

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.

PLANNING OFFICER COMMENT:

Suitably worded conditions and informatives have been included within the recommendation at Section 2 of this Report.

NETWORK RAIL:

Network Rail has no objection in principle to the above proposal, however 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. The developer is required to engage with Asset Protection Western on the development to ensure buyer obligations and post-sale covenants under Clause 14 of the Conveyance dated 6th April 2002 are complied with.

Due to the proximity of the proposal to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

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 3 months 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.

Case Officer comment:

The appropriate informatives have been included within the recommendation at Section 2 of this Report.

LONDON FIRE BRIGADE:

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.

It was noted within the fire statement that the nearest hydrant available is 130m from the proposed units, as opposed to 90m set within ADB Vol 2.

Therefore, I 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.

PLANNING OFFICER COMMENT:

The applicant has provided a Fire Hydrant Location Plan (Drawing No. PL-18 dated September 2023) which shows the positions of the fire hydrants within the Industrial Estate, including one hydrant which is within the site, some 12m from the proposed buildings.

HERTFORDSHIRE AND MIDDLESEX WILDLIFE TRUST:

No comments received.

LONDON WILDLIFE TRUST:

No comments received.

NATURAL ENGLAND:

No comments received.

METROPOLITAN POLICE:

No comments received.

Internal Consultees

PLANNING POLICY OFFICER (Summarised Comments)

The proposed development is for the redevelopment of the site to provide 3 x replacement industrial units within a SIL. Policy E5 of the London Plan sets out that development proposals in SILs should be supported where the uses proposed fall within the industrial-type activities set out in Part A of Policy E4. Part D of Policy E5 states that development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities.

The proposal involves a minor loss of overall industrial floorspace of 15sqm. As the site is within a SIL, and Use Class E is broad, the applicant has been required to specify whether they are proposing Class E (g) (iii), B2 or B8 uses in the development description. The applicant has supplied further information during the application process and confirmed that the replacement industrial units will fall within Use Class E(g)(iii), B2 and/or B8, which are acceptable uses within the SIL.

The Case Officer is advised to use conditions to ensure that Class E, E (g) (i), (ii) and Data Centres are removed as possible uses of the site. This is to ensure the integrity of the SIL is not affected in the future.

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The redevelopment of the site to provide new industrial units is not opposed.

CONSERVATION / URBAN DESIGN OFFICER (Summarised Comments):

The applicant has taken into account previous urban design comments with updates to the layout. It is considered that the amendments that have been secured to the revised Proposed Site Layout (Drawing No. PL-06 Revision E) are welcomed and supported.

The proposed landscaping has delivered a green edge to the canal including a native hedgerow and wildflower seeding Germinal WFG9 for Wetland Areas with some tree planting. This approach is supported.

The Hard Landscaping Plan (Drawing No. PL-14 Revision C) states that proposed pedestrian access routes to the buildings are painted concrete. The material should be revised to block paving of a contrasting hue to the car parking spaces. Additionally, the retention of the existing concrete yard surface will only be acceptable if the concrete is in good condition. In the absence of this information, it is suggested that the hard landscape be conditioned.

Hard Landscape Condition

1. Details of Hard Landscaping 1.a Specification of the corner bollards 1.b Means of enclosure including: - Weld mesh fencing and gate system with detail showing height and elevational; -Brick wall with gate system showing height and elevational. 1.c Hard Surfacing Materials, including; - Concrete hard standing; - Permeable car parking paving; - marking out the car parking spaces; -extent and condition of existing concrete hard standing to be retained.

2. Details of Landscape Maintenance 2.a Landscape Maintenance Schedule for a minimum period of 5 years.

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 14 and DMT6 of the Hillingdon Local Plan: Part Two -Development Management Policies (January 2020) and Policy G7 of the London Plan (2021).

PLANNING OFFICER COMMENT:

Full details of the hard and soft landscaping works have been conditioned within the recommendation at Section 2 of this report.

HIGHWAYS OFFICER (Summarised comments):

Site Description

The application site is located on the cul-de-sac Berrite Estate on the unadopted section of Iron Bridge Road, off the south western arm formed where Iron Bridge Road forms a T-junction where it meets the Great Western railway line. The adopted part of Iron Bridge Road has no footways and is subject to double yellow line waiting restrictions to its northern site with heavy parking narrowing the road and restricting parking on the southern side with evidence of vehicles parking on the verge on the northern side. The main part of Iron Bridge Road that runs north of the site to form a roundabout junction with Horton Road is

subject to a 20mph speed limit with vertical traffic calming measures introduced to reduce vehicle speeds.

