

Report of the Head of Development Management and Building Control

Address: BERRITE ESTATE IRON BRIDGE ROAD WEST DRAYTON

Development: Redevelopment of the site to provide 3 no. replacement industrial units (Use Class E(g) (iii), B2 and/or B8 uses), surface level car parking and associated works (works involve demolition of existing Units 6, 7 and 8).

LBH Ref Nos: 45237/APP/2022/3398

Drawing Nos: Cover Letter dated 4/11/22
Landscape Consultant's Letter dated 27.6.23
Overshadowing Statement, June 2023
Shadow Study
CIV-100 Rev. A05 (Proposed Drainage Layout)
PL 16 (Distance to Railway Plan)
Air Quality Assessment, October 2022
Preliminary Ecological Appraisal and Preliminary Roost Assessment, Issue 2 dated 12/12/22
Drainage Strategy Report, Issue A03, dated January 2023
Planning Statement, November 2022
Travel Plan, September 2023
Agent's email dated 5/10/23
PL-03 Rev. B (Existing Site Plan)
PL-06 Rev. E (Proposed Site Plan)
PL-02 Rev. C (Site Survey)
1569-ACS-XX-ZZ-DR-T-003-D (Swept Path Analysis - Car Transporter)
PL-07 Rev. F (Unit 8 - Outline Plans, Sections & Elevations)
Design and Access Statement, Revision 1.1
Planning Fire Statement
Applicant's response to Drainage Consultants comments
Agent's email dated 3/2/23 re. Policy Officer comments and change of description
Agent's email dated 14/2/23 re. Potential occupiers and ecology
Response to Canal and River Trust Consultation Response, Revision 1.0
Energy Statement, September 2022
Construction Environmental Management Plan, Revision: V1.0 dated 3/10/22
PL-01 (Location Plan)
PL-05 Rev. B (Demolition Plan)
PL-12 Rev. B (Existing Block Plan)
PL-08 Rev. F (Unit 6 and 7 - Outline Plans, Sections & Elevations)

RAL 386-01 Issue 04 (Landscape Plan)
Air Quality Note, September 2023
Agent's email dated 3/2/23 re. policy officer comments and change in description
PL-18 (Fire Hydrant Location Plan)
Transport Statement, September 2023
PL-04 (Existing Plans and Elevations)

Date Plans received:	07-11-2022	Date(s) of Amendments(s):	08-11-2022
Date Application valid	17-11-2022		17-11-2022
			31-01-2023
			03-02-2023
			14-02-2023
			19-05-2023
			05-06-2023
			30-06-2023
			04-09-2023
			20-09-2023
			05-10-2023
			24-10-2023

1. SUMMARY

This application seeks planning permission for the demolition of the existing buildings and the provision of 3 replacement industrial units (Class E(g)iii, B2 and / or B8) within the Berrite Estate which forms part of a designated Strategic Industrial Location (SIL) located towards the southern end of Iron Bridge Road, between the Grand Union Canal and the Great Western Main Line.

The economic benefit of commercial development is acknowledged and supported by national, regional and local planning policies. As noted under Paragraph 81 of the National Planning Policy Framework (NPPF) (2023), significant weight should be placed on the need to support economic growth and productivity.

Although the scheme would result in a minor reduction in the amount of re-provided industrial / commercial floor space, it is considered that the provision of 3 replacement industrial / commercial units would provide more flexible modern industrial floor space with up to date infrastructure that would allow greater flexibility of use within Berrite Industrial Estate.

Revised plans and further information have been secured during the application process that served to reduce the overall height of the buildings and satisfied concerns from the Canal and River Trust regarding the overshadowing of the canal.

Further to discussions concerning the level of air quality mitigation, the applicant has also submitted a revised Transport Statement based on a traffic survey undertaken on site as opposed to relying on representative sites within TRICS to forecast traffic generation. This has been accepted by the Council's Highways Officer as being more representative of local traffic conditions and an appropriate

air quality contribution would be secured subject to a grant of planning permission.

The scheme has also involved the need to extend the boundary area to allow appropriate HGV turning space and manoeuvring space for some of the parking spaces.

With the revisions that have been secured during the application process and subject to the planning conditions and obligations recommended, the proposed development is considered to be acceptable as regards to its impacts on the adjoining canal, highway impacts and makes appropriate air quality mitigation and carbon offset contributions. The proposal would not have any implications for neighbouring residential properties, given the site's location and the existing industrial context immediately adjoining the site.

