approval of Plans and Specifications under condition imposed by Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017, relating to a site area of 65,977.4m2 comprising; the realignment of approx. 96m of the River Pinn with associated works including a new footbridge, a flood compensation area, drainage stepped outlets, outfalls, ditches, access stairs and fencing; an attenuation pond for the approved Gatemead Embankment track drainage with an associated road vehicle parking area, access junction and fencing; and two further access junctions for maintenance access with associated access strips and fencing.

#### **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) (2023), Planning Practice Guidance, as well as relevant supplementary planning documents and guidance are all material consideration in planning

decisions.

The proposed development has been assessed against development plan policies and relevant material considerations.

### **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.E1 (2012) Managing the Supply of Employment Land

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

PT1.EM1 (2012) Sustainable Waste Management  
1

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

PT1.EM6 (2012) Flood Risk Management

PT1.EM7 (2012) Biodiversity and Geological Conservation

PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

DMAV 1 Safe Operation of Airports

DMCI 7 Planning Obligations and Community Infrastructure Levy

DME 1 Employment Uses in Designated Sites

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

**Hillingdon Planning Committee - 1st November 2023**

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

DMEI 7 Biodiversity Protection and Enhancement

DMEI 9 Management of Flood Risk

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 15 Planning for Safer Places

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

DMT 7 Freight

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 D14 (2021) Noise

LPP D2 (2021) Infrastructure requirements for sustainable densities

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

LPP D4 (2021) Delivering good design

LPP D5 (2021) Inclusive design

LPP D8 (2021) Public realm

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 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 G2 (2021) London's Green Belt

LPP G5 (2021) Urban greening

LPP G6 (2021) Biodiversity and access to nature

LPP G7 (2021) Trees and woodlands

LPP GG2 (2021) Making the best use of land

LPP GG5 (2021) Growing a good economy

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 SI5 (2021) Water infrastructure

LPP SI7 (2021) Reducing waste and supporting the circular economy

LPP T1 (2021) Strategic approach to transport

LPP T2 (2021) Healthy Streets

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP T6.2 (2021) Office parking

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

LPP T7 (2021) Deliveries, servicing and construction

NPPF11 NPPF 2021 - Making effective use of land

NPPF12 NPPF 2021 - Achieving well-designed places

NPPF13 NPPF 2021 - Protecting Green Belt Land

NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF4 NPPF 2021 - Decision-Making

NPPF6 NPPF 2021 - Building a strong, competitive economy

**Hillingdon Planning Committee - 1st November 2023**

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

NPPF8 NPPF 2021 - Promoting healthy and safe communities

NPPF9 NPPF 2021 - Promoting sustainable transport

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **24th November 2022**

5.2 Site Notice Expiry Date: **24th November 2022**

## 6. Consultations

### External Consultees

Letters were sent to 11 nearby properties, a site notice was displayed to the front of the site and an advert was posted in the local paper. All forms of consultation expired on 24th November 2022. Two objections from residents have been received and are summarised as follows:

- The development would have a significant impact on the environment and quality of life of residents.
- The development would have detrimental impacts on the local community, recreational opportunities, wildlife habitats, and visual amenity.
- The development would increase traffic and noise from the industrial use.
- The Green Belt should be protected.
- Breakspear Road South is already adversely affected by HS2.
- Lorries travelling at night are already impacting on neighbouring residents.

### PLANNING OFFICER COMMENT:

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

ICKENHAM RESIDENTS ASSOCIATION (10-10-23): Our committee, having had meetings with the developers last year, have no further comments to make on these plans.

GREATER LONDON AUTHORITY - STAGE 1 RESPONSE (SUMMARY) (12-12-22): The proposed replacement of existing non-designated industrial floorspace with a development which increases industrial floorspace is acceptable. The site is previously developed land within the Green Belt and development would be consolidated and broadly confined to the previously developed area. However, insufficient information has been provided to enable an assessment of the impact of the proposal on the openness of the Green Belt, in line with NPPF exception (g). The applicant should provide views of the development from within the wider Green Belt and surrounding area to allow officers to assess the level of harm. Should the proposal be defined as inappropriate development, very special circumstances must be demonstrated to outweigh the harm.

The overall approach to the development layout is well thought out and responds logically to the site topography and attempts to minimise the impact on the surrounding countryside. However further information is required in relation to landscape treatments especially on the northern boundary edge. The building design is of an acceptable quality for the type of development proposed. A fire statement should be submitted before stage 2 referral.

A healthy streets assessment and active travel zone assessment are required. Further information is also required in relation to trip generation, car parking and cycle parking. A travel plan, delivery and service plan, and construction logistics plan should be secured by condition.

Further information is required in relation to sustainable development.

#### PLANNING OFFICER COMMENT:

Further information has been submitted in respect of the Green Belt, views analysis, fire safety, healthy streets and active travel and sustainable development. These matters are discussed in the main body of the report.

TRANSPORT FOR LONDON (21-12-22): The access arrangements indicated on plan entails the retention of the existing vehicular access points which were created as part of HS2 works. This does not raise any specific concerns; the swept path analysis provided demonstrates that the existing vehicular access points are suitable for the largest vehicles that will access and leave the site in forward gear. Separate pedestrian access from the car park to the buildings are provided with zebra crossing points. The installation of goal posts will make vehicles aware about height restrictions under the Chiltern Line railway bridge on Breakspear Road to avoid collisions with the bridge. These will be installed in agreement with HS2.

In line with Policy T2, all developments are expected to deliver improvements that support the 10 Healthy Streets indicators. The Healthy Streets approach seeks to improve air quality, reduce congestion, and make attractive places to live, work and do business. There are ten Healthy Street indicators which put people and their health at the heart of decision making and aim to result in a more inclusive city where people choose to walk, cycle and use public transport.

There is no Healthy Streets assessment or Active Travel Zone (ATZ) assessment included within the submitted Transport Assessment (TA). An Active Travel Zone and Healthy Streets assessment should be provided. Given safety concerns, the ATZ should consider the quality of cycling infrastructure on key routes to public transport and other amenities in accordance with policies T2 and T3.

Whilst it is appreciated that the site is within a semi-rural/greenbelt location and public transport access is limited, in order to decrease vehicle mode share the development should capitalise on the opportunity to improve cycle connections to Ickenham LU station. Appropriate contributions towards delivering improvements, informed by the ATZ assessment, to the access to public transport should be secured from this development, in line with Policy T2 and T4.

There is a need to consider the Healthy Streets indicator 'people feel safe' when assessing the walking and cycling routes both within and around the site to remove barriers to active travel. Access routes between the disabled parking and main entrance should be revised to be continuous and direct, and it should be ensured that all pedestrian routes within the site will be safe and attractive to always use.

It is expected that streetscape improvements will either fall within the scope of a Section 278 agreement or be secured through a Section 106 agreement.

Limited multi-modal trip generation has been provided within the Transport Assessment. No net trip information was provided as the car parking spaces have been retained/re-provided. It also predicts a 95% vehicle mode share; significantly above the strategic mode share target of 25% vehicle trips set out in London Plan policy T1. Detailed travel plan measures and enhancements to the active travel environment will be required to encourage modal shift and support a reduction in the number of vehicle trips to this site



should be identified.

It will be necessary to enhance active travel provision and implement travel planning measures to achieve mode shift to public transport and active modes in accordance with the Mayor's strategic mode shift target identified within Policy T1.

The Travel Plan should include modal targets which are in line with the Mayor's strategic mode shift identified in Policy T1.

A Framework Workplace Travel Plan has been provided in support of the application. Detailed comments will be provided to the Council but at a high level the reduction in car mode share by 5% over five years does not go far enough towards supporting the strategic mode share targets. It is considered that a more ambitious target, with additional measures focussed on encouraging sustainable and active travel to this site, is identified to support achieving a strategic modal shift. The Travel Plan should be secured via the appropriate legal mechanism in accordance with Policy T4. The travel plan should be updated to list additional cycling measures including surveys to address any increased demand in cycle storage facilities required.

The full Workplace Travel Plan should be secured, monitored, enforced, reviewed, and funded via planning obligation.

A Servicing and Delivery Plan has been submitted with this proposal and confirms that all activity is to take place on site, which is in line with Policy T7. A full DSP should be secured by condition in accordance with LP Policy T7. Details of the proposed construction period should be provided and conditioned within a Construction Logistics Plan (CLP) prepared in accordance with TfL guidance.

It is noted that the site is near a HS2 site. HS2 is a transport scheme identified within Table 10.1 of the London Plan. It has been noted that HS2 has been consulted on this application, any concerns raised by HS2 should be satisfactorily addressed prior to the application being determined. This request is made in line with Policy T3.

The proposed development does not meet the transport policies of the London Plan, 2021. The following information is required:

- Further measures to meet strategic mode share targets as per London Plan policy T1, is required. Cycle parking should be provided in accordance with the London Plan standards. Travel plan measures should be secured to assist with the aforementioned mode shift.
- A Parking Management Plan, EVCPs, Travel Plan, DSP and CLP should all be secured via the relevant legal mechanism.

Planning conditions and obligations should be carried over to any new permission to ensure latest policy standards are met and contributions should be retained.

CADENT GAS (21-10-22): No objection, subject to an informative.

DENHAM AERODROME SAFEGUARDING: No comment.

GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (01-11-22): Having considered the proposal with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

The application does not lie within an Archaeological Priority Area or Zone but at 5.4 hectares it is a moderately large site with major groundworks proposed that merits assessment for archaeological interest. The scheduled medieval moat at Brackenbury Farm lies only about 200 metres south of the application site but is now severed from it by both the Chiltern Lane and HS2. The applicant's archaeological desk-based assessment suggests maintaining a watching brief during initial groundworks.

Having reviewed the available evidence, principally the modern land uses and that gathered by HS2 in their archaeological investigations around the site and New Year's Green, I conclude that the site has low potential for significant surviving archaeological remains.

No further assessments or conditions are therefore necessary.

HEATHROW AIRPORT SAFEGUARDING (20-10-22): We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

MOD SAFEGUARDING - RAF NORTHOLT (02-11-22): The application site occupies the statutory safeguarding zone(s) surrounding RAF Northolt. In particular, the aerodrome height and birdstrike safeguarding zones surrounding the aerodrome and is approx. 3.45 km from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

HS2 SAFEGUARDING (09-11-22):

After liaison with the area Integrated Project Team (IPT) for this section of the HS2 Phase One route, I confirm there are no objections to the application proposals in planning or HS2 safeguarding terms.

However, in the event that the Council is minded to grant consent it is advised that the following standard informative is included on the decision notice for awareness:

"Informative:

The developer is advised that the application site is in the vicinity of land that may be required to construct and/or operate Phase One of a high-speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for Phase One of HS2. Accordingly the applicant is advised to follow ongoing progress of the HS2 project at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>."

NETWORK RAIL (19-10-22): Network Rail has no comments.

NATIONAL AIR TRAFFIC SERVICE (18-10-22): The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

THAMES WATER (19-10-22): 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.

LONDON FIRE BRIGADE (07-08-2023): The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have no observations to make. It should be ensured that if any material amendments to this consultation is proposed, a further consultation will be required.

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

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

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

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

#### **Internal Consultees**

PLANNING POLICY OFFICER (18-09-23):

Green Belt:

The site is located within the Green Belt, however it is noted that there are a number of existing buildings on the site as well as an existing access. The applicant has provided additional details to enable the local planning authority to assess the layout and open storage proposed on the site with regard to the openness of the green belt.

As set out within Paragraph 149 of the NPPF (2023) a local planning authority should regard the construction of new buildings as inappropriate within the Green Belt. However, Paragraph 149 also sets out that there are exceptions to this. Overall, it is considered the applicant has provided sufficient details to assess the proposed development and open storage and that the proposed scheme would not have a greater impact upon the openness of the Green Belt than the existing development. Given this it is considered that the proposal would comply with Paragraph 149 (g) of the NPPF (2023).