The application site is located in an area with a PTAL ranking of 1b indicating that the proposal would be located in an area with very poor access to public transport which is likely to increase reliance on the private motor car as the main form of transport to and from the site which does not comply with the London Plan (2021), The Mayors Strategy (2022) and NPPF 9 Promoting Sustainable Transport (2021).

Access

Vehicular access to the site would be gained from Iron Bridge Road as existing which would be likely to be acceptable. The applicant has submitted Drawing No. PL-06 Revision E titled Proposed Site Plan which demonstrates the swept path for a refuse vehicle Phoenix 2 Duo (P-12W with Elite 6x4 chassis).

The applicant's email dated 05 October 2023 states that there will be no HGV loading docks provided for the proposed units which will be occupied by light industrial uses and provided with roller shutter doors at grade similar to existing which will be acceptable.

The applicant's email also states that the existing tenant uses the site for vehicle transport deliveries and uses a 24m diameter HGV turning circle to egress the site which is shown on Drawing No. PL-06 Revision E titled Proposed Site Plan. Drawing No. 1569-ACS-XX-ZZ-DR-T-003-D titled Swept Path Analysis - Car Transporter shows the turning circle for a 15.5m transporter which is acceptable.

A Delivery and Servicing Plan (DSP) should be provided to concur with Transport for London Delivery and Servicing Plan Guidance (2020) to set out how deliveries will be managed and how the development will be serviced which should be secured by condition.

Concerns would also be raised regarding the construction phase of the development due to the restricted access along Iron Bridge Road due to indiscriminate parking and therefore to ensure minimum impact on the local highway network the applicant will be required to provide a Construction Logistics Plan (CLP) to concur with Construction Logistics Planning (CLP) Guidance Version: v1.2 (April 2021)

Transport Statement

The applicant has submitted Transport Statement 1569-ACS-ZZ-XX-RP-001-B Rev B dated September 2023 to address concerns regarding impact of the development on the local highway network. Paragraph 1.2 states that there would be a minor reduction in the level of industrial floor space on site and therefore it is considered that the proposed development will be likely to generate less vehicle movements than the existing use. Having regard to the reduction in the industrial floor space the proposals are unlikely to cause a severe impact on the local highway network.

The Transport Statement has been revised to replace TRICS data with data from a traffic survey for the entire estate which is acceptable and establishes the existing number of vehicle movements generated by the development as shown in Table 1 Existing Vehicle Trip Generation - Berrite Estate. Table 2 Existing Vehicle Trip Generation - Application Site provides the proportionate number of vehicle movements which is acceptable.

Paragraphs 3.12 and 3.13 address trip generation from the proposed development. Table 4 Existing Vehicle Trip Generation - Application Site provides data from the traffic survey to determine the number of vehicle movements generated by the existing use and proposed development of the site which shows that the existing 133no. vehicle movements provided during the survey period would be reduced to 127no. vehicle movements which would be acceptable.

Travel Plan

The Travel Plan has included trip generation data from the Transport Statement and proceeds to discuss Travel Plan Measures. As surety that the Travel Plan will be implemented and targets achieved, the Highway Authority requires that the developer provides a £20,000 bond which the Highway Authority will use to implement the Travel Plan should the Travel Plan not be delivered which should be secured by way of a S106 agreement. Should the Travel Plan be successfully delivered the bond will be returned.

Car Parking

The London Borough Of Hillingdon Local Plan Part 2: Development Management Policies - Appendix C: Parking Standards Table 1b requires that 2 no. spaces plus 1no. car parking space per 50-100m² is provided for B8 Storage and Distribution which for the proposed development would require between 13 and 25 car parking spaces. Drawing No. PL-06 Revision E titled Proposed Site Plan shows that 19no. car parking spaces including 3no. disabled spaces will be provided which would be an acceptable level of parking provision. The revised details submitted during the application process demonstrate that a 6m manoeuvring area to the rear of all parking spaces can be achieved. The most recently submitted plans also show pedestrian access with a new pedestrian access gate between the parking spaces and the proposed development which is considered acceptable.

The Published London Plan Policy T6 Car Parking Paragraph J states that 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. A Parking Design and Management Plan to concur with Transport for London Delivery and Servicing Plan Guidance (2020) would therefore be required and should be secured by condition.