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. For the reasons outlined above and within the main body of the report, this application is considered to comply with the Development Plan and is recommended for approval, subject to securing the necessary planning conditions and a Section 106 legal agreement.

2. RECOMMENDATION

That 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) to secure the following Heads of Terms:

i) Carbon Offset Contribution: Carbon offset payment of up to £1,710* to secure the necessary CO2 savings required plus a clause ensuring that the applicant undertakes monitoring and reporting of the carbon performance of the buildings in line with the London Plan 'be seen' requirements. This shall also identify triggers and measures to ensure any shortfalls in performance are understood and mitigation is identifiable and deliverable to resolve failures to meet targets. The reporting shall be undertaken annually for 5 years.

***On commencement of development (excluding demolition), the shortfall (where applicable) identified in the Energy Assessment required by the Energy Condition shall form an in lieu contribution to the Council's carbon offset fund at £95/tCO2 annualised over 30 years (i.e. shortfall x 30 x 95 = £contribution).**

ii) Air Quality Contribution: £114,147 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.

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 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) Employment Strategy and Construction Training: A full and detailed Construction and Employment Training scheme in accordance with the Council Planning Obligations SPD with the preference being for an in-kind, on-site scheme to be delivered.

v) **Project Management & Monitoring Fee:** a contribution equal to 5% of the total cash contributions secured from the scheme to enable the management and monitoring of the resulting agreement.

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 measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of carbon offsetting and air quality). The scheme therefore conflicts with Policy 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 55-58 of the National Planning Policy Framework (2023).'

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:-

PL-01 (Location Plan received 8th November 2023);
PL-05 Revision B (Demolition Plan);
PL-06 Revision E (Proposed Site Plan);
PL-07 Revision F (Unit 8 - Outline Plans, Sections & Elevations);
PL-08 Revision F (Units 6 and 7 - Outline Plans, Sections & Elevations);
PL 16 (Distance to Railway Plan);
PL-18 (Fire Hydrant Location Plan);
CIV-100 Revision A05 (Proposed Drainage Layout);

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

Design and Access Statement, Revision 1.1

Planning Fire Statement Version 2 dated 07/11/22

Applicant's response to Drainage Consultants comments received 31/01/23

Agent's email dated 03/02/23 re. Policy Officer comments and change of description

Agent's email dated 14/2/23 re. Potential occupiers and ecology

Response to Canal and River Trust Consultation Response, Revision 1.0

Transport Statement, September 2023

Energy Statement, September 2022

Construction Environmental Management Plan, Revision: V1.0 dated 03/10/2022

Air Quality Assessment, October 2022

Preliminary Ecological Appraisal and Preliminary Roost Assessment, Issue 2 dated 12/12/2022

Drainage Strategy Report, Issue A03, dated January 2023

Planning Statement, November 2022

Agent's email dated 03/02/23 re. policy officer comments and change in description

1569-ACS-XX-ZZ-DR-T-003-D dated 20-10/23 (Swept Path Analysis - Car Transporter)

Landscape Consultant's Letter dated 27/6/23

Overshadowing Statement, June 2023

Shadow Study, Revision 1.1

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

REASON

To ensure that the development complies with the objectives of Policies SI 1 and SI 7 of the London Plan (2021), Policies EM7 and EM8 of the Hillingdon Local Plan Part 1 (2012) and Policies DMHB 14, DMEI 2, DMEI 7, DMEI 10, DMEI 11, DMEI 12, DMEI 14 of the Hillingdon Local Plan Part 2 (2020).

4. NONSC Restrict 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 Use Classes E(g)iii, B2 and B8 with ancillary office use.

REASON

To ensure that the provisions of the proposed development are secured to the use proposed 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).

5. NONSC Restrict Extensions

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 has 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 has 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 Prohibit Data Centre Use

Notwithstanding the Town and Country Planning (Use Classes) Order (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the development 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 Connection to Future District Heating Network

The development hereby approved shall connect to a district heating network should one become available in the future and should it be viable to do so.

REASON

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

9. 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).

10. COM6 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

11. NONSC Materials

Prior to the commencement of above ground construction works for the development, details of all materials and external surfaces for the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal and River Trust. This shall include samples of the facing and roofing materials.