It is recommended that a condition should be imposed if planning permission would be granted to ensure that the proposed yards shall only be used for storage up to 6 metres at any time to protect the openness of the green belt.

Industrial Intensification:

Policy E7 of the London Plan (2021) seeks to avoid the unnecessary loss of industrial capacity. It is considered that sufficient information has been provided to ensure that the proposal would comply with Policy E7.

ACCESS OFFICER (26-10-22):

The detail of this application to retain and demolish the existing structures on the site has been reviewed. No accessibility concerns are raised, however, any new development must ensure that accessible and

inclusive development results. The following Condition should be attached to any approval:

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

**REASON:**

To ensure an Accessible and Inclusive development for everyone in accordance with London Plan policy D5.

**AIR QUALITY OFFICER (13-06-23):**

**Summary of Comments**

The proposed development is located outside the LBH Air Quality Management Area and approximately 1km from the Ruislip Town Centre Focus Area, with the potential of increasing pollutant emissions in this sensitive area.

As per the London Plan (2021) and the LBH Air Quality Action Plan 2019-2024, developments need to be neutral as minimum and positive in Focus Areas (or in their vicinity and affecting them), contributing to the reduction of emissions in these sensitive locations. As per the plan, 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 but also to maintain air quality levels where it is already good as per Policy SI1 (London Plan). Furthermore, Policy DMEI 14 of the London Borough of Hillingdon Local Plan (Part 2), requires active contribution towards the continued improvement of air quality.

The Mayor of London has implemented the requirements to reduce PM2.5 concentrations to achieve the WHO interim target of 10ug/m<sup>3</sup> through the London Plan and has placed a requirement on Local Authorities to reduce PM2.5 concentrations in their areas (London LAQM Policy 2019 Guidance: para 5.11. reads "Boroughs are expected to work towards reducing emissions and concentrations of PM2.5 in their areas"). The current proposal will be increasing pollutant traffic emissions due to the trip generation associated with the operation of the site which is a B8 use.

Analysis of the Air Quality Report submitted to support the planning application has indicated that the calculations undertaken to determine whether the proposed development is air quality neutral are incorrect. This is due to two key factors:

a) The use of an incorrect trip generation value. The report uses, quote:

"The predicted trip rate has been calculated from the traffic data provided by the transport consultant for the air quality modelling. The maximum flow change in annual average daily traffic (AADT) has been used to calculate the annual trip rate"

This is contrary to the London Plan Air Quality Neutral guidance that specifically requires the trip generation from the transport assessment (TA) to be used. The TA reports peak hour trip generation data which was used by LBH to calculate the trip generation by multiplying peak data by a factor of 1. This number is however significantly underestimating the daily trip generation for the proposed development as that value will be higher than the peak hour trip generation value.

b) The use of the incorrect benchmark to ascertain whether the proposal was air quality neutral. The proposed development is in its entirety a B8 land use and therefore the benchmark for the proposed

development should be 6.5 trips per m<sup>2</sup> and not 16.3 trips per m<sup>2</sup> as used in the air quality report. The proposed development is not air quality neutral which is contrary to both regional (the London Plan) and Local policies. Therefore, an appropriate level of mitigation is calculated using the London Plan Air Quality Neutral Guidance. The level of mitigation required associated with the operation phase of the proposed development for both pollutants of concern: NO<sub>x</sub> and PM<sub>2.5</sub> amounts to a S106 contribution required of £497,607.81.

### Damage Cost and Mitigation Measures

Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

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

The total level of mitigation required to the proposed development for traffic emissions is £497,607.81. Once all deductions were applied, the remaining value of mitigation due is £314,189.57. Flat rate deductions applied are as follows: Travel Plan (10%), Green Sustainable Measures (3% attributed to cycling), contribution to long term LBH strategic long-term strategies (e.g. Charging Provision above London Plan) (10%), totalling a reduction of £114,449.80. It is noted that the travel plan is very weak based mainly on soft measures - needs to be more ambitious in the traffic reductions to be achieved. Calculations have used 7 days per week operation, and the Highways condition to restrict operation from Monday to Saturday only is discarded in this instance.

Therefore, a section 106 agreement with the LAP of £314,189.57 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

### Observations

In addition, Air Quality conditions are required to manage operation and construction emissions as required by the Mayor of London. See text below.

### Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall specify ways to reduce air pollution emissions to the maximum possible extent to conform with the LBH Local Action Plan. The measures are to include but not be restricted to

- 1) a clear and effective strategy to encourage staff to
  - a) use public transport;
  - b) cycle / walk to work where practicable;
  - c) enter car share schemes;
  - d) purchase and drive to work zero emission vehicles.
- 2) Install EV fast charging points to promote the use of zero emission vehicles for both LGVs and HGVs.

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

Reason - As the application site is within an Air Quality Management Area, and to reduce the impact on air

quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2021).

#### Conditions - Reducing Emissions from Demolition and Construction

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

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

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

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

#### CONTAMINATED LAND OFFICER (17-11-22):

I have reviewed a copy of the geo-environmental information within the Ground Investigation Report; Ref: WB307-01/DOP/SAG/MAK; Date: July 2022; Prepared by: Johnson Poole & Bloomer Limited.

The comprehensive report includes substantial quantities of information, including preliminary and updated conceptual site models and risk assessments, all in accordance with various phase 1 desk studies and phase 2 investigations conducted at site.

It is therefore considered the details contained within the report are suitable and satisfactory for acceptance by the LPA, and if planning permission is granted the details and recommendations within the report should thereby be fully implemented accordingly at site.

However, if planning permission is awarded, I recommend the LPA imposes a condition controlling contamination issues.

#### FLOOD AND DRAINAGE OFFICER (02-11-22):

This application has sufficiently demonstrated the use of the London Plan's drainage hierarchy and is proposing the following key items:

- Type of development: Major - demolition of existing buildings, construction of five new units. Change to the landscaping and drainage strategy.
- Flood risk: Low
- Types of conveyance / attenuation features: Rainwater harvesting, geo-cellular storage tanks, permeable paving, swales and ponds for attenuation.

### Hillingdon Planning Committee - 1st November 2023

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

- Runoff rate restriction (l/s): 10
- Runoff attenuation volume (m3): Not provided
- Maintenance plan: Maintenance tasks provided for attenuation ponds, permeable pavements and attenuation ponds.

We recommend that the following items are addressed at condition stage:

- Shows evidence of consent for the proposed connection to the public surface water sewer from Thames Water.
- Shows evidence of consent for the proposed discharge to the ordinary watercourse from the LLFA.
- Demonstrates that the modelled greenfield runoff rate has been calculated using the total site area.
- Demonstrates that greenfield, existing and proposed runoff volumes have been calculated.

#### HIGHWAYS OFFICER:

##### Background & Appraisal

The proposal is located within northern section of the former 'Merck Sharpe Dohme' (MSD) animal health site on the west side of Breakspear Road South (BRS) designated as 'Green Belt' which is now vacant. The application consists of a new 'non-commercial' (not open to the public) storage facility acting as a 'supply-chain' base (from late 2023) for construction projects in West & Central London undertaken by a UK sub-contractor (Keltbray Group). The proposal is effectively a relocation of existing storage operations from 'Keltbray's' other storage facilities located in Ashford, London Borough Hounslow and West Drayton.

The development is to provide approximately 7650sq.m (GIF) of B8 use class storage space replacing most of the existing warehouse & office related buildings currently on-site. An existing two-way access road linked to a priority junction on Breakspear Road South is to remain to serve the proposal but with localised widening to provide passing places together with minor adjustment to the existing bell-mouth junction with Breakspear Road South in order to ease access/egress for all vehicles using the overall site. The address fails to score a public transport accessibility (PTAL) rating hence the mode share of the private for travel to and from the site would be high.

Sixty-five on-site parking spaces for 60no. employees are to be provided within the far western segment of the envelope inclusive of 4no. disabled compliant bays and 12no. 'active' electric vehicle charging points together with 24no. bicycle and 3no. motorcycle spaces.

##### Parking Provision

Local Plan: Part 2 Policy - DMT 6 requires that new development will only be permitted where it accords with the council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network. The London Plan (2021) does not specify a relevant standard.

The B8 use would demand up to 2no. spaces plus 1no. space per 50-100sq.m GIF. 7650sq.m GIF is proposed and would therefore require between 78no. to 155no. spaces, the latter figure being applicable for less sustainable locations such as this one with its zero-rated PTAL score. Hence there appears to be a potential deficit in provision. However, the applicant has discussed this aspect during a pre-application process where the Council accepted that a compromise would need to be reached based on preserving the Green Belt which would be negatively impacted if the required parking quantum was to be achieved.

Also, it is highlighted that the requirement for up to 155no. spaces is the maximum permissible, so a lower parking supply is technically a feasible option subject to sound justification. When working on the principle

that 67no. spaces are to be provided for up to 60no. staff, it can be argued that an approximate 1:1 parking ratio may suffice if other mechanisms are inclusive to the scheme i.e. such as a robust travel plan encouraging sustainable travel modes such as car-sharing, cycling etc together with a car park management plan that would ensure effective and efficient use of the available spaces. The applicant has indicated conformity to both these tools which, on balance, are considered sufficient to justify a lower parking quantum as indicated which, as stated earlier, is also beneficial to lessening undue impact on the Green Belt itself. These available mechanisms are further discussed later within this appraisal.

### Electric Vehicle Charging Points

Within the proposed parking quantum there is a requirement for electric vehicle charging points (EVCPs) for these use classes which would equate to 5% of the parking spaces provided in total being dedicated both to 'active' and 'passive' provisions. The applicant has confirmed that 20% of the proposed spaces would be designated as 'Active' from the onset with the remainder dedicated for 'passive' use which is welcomed.

### Cycle Parking

In accord with the Local Plan: Part 2 standard there is a requirement for 1no. space per 500sq.m floorspace for the B2/B8 uses. This would total 15no. spaces and 24no. are proposed conveniently located in a suitable position to the rear of Block 1 which is considered an acceptable arrangement. This higher quantum falls in line with the more onerous regional London Plan (2021) standard that recommends 16no. 'long stay' and 8no. short-stay spaces.

### Motorcycle Parking

The council's Local Plan: Part 2 standard requires that 1no. motorcycle/scooter parking space per 20no. parking spaces is to be provided within new development and hence this should be inclusive to this proposal. Three spaces adjacent to Block 1 are proposed which satisfies the criteria.

### Car Park Management Plan (CPMP)

On the premise of best controlling the profile of parking usage within the overall site envelope, it is considered that the application of a CPMP is a key tool which helps to ensure an unhindered and functional operation within the site envelope. This would involve creating an internal site management regime that would enforce and oversee overall parking control on a site-wide basis thus ensuring the harmonious and mutual coexistence/interplay of parking bay allocations for all users. The CPMP can be supported by enforcement structures which encourage the correct use of parking places which assists in ensuring that parking demand and allocation is properly managed. It should clearly set out the methodology behind the allocation/control of parking places in order to secure an appropriate level of parking provision for all final users. Achieving a functioning CPMP is therefore crucial as otherwise potential operational conflict could arise for the 'whole site' operation leading to undue injudicious parking and/or excessive queuing elsewhere within the site envelope with subsequent potential spillage onto the highway network which clearly should be avoided.

The applicant is prepared to apply the above approach however, a final submitted version would need to be secured to ensure that the CPMP is structured and sustained in perpetuity.

### Vehicular Trip Generation

Local Plan: Part 2 Policies - DMT 1 and DMT 2 require the council to consider whether the traffic generated



by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

As is the norm, the standard practice of assessing the 'worst-case' scenario of scheme impact specifically during peak traffic periods has been applied to determine the acceptability (or otherwise) of the proposal's imposition on the highway network. It follows that generated traffic movements during less intense periods outside of peak times throughout the remainder of the 24-hour period are considered of lesser consequence by the Highway Authority but are still relevant in terms of Air Quality (AQ) repercussions which are addressed separately by the AQ division.

To determine the net impact the proposal would have on the surrounding road network the applicant has made a trip generation comparison of the site in its existing use with that proposed. As there are no records of vehicle movements with the site in its existing use the applicant has referred to the TRICS database.