Electric Vehicle Charging Points (EVCPs)

London Borough of Hillingdon Local Plan Part 2 - Development Management Policies requires that parking for electric vehicles should be provided at a current minimum of 5% of car parking spaces with 5% passive provision to meet the Mayor's targets and should provide a minimum 7Kw ECVP. All heavy goods vehicle parking and unloading bays should be fitted with an active EVCP which should be secured by condition.

Cycle Spaces

Table 10.2 - Minimum cycle parking standards of the London Plan 2021 requires light industry and research and development uses to provide 1no. long stay cycle parking space per 500m² and 1no. short stay cycle parking space per 1000m². 24 cycle parking spaces would be provided across the development and accordingly the level of cycle parking therefore exceeds the minimum cycle parking standards and would be acceptable.

Recommendation

The Highway Authority would have no objection subject to the imposition of suitably worded conditions to ensure the provision of a Construction Logistics Plan, Delivery and Service Plan and a Travel Plan.

PLANNING OFFICER COMMENT:

The appropriate conditions have been included within the recommendation at Section 2 of this Report.

SUSTAINABILITY OFFICER:

Energy

I have no objections to the proposed development subject to the following conditions:

- 1 - That the energy report is part of the approved documents.
- 2 - Full details of the low and zero carbon technology to be used in accordance with the energy assessment shall be submitted to and approved by the Local Planning Authority.
- 3 - A S106 contribution of £1,710 for carbon offsetting is secured.

Ecology

The application site has been subjected to an assessment for protected species and notably for bats. However, there is limited information contained within the bat survey with no information on survey time, season or qualifications of those involved. There are two existing buildings on site, B1 and B2.

Images of B1 indicate a low quality receptor for bat habitat based on Natural England standing advice and therefore the likely presence of bats is low as set out in the report. However, the position in relation to building B2 cannot be supported. The 'limitations' (section 2.5) states that building B2 was not accessible for the survey due its safety but at the top of Page 24, indicates the building was surveyed. Given a) no specific details of the survey have been provided, b) no information to enable scrutiny of how the claimed endoscopic surveys were undertaken within a large at risk building and c) no photographic evidence of the inside of the building it is not possible to support the conclusions.

Based on the proximity of B2 the canal (a foraging corridor for bats), the features of building B2 (in contrast to B1) to support bats and applying the Natural England standing advice, then there is a reasonable likelihood of bats being present in B2.

The test in planning is whether there is a reasonable likelihood of bats being present to warrant further survey work. Where bats are reasonably likely to be present the Local Planning Authority needs to have consideration to the protection tests set out in the Habitat Regulations. Prior to making a positive determination on a planning application, the Local Planning Authority must:

- make sure any mitigation or compensation conditions you impose 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.

In this instance it is highly likely that if bats were found to be in B2 that a licence would be able to be granted due to:

- a) the ability to ensure the conservation of the species;
- b) to mitigate the impacts and;
- c) because there is a clear need for the development (i.e. an unsafe and unused building being redeveloped).

Should the planning authority be minded to approve the application the following condition ought to be applied:

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 the NPPF and Local Plan.

Please also include a standard condition for biodiversity enhancement.

PLANNING OFFICER COMMENT:

The appropriate conditions and S106 contribution have been included within the recommendation at Section 2 of this Report. To clarify, a rounded number has been used for the calculation of the carbon offset sum. It has been calculated as follows: 18 tonnes of carbon per year x 30 years x £95 = £1,710

AIR QUALITY OFFICER:

The proposed development is located within the LBH Air Quality Management Area and due to the nature of the activities associated with the land use classes proposed (Use Class E(g) (iii), B2 and/or B8 uses), will be increasing pollutant emissions in this sensitive area. In particular, the operation of the proposed development will increase NO_x and PM_{2.5} emissions in three LBH Focus Areas, namely the M4 Corridor Area, West Drayton/Yiewsley Focus Area, and Hayes Focus Area.

As per the London Plan (GLA, 2021) and the LBH Air Quality Action Plan 2019-2024, developments need to be air quality neutral as minimum. Further, as per LBH Air Quality Action Plan 2019-2024, proposals which will have impacts in Focus Areas will require more stringent application of mitigation, with the use of damage calculation costs being applied to form the basis of planning obligation for costs where the developer mitigation is considered insufficient.

Furthermore, Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

The Mayor of London has implemented the requirements to reduce PM_{2.5} concentrations to achieve the WHO interim target of 10ug/m³ through the London Plan and has placed a requirement on Local Authorities to reduce PM_{2.5} concentrations in their areas (London LAQM Policy 2019 Guidance: para 5.11. reads "Boroughs are expected to work towards reducing emissions and concentrations of PM_{2.5} 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 includes a B8 use which is often traffic intensive).