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

REASON

To ensure the development has a satisfactory external appearance in accordance with Policy SI 17 of the London Plan (2021) and Policies DMHB 11 and DMEI 8 of the Hillingdon Local Plan Part 2 (2020).

12. NONSC Landscape Scheme

Notwithstanding the details shown on Drw. No. RAL 386-01 Issue 04, the development hereby approved shall proceed only in accordance with revised detailed soft and hard landscaping plans, which shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal and River Trust and shall include the following:-

1. Details of Soft Landscaping, to include the full length of the site.
 - 1.a Planting plans (at not less than a scale of 1:100), including pollution absorbing planting.
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage
 - 2.c Specification of the corner bollards
 - 2.d Means of enclosure/boundary treatments, including;
 - Weld mesh fencing and gate system with detail showing height and elevations;
 - Brick wall with gate system showing height and elevations.

2.e Marking out the parking spaces for 19 cars, 24 cycles and 1 motorcycle space, including 15 active fast charging spaces and 1 passive space;

2.f Hard Surfacing Materials, including;

- Concrete hard standing;
- Permeable car parking paving;
- Extent and condition of existing concrete hard standing to be retained.

3. Details of Landscape Maintenance

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

3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

5. Other

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

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, in the interests of land stability and provide adequate facilities and enhancement of the biodiversity of the Grand Union Canal in compliance with Paragraphs 174 & 183 -184 of the National Planning Policy Framework (2023), Policies DMHB 11, DMHB 14 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy and G7 of the London Plan (2021).

13. NONSC Bat Survey

Prior to the commencement of development (including demolition) a detailed bat survey must be submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out at the correct time of year, by a suitably qualified expert and in accordance with best practice. Should bats be found then the development must proceed in accordance with an approved bat mitigation licence issued by Natural England with full details of the mitigation requirements provided to and approved in writing by the Local Planning Authority.

REASON

To ensure the protection of bats in accordance with Paragraph 179 of the National Planning Policy Framework (2023) and Policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) Policies G5 and G6.

14. COM26 Ecological Enhancement Plan

No development shall take place until a scheme to protect and enhance the nature conservation value of the site, together with future landscape management regimes and responsibilities, has been submitted to and approved by the Local Planning Authority.

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

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with Policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) Policies G5 and G6.

15. NONSC Waterway Risk Assessment and Method Statement

Prior to the commencement of development, a Waterway Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal and River Trust. The Risk Assessment and Method Statement shall specify the measures to be taken to ensure the protection of the structural stability, water quality and biodiversity of the waterway as well as protection of its users. The demolition, remediation and construction shall thereafter be carried out in accordance with the approved details.

REASON

In the interests of the structural stability, water quality and biodiversity of the Grand Union Canal. The information is required prior to commencement to ensure that works undertaken in demolition and construction phases do not adversely impact on the canal and its users, in accordance with Policies G6, SI 16 and SI 17 of the London Plan (2021) and Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan Part 2 (2020).

16. NONSC Waterway Wall Survey

Prior to commencement of development hereby permitted a survey of the condition of the waterway wall shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal and River Trust along with a Risk Assessment and Method Statement setting out the details of any repair works to be undertaken to safeguard the integrity of the waterway wall during demolition and construction. The Risk Assessment and Method Statement shall detail how any items of heritage interest found during the survey or subsequent repair works will be documented and protected, as required. The works to the waterway wall shall be carried out in accordance with the approved details.

REASON

In the interests of the structural stability of the Grand Union Canal, in accordance with Policies SI 16 and SI 17 of the London Plan (2021) and Policy DMEI 8 of the Hillingdon Local Plan Part 2 (2020).

17. NONSC External Lighting

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

REASON

In the interests of the protection of the biodiversity of the Blue Ribbon Network, in accordance with Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020).

18. 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) Details of traffic mitigation on Iron Bridge Road during construction works
 - (b) HGV Routing Enforcement;
 - (b) Signage;
 - (c) Vehicle types and sizes;
 - (d) Hours of arrivals and departures of staff and deliveries (avoiding peaks);
 - (e) Frequency of visits;
 - (f) Parking of site operative vehicles;
 - (g) On-site loading/unloading arrangements;
 - (h) Use of an onsite banksman (if applicable);
 - (i) Use of consolidation centres to reduce HGV movements;
 - (j) Achieve FORS Gold standard and 5* Direct Vision Standard;
 - (k) Encourage use of active travel;
- 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); and
- x. Measures to avoid and mitigate impacts to the Grand Union Canal.