The applicant's trip methodology and findings are considered reflective and a fair representation of previous levels of activities which are estimated in the region of 43no. two-way movements in the AM Peak 07:00 to 08:00h and 71no. two-way vehicular movements during PM Peak 16:00 to 17:00h.

To determine the level of trip generation resulting from the proposal itself, the applicant has undertaken 'real-world' daytime traffic surveys on several days earlier this year at 'Keltbray's' other storage facilities located in Ashford, LB Hounslow and West Drayton which are now to be relocated to the MSD site. At its busiest time in the region of 06:00 to 07:00h it was found that in the region of up to 37no. two-way movements could be expected with 30no. two-way vehicular movements during the PM Peak 17:00 to 18:00h. The peak in HGV movements occurred 12:00 to 13:00h and 14:00 to 15:00 when 9no. two-way movements were observed in both periods. Between 07:00 to 08:00h there were 6no. two-way HGV movements and similarly 6no. HGV movements 16:00 to 17:00h. It is highlighted that two-way traffic peaks 06:00 to 07:00h though the peak in HGV movements is one hour later at 08:00 to 09:00h.

These findings suggest that there would be a practical reduction of traffic assignment onto Breakspear Road South in comparison with the previous consented use with no anticipated measurable prejudice to junction capacity and safety which is clearly welcomed.

It is noted that the HS2 works immediately south of the site envelope and other locations within the borough generate a level of traffic activity (particularly HGV related) which needs to be taken into account. This matter has been investigated and it has been confirmed that most of the lorry movements use either Harvil Rd for the construction of the Harvil Rd realignment and Cophall Tunnel or along Ickenham High Road to access the West Ruislip Portal. There are HS2 site accesses in the vicinity of the proposal site, but these accesses are provided to allow vehicles using the internal haul road to cross Breakspear Road South as opposed to driving along it. In September the highest number of HS2 lorries using Breakspear Road South in a week was just 11no. The Highway Authority have been informed that HS2 construction traffic has now peaked and the number of lorry movements has started to fall. This is because the realignment of Harvil Road and the new road bridge over the Chiltern Line is substantially complete and the network of conveyor belts provided to transfer tunnel spoil are now operational, previously this spoil was carried by road.

Hence, on balance there is no specific issue raised in terms of potential confluence or adverse conflict between the two enterprises during the most intense traffic periods of the day.

In summary, there are no immediate concerns linked to anticipated vehicular trip generation which would be expected to be reduced in comparison to previous MSD activities and can therefore be readily absorbed

within the local road network without notable detriment to traffic congestion and road safety in the locality.

#### Existing Access & Internal Circulation Area

The established access point on BRS is to remain but with minor modification to the bell-mouth and localised widening is also proposed to help ease two-way traffic movement within the site. The established 2m bridleway (forming part of the originally rediverted Bridleway U42) will be retained on the northern side of the roadway but with minor adjustment to facilitate the said widening thereby allowing pedestrian/cyclist access throughout the envelope to be maintained during and post construction.

These relatively marginal improvements are considered acceptable in principle as existing junction sight-lines and 'thru-site' vehicle and pedestrian permeability would be enhanced without giving rise to a severe/measurable impact to the green belt. As the bell-mouth abuts adopted public highway (BRS) the necessary works would require securing of a formal legal agreement under s278 of the Highways Act 1980.

The applicant confirms that rigid body/low loader HGV's of up to 16.1m in length would serve this enterprise and, on this basis, the applicant has demonstrated that the required swept path manoeuvres for HGV delivery/collection and servicing purposes into and out of the compound can be undertaken satisfactorily in a forward gear via the revised access/egress point and internal roadway without discernible detriment to the internal workings within site envelope or the surrounding public roadways.

#### Delivery/Service Strategy (DSS)

The applicant has indicated that deliveries and servicing would be undertaken on a pre-booked basis and co-ordinated by Keltbray's to further ensure that deliveries are timed to avoid undesirable conflict particularly during peak traffic periods which is encouraged for clear reason. There is a requirement to maintain this level of regime in perpetuity hence a formal DSS is required to be secured via planning condition.

#### Waste Management

Refuse collection would be accommodated by way of a private refuse collection regime which requires a separate conversation to be undertaken with the chosen contractor.

Usefully, the applicant has confirmed the suitability of the internal roadways for waste collection vehicles by way of a submitted swept path analysis which successfully demonstrates that larger HGV's (including refuse vehicles) can enter and leave in a forward gear which is considered as best practice on safety grounds.

#### Workplace Travel Plan (WTP)

A WTP would be required in order to capture the workplace element of the proposal. The WTP represents a long-term strategy for managing travel by employees and delivery related activities which conform with Transport for London's (TfL's) guidelines as it addresses all good practice mechanisms necessary to achieve a modal shift away from the private motor car thereby leading toward a sustainable personal travel mode by staff to and from the site.

A WTP should therefore be provided and to ensure compliance in perpetuity. The applicant has submitted an interim WTP which is considered broadly considered fit for purpose. However, a final version would need to be secured via legal agreement to ensure compliance in perpetuity. This will allow for a review

mechanism in years 1, 3 and 5 following site occupation in order to assist in ensuring compliance to the sustainable travel mode 'SMART' targets which would be agreed with this authority.

### Construction Logistics Plan (CLP)

A detailed CLP is a requirement given the scale of proposal. In essence a fully detailed CLP should demonstrate the aim of imposing least material harm to the highway network at all times given the overall constraints and sensitivities of the surrounding major road network including HS2 related activities. The applicant confirms that estimated demolition and build programme would span up to 9no. months and has provided estimated daily figures linked to attendance by construction staff and HGV vehicles. It is reported that up to 15no. to 40no. vehicles respectively are to be expected although it is stressed that the latter figure is unlikely and expected to be significantly lower. Effort would be made to control and time arrivals and departures to reduce hourly imposition on the network with a predicted 4no. two-way HGV movements. Although these estimations and controls are considered realistic, measures to maintain unfettered access through Bridleway U42 during construction have not been addressed within the CLP which requires remedy, therefore the submitted CLP (which is broadly fit for purpose) should be formalised by securement via planning condition to ensure continuing compliance to all available mitigations during the build programme.

### Conclusion

This application has been reviewed by the Highway Authority who are satisfied that it would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

### Conditions

1. The Highway Authority require that a Construction Logistics Plan is submitted for to the Council for approval.
2. The Highway Authority require that a Service and Delivery Plan is submitted to the Council for approval.
3. The Highway Authority require that a Workplace Travel Plan is submitted to the Council for approval.
4. The Highway Authority require that the applicant enters a 1990 Town and Country Planning Act s.106 legal agreement with the Council that obliges them to make a contribution of £5k for the investment in pedestrian facilities at the junction of Long Lane, Ickenham High Road and Swakeleys Road.

### HIGHWAYS OFFICER FOLLOW-UP:

The ATZ study is considered satisfactory and the agreement to a £5000 contribution toward possible tactile paving & study into improving the zebra crossing facility located at the junction of Swakeleys & the High Road is noted.

The other comments made by TfL in relation to cycle parking locations have been further reviewed by the applicant who concludes, with justification, that the proposed positioning is, in fact, the most appropriate which is fully supported by the Highway Authority.

### NOISE OFFICER (21-10-22):

I have reviewed the noise impact assessment report which appears to cover construction and operation. Based on the information provided and considering the distance to residential receptors c 200+ metres, the construction and operation of the facility I have no further comments.

**RIGHTS OF WAY OFFICER (18-10-22):**

There appears to be no reference to the Public Bridleway U42 which is recorded over a section of the access road and how this application potentially impacts on it, specifically widening the access road, can this be clarified? The location plan appears to show ownership of up to half of a section of Bridleway U42, can this be clarified? Clarification of impact of increased traffic over the access road/Bridleway U42 during construction and after construction, can this be clarified? There are trees adjoining bridleway U42 which contain Raptor boxes, can confirmation be given that these trees will not be affected by development?

**RIGHTS OF WAY OFFICER (17-04-23):**

We discussed the bridleway and the access road and the 2 metre footway being moved to the south side of the access road so pedestrians will not be crossing directly to the junction with Breakspear Road. I would still like this option explored. The bridleway was there long before the access road so entitles users to use all of the access road as it is still basically the original bridleway, hence the footway being added to try and get users onto it and off the access road as such, the footway should really be 3 metres in line with a desired width for a bridleway if this is its long term purpose. I would suggest that the proposal traffic movements is not limited traffic flow on and alongside a bridleway, again this highlights the need to create a 3 metre width bridleway on the south side of the access road with a crossing point further up where it re-joins the bridleway. This would be the safest option for bridleway users.

**PLANNING OFFICER COMMENT:**

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

**TREE OFFICER (28-03-23):**

The majority of trees they wish to remove are C category and they are planning to plant more new ones than they have removed. Is there scope to relocate the pond slightly to enable the retention of T26-T29 and G6, it seems odd to remove one type of environment to create a new one.

**TREE OFFICER (21-04-23):**

Relocating the pond to enable both the trees and the pond habitat isn't a major issue, I just thought I would raise the question. I have no further comments.

**PLANNING OFFICER COMMENT:**

The current conflict between Pond 3 and the surveyed trees T26 - T29 and G6 is such that the trees are not able to be suitably retained. T26 - T29, and G6, are comprised of predominantly low-quality young common oak, alongside one young common ash and one semi-mature cherry. Each of these trees proposed for removal are Category C and provide no significant values. No high-quality or significantly valuable trees are to be removed to accommodate Pond 3, and the higher-quality trees throughout the site have been suitably retained within the development plans. The replanting proposed within the landscape strategy for the scheme will offset the proposed removals of the predominantly low-quality trees.

Given the low value of the trees proposed for the removal alongside the benefits of the proposed pond and replacement tree planting, this is not considered to be sufficient to sustain a reason for refusal.

**WASTE STRATEGY OFFICER (10-11-22):**

Please provide a swept path analysis to ensure that collection vehicle can enter the site and turn to exit. Please demonstrate how collections will take place if all blue badge parking spaces are occupied? The distance from each block to the bin store is very far, how will waste be transported to the bin store?

**PLANNING OFFICER COMMENT:**

The Transport Statement Appendices contains swept path plans which demonstrate that collection vehicles

can enter the site and exit. There would also be sufficient space to wheel the bins to the collection point if car parking spaces are occupied. If recommended for approval, further detailed information can be secured by planning condition.

URBAN DESIGN OFFICER (02-06-23):

In regard to the storage within the yards, I consider the storage heights should be reduced to approximately 3m. While the existing boundary planning achieves heights over 3m along the eastern boundary, to avoid the storage areas being seen from the surrounding countryside during the winter months when the trees lose their leaves the storage heights within the yards should be kept to about 3m.

It is also recommended that the proposed building include green roofs to reduce the storm water runoff, increase the thermal performance of the buildings and provide green areas for bio-diversity and wildlife habitats. This approach will also sit the buildings more comfortably into this green belt location.

The materiality of the units is considered to be consistent with industrial use of the site and the colour reflective on the countryside edge location.

PLANNING OFFICER COMMENT:

The impact on the Green Belt and design of the proposed development is considered in detail within the main body of the report.

HEAD OF ENVIRONMENTAL SERVICES (ENERGY AND ECOLOGY):

Energy -

I have no objections to the proposed development as there is a reasonable likelihood of it achieving zero carbon requirements of the London Plan. An energy assessment has been provided with the application but this provides insufficient information to enable an accurate understanding of what is proposed and where. The energy assessment shows a 130% reduction in carbon emissions (i.e. it generates surplus energy to cover regulated energy). However, it is unclear how this technology can or will be delivered within the development.

The following condition is required:

Condition - Standard generic energy assessment condition - be lean, be clean, be green, be seen.

Section 106 - the Section 106 needs to have the appropriate clauses in to capture any shortfall that is revealed as a consequent of the updated energy assessment required by the condition.