The proposed development, using the originally submitted Transport Assessment (1569-ACS-ZZ-XX-RP-T-001-A Transport Statement.docx Transport Statement, September 2022, not superseded) is not air quality

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neutral which is contrary to both regional (the London Plan) and Local policies. An initial assessment determined that the undiscounted damage cost due based on the Transport Assessment submitted to support the planning application (September 2022) would be £571,668. This was supported also by the Air Quality report submitted to support the application.

In September 2023, a revised Transport Statement was submitted reporting additional information based on a 1-day survey undertaken by the applicant on Wednesday, 9th September 2023. This new report has submitted a significantly lower trip generation, with a proposed 41% reduction in vehicle movement. This was accepted by LBH Highways.

The proposed development is not air quality neutral as per the London Plan and is contrary to the LBH Local Action Plan which requires a more stringent level of mitigation in sensitive areas of the Borough.

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. Tables 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 £126,830. Once all deductions are applied, the remaining value of mitigation due is £114,147. Flat rate deductions applied are as follow: Travel Plan (10%), Green Sustainable Measures (0%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (0%), totalling a reduction of £12,683.

Therefore, a section 106 agreement with the LAP of £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.

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

Recommended Conditions

Air Quality - Low Emission Strategy

1) 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 DME1 14 of the London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174(e), 186 and 188 of the National Planning Policy Framework (2023).

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).

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.

PLANNING OFFICER COMMENT:

The appropriate conditions and S106 contribution have been included within the recommendation at Section 2 of this Report.

ACCESS OFFICER:

No inclusive design concerns are raised related to this proposal for three industrial units.

However, the following Condition and Informative should be attached to any approval:-

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.

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Reason:

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

Informative: 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.

PLANNING OFFICER COMMENT:

The appropriate condition and informative have been included within the recommendation at Section 2 of this Report.

CONTAMINATION OFFICER:

I recommend the following conditions to be imposed should the Local Planning Authority be minded to grant planning consent:

(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.

PLANNING OFFICER COMMENT:

The above condition forms part of the officer recommendation at Section 2 of this report.

NOISE OFFICER:

Given the nature and context of the proposed development apparent from the information provided I do not consider noise and vibration to be a material planning issue having regard to the existing industrial activities on the site.

ECONOMIC DEVELOPMENT MANAGER:

From an economic development perspective the proposal would be supported. Given the current condition of the existing facility the investment to upgrade the facility is welcomed. The application does not mention employment but I'm assuming that given that it is an employment site the £2m investment will serve to either create or safeguard existing jobs on the site.

We would expect the developer to submit a construction training scheme prior to commencement on site.

PLANNING OFFICER COMMENT:

The appropriate S106 obligation has been included within the recommendation at Section 2 of this Report.

EXTERNAL DRAINAGE CONSULTANTS (Summarised)

Recommendations and requests:

Flood risk outside development:

More information required - the applicant should provide the evidence from the soil investigations demonstrating the groundwater levels and whether the development will likely impact the flood risk from groundwater.

Other matters:

More information required - evidence of consent for the discharge to the waterway at the proposed rate still required.

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

- Demonstrates that the development will not affect the risk of flooding from groundwater.
- Demonstrates evidence of consent for discharge to the waterway at the proposed rate.

PLANNING OFFICER COMMENT:

The proposed drainage strategy for the site includes surface water and treated foul discharges to the canal via existing outfalls. The CRT advise that there are existing agreements in place with the Trust for these existing discharges, although 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 and in this instance, the Trust are satisfied that this could be sufficiently addressed via their own internal processes. It is therefore considered that the outstanding drainage matters identified by the Council's external drainage consultants can be addressed between the applicant / developer and the CRT. A Condition is recommended at Section 2 of this report to secure the final details of the drainage scheme.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within the designated Strategic Industrial Location (SIL) located off Iron Bridge Road. SIL is the capital's main reservoir of land for industrial, logistics and related uses. SILs are given strategic protection because they are critical to the effective functioning of London's economy. The proposed E(g)(iii), B2 and B8 facility falls within the industrial-type activities set out in Policy E4 Part A, of the London Plan (2021).

Policy E7, Part D (2), of the London Plan (2021) also requires that the industrial and related activities on-site and in surrounding parts of the SIL are not compromised in terms of their continued efficient function, access, service arrangements and days/hours of operation. Policy E5 also states that development proposals within or adjacent to SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial-type activities.