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).

19. NONSC Delivery and Servicing Plan

Prior to the occupation of the development, a Delivery and Servicing Plan shall be submitted to and approved by the Local Planning Authority.

Prior to the first use of the industrial floorspace hereby approved, a Delivery and Servicing Plan, including tracked vehicle movements where necessary, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

REASON

To encourage out of hours/off peak servicing to help mitigate the site's contribution to local congestion levels in compliance with Policy T7 of the London Plan (2021) and Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

20. 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 Plan 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. This should ensure that there is a robust management scheme for the change in shifts and mitigation against the highways safety risks that could arise from the overlap of trips made to and from the site during such shift changes.

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).

21. COM30 Contamination

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

a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site:

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

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

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

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

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping and/or engineering purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the factual results and interpretive reports of this testing shall be submitted to and approved in writing by the Local Planning Authority.

REASON

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

22. NONSC Energy

Prior to commencement of development (excluding demolition), a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall accord with the requirements of the London Plan (Policy SI2) and the GLA Energy Assessment Guidance (April 2020 or as amended) and demonstrate that the Energy Statement (GreenBuil Consult, September 22) target of 85% reduction will be achieved in the development. The assessment shall clearly identify the baseline energy demand and associated carbon emissions in accordance with the prevailing building regulation requirements. The assessment shall then clearly define (including plans and specifications) the 'be lean', 'be clean' and 'be green' measures to demonstrate that the development will meet the minimum onsite carbon savings of 85%.

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

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

REASON

To ensure the development's regulated energy demand doesn't contribute to CO2 emissions in accordance with Policy SI2 of the London Plan (2021).

23. NONSC Overheating Strategy

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

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

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

REASON

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

24. 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, in consultation with the Canal and River Trust. This shall include drawings and supporting calculations 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 (2023), and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

25. NONSC Sustainable Drainage Scheme Verification

Prior to the first operation of the development, evidence (photographs and installation contracts) of

the installation of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Canal and River Trust. This shall 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 (2023), and Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

26. NONSC 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 plan 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.

The plan should have a clear set of actions defined, associated with clear time frames for each action, a person responsible for its delivery and measure the results in a tangible way.

- 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 Local Plan (Part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) Policies SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2023).

27. NONSC Control of Dust and Emissions Plan

No development shall commence until a Control of Dust and Emissions 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

To ensure 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).

28. NONSC Non-Road Mobile Machinery

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

REASON

To comply with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy, in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 1 of the London Plan (2021) and Paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2023).

29. NONSC Inclusive Access Details

The development hereby approved shall be constructed in accordance with the approved plan, to include level access into the industrial units and accessible toilet facilities designed and fitted to accord with BS 8300-1:2018, with all such facilities permanently retained thereafter.

REASON

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

30. COM31 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 exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 to ensure the development provides a safe and secure environment in accordance with Hillingdon Local Plan Part 2 policy DMHB 15 and London Plan (2021) Policies D11 and D12.

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. 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 Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. I13 Asbestos Removal

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

4. I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).

5. I47A Damage to Verge - For Private Roads:

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative

routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

6. 172 Section 106 Agreement

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

7. 173 Community Infrastructure Levy (CIL) (Granting Consent)

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

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

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

8.

1. The applicant / developer is advised to contact Patrick McElroy, Works Engineer (patrick.mcelroy@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

2. The applicant / developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) to discuss this and in order to ensure that any necessary licences, commercial agreements and Defra consent are obtained prior to any works being carried out which may encroach on or over Trust owned land / waterspace.

3. The applicant is advised that any foul or surface water discharge to the waterway requires prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right - where they are granted, they will usually be subject to completion of a commercial agreement. Please contact Chris Lee, Utilities Surveyor (chris.lee@canalrivertrust.org.uk) to discuss any queries in relation to discharges to the waterway.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Comments as landowner

We note that the Applicant has completed Certificate B as part of the Application Site is owned by the Trust. The applicant/developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) to discuss this and in order to ensure that any necessary licences, commercial agreements and Defra consent are obtained prior to any works being carried out which may encroach on or over Trust owned land/waterspace.

9.