Ecology -

I have no objections to the proposed development. The ecology assessment identifies harm to habitat and species but the landscape scheme provides a positive response to the current situation.

In particular the species surveys reveals impacts to bats and the loss of a roost. As a consequence, prior to making a positive determination on a planning application, the Local Planning Authority must:

- make sure any mitigation or compensation conditions imposed do not conflict with the requirements of a bat mitigation licence
- be confident that Natural England will issue a licence

Part of the requirements for a Natural England licence is to apply three derogation tests to ensure that impacts to bat populations are unavoidable. The LPA does not need to strictly apply these tests at decision making stage but must have confidence that if applied, a positive determination would be made by Natural

England.

The impacts on bats is considered on the low scale but nonetheless should be avoided if possible. Understanding whether a licence is likely requires consideration by the Planning Authority as to three derogation tests:

- the activity must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

The Local Planning Authority must be satisfied that there is no alternative to the proposal and therefore whether the impacts are unavoidable.

With regards to favourable conservation of the species, I am confident based on the approach to mitigation, the limited scale of impacts and the availability of land that mitigation measures would be sufficient to allow Natural England to conclude that the conservation of the species would be maintained.

Assuming that a positive conclusion is reached then the following condition is required:

Prior to commencement of development (including demolition), full details of bat mitigation requirements shall be submitted to and approved in writing by, the local planning authority. These measures must be carried out in accordance with the bat licence issued by Natural England (to be issued subsequent to this planning permission) and submitted alongside the full details of bat mitigation. The development must be carried out in accordance with the approved details.

## REASON

To ensure the protection of bats in accordance with Policy G6 and G7 of the London Plan (2021) and Policy EM7 and DME1 7 of the Hillingdon Local Plan Parts 1 (2012) and 2 (2020).

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

As a result of the application site's status as a vacant, brownfield site, formerly used mainly as a research and development facility, the development plan encourages the intensification of existing industrial sites in appropriate locations.

The principles of sustainable development are set out in the National Planning Policy Framework (NPPF) (2023), and Paragraph 81 sets out that planning decisions should create conditions which mean businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Additionally, Paragraph 119 of the NPPF (2023) states that planning policies and decisions should promote an effective use of land whilst strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Policies GG2 (Making the best use of land) and GG5 (Growing a good economy) of the London Plan reflect these objectives of the NPPF (2023) and state that to create successful sustainable mixed-use places, those involved in planning and development must enable the development of brownfield land, particularly on sites within and on the edge of town centres, as well as utilising small sites wherever

possible and sites which are well connected by existing or planned public transport. Additionally, boroughs should plan for sufficient employment and industrial space in the right locations to support economic development and regeneration whilst ensuring that physical and social infrastructure is provided to support London's growth.

In general, the provision of new industrial floorspace in appropriately designated locations, or the intensification of existing industrial uses where this can be supported by local infrastructure, is supported through the development plan.

Specifically, Policy E4 of the London Plan (Land for industry, logistics and services to support London's economic function) requires a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions to be provided and maintained, making provision for the varied operational requirements of light and general industry (use classes E(g)(iii) and B2), storage and logistics (use class B8) and other uses which would be inappropriate outside of an industrial setting. Policy E4 further states that the retention, enhancement and provision of additional industrial capacity should be particularly prioritised in locations that are accessible to the strategic road network or have potential for the transport of goods by rail or water transport and proposals which seek to provide capacity for micro, small and medium-sized enterprises should be encouraged.

Additionally, Policy E7 of the London Plan (Industrial intensification, co-location and substitution) further supports the intensification of employment uses occupying all categories of industrial land, including through the introduction of small units, multi-storey schemes and basements, whilst also seeking to make more efficient use of land through higher plot ratios having regard to operational yard space requirements, and mitigating impacts on the transport network where necessary.

At a borough level, Policy E2 of the Hillingdon Local Plan: Strategic Policies (Location of Employment Growth) sets out that the Council will accommodate 9,000 new jobs during the plan period, with most of this employment growth directed towards suitable sites in the Heathrow Opportunity Area, SILs, LSEs, LSISs, Uxbridge Town Centre and Hayes Town Centre with a particular focus around transport nodes. Furthermore, Policy DME 2 of the Hillingdon Local Plan: Development Management Policies (Employment Sites Outside Designated Employment Areas) states that proposals which involve the loss of employment floorspace or land outside of designated employment areas will only be allowed if the existing use negatively impacts on local amenity, the site is demonstrably unsuitable for continued employment, or sufficient evidence has been provided to demonstrate there is no realistic prospect of land being reused for employment purposes, and the proposed use would not adversely affect the functioning of any adjoining employment land or the proposed use relates to a specific land use allocation or designation identified elsewhere in the plan.

The existing buildings across the site have a combined GIA of 6,710 sqm, a combined footprint of 5,685 sqm, and a combined volume of 31,382 cubic metres, whilst the developed land (i.e. hard surfacing and buildings) covers 18,930 sqm and soft landscape covers 30,420 sqm.

The proposed development would have a combined GIA of 7,094 sqm (+384 sqm), a combined footprint of 4,062 sqm (-1,623 sqm) and a combined volume of 30,859 cubic metres (-523 cubic metres), whilst the developed land increases to cover 21,060 sqm (+2,130 sqm) and the soft landscape reduces to 27,590 sqm (-2,830 sqm).

Whilst discussed in greater detail below (Impacts on the Green Belt and Impacts on the Character and Appearance of the Area), this demonstrates that the redevelopment proposals are capable of

achieving an uplift in usable industrial floorspace (an increase in overall GIA) in accordance with the principles of Policies E4, E5 and E7 of the London Plan whilst ensuring that the impact on openness is reduced (through a reduction in both the number and footprint of buildings across the site). This uplift in usable floorspace whilst reducing the number of buildings has largely been achieved through much more efficient layouts, and including mezzanines to proposed Buildings 2, 3 and 4 which increases the deliverable floorspace without increasing the bulk of the replacement buildings.

Regard is also had for the need for yard space, which is recognised as an important element of the operation of industrial units by Policy E7 of the London Plan (2021) and the provision of yard space in some way contributes to the overall industrial capacity of the site. Approximately 12,000 sqm of yard space is proposed within the scheme, which should be more than sufficient to cater for the operational needs of the proposal, and the proposed layout would make for much more efficient use of the site rather than the ad-hoc and tight-knit layout of the existing site.

As such, given that the application site comprises non-designated employment and industrial land, and proposals which intensify industrial uses should be supported in accordance with Policies E4 and E7 of the London Plan (2021), and Policy DME 2 of the Hillingdon Local Plan Part Two (2020), it is considered that the proposed development is acceptable in land use terms and would make efficient use of a brownfield site.

## ECONOMY AND EMPLOYMENT

The information submitted indicates that the proposal would generate 60 full time jobs. It is also understood that the development would generate construction jobs and additional income through business rates.

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

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

Not relevant to the consideration of this application.

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

Policy HC1 of the London Plan (Heritage conservation and growth) and Policy DMHB 1 of the Hillingdon Local Plan: Part 2 (Heritage Assets) together require proposals to conserve the significance of heritage assets, in accordance with the requirements of the NPPF (2023), which advises that where a proposed development would lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The site does not fall within a Conservation Area and does not include any designated or non-designated heritage assets. The nearest designated heritage asset is the Brackenbury Farm



Scheduled Ancient Monument, approximately 200 metres to the south of the site, which is visually and functionally separated from the application site by the raised Chiltern Railway embankment which runs between them, and would therefore be unaffected by the proposal.

Moreover, whilst not falling within an archaeological priority zone or area, an Archaeological Desk-Based Assessment (September 2022) has been submitted because of the moderately large size of the site and the fairly significant level of proposed groundworks. This Assessment has been reviewed by the Greater London Archaeological Advisory Service (GLAAS), who raise no objection to the development on the basis that the site has low potential for significant surviving archaeological remains because of the developed nature of the existing site and the proximity to the railway lines.

As such, the proposal as a whole is considered to have no impact on any designated or non-designated heritage assets, in accordance with Policy HC1 of the London Plan (2021) and Policy DMHB 1 of the Hillingdon Local Plan: Part 2 (2020).

#### **7.04 Airport safeguarding**

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

There are height restrictions for any works exceeding 15.2 metres across the site, above which, the National Air Traffic Service (NATS), Heathrow Airport, RAF Northolt and Denham Airport need to be consulted on the proposal from an airport safeguarding perspective.

Responses have been received from NATS, Heathrow Safeguarding and the Ministry of Defence (for RAF Northolt) who all confirm they have no objections to the proposal, and on this basis, it is considered that the proposal is acceptable in relation to airport safeguarding. The proposal accords with Policy DMAV 1 of the Hillingdon Local Plan: Part 2 (2020).

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

Paras. 137 and 138 of the NPPF (2023) outline that the Green Belt will be given the very highest levels of protection from development, and that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, serving five strategic purposes:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF (2023) also sets out the principles for assessing and managing proposals affecting the Green Belt, at paras. 147 to 151. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' to allow development will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

All new buildings within the Green Belt should be considered inappropriate and harmful to its key characteristics, except for:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments, provided the facilities preserve the openness of the Green Belt;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The high level of protection conferred to the Green Belt by the NPPF (2023) is enshrined by Policies G2 of the London Plan (London's Green Belt), EM2 of the Hillingdon Local Plan: Strategic Policies (Green Belt, Metropolitan Open Land and Green Chains) and DMEI 4 of the Hillingdon Local Plan: Development Management Policies (Development in the Green Belt or on Metropolitan Open Land), which individually and collectively set out that the Green Belt should be maintained to its current extent and protected from inappropriate development, and that proposals that would harm the Green Belt should be refused except where very special circumstances exist, or where redevelopment would not have a greater impact on its openness having regard to the scale, height, distribution and character of any existing and proposed structures.

The proposal is not seeking to remove or alter the current extent of the Green Belt and is seeking to demolish and build on the previously developed site, noting that this part of London's Green Belt serves a number of strategic functions including providing a check on the unrestricted sprawl of West London into Buckinghamshire, safeguarding the countryside from encroachment and encouraging the recycling of derelict and other urban land within London boroughs. The NPPF (2023) does allow for development in the Green Belt to be considered appropriate, provided it meets one of the exceptions set out in para. 149, and in this instance, it is considered that the proposal would fall under exception (g); "the partial or complete redevelopment of previously developed land", provided it can be demonstrated that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

When the Green Belt policies of the London Plan and Hillingdon Local Plan are read alongside para. 149 of the NPPF (2023), any redevelopment of the site is only acceptable if the openness of the Green Belt is maintained. As such, if, in the view of the Local Planning Authority, the proposal would have an adverse impact on the openness of the Green Belt, the proposal would be considered inappropriate by definition, failing to qualify as an exemption under part (g), and the proposed redevelopment would not warrant the very special circumstances required to outweigh the harm. Taking the above into account, it is clear that one of the two main aims for the development should be that the openness of the Green Belt is unaffected by the proposal.

Openness is generally defined as the absence of built form (i.e. buildings), and where buildings are present, their siting, form, massing and overall relationship with one another and the surrounding

landscape need to be considered together to get an understanding of how the openness of an area will be affected. As noted above, the existing site includes a proliferation of generally small buildings spread unevenly around the main road through the site, and this layout is consistent with the ad-hoc growth of what was originally a farm and later a research and development facility. Most of the buildings are in a very poor state of repair, and the site as a whole has a fairly ramshackle and dilapidated appearance, having been vacant for over two years, and, as a result of the number and spread of buildings, the existing site does not contribute to the overall open character of the Green Belt.

Nonetheless, because the site is quite far removed from nearby roads, including Breakspear Road South (to the east), and is surrounded by the raised embankment of the Chiltern (and HS2) railway lines (to the south) and private farmland (to the north and west), there are very few, if any, public views into the site. The slope of the land, rising from the south to the north, further means that views into the site are obscured by the natural topography of the area, alongside the boundary trees which act as a natural barrier, and therefore the existing site has a fairly limited impact on the openness of the wider Green Belt.