Policy E5 of the London Plan (2021) advises that development proposals in SILs should be supported where the proposed uses fall within the industrial-type activities set out in Part A of Policy E4 of the London Plan. This includes light and general industry (Use Classes E(g)(iii) and storage and logistics / distribution uses (Use Class B8).

Following an initial query from the Council's Policy Officer in terms of the precise nature of the proposed uses, the description of development has since been clarified and amended so as to specify Use Class E(g)(iii) (industrial processes), B2 and/or B8 uses. In addition, the applicant has confirmed that two of the three proposed units are under offer from two of the existing occupiers. The Council's Policy Officer has confirmed that the proposed use classes / uses are acceptable within a SIL. A planning condition has been recommended to safeguard the integrity of the SIL and to ensure that should planning permission be granted, the use of the development would be confined to Use Class E(g)(iii), B2 and B8.

Although the proposal does involve a minor loss of industrial floor space within the SIL, the reduction of industrial floor space is considered to be slight, with approximately 98% of the existing industrial floor space retained across the development. Furthermore, the proposed industrial floor space would also be provided to more modern standards with up to date infrastructure that would allow greater flexibility of use within Berrite Industrial Estate.

As regards to a perceived intensification of the site in respect of the new built form (where the proposed buildings would be taller than existing buildings), it is considered that the site is constrained by the access road and Great Western Mainline to the south and the Grand Union Canal to the north and the Canal and Rivers Trust did initially raise an objection to the scale and mass of the proposed buildings and the associated impact of overshadowing on the waterway. Amendments have been secured during the application process with a view to reducing the scale of the proposed development and the Canal and Rivers Trust are satisfied that the scheme as amended would not have an unduly detrimental impact on the Grand Union Canal and it is considered that a more intensive use of the site would be very difficult to achieve having regard to the specific site constraints affecting this site.

7.02 Density of the proposed development

Not applicable to this industrial development.

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

The application site does not form part of or is located close to a Conservation Area or an Area of Special Local Character. Furthermore, there are no Statutory or Locally Listed Buildings within or in the vicinity of the site and it is also not located within an Archaeology Priority Area / Zone.

The application site does lie adjacent to the Grand Union Canal which forms a Heritage Asset and following the submission of revised plans / details that served to reduce the scale of development on the site, the Canal and Rivers Trust were able to withdraw their objection to the scheme (this is discussed in further detail in Section 7.07 of this report) and the revised scheme's impact on the Grand Union Canal is considered to be acceptable.

As such, the proposal would not adversely affect any Heritage Asset, in compliance with Policy HE1 (Heritage) of the Local Plan Part 1 (2012) and DMHB 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.04 Airport safeguarding

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No aerodrome / airport safety issues are raised by this application.

7.05 Impact on the green belt

The application site is not located within or close to the green belt so that no green belt issues are raised by this application.

7.07 Impact on the character & appearance of the area

Policy D1 (London's form, character and capacity for growth) of the London Plan (2021) requires developments to respond to local context by delivering buildings and spaces that are positioned and are of a scale, appearance and shape that responds successfully to the identity and character of the locality.

Policy SI 17 of the London Plan (2021) (Protecting and enhancing London's waterways) requires development proposals along London's canal network, docks, other rivers and water space to respect their local character, environment and biodiversity and should contribute to their accessibility and active water-related uses.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires all development to be designed to the highest standards and incorporate principles of good design, including harmonising with the local context; use of high quality building materials and finishes; internal design and layout maximises sustainability and is adaptable; protects features of positive value and their settings and includes landscaping and tree planting. Proposals should also not impact upon the amenity, daylight and sunlight of adjoining properties and open space, development does not prejudice the development of adjoining sites and appropriate provision is made for the storage of waste and recycling.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that development should be well integrated with the surrounding area and be accessible by improving legibility and promote routes and wayfinding between the development and local amenities; public realm design takes account of the established townscape character and quality of the surrounding area; includes landscaping that is suitable for the area; makes provision for the safe and direct movement of pedestrians and cyclists; incorporates appropriate and robust hard landscaping; incorporates public art where appropriate and incorporates inclusive design. Public realm improvements will also be sought from developments close to transport interchanges and community facilities.

Part E of Policy DMEI 8 (Waterside Development) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that development located in or adjacent to watercourses should enhance the waterside environment and biodiversity by demonstrating a high design quality which respects the historic significance of the canal and character of the waterway and provides access and improved amenity to the waterfront. Part F goes on to advise that all development alongside or that benefits from a frontage on the Grand Union Canal will be expected to contribute to the improvement of the Canal.