Network Rail advise that the development appears to be located on an area of land previously under the ownership of Network Rail and was sold on 26th April 2002.

Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. Under clause 14 of the conveyance are buyer obligations which the owner of the land is expected to comply with. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.

Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.

Safety

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

Drainage

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

Ground Levels

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in

accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

Plant, Scaffolding and Cranes

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

10.

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.

153 **Compulsory Informative (2)**

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

DMAV 1	Safe Operation of Airports
DMCI 7	Planning Obligations and Community Infrastructure Levy
DME 1	Employment Uses in Designated Sites
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 3	Decentralised Energy
DMEI 7	Biodiversity Protection and Enhancement
DMEI 8	Waterside Development
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts

DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMT 7	Freight
LPP D11	(2021) Safety, security and resilience to emergency
LPP D12	(2021) Fire safety
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP 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 E5	(2021) Strategic Industrial Locations (SIL)
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP G1	(2021) Green infrastructure
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 GG6	(2021) Increasing efficiency and resilience
LPP HC1	(2021) Heritage conservation and growth
LPP SD1	(2021) Opportunity Areas
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI15	(2021) Water transport
LPP SI16	(2021) Waterways - use and enjoyment
LPP SI17	(2021) Protecting and enhancing London's waterways
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 T2	(2021) Healthy Streets
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling

LPP T6	(2021) Car parking
LPP T6.5	(2021) Non-residential disabled persons parking
LPP T7	(2021) Deliveries, servicing and construction
LPP T9	(2021) Funding transport infrastructure through planning
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF6	NPPF 2021 - Building a strong, competitive economy

3. CONSIDERATIONS

3.1 Site and Locality

The 0.43 ha application site (excluding the area of the private estate road) is located to the west of Iron Bridge Road and forms part of the Berrite Estate, located between the Grand Union Canal which adjoins the site to the north and the Great Western main line to the south. The access road runs along the southern boundary of the estate which is gated at its entrance where it adjoins Iron Bridge Road to the east. This provides the only vehicular access to the site which is taken from Horton Road to the north. Beyond the Grand Union Canal to the north is a large employment area referred to as "Prologis Park West London". To the south beyond the railway line is a landscaped buffer beyond which is a residential area.

The site comprises units referred to as Units 6, 7 and 8 and an open hardstanding area to the west. Units 6 and 7 were previously occupied by a local marble and granite business but the buildings have been damaged by fire and are no longer occupied. Unit 8 is occupied by a car body shop/workshop. To the east of the application site are further units which make up the wider Berrite Estate and to the west an area of open hardstanding.

The site forms part of the wider Hayes industrial area and forms part of the Strategic Industrial Location (Sites Located near Hayes Town Centre) and is located with Hillingdon's Air Quality Management Area. The adjoining Grand Union Canal is a Nature Conservation Site of Metropolitan or Borough Grade I Importance and it is also considered to be a heritage asset.

3.2 Proposed Scheme

The application proposes the demolition of Units 6, 7 and 8 and the development of three replacement industrial units within two buildings. The existing units provide 1,388sq m (GEA) of floorspace. Units 6 and 7 would be located towards the east of the application site and Unit 8 to the west. In total, 1,373sq m (GEA) of floorspace is proposed across the three units and the dedicated yard areas. This represents a decrease of 15 sq m when compared to the existing onsite provision.

During the application process various revised plans and additional information has been submitted. These have increased the overall area of the application site by extending the red line boundary, revisions have been made to the site layout and the buildings have been reduced in height and changes made to their appearance. The extended red line boundary now incorporates a 24m

diameter HGV turning circle to the west of the proposed units and manoeuvring space for the car parking spaces sited to the west.

The proposed units would all be constructed with a brickwork plinth (London Stock Brick), some 2.4m high with horizontal profiled metal cladding above in light grey, punctuated with vertical metal cladding in mid grey to break up the elevations. The roofs would be constructed from metal cladding with integral roof lights. Each unit would have its own separate entrance and roller shutter door. Internally there would be a staff welfare room and toilet facilities. Unit 8 would also have an ancillary office space.

Each unit would have its own secure outdoor storage area, which would be located to the side of each unit. The units would be sited towards the north of the site, reflecting the existing general arrangement, to allow the access and parking provision to be provided to the south and west of the units. In total, 19 parking spaces are proposed (including 3 accessible spaces), of which 15 would have fast electric charging points (including all the accessible bays) and 1 space would have passive provision. A motorcycle parking space would also be provided and there would be 24 cycle parking spaces in total and each unit would have showering and changing facilities.