The proposed development, whilst significantly reducing the number of buildings, does seek to introduce generally taller (but fewer) replacement buildings, and it is therefore important to consider whether the redevelopment proposals would affect the openness of the Green Belt. In this regard, the GLA requested further information to test the proposal in views across the Green Belt, and the applicant has subsequently submitted a 'Proposed Viewpoint Locations' document, a 'Ickenham Viewpoint Descriptions' document and a 'Visualisation' document with wirelines to indicate the location of the proposed development from these viewpoints. A total of 10 viewpoints are provided and are listed as follows:

- A1 - PRoW U42 (adjoining the site to the north - northern section)
- A2 - PRoW U42 (adjoining the site to the north - middle section)
- A3 - PRoW U42 (adjoining the site to the north - southern section)
- B1 - PRoW U41 (circa 400m to the north - eastern section)
- B2 - PRoW U41 (circa 400m to the north - middle eastern section)
- B3 - PRoW U41 (circa 400m to the north - middle western section)
- B4 - PRoW U41 (circa 400m to the north - western section)
- C - Celandine Route (circa 200m to the east)
- D1 - Harvil Road (circa 1000m to the south-west)
- E - PRoW U49 (circa 150m to the south)

Based on the analysis of the above viewpoints, the existing and proposed site cannot be viewed from any of the viewpoints due to the dense woodland screening, with the exception of Viewpoint E, taken from Public Right of Way (PRoW) U49. This view looks northwards to the site, approximately 150m away, across the embanked railway line and HS2 staging area for plant and construction materials associated with the construction of HS2. Existing buildings within the site are visible beyond the embanked railway line and against a backdrop of mature trees, with more trees surrounding the viewpoint enclosing the view. The proposed development would be visible but would lie below the skyline defined by the trees in the background. The HS2 railway line would also screen the lower parts of the proposed development. The extent and height of the buildings proposed would also appear similar to the existing buildings on site.

In terms of quantifying the extent of development, it is noted that the existing buildings located on site measure as follows:

- GIA of 6,710 sqm;

- Footprint of 5,685 sqm;
- Volume of 31,382 cubic metres;
- Developed land (i.e. hard surfacing and buildings) covers 18,930 sqm; and
- Soft landscape covers 30,420 sqm.

The proposed development measures as follows:

- GIA of 7,094 sqm (+384 sqm);
- Footprint of 4,062 sqm (-1,623 sqm);
- Volume of 30,859 cubic metres (-523 cubic metres);
- Developed land covers 21,060 sqm (+2,130 sqm); and
- Soft landscape reduces to 27,590 sqm (-2,830 sqm).

As per the above quantification, the proposed development would reduce the footprint and volume of buildings location on site but would also increase the quantity of hardstanding in order to facilitate yard space for the proposed warehouse and distribution function. This external yard space is proposed to be used for storage of materials, objects, vehicles and equipment. Accordingly, although the volume of buildings located on site is reduced, there is potential for the external storage yards to create a volume materials, objections, vehicles and equipment which would likely exceed the existing volume of buildings on the existing site.

More specifically, the development is designed to ensure that equipment and small tools / plant from a project is catalogued, cleaned, repaired and stored. The stored items will then be 'picked' as necessary and loaded onto vehicles and delivered to the required construction site in London. The equipment should include formwork, scaffolding, access stairs and other concrete equipment, along with plant attachments and tools. The turnover of materials is relatively high, meaning that the massing of external storage will regularly fluctuate. Any impact on the openness of the Green Belt will not therefore be permanent.

It is worth noting that the existing lawful use could also use its outside spaces for storage without restriction as per previous permissions granted on this site. The consideration of the impact on the openness of the Green Belt must therefore account for the difference between the worst case scenario for the existing lawful use as well as the worst case scenario for the proposed use.

A typical yard layout plan (drawing reference 1381-DR-A-00-102 Issue 00) has been submitted to provide a indication as to what areas of the yard would be used for storage and therefore the extent of storage that would take place in the external yards hereby proposed. Based on measurement of this plan, a typical arrangement of the yards would require that approximately 60% of the hardstanding would be utilised for storage of materials, objects, vehicles and equipment, with the remainder of the space used for circulation space. It is noted however, that this is the typical average arrangement, rather than the worst case scenario. Following discussions with the Applicant Team, it is understood that the worst case scenario would entail that no more than 80% of the yards are covered.

If the height of storage located within the proposed external yards was to be unrestricted, the development could potentially operate in a way which would impact on the openness of the Green Belt. During discussions with the Applicant Team, it has been proposed that the external storage yards shall not store materials, objects, equipment or vehicles to a height exceeding 6m above existing ground level in external storage yards Y3 and Y4 (to the south) and to a height exceeding 5m above existing ground level in external storage yards Y2 and Y5 (to the north). This ensures that the yards which are more elevated to the north are more limited in their storage heights. It is noted that

storage heights measuring up to 5m and 6m would sit below the height of the buildings proposed, which range from 8.9m to 10.7m in height. Such storage heights would sit within the building silhouettes and are accepted as the maximum permissible heights appropriate for this Green Belt site. Further, no storage would be permitted within the car park surrounding Building 1, which is the most elevated part of the site, and no storage would be permitted on any landscaped areas. If recommended for approval, such restrictions would be secured by planning condition in order to ensure that the development constitutes appropriate development as defined under paragraph 149 part (g) of the NPPF (2021).

Taking into account that the site is significantly well screened from public vantage points, that the proposal includes further tree planting throughout the site including the boundaries, that the development would reduce the volume of permanent development located on the site, and that the external storage yards can be managed through securing an appropriately worded planning condition, it is concluded that the proposed development would constitute a redevelopment of previously developed land without having a greater impact on the openness of the Green Belt than the existing development. Accordingly, the development qualifies for the exception listed under paragraph 149 of the NPPF (2023) and is considered to constitute appropriate development within the Green Belt which does not require very special circumstances.

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

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

A) All development will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
- architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

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

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

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

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

As previously discussed, the site is quite far removed from nearby roads, including Breakspear Road

South to the east, and is surrounded by the raised embankment of the Chiltern (and HS2) railway lines to the south and private farmland to the north and west. The slope of the land, rising from the south to the north, means that views into the site are obscured by the natural topography of the area, alongside the boundary trees which act as a natural barrier. As such, the existing site has a fairly limited impact on the wider landscape.

The proposal seeks permission to demolish all of the existing buildings and structures on-site, except for Building 1 which would be retained and refurbished, and erect four new warehouse-style buildings, arranged around a slightly re-aligned central access road connecting Breakspear Road South (to the east) with the retained Building 1 (at the west end of the site). Each proposed building would have an operational yard associated with it, of varying size but always to the south of the associated building, whilst all parking spaces for the development would be provided at the western end of the site, arranged around Building 1.

Building 1 is a two storey ancillary office building which will be refurbished and re-clad with a green colour theme to better blend into the Green Belt aesthetic. Timber detailing is proposed to soften the solid green facade. The building height would remain at 9.5m and would remain the highest point on the application site.

Buildings 2, 3, 4 and 5 are proposed as B8 storage units, ranging in heights from 8.7m to 10.7m. Each unit would utilise horizontal bands of cladding which would sit on top of a concrete facade as a foundation. A darker olive green colour band of cladding is proposed at the bottom of each building. This progresses upwards to a lighter khaki green in the middle band of cladding and then progresses again to an even lighter willow green band of cladding at the top of the building. The taller buildings (Buildings 3 and 4) would also utilise the lightest goosewing grey band of cladding at the top. Again, the green colour theme would better blend with the Green Belt aesthetic and the bands of cladding would achieve some variation in the facades.

The character of the buildings proposed are considered to be appropriate in design for a warehouse and distribution use as well as a development located within the Green Belt. Although green roofs are not proposed on the initial plans submitted, it is proposed that the provision of green roofs are secured by planning condition. The landscape scheme proposed also includes significant tree planting throughout the site which again achieves a green aesthetic and should screen the development from view within the surrounding area. The development is considered to accord with the requirements of design based planning policy, including Policy BE 1 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020). If recommended for approval, the detail of the landscape scheme and materials proposed would be secured by planning condition to ensure that a high quality design standard is achieved which is sensitive to the landscape.

## **7.08 Impact on neighbours**

Policy BE1 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) both seek to ensure that new development does not adversely impact on the residential amenity of neighbouring properties, including a reduction in access to daylight and sunlight, or a loss of privacy or outlook.

As a result of the application site's location, approximately 250m away from the residential properties located at Grays Cottages to the north-east and 150m away from the residential properties located at Brackenbury Farm to the south. The proposed development would have no impact on residential amenity in respect of outlook, light or privacy. There is the potential for additional noise and

disturbance being created as a result of the more intensive use of the site. This has been raised by two residents in comments received but has not been raised by the Ickenham Residents Association as an issue. It is noted that the Council's Noise Specialist has raised no objection to the proposed development and the direct impacts of the proposal on the noise environment of neighbouring residents is considered to be relatively low. This is discussed in more detail in the relevant section of the report.

Subject to appropriately worded conditions to mitigate impacts from the construction and operation of the development, the proposed development is considered to accord with Policy BE1 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

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

Not relevant to the consideration of this application.

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

The site is located on Breakspear Road South. Based on TfL's WebCAT planning tool, the site has a PTAL rating of 0 (zero).

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

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

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

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity. This should be viewed in conjunction with Policies T6 and T6.1 of the London Plan (2021).

Paragraph 111 of the NPPF (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

#### **CAR PARKING**

Policy T6.2, Table 10.4, of the London Plan (2021) states that parking for uses in Outer London should provide up to 1 space per 100 square metres (GIA). Based on the proposal for 6,370m<sup>2</sup> GIA (7650m<sup>2</sup> GEA), the proposal should be providing up to 64 car parking spaces. The proposal includes the provision of 65 car parking spaces which is considered to be acceptable.

Policy T6 further states that adequate provision should be made for efficient deliveries and servicing and emergency access. A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design. Where sites are redeveloped, parking provision should reflect the current approach and not

be re-provided at previous levels where this exceeds the standards set out in this policy. If recommended for approval, this would be secured by condition.

#### DISABLED PERSONS CAR PARKING

Policy T6.5, Table 10.6, of the London Plan (2021) requires that 5% car parking spaces are provided as designated disabled persons parking bays and 5% are provided as enlarged bays. This would equate to 2 no. disabled persons bays and 2 no. enlarged bays. The development proposes 9 no. disabled persons parking bays and is considered to be acceptable.

#### ELECTRIC VEHICLE CHARGING POINTS FOR STANDARD SPACES

Policy T6 of the London Plan (2021) states that new developments with car parking should make provision for electric vehicles or other Ultra-Low Emission vehicles. Appendix C of the Hillingdon Local Plan: Part 2 (2020) also requires that a minimum of 5% of car parking spaces should be provided with active electric vehicle charging points and a minimum of 5% of car parking spaces should be provided with passive electric vehicle charging infrastructure.

The proposed development would provide 13 no. active electric vehicle charging spaces and 52 no. car parking spaces served by passive electric vehicle charging infrastructure. This would exceed minimum planning policy requirements and is considered acceptable. If recommended for approval, this provision would be secured by planning condition.

#### ELECTRIC VEHICLE CHARGING POINTS FOR FREIGHT VEHICLES

Policy T7 of the London Plan (2021) states under point (B)(3) that development should provide rapid charging points for freight vehicles. In support of this, Policy T6.2 of the London Plan (2021) states under point (F) that all operational parking must provide infrastructure for electric or other Ultra-Low Emission vehicles. The London Plan defines Operation parking as parking for vehicles which are required for the function of a building or the activities within it. This can include spaces for fleet vehicles, taxis or loading bays, but does not include parking for personal travel such as commuting.

Based on the information submitted, electric charging points are not explicitly proposed for the freight vehicles. If recommended for approval, this provision would be secured by planning condition.

#### CYCLE PARKING

Policy T5 of the London Plan (Cycling) sets out that proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards and proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.