The application site forms part of an elongated industrial area sandwiched between the Grand Union Canal to the north and the Great Western Main Line to the south.

The Canal and River Trust initially raised objection to the proposal, one of its two reasons being that 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 other reason being overshadowing impacts on the canal's biodiversity as a result of the size, mass and proximity of the buildings).

More specifically, the Canal and River Trust considered that being in very close proximity to the waterway and considering their size and mass, the proposed buildings would appear large and overly dominant upon the canal corridor. The Trust noted that whilst there are large commercial buildings in the surrounding area, these generally include greater setbacks from the canal boundary and/or more substantial areas of landscaping, factors which aid in reducing their overall visual impact on the canal, particularly the eaves of the buildings. The Trust also noted that the proposal lacked any architectural features, or visual interest, on the canal facing elevations that would reduce the excessive height, mass or scale of the proposed development when viewed from the canal corridor, which is considerably greater than the current buildings on the site and that the canal elevation is clearly regarded as the 'back' of the development, with no consideration given to how the development might engage with the canal to provide a better outlook or mitigate the impacts. The Trust also considered that due to the orientation of the site in relation to the canal, the buildings would also have the potential to result in significant shading of the waterway which would be detrimental to canal users and biodiversity adjacent to the canal and would also call into question the viability of the proposed narrow planting strip.

The Council's Conservation / Urban Design Officer also raised concern with the initial proposals, and whilst being supportive of the increase in height of the buildings given the site's designation as a Strategic Industrial Location, noted that every effort should be made to mitigate the impact of the increased building massing from views along the Grand Union Canal and that there was scope to improve the quality of the canal side elevation. In particular, it was considered that a minimum 2.5m wide green strip should be provided along the canal to the rear of all the proposed buildings and whole width and that the massing of the building could be broken up by either using a visually recessive colour or the use of different materials to alleviate the uniformity of this elevation.

Following meetings with the CRT and Council Officers, revised plans have been received during the application process with a view to addressing the matters set out above. Officers have been successful in securing an enlargement of the application site boundary and these amendments have allowed for the depth of the green landscaping strip at the rear of the proposed buildings to be increased to a minimum of 2.5m. The amended plans have also secured a reduction in the height of the proposed buildings from a ridge height of 8.86m to an average height of 8.47m with the eaves height reducing from an average height of 7.55m to an average height of 6.64m. The spacing between the buildings has also increased. The parking has also been aligned at the front which allows separate pedestrian access to be provided and the buildings have been given greater articulation at the rear with use of horizontal and vertical profiled metal cladding in contrasting grey colours above the London Stock brick plinth.

The CRT and the Council's Conservation / Urban Design Officer have both confirmed that the amended scheme is acceptable subject to the imposition of suitably worded materials and landscaping conditions which form part of the officer's recommendation. Overall, the final design solution for the proposed development is considered acceptable in design and appearance terms and would have an acceptable impact on the character and appearance of the local area, consistent with the aims of the relevant planning policies detailed above.

7.08 Impact on neighbours

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

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of

adjacent properties and open space.

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

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

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight."

The nearest residential properties are sited on the opposite site of the Great Western Main Line to the south of the application site with a separation distance of approximately 60 metres between the proposed building line of the development and the nearest residential properties. It is also noted that there is a green buffer strip to the south of the railway which contains mature trees and this would serve to mitigate any potential for harm resulting from the proposed development.

Noise issues are considered in Section 07.18 of the report.

7.09 Living conditions for future occupiers

Not applicable to this industrial re-development scheme.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The NPPF (2023) states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. The NPPF also says that developments should be located and designed where practical to give priority to pedestrian and cycle movements; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Policy T4 of the London Plan (2021) requires where appropriate, the submission of transport assessments / statements to ensure that impacts on the capacity of the transport network are fully assessed and mitigated.

Policy T5 of the London Plan (2021) requires development proposals to remove barriers to cycling and create a healthy environment in which people choose to cycle and development proposals should be in accordance with cycle standards.

Policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the

development and address its transport impacts in a sustainable manner and to be acceptable, schemes are required to i) be accessible by public transport, walking and cycling; ii) maximise safe, convenient and inclusive accessibility; iii) provide equal access for all people; iv) adequately address servicing requirements and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment.

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to minimise the impact of development on the surrounding highway with regards to traffic, air quality, noise, local amenity and safety.

Policy DMT 5 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure development proposals make adequate and safe provision for pedestrians and cyclists.