The revisions made to the scheme would now involve Unit 8 having a ridge height of 8.30m and eaves height of 6.50m and Units 6 and 7 a ridge height of 8.64m and eaves height of 6.77m (as compared to the original submission that proposed buildings with ridge heights of 8.86m and average eaves heights of 7.55m).

With regards to landscape, it is proposed to create a green planted zone between the rear of the new buildings and the canal. This includes new planting of indigenous varieties of shrubs, grasses and flowering plants intended to enhance the overall biodiversity of the site.

3.3 Relevant Planning History

Comment on Relevant Planning History

The only recent planning history relates to Unit 8 and includes the following:-

67216/APP/2017/2550 - Conversion of offices to toilets. New glazing and cladding - Approved 19/3/18

67216/ADV/2010/53 - Various signage - Split decision issued 20/10/10

4. Planning Policies and Standards

Development Plan

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

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

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documents:

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

Material Considerations

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.E1 (2012) Managing the Supply of Employment Land

PT1.E3 (2012) Strategy for Heathrow Opportunity Area

PT1.E7 (2012) Raising Skills

PT1.HE1 (2012) Heritage

PT1.BE1 (2012) Built Environment

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

PT1.EM3 (2012) Blue Ribbon Network

PT1.EM6 (2012) Flood Risk Management

PT1.EM7 (2012) Biodiversity and Geological Conservation

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

PT1.T1 (2012) Accessible Local Destinations

Part 2 Policies:

NPPF6 NPPF 2021 - Building a strong, competitive economy

NPPF2 NPPF 2021 - Achieving sustainable development

NPPF11 NPPF 2021 - Making effective use of land

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NPPF12 NPPF 2021 - Achieving well-designed places

NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding

NPPF15 NPPF 2021 - Conserving and enhancing the natural environment

LPP GG2 (2021) Making the best use of land

LPP GG5 (2021) Growing a good economy

LPP GG6 (2021) Increasing efficiency and resilience

LPP SD1 (2021) Opportunity Areas

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

LPP D4 (2021) Delivering good design

LPP D5 (2021) Inclusive design

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

LPP D12 (2021) Fire safety

LPP D13 (2021) Agent of change

LPP D14 (2021) Noise

LPP E2 (2021) Providing suitable business space

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

LPP E5 (2021) Strategic Industrial Locations (SIL)

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

LPP E11 (2021) Skills and opportunities for all

LPP HC1 (2021) Heritage conservation and growth

LPP G1 (2021) Green infrastructure

LPP G5 (2021) Urban greening

LPP G6 (2021) Biodiversity and access to nature

LPP G7 (2021) Trees and woodlands

LPP SI1 (2021) Improving air quality

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 SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

LPP SI15 (2021) Water transport

LPP SI16 (2021) Waterways - use and enjoyment

LPP SI17 (2021) Protecting and enhancing London's waterways

LPP T2 (2021) Healthy Streets

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T5 (2021) Cycling

LPP T6 (2021) Car parking

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

LPP T7 (2021) Deliveries, servicing and construction

LPP T9 (2021) Funding transport infrastructure through planning

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

DME 1 Employment Uses in Designated Sites

DMHB 1 Heritage Assets

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 15 Planning for Safer Places

DMEI 1 Living Walls and Roofs and Onsite Vegetation

DMEI 2 Reducing Carbon Emissions

DMEI 3 Decentralised Energy

DMEI 7 Biodiversity Protection and Enhancement

DMEI 8 Waterside Development

DMEI 10 Water Management, Efficiency and Quality
DMEI 11 Protection of Ground Water Resources
DMEI 12 Development of Land Affected by Contamination
DMEI 14 Air Quality
DMCI 7 Planning Obligations and Community Infrastructure Levy
DMT 1 Managing Transport Impacts
DMT 2 Highways Impacts
DMT 5 Pedestrians and Cyclists
DMT 6 Vehicle Parking
DMT 7 Freight
DMAV 1 Safe Operation of Airports

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **7th January 2023**

5.2 Site Notice Expiry Date: Not applicable

6. Consultations

External Consultees

36 neighbouring properties have been consulted on this application on 29/11/22, the application was advertised in the local press on 14/12/22 and a site notice was displayed on site on 2/12/22. Further rounds of public consultation have been undertaken in response to various revisions to the scheme. All forms of consultation expired on 4th December 2023 and no responses from the public have been received.