Policy T5, Table 10.2, of the London Plan (2021) requires 1 no. long-stay cycle space per 500m<sup>2</sup> (GEA) and 1 short-stay cycle space per 1000m<sup>2</sup> (GEA). This would equate to 16 long-stay and 8 short-stay spaces.



The proposed development would provide 24 cycle parking spaces, including 16 long-stay spaces to be provided in a secure, covered cycle hub and four Sheffield stands capable of accommodating up to eight cycles. This is considered acceptable. If recommended for approval, the details would be secured by condition.

## TRAFFIC IMPACTS

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. This is supported by Policy T4 of the London Plan (2021).

An analysis of the TRICS database has been used to understand the likely number of trips generated by the existing use. The Council's Highways Authority have confirmed that the TRICS analysis is considered to be a robust representation of the anticipated level of trips. The existing level of trips generated by the site when operational are estimated at 43 two-way movements in the AM peak (08:00 to 09:00) and 71 two-way movements in the PM peak (17:00 to 18:00). Two-way daily trips are understood to equal 853, including 39 two-way movements by HGVs.

To determine the level of trip generation resulting from the proposed B8 use, the applicant has undertaken 'real-world' daytime traffic surveys on several days earlier this year at 'Keltbray's' other storage facilities located in Ashford, LB Hounslow and West Drayton which are now to be relocated to the MSD site. It is concluded that circa 13 two-way movements would be generated in the AM peak and 30 two-way movements would be generated in the PM peak, with 6 HGV two-way movements in the AM peak and zero HGV two-way movements in the PM peak. Two-way daily trips are also understood to peak at 296, including 56 two-way movements by HGVs per day.

When comparing the existing development to the proposed development, it is concluded that there is an overall reduction in daily two-way movements but an increase in peak two-way daily trips made by HGVs. Significantly, there is a reduction in movements during the most sensitive AM and PM peak periods.

With respect to HS2, it is noted that the number of two-way movements associated with the neighbouring HS2 site are negligible. It has been confirmed that most of the lorry movements use either Harvil Road for the construction of the Harvil Road realignment and Cophall Tunnel or along Ickenham High Road to access the West Ruislip Portal. There are HS2 site accesses in the vicinity of the proposal site, but these accesses are provided to allow vehicles using the internal haul road to cross Breakspear Road South as opposed to driving along it. In September 2023, the highest number of HS2 lorries using Breakspear Road South in a week was just 11no. The Highway Authority have confirmed that HS2 construction traffic has now peaked and the number of lorry movements has started to fall. This is because the realignment of Harvil Road and the new road bridge over the Chiltern Line is substantially complete and the network of conveyor belts provided to transfer tunnel spoil are now operational, previously this spoil was carried by road. As such, the proposed development would not have an unacceptable cumulative impact during the most sensitive AM and PM peak periods.

The Council's Highways Authority have concluded that the trips resulting from the proposed development could be absorbed into the local highway network. No objections have therefore been raised to the proposal in respect of trip generation and traffic impact.

## VEHICULAR ACCESS

The junction with Breakspear Road South is proposed to be modified to a bell-mouth with localised widening to ease two-way traffic movement. In principle, the Highways Authority consider the proposal to be acceptable, subject to a Section 278 agreement, secured as part of a Section 106 legal agreement if recommended for approval.

## HEALTHY STREETS

Policy T2 of the London Plan (Healthy Streets) requires development to demonstrate how they will deliver improvements that support the 10 Healthy Streets Indicators in line with Transport for London guidance to reduce the dominance of vehicles on London's streets, whether stationary or moving, and be permeable for pedestrians and cyclists by connecting to local walking and cycling networks, as well as public transport.

A Healthy Streets Active Travel Zone assessment has been submitted and concludes that the B467 Swakeleys Road / High Road / Long Lane junction is considered to represent potentially the best location for positive improvements for active modes on the journey between Ickenham London Underground station and the Site. Subsequently, a £5,000 contribution is proposed and accepted by the Council's Highways Authority and would contribute towards the installation of tactile paving.

## TRAVEL PLAN

A workplace travel plan has been submitted and reviewed by the Council's Highways Authority who have confirmed that the plan is sufficient as an outline plan. If recommended for approval, the final travel plan arrangements would be secured by a Section 106 legal agreement.

## DELIVERY AND SERVICING

Policy T7 of the London Plan (Deliveries, servicing and construction) sets out that proposals should facilitate safe, clean, and efficient deliveries and servicing, and include provision of adequate space for servicing and storage, whilst deliveries should be off-street, with on-street loading bays used only where this is not possible.

The information submitted confirms that deliveries and servicing would be undertaken on a pre-booked basis and co-ordinated to avoid conflict particularly during peak traffic periods. If recommended for approval, a detailed and final delivery and servicing plan would be secured by planning condition.

## CONSTRUCTION LOGISTICS PLAN

The Council's Highways Authority confirms that the draft Construction Logistics Plan submitted is broadly acceptable. However, measures to maintain unfettered access through Bridleway U42 during construction have not been addressed within the details submitted. If recommended for approval, the final details will be secured by planning condition.

## SUMMARY

Subject to the necessary planning conditions and obligations, the proposed development would not

be considered to prejudice conditions on the local highways network, in accordance with Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020) and Policies T4 and T7 of the London Plan (2021).

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

#### **URBAN DESIGN**

Please see Section 07.07 of the report.

#### **ACCESS**

Please see Section 07.12 of the report.

#### **SECURITY**

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

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

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

If recommended for approval, a 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 (Inclusive design) sets out that proposals should achieve the highest standards of accessible and inclusive design by providing high quality people focused spaces that are designed to facilitate social interaction and inclusion, be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment, and be able to be entered, used and exited safely, easily and with dignity for all. 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, and proposals should ensure they are compliant with Policy D12 of the Plan (Fire safety) and place fire resilience central to the proposal's design.

An Accessibility Statement is included within the Design and Access Statement, which sets out that the development has been designed to maximise access to all parts of the development and go beyond the minimum requirements of Part M of the Building Regulations (inclusive access). This Accessibility Statement does acknowledge that the site's natural (and proposed) topography will mean that level approach across the entire site will not be possible, however all buildings will have ramped access (at a fall ratio of less than 1:12) and the office building at the northern end of the site will be

level with the ground. Given the site constraints, it is recognised that site-wide accessibility has been considered as a design consideration from the outset, and the site appears to be fundamentally accessible and inclusive, however, in accordance with the Council's Accessibility Officer, further details would be secured by way of condition, including the submission of a comprehensive fire strategy and a requirement to include a suitably sized fire lift within the retained office building.

On this basis, the proposal is considered to be acceptable in respect of accessibility and inclusivity.

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

Not relevant to this application.

### **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 G7 of the London Plan (Trees and woodlands) is also of relevance, noting the presence of a wooded area across the north-eastern corner of the site, an established row of trees along the eastern boundary and sporadic tree planting elsewhere. Policy G7 seeks to protect London's forests and woodlands, and encourages new trees and woodlands to be planted in appropriate locations to increase the extent of London's forests. As such, proposals should ensure that existing trees of value are retained wherever possible and if planning permission is granted that requires the removal of trees, there should be adequate replacement based on the existing value of trees that would be lost.

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

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

Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) require that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should enhance amenity, biodiversity and green infrastructure. Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

The proposed development would result in the removal of 20 individual trees and five groups. The loss of the category C is accepted and although the loss of two category B trees is regrettable, it is acknowledged that 113 no. replacement trees are proposed to be planted, alongside hedging and retention of existing trees, including the substantial area of woodland located in the northern corner of the site.

Although the plans do not show the provision of green roofs, a planning condition will be proposed to secure such provision in urban greening policy requirements. Any case for non-provision will need to be justified as part of the application to discharge the condition.

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

## URBAN GREENING FACTOR

Policy G5 of the London Plan (2021) states:

A) Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

B) The Mayor recommends an Urban Greening Factor target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).

An Urban Greening Factor (UGF) score of 0.3 is the target for commercial development, although it is acknowledged that the proposed industrial use does not strictly have to accord with such standards. The results of the calculation assessment are set out on page 13 of the Landscaping Report and confirm a UGF of 0.48 which exceeds the London Plan suggested target for predominantly commercial sites. This therefore weighs in favour of the proposed scheme.

## 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), Policy EM7 of the Hillingdon Local Plan: Part 2 (2012) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

Policy DMEI 7 also notes that if development is proposed on or near to a site considered to have features of ecological or geological value (e.g. a SINC), appropriate surveys and assessments must be submitted to demonstrate that the proposed development would not cause harm to these sites, as proposals that cause significant harm to biodiversity which cannot be avoided, mitigated, or, as a last resort, compensated for, will normally be refused. In this regard, Policy DMEI 6 sets out that new developments adjacent to SINC's should incorporate measures to ensure the proposal assimilates into surrounding area.

The site is not subject to any statutory or non-statutory nature conservation designations. There are, however, sites of importance for nature conservation (SINC) within 1km radius of the site, including West Ruislip Golf Course which is 70m to the west, Newyears Green 185m to the north, Brackenbury Railway Cutting 200m to the south-west and Mad Field Covert, Railway Mead and the River Pinn 220m to the south-east. The Ruislip Woods also is a National Nature Reserves (NNR) and Site of Special scientific interest (SSSI) located 0.9km to the north and the Denham Lock Wood is a SSSI located 1.2km to the south west.

The information states that these have 'County value' and the SSSIs and NNR have 'National value'. The extent of the development proposals are contained within the site boundary and direct impacts on nearby designated sites are considered to be unlikely.

As confirmed by the Council's Ecology Specialist, the information submitted identifies harm through

the removal of trees but the proposed landscape scheme would compensate for the loss.

Bat Surveys have been undertaken at the application site and these have confirmed that there are bat roosts present which would be impacted by the development. Accordingly, a European Protected Species Mitigation Licence (EPSML) will be required from Natural England prior to the commencement of works. The proposed development will impact the bat roosts identified and it is important that measures are followed to prevent bats from being injured or killed. Notably, this would be a criminal offence.

Natural England do not need to be consulted on this application submission. Separate from the planning process, Natural England will not provide written advice regarding the issuing of a licence until planning permission has been granted. A planning condition is therefore proposed to secure bat mitigation measures to accord with Natural England's licensing processes.

Subject to conditions, including the securement of an ecological enhancement plan to maximise net gains in biodiversity and bat mitigation measures to accord with Natural England licensing processes, the proposal is considered to accord with the NPPF (2021), Policy G6 of the London Plan (2021), Policy EM7 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

### **7.15 Sustainable waste management**

Policy SI 7 and Policy D6 of the London Plan (2021) require developments to be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.

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

A bin storage area is proposed on the south side of Building 1 which is to be occupied as offices. In this case, external storage is proposed and would be screened by planting and the office building. The Transport Statement Appendices contains swept path plans which demonstrate that collection vehicles can enter the site and exit. There would also be sufficient space to wheel the bins to the collection point if car parking spaces are occupied. If recommended for approval, a detailed delivery and servicing plan would be secured by planning condition.

### **CIRCULAR ECONOMY**

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 SI 7, Part B, of the London Plan (2021) states that referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate:

1) how all materials arising from demolition and remediation works will be re-used and/or recycled

- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

A Circular Economy Statement has been submitted to address the requirements of Policy SI 7 and the Greater London Authority. If recommended for approval, a post-construction circular economy monitoring report would be secured by planning condition. Subject to such a condition, the proposed development would accord with Policy SI 7 of the London Plan (2021).

## **7.16 Renewable energy / Sustainability**

### **CO2 EMISSIONS**

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

A. Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

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

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

C. A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

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

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

The Energy Report Rev. 02 submitted reports that a range of passive design and energy efficiency measures are proposed to achieve 18% reduction in carbon emissions. An all-electric heat pump solution provides a 7% reduction and photovoltaic panels achieves a further 130% reduction. The total savings on site equals 154% which significantly exceeds the 35% requirement. Hence, there is no requirement to secure a financial contribution in order to achieve net zero-carbon. Despite this, it is proposed that a planning condition secures monitoring of the emission performance of the building and that financial contributions are secured via a S106 legal agreement, in accordance with the

London Plan (2021) calculation, in the event that the development does not achieve net zero-carbon.