Policy DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) sets maximum parking standards for new development as outlined in Appendix C Table 1 to facilitate sustainable development. The policy also states that all car parks provided for new development will be required to provide conveniently located parking spaces for wheelchair users and those with restricted mobility.

The application is supported by a revised Transport Statement (September 2023).

It is considered that the revised Transport Statement (September 2023) is based on a traffic survey at the site undertaken on 6th September 2023 and considers this to be more representative than the TRICs sites that were previously selected and relied upon to forecast traffic generation in the earlier Traffic Statement. The site boundary has been extended to the west (and appropriate 21 day re-consultations carried out) and now incorporates the adjoining hard surfaced open area so that this area now accommodates a 24m diameter HGV turning circle that will service the development and an appropriate swept path analysis has been provided which is deemed acceptable. This extended area also provides a 6m deep manoeuvring space for parking spaces Nos.13 to 19 to the immediate west of the proposed buildings and the revised plans also allows pedestrian access with a new pedestrian gate between these parking spaces and the proposed buildings which will be acceptable in highways terms.

It is considered that the proposed parking layout as depicted on Drawing No.PL-06 Revision E would comply with the standards set out in Appendix C: Parking Standards Table 1b of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). The parking arrangements comprise of 19no. car parking spaces and there would be 3no. designated disabled spaces provided with a space being provided close to the entrance of each unit. The site boundary has also been extended to the east to adjoin the the highway (Iron Bridge Road) and appropriate re-consultations undertaken have been undertaken during the application process.

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 - Development Management Policies (2020) and Policies T4 and T5 of the London Plan (2021).

7.11 Urban design, access and security

CRIME PREVENTION:

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 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.

A condition has been added to ensure that the scheme would achieve appropriate secure by design accreditation.

7.12 Disabled access

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 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 might impede disabled people.

Policy D5 (Inclusive Design) of the London Plan (2021) advises that, inter alia, development proposals should achieve the highest standards of accessible and inclusive design.

The Council's Accessibility Officer has reviewed the application and does not raise any objection subject to an appropriately worded condition requiring the buildings to include level access and accessible toilet facilities together with an advisory informative concerning the Equality Act 2010.

These have been included in the officer's recommendation and subject to the necessary conditions, the proposal is considered to accord with the requirements of Policy D5 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Not applicable to this industrial re-development scheme.

7.14 Trees, landscaping and Ecology

Policy G1 of the London Plan (2021) advises that London's network of green and open spaces and green features in the built environment should be protected and enhanced.

Although Policy G5 of the London Plan (2021) requires major development proposals to contribute to the greening of London and Boroughs by use of an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening tailored to local circumstances, this specifically excludes Class B2 and B8 uses.

Part E of Policy SI 17 (Protecting and enhancing London's waterways) of the London Plan (2021) requires development proposals along London's canal network, docks, other rivers and water space (such as reservoirs, lakes and ponds) to respect their local character, environment and biodiversity and should contribute to their accessibility and active water-related uses.

At a local level, Policy EM4 (Open Spaces and Informal Recreation) of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that the Council will seek to protect existing tree and landscape features and enhance new areas of vegetation cover.

Policy DMHB 14 (Trees and Landscaping) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires developments to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. The policy further requires developments to provide a landscape scheme that includes both hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity.

Policy DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) at Part E requires development located in or adjacent to watercourses to enhance the waterside environment and biodiversity by demonstrating a high design quality which respects the historic significance of the canal and character of the waterway and Part F requires all development alongside or that benefits from a frontage on the Grand Union Canal to contribute to its improvement.

The Canal and Rivers Trust (CRT) did initially object to the proposals, noting that this section of the Grand Union Canal is designated as a Nature Conservation Site of Metropolitan or Borough Grade I Importance, and one of their grounds being that 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 CRT did acknowledge that the proposed planting with an enlarged landscape strip would be an enhancement to the canal corridor, though it is not clear whether consideration has been given as to how well the proposed planting would establish given the area would likely be shaded by the proposed buildings and that these matters do not appear to have been well considered within the submitted Preliminary Ecological Appraisal (PEA). Therefore, they advised that further information should be provided for consideration, prior to determination, to demonstrate that there would be no adverse shading to the canal and that an effective landscaping buffer could be created. Any landscaping should be native species, set back from the waterway to allow for future growth, with root barriers provided around any proposed trees to prevent root damage to the waterway wall. The details on future maintenance/management regimes and responsibilities should also be provided.