CANAL AND RIVER TRUST (CRT):

The CRT initially raised objection to the scheme on the following grounds:

1) The proposed development, due to its size, mass and proximity to the canal would be a dominant, overbearing, and intrusive feature when viewed from the waterway having a negative impact on its character and appearance. The proposals would therefore be contrary to Policy SI 17 of the London Plan, 2021 and Policies DMEI 8 & DMHB 11 of the London Borough of Hillingdon Local Plan Part 2: Development Management Policies, 2020 and the advice and guidance contained within the NPPF.

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2) The proposed development due to its overall size, height and proximity to the waterway would result in a level of overshadowing that would adversely impact on the ecological value of this section of the canal and no assessment of this or mitigation measures are proposed to address this. The proposals would therefore be contrary to Policy SI 17 of the London Plan, 2021, Policy EM7 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policies DMEI 8 & DMHB 11 of the London Borough of Hillingdon Local Plan Part 2: Development Management Policies (2020) and the advice and guidance contained within the NPPF.

Following the submission of revised plans and further information, the CRT have withdrawn their objection and comment as follows:-

The main issues relevant to the Trust as statutory consultee on this application are:

- a. The impact on the character and appearance of the waterway.
- b. The impact on the biodiversity of the waterway.
- c. The impact on the structural integrity of the canal.
- d. Drainage

Based on the amended information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters. Our advice and comments follow:

The impact on the character and appearance of the waterway.

The amended plans submitted to the Council on the 3rd July 2023 appear to reflect discussions the Trust have had with the applicant/developer. The amendments to the scheme include a reduction in the eaves and ridge height of the proposed buildings and increased separation between the units. These changes, along with the variation in the module on the vertical cladding will aid in reducing the overall mass of the proposed buildings and break down their visual appearance from the waterway.

In addition, the key clamp fencing previously proposed to the canal boundary has now been removed and the boundary treatment to the service yards amended to a brick wall. This will aid in minimising any negative visual, noise or air quality impacts whilst also providing a robust barrier to prevent vehicles and other debris from entering the waterway.

On the basis of the amended plans the Trust are satisfied the overall impact to the character and appearance of the waterway has been reduced. The details on the proposed materials should however be submitted for consideration. This could be addressed by condition and the Trust wish to be consulted on this information when available.

The impact on the biodiversity of the waterway.

The applicant/developer has provided further detail in relation to potential shading of the waterway and the proposed landscaping to the canal boundary. The amended eaves and ridge heights for the proposed building has reduced the potential shading to the waterway. The landscape proposals have also been amended with more appropriate, shade tolerant planting being proposed.

The landscaping should be carried out in accordance with the submitted details and full details on the future maintenance / management regimes and responsibilities for the landscaping submitted for consideration. These matters could be addressed by condition and the Trust wish to be consulted on this

information when available.

It is noted that site investigations are currently ongoing to determine the extent of any contamination on the site and the outcome of these, including interpretative reports and remediation strategy if required, should be submitted for consideration. This matter could be addressed by condition and the Trust wish to be consulted on this detail when available.

Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution prevention measures provided. This should include details as to how matters such as surface water run-off, noise and dust would be managed during any remediation, demolition or construction works. Works should also be carried out at appropriate times to avoid adverse impacts to nesting birds / bats etc. These matters could be addressed by the submission of a Construction and Environmental Management Plan which could be secured by planning condition.

The Trust advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Any external lighting should be angled downwards, and light directed into the site, and it should not provide flood lighting to the canal corridor to show consideration for bats and other nocturnal species. The details of any external lighting proposed could be addressed by condition.

The impact on the structural integrity of the canal.

The proposals involve demolition and construction works in close proximity to the canal boundary and the amended plans now indicate a 'water garden' is also proposed along the canal boundary. With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution etc. It is important that development does not adversely affect the stability of the canal wall or lead to additional loadings, as this could significantly increase the risk of damage to the adjacent canal, adversely impacting on its structural integrity, water quality, biodiversity, and safe navigation of the waterway.