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

#### WHOLE LIFE-CYCLE CARBON

Policy SI 2, Part F, of the London Plan (2021) states that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

The applicant has submitted a Whole Life-Cycle Carbon (WLC) assessment. If recommended for approval, a condition would secure the submission of a post-construction assessment to report on the development's actual WLC emissions. Subject to such a condition, the proposal would accord with Policy SI 2, Part F, of the London Plan (2021).

#### ENERGY INFRASTRUCTURE

Policy SI 3 of the London Plan (2021) states that major development proposals within Heat Network Priority Areas should have a communal low-temperature heating system:

- 1) the heat source for the communal heating system should be selected in accordance with the following heating hierarchy:
  - a) connect to local existing or planned heat networks
  - b) use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
  - c) use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
  - d) use ultra-low NOx gas boilers
- 2) CHP and ultra-low NOx gas boiler communal or district heating systems should be designed to ensure that they meet the requirements in Part B of Policy SI 1 Improving air quality
- 3) where a heat network is planned but not yet in existence the development should be designed to allow for the cost-effective connection at a later date.

The information submitted states that there is no nearby district heat network. However, a future connection to a district heating scheme for the export of low grade heat should be secured if one becomes available. If recommended for approval, a planning condition would secure such a connection to accord with the requirements of Policy SI 3 of the London Plan (2021).

#### OVERHEATING

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

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



- 4) provide passive ventilation;
- 5) provide mechanical ventilation; and
- 6) provide active cooling systems.

An overheating assessment has been carried for Building 1 which is proposed to be occupied as offices. The warehouses are not to be occupied for extended periods but the warehouse welfare facilities will be occupied and as such, an overheating analysis has been carried out. If recommended for approval, the final detail of the Overheating Strategy shall be secured by condition. Subject to condition, the proposal would accord with Policy SI 4 of the London Plan (2021).

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

Policy SI 12 of the London Plan (Flood risk management) sets out that flood risk across London should be managed in a sustainable and cost-effective way in collaboration with the Environment Agency, the Lead Local Flood Authorities and developers where relevant. Proposals should further ensure that flood risk is minimised and mitigated, and that residual risk is addressed. This should include, where possible, making space for water and aiming for development to be set back from the banks of watercourses. Development proposals adjacent to flood defences will be required to protect the integrity of flood defences and allow access for future maintenance and upgrading.

In addition, Policy SI 13 of the London Plan (Sustainable drainage) sets out that proposal should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Moreover, drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improved water quality, and enhanced biodiversity, urban greening, amenity and recreation.

Policy EM6 of the Hillingdon Local Plan: Part 1 (Flood Risk Management) encourages development to be sited away from the areas of highest flood risk (Flood Zones 2 and 3), and all development will be required to use sustainable urban drainage systems (SUDS). This is also supported by Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020).

The application site falls within Flood Zone 1 and is therefore at the lowest risk of flooding, however does fall within a Critical Drainage Area, and there are areas where some surface water flooding occurs. In support of the application, a Flood Risk Assessment (FRA), a Drainage Strategy Report and a Drainage Management and Maintenance Plan has been submitted. This suite of documents has been reviewed by the Council's Flood and Drainage Officer, who raises no objection to the proposal, subject to a condition securing further details of the greenfield runoff volumes, greenfield runoff rates, and evidence of consent to connect to the Thames Water sewer.

The conclusions of the FRA are agreed; that the site is a low risk of fluvial or sewer flooding but at high risk for surface water flooding, and on-site mitigation in the form of SUDS is required to ensure that the proposal successfully manages flood risk. This mitigation is set out in the Drainage Strategy Report and applies the drainage hierarchy through the use of rainwater harvesting, geo-cellular storage tanks, permeable paving, swales and attenuation ponds.

On this basis, it is considered that the proposal would comply with Policies SI 12 and SI 13 of the London Plan (2021), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). The development is acceptable in respect of flood risk and sustainable drainage, subject to the condition recommended by the Flood and Drainage

Officer, and securing compliance with the proposed drainage strategy.

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

### **NOISE**

Policy D14 of the London Plan (Noise) states that new noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses. Development proposals should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances with necessary and appropriate provisions including ongoing and future management responsibilities, and proposals should seek to separate new noise-sensitive development from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, insulation and other acoustic design measures.

In addition, Policy D13 of the London Plan (Agent of Change) sets out that proposals should mitigate and minimise 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, improving and enhancing the acoustic environment and promoting appropriate soundscapes. Proposals should first seek to separate new noise-sensitive development from major noise sources through the use of distance, screening, layout, orientation, uses and materials, in preference to sole reliance on sound insulation. 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, promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Furthermore, Policy EM8 of the Hillingdon Local Plan: Part 1 (Land, Water, Air and Noise) states the council will promote the maximum possible reduction in noise levels and will minimise the number of people potentially affected by new developments. As such, the council will seek to ensure that noise sensitive development and noise generating development are only allowed if noise impacts can be adequately controlled and mitigated. In this regard, it is generally accepted that noise emanating from residential properties is lower than commercial premises, and industrial uses are associated with the highest noise profile.

In support of the application, a Noise and Vibration Impact Assessment (September 2022) has been submitted, and this has been reviewed by the Council's Noise Officer. The submitted noise assessment outlines that whilst details information relating to noise-emitting fixed plant is not available at this stage, the predictions for site operations (materials handling and vehicle movements) indicate that noise levels are likely to fall below the prevailing background sound level at the nearest noise sensitive receptors. This is largely a result of the site's relative isolation and the distance to the nearest residential properties (which exceeds 100 metres in all directions).

However, there is concern that the number of movements by Heavy Goods Vehicles (HGVs) during more sensitive early and late hours of the day generated by the proposed development could have an adverse impact on the amenity of neighbouring residents located along Breakspear Road South. In the event of an approval, it is recommended that a planning condition secures that the development permitted shall not allow for any inbound or outbound trips to or from the site by petrol or diesel HGVs between the hours of:-

- (i) 22:00 and 06:00, Monday to Saturday; and

(ii) 22:00 and 08:00, Sundays and Bank Holidays.

The development also shall not operate in order to allow for any more than:-

- (i) 10 inbound and/or outbound trips to or from the site by petrol or diesel HGVs between the hours of 06:00 and 07:00;
- (ii) 15 inbound and/or outbound trips to or from the site by petrol or diesel HGVs between the hours of 07:00 and 08:00; and
- (iii) 4 inbound and/or outbound trips to or from the site by petrol or diesel HGVs between the hours of 20:00 and 22:00.

On this basis, and taking into account comments received from the Council's Noise Officer, it is considered that whilst the operation of the site has the potential to result in some noisy activities taking place on-site (as an active industrial site) and off-site (by trips made by HGVs), this would be suitably managed and would not have a significant adverse impact on residential amenity and therefore would not be harmful. Subject to appropriately worded conditions, the proposed development would comply with Policies D13 and D14 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Part 1 (2012).

## AIR QUALITY

Policy SI 1 of the London Plan (Improving air quality) states that proposals should not lead to further deterioration of existing poor air quality or create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits, so as not to create unacceptable risk of high levels of exposure to poor air quality. As such, as a minimum, proposals must be at least Air Quality Neutral and should use design solutions to prevent or minimise increased exposure to existing air pollution, whilst making provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures. For major development proposals, this means that an Air Quality Assessment is required.

The Mayor has also provided advice within the London Local Air Quality Management (LLAQM) Policy Guidance (2019), with the aim of reducing PM2.5 concentrations so that the WHO interim target of 10ug/m3 is achieved through the implementation of the London Plan. This places a requirement on Local Authorities to seek to reduce PM2.5 concentrations in their areas.

At a borough level, Policy EM8 of the Hillingdon Local Plan: Part 1 (Land, Water, Air and Noise) requires all development to protect both existing and new sensitive receptors, and not result in the deterioration of local air quality. In addition, all major developments within Air Quality Management Areas (AQMA) should be air quality neutral whilst actively contributing to the promotion of sustainable transport measures such as vehicle charging points and the increased provision for vehicles with cleaner transport fuels. Proposals in Air Quality Focus Areas (AQFAs) or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people should demonstrate that design measures have been used to minimise exposure.

The application site does not fall within an AQMA or AQFA, with the borough's single AQMA extending northwards from Heathrow to the A40. Nonetheless, as a major industrial development which is likely to cause a significant number of vehicle movements, there is the potential for vehicle emissions to contribute to poor air quality locally, including the Ruislip Town Centre AQFA which is located to the east and the Swakeleys Road AQFA which is located to the south. Additionally, having regard to the main routes for vehicles entering and leaving the site, it is likely that a significant

proportion of vehicles would use the A40, as this provides the most direct route into central London and to the M25, which would then potentially contribute to air quality exceedances elsewhere within the borough.

In support of the application, an Air Quality Assessment (September 2022) has been submitted, which discusses the key impacts associated with the construction and operational phase of the proposed development, and this AQA has been reviewed by the Council's Air Quality Officer. Whilst the AQA concludes that the proposal would be air quality neutral, comments from the Council's Air Quality Officer raise a number of concerns with the methodology used to assess the impacts to local air quality, highlighting in particular the use of incorrect trip generation values and an incorrect benchmark to ascertain whether the proposal would be air quality neutral.

The Council's Air Quality Officer has undertaken the assessment of impacts to local air quality and concludes that the proposal is not air quality neutral and would likely have an adverse impact on local air quality if no mitigation is applied. The level of mitigation required to offset the harm from the operational phase of the proposed development for both pollutants of concern (NO<sub>x</sub> and PM<sub>2.5</sub>) amounts to a financial contribution of £314,189.57, which would be used to fund measures within the borough (either on or off-site) to improve air quality and mitigate the harm arising from the development. If recommended for approval, this financial sum would be secured by s106 legal agreement. The applicant has confirmed they agree to the financial contribution.

In addition, to manage operation and construction emissions, planning conditions requiring the submission of a Construction Management Plan and Low Emission Strategy would be secured if recommended for approval.

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

Please see Section 06.1 of the report.

#### **7.20 Planning obligations**

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

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

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

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

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

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

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

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

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request the following planning obligations, to be secured by a S106 legal agreement:

i) Air Quality Contribution: A financial contribution amounting to £314,189.57 shall be paid to address the air quality impacts of the proposed development.

ii) Carbon Offset Contribution: Any additional shortfall identified through the ongoing reporting required by Condition 18 shall form a cash in lieu contribution in accordance with Policy S12 of the London Plan at a rate of £95/tCO<sub>2</sub> annualised for not more than 30 years beginning on the commencement of development, i.e if a shortfall is first identified after 5 years the cash in lieu contribution is based on a 25 year duration.

iii) 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.

iv) Healthy Streets Active Travel Contribution: A financial contribution amounting to £5,000 shall be paid to the Council to fund the delivery of works to encourage and enable trip making by walking, cycling and public transport.

v) Highways Works: Section 278 agreement to secure highway works, including works to the junction with Breakspear Road South.

vi) 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.

vii) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions secured from the scheme to enable the management and monitoring of the resulting agreement, is sought.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net additional internal floor area of 100m<sup>2</sup> or more will be liable for the Mayoral Community Infrastructure Levy (Mayoral CIL), as legislated by the Community Infrastructure Levy Regulations 2010 and The Community Infrastructure Levy (Amendment) Regulations 2011. The liability payable will be equal to £60 per square metre (from April 2019). The London Borough of Hillingdon is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

In addition the development represents Chargeable Development under the Hillingdon Community Infrastructure Levy, which came into effect on 1st August 2014.

The liability payable is as follows:

Mayoral CIL: £406,249.09

Hillingdon CIL: £47,138.61

Total: £453,387.70

## **7.21 Expediency of enforcement action**

Not relevant to this application.