Accordingly, a Risk Assessment and Method Statement should be undertaken in order that the extent of any risks during demolition, remediation and construction can be properly quantified and assessed. This should include an assessment of the existing waterway wall and detail any necessary repairs or mitigation measures that may be required and cross sections of any construction adjacent to the waterway wall, including excavation and foundation work and details of any necessary waterproofing measures. These matters could be addressed by condition and the Trust wish to be consulted on these details when available.

Any works would also need to comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust". Further details are available on the Trust's website though the applicant/developer is advised to contact Patrick McElroy, Works Engineer to discuss this in more detail and ensure that any necessary consents are obtained.

Drainage.

The submission has already provided further information on the proposed drainage strategy for the site which includes surface water and treated foul discharges to the canal via existing outfalls. There are existing agreements in place with the Trust for these existing discharges. However, the applicant

/developer will need to demonstrate to the Trust that any modification of the existing drainage system within the site will maintain / improve water quality. The Trust are satisfied that in this instance this could be sufficiently addressed via our own internal processes and the applicant / developer is advised to continue liaising with Chris Lee, Utilities Surveyor (chris.lee@canalrivertrust.org.uk) on this matter.

The applicant/developer is also still advised to consult with the Environment Agency as to whether a new or revised foul water discharge permit would also be necessary.

Conditions

For clarity, as detailed above the Trust consider the amendments have addressed our previous concerns with regards to the impact on the character, appearance, and biodiversity of the waterway. We do however still recommend that conditions are required to address the matters listed below:

- Risk Assessment and Method Statement for works affecting the Grand Union Canal

Prior to the commencement of development, a Risk Assessment and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Risk Assessment and Method Statement shall specify the measures to be taken to ensure the protection of the structural stability, water quality and biodiversity of the waterway as well as protection of its users. The demolition, remediation and construction shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of the structural stability, water quality and biodiversity of the Grand Union Canal. The information is required prior to commencement to ensure that works undertaken in demolitions and construction phases do not adversely impact on the canal and its users.

- Waterway and survey

Prior to commencement of development hereby permitted a survey of the condition of the waterway wall shall be submitted to and approved in writing by the Local Planning Authority along with a Risk Assessment and Method Statement setting out the details of any repair works to be undertaken to safeguard the integrity of the waterway wall during demolition and construction. The Risk Assessment and Method Statement shall detail how any items of heritage interest found during the survey or subsequent repair works will be documented and protected, as required. The works to the waterway wall shall be carried out in accordance with the approved details.

Reason

In the interests of the structural stability of the Grand Union Canal. The required information and works are required prior to commencement as damage to the waterway wall may occur during demolition and construction phases.

- External Lighting

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

Reason

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

- Landscaping

The development hereby approved shall proceed only in accordance with detailed soft and hard landscaping plans, which shall include details on habitat enhancements and future landscape management regimes and responsibilities, which have been submitted to and approved in writing by the Local Planning Authority. Any planting shall be completed in all respects within the first planting season following the first use of the development hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying or becoming in the opinion of the Local Planning Authority seriously damaged, defective, or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. Thereafter the development shall be implemented and maintained in accordance with the agreed details.

Reason

In the interests of land stability and to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities and biodiversity of the Grand Union Canal and paragraphs 174 & 183 - 184 of the National Planning Policy Framework.

- Materials

The development hereby permitted shall only proceed in accordance with samples of the facing and roofing materials which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development has a satisfactory external appearance.

- Contamination Reports - Council's own wording

- Unexpected contamination - Council's own wording

Should planning permission be granted we also request that the following informatives are appended to the decision notice:

1. The applicant / developer is advised to contact Patrick McElroy, Works Engineer (patrick.mcelroy@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

2. The applicant / developer is advised to contact Bernadette McNicholas of the Canal & River Trust's Estates Team (Bernadette.mcnicholas@canalrivertrust.org.uk) to discuss this and in order to ensure that any necessary licences, commercial agreements and Defra consent are obtained prior to any works being carried out which may encroach on or over Trust owned land / waterspace.

3. The applicant is advised that any foul or surface water discharge to the waterway requires prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right - where they are granted, they will usually be subject to completion of a commercial agreement. Please contact Chris Lee, Utilities Surveyor (chris.lee@canalrivertrust.org.uk) to discuss any queries in relation to discharges to the waterway.

Major Applications Planning Committee - 17th January 2024

PART 1 - MEMBERS, PUBLIC & PRESS