## **7.22 Other Issues**

### **FIRE SAFETY**

In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan (2021) states that all proposals must achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside spaces for fire appliances to be positioned on, provide suitable access and equipment for firefighting which is appropriate for the size and use of the development, and provides spaces which are appropriate for use as an evacuation assembly point.

Buildings should be designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire by being constructed in an appropriate way to minimise the risk of fire spread. This should include appropriate fire alarm systems, passive and active fire safety measures, suitable and convenient means of escape and an associated robust evacuation strategy which can be periodically updated and published, and which all occupants can have confidence in. These measures should be set out in a Fire Strategy, prepared by a suitably qualified fire engineer.

A draft Fire Statement has been submitted in support of this application. This statement is sufficient at this stage, and further details would be secured as part of a two-stage condition, requiring a Fire Statement, followed by a full and detailed Fire Strategy, to be submitted for approval. On the basis that policy compliance can be secured by way of condition, the proposal is considered to generally comply with Policy D12 of the London Plan (2021).

### **CONTAMINATED LAND**

Policy EM8 of the Hillingdon Local Plan: Part 1 (Land, Water, Air and Noise) states that the council expects proposals for development on contaminated land to provide mitigation strategies that will reduce the impacts on surrounding land uses. Major development proposals will be expected to demonstrate a sustainable approach to remediation that includes techniques to reduce the need to landfill.

This should be read alongside Policy DMEI 11 of the Hillingdon Local Plan: Part 2 (Protection of Ground Water Resources), which sets out that any risk to groundwater resources must be assessed to demonstrate that groundwater would be protected throughout the construction and operational phases of development, and Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (Development of Land Affected by Contamination), which states that proposals on potentially contaminated sites (such as this site) will be expected to be accompanied by an initial study of the likely contaminants, through a phase 1 preliminary risk assessment. Development on land potentially affected by contamination will only be supported where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

In support of the application, a Ground Investigation Report (Ref: WB307-01/DOP/SAG/MAK) has been submitted, which has subsequently been reviewed by the Council's Land Contamination Officer. Comments from the Land Contamination Officer set out that the submitted report is comprehensive and includes a substantial amount of information, including preliminary and updated conceptual site models and risk assessments, all in accordance with various phase 1 desk studies and phase 2 investigations conducted at site.

On this basis, it is considered the details contained within the report are suitable, assuming the recommendations within the report are fully implemented during (and after) construction works. If recommended for approval, these details shall be secured by condition, including a requirement to demonstrate that the site has been remediated to an acceptable standard.

## HS2

The southern section of the former MSD facility forms part of the HS2 Breakspear Road Satellite Compound, currently cleared. This construction compound is accessed via the former MSD facility access road, for which a new road and associated priority junction were constructed in 2020, to allow for the ongoing use of the MSD facility. HS2 construction to the south of the application site will continue until 2024 based on current projections.

As part of the HS2 proposals, a new bridge will be constructed north of the existing bridge on Breakspear Road South to accommodate the new HS2 railway line. Network Rail data shows the existing Chiltern line bridge has been hit by oversized vehicles 15 times between April 2017 and April 2022, of which, 7 occurred in 2021. There are no plans to increase the height of this existing Chiltern line bridge, however the new HS2 bridge will have a clearance of 6.5 metres so there would be no risk of this new bridge being struck.

The HS2 Safeguarding team were consulted on this application and confirmed no objection to proposals in planning or HS2 safeguarding terms. It is therefore considered that the proposal's overall impact to the HS2 works would be low to negligible.

## PUBLIC RIGHT OF WAY

During the course of the application, the Council's Rights of Way Officer raised concerns with regard to Public Bridleway U42 which is recorded over a section of the access road utilised by the application site.

The U42 bridleway historically followed the old MSD access road but was diverted along the northern side of the new access road in spring 2020. The diversion continues down to Breakspear Road South and then along the northern side of Breakspear Road South to the original connection point. The proposed works will involve a small adjustment to the junction bellmouth and access road and the current proposals include the retention of a 2m footway / bridleway (in line with the existing provision) along the northern side of the access road.

The Council's Rights of Way Officer notes that the bridleway should be 3m in width and should be located on the south side of the access road with a crossing point to re-join the Public Right of Way U42 route. If recommended for approval, a detailed scheme for the connection to the new Public Right of Way U42 route would be secured by planning condition.

The Council's Rights of Way Officer also raised concerns that the trees on the Public Right of Way U42 bridleway, which utilise ecological features such as raptor boxes. Based on the information submitted, the trees located along the bridleway will not be impacted. If recommended for approval, the retention of such trees would be secured by planning condition.

## DIGITAL CONNECTIVITY

Policy SI 6 of the London Plan (2021) states:

A) To ensure London's global competitiveness now and in the future, development proposals should:

- 1) ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users
- 2) meet expected demand for mobile connectivity generated by the development
- 3) take appropriate measures to avoid reducing mobile connectivity in surrounding areas; where that is not possible, any potential reduction would require mitigation
- 4) support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.

If recommended for approval, a planning condition would ensure that sufficient ducting space for full fibre connectivity infrastructure is provided within the development. Subject to such a condition, the proposed development would accord with Policy SI 6 of the London Plan (2021).

## INFRASTRUCTURE

Policy D2 of the London Plan (2021) states:

A) The density of development proposals should:

- 1) consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels
- 2) be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (including both PTAL and access to local services).

B) Where there is currently insufficient capacity of existing infrastructure to support proposed densities (including the impact of cumulative development), boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if the development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that the development is phased accordingly.

C) When a proposed development is acceptable in terms of use, scale and massing, given the surrounding built form, uses and character, but it exceeds the capacity identified in a site allocation or the site is not allocated, and the borough considers the planned infrastructure capacity will be exceeded, additional infrastructure proportionate to the development should be delivered through the development. This will be identified through an infrastructure assessment during the planning application process, which will have regard to the local infrastructure delivery plan or programme, and the CIL contribution that the development will make. Where additional required infrastructure cannot be delivered, the scale of the development should be reconsidered to reflect the capacity of current or future planned supporting infrastructure.

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

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

This application seeks planning permission for the retention of one building (Building 1) for use as ancillary offices and demolition of all remaining buildings, construction of new buildings (Buildings 2 to 5), all within Use Class B8 with ancillary uses, alongside hardstanding, widening of the vehicular access off Breakspear Road South, associated car and cycle parking, enhanced landscaping and ancillary works.

The proposed development would intensify the existing employment site for industrial purposes, in accordance with Policies E4 and E7 of the London Plan (2021), and Policy DME 2 of the Hillingdon Local Plan: Part 2 (2020). It is considered that the proposed development is acceptable in land use terms and would make efficient use of a brownfield site.

Although the site is located in the Green Belt, the proposed development would constitute redevelopment of previously developed land. Subject to an appropriately worded planning condition which restricts the level of storage that can be deposited in the external storage yards proposed, and planning conditions which ensure effective maintenance and delivery of a robust landscape scheme to screen the development from view, the development also would not result in a greater impact to the openness of the Green Belt than the existing development. The development therefore constitutes appropriate development and no very special circumstances are required to justify the development proposed.

Subject to the planning conditions and obligations to be secured by a Section 106 legal agreement, the proposed development is considered acceptable with respect to its design and impact on the character and appearance of the area, neighbour amenity, the local highway network, public rights of way, accessibility, security, landscaping, ecology, waste, energy, flood and water management, noise, contaminated land and fire safety. For the reasons set out within the main body of the report, the proposal accords with the development plan when read as a whole. This application is recommended for approval, subject to planning conditions and a Section 106 legal agreement.

## 11. Reference Documents

National Planning Policy Framework (September 2023)

The London Plan (March 2021)

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

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

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

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

**Contact Officer:**

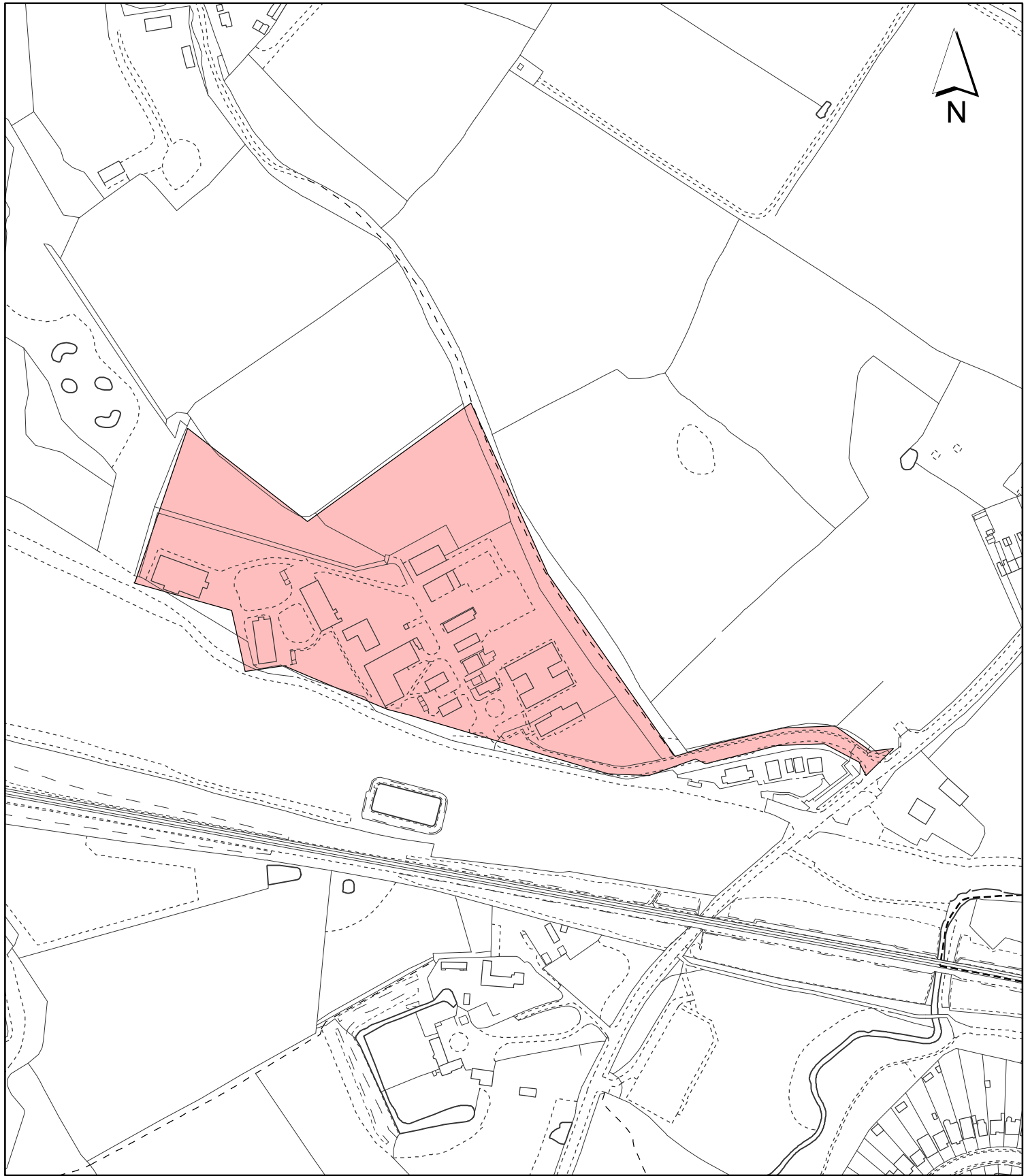
Michael Briginshaw

**Telephone No:**

01895 250230

**Hillingdon Planning Committee - 1st November 2023**

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



**Notes:**

 Site boundary

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Site Address:

**Merck Sharpe Dohme  
 Site Off Breakspear Road South**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section

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

Planning Application Ref:

**72870/APP/2022/3126**

Scale:

**1:3,500**

Planning Committee:

**Minors**

Date:

**November 2023**



**HILLINGDON**  
 LONDON