The Trust also advised that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land and waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. They note that the PEA does recommend the use of bat sensitive lighting with nocturnal species in mind, but the final details of any external lighting proposed should be addressed by condition.

In response to the matters raised by the CRT and Council Officers, the applicant has reduced the eaves and ridge heights of the proposed buildings and produced further detail in the form of a Shadow Study to establish the extent of the overshadowing throughout various times of the year and an Overshadowing Statement which specifically considers the impact of the overshadowing on ecology. These amended details have been reviewed by the CRT and they have withdrawn their objection, noting that the potential shading of the waterway has been reduced to an acceptable level. The landscape proposals have also been amended with more appropriate, shade tolerant planting being proposed. Although the submitted landscaping details are generally considered to be acceptable, as the red line boundary has been extended to the west to include the area of the turning

circle, it is considered that revised landscaping details are required which will also include the canalside area adjacent to the extended area.

The CRTs recommended conditions regarding the need for full details on the future maintenance / management regimes and responsibilities for the landscaping and the need to see details of any external lighting also form part of the recommendation.

The Council's Sustainability Officer has also reviewed the application and advises that the bat survey information is lacking in detail with no information on survey time and season. For building B1, having regard to Natural England standing advice, the likely presence of bats as set out in the report is low. For building 2, given the lack of detail in the report and based on the proximity of building B2 to the canal (a foraging corridor for bats), the features of building B2 (in contrast to building B1) could support bats and applying the Natural England standing advice, then there is a reasonable likelihood of bats being present in building B2.

The Officer goes on to advise that the test in planning is whether there is a reasonable likelihood of bats being present to warrant further survey work. Where bats are reasonably likely to be present, the Local Planning Authority needs to have consideration to the protection tests set out in the Habitat Regulations. 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.

In this instance it is highly likely that if bats were found to be in building B2 that a licence would be able to be granted due to a) the ability to ensure the conservation of the species, b) to mitigate the impacts and c) because there is a clear need for the development (i.e. an unsafe and unused building being redeveloped).

As a means to ensuring a robust assessment of the potential implications of the proposed works on bat species the following conditions has been added to the recommendation:

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.

Subject to the necessary planning conditions and obligations, the proposed development would be considered to comply with the requirements of Policies DME1 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy SI 17 of the London Plan (2021).

7.15 Sustainable waste management

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

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

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

As a commercial operator, the occupier of the site would make its own arrangements for waste disposal / recycling and the site affords space for any required refuse / recycling storage.

7.16 Renewable energy / Sustainability

CO2 EMISSIONS

Policy SI2 of the London Plan (2021) establishes the energy hierarchy for minimising greenhouse gas emissions, sets targets and advises that boroughs must establish and administer carbon offset funds and Policy SI4 seeks to minimise adverse impacts of development on the urban heat island by addressing impacts of overheating and excessive heat generation.

An Energy Statement, September 2022 has been submitted in support of the proposal which sets out how the development proposes to reduce carbon dioxide emissions in accordance with the energy hierarchy.

This advises that the buildings will incorporate energy efficient measures, including high levels of insulation for all solid elements, high performance glazing and energy efficient lighting. Construction techniques, such as air tightness will further improve the buildings energy performance.

Overheating impacts will be reduced with the use of energy efficient pipework and minimising the length of pipework runs, thermally efficient glazing and use of natural ventilation.

The report does however, identify a carbon reduction shortfall which is required to be mitigated through a cash in lieu contribution in order to meet London Plan targets.

The Council's Sustainability Officer has reviewed the application and the submitted Energy Statement and advises that there are no objections to the proposed measures, subject to compliance with the statement being conditioned as part of the recommendation. Full details of the low and zero carbon technology to be used in accordance with the energy assessment should be submitted to and approved by the Local Planning Authority and a S106 contribution of £1,710 for carbon offsetting would be secured as a planning obligation.

The conditions and S106 Heads of Term form part of the officer's recommendation.

OVERHEATING

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

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

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

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

The information submitted is considered satisfactory at this stage and the final details of the Overheating Strategy are proposed to be secured by condition. Subject to the aforementioned condition, the proposal would accord with Policy SI 4 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 NO_x gas boilers
- 2) CHP and ultra-low NO_x 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.

A planning condition has been recommended to ensure that the development connects into a district heating network should one become available in future and should it be viable to do so, in accordance with Policy SI 3 of the London Plan (2021).

7.17 Flooding or Drainage Issues

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

The application site is not located within an area prone to flooding.

The Canals and River Trust (CRT) advise that 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 their 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.

It is considered that details of final drainage arrangements can be secured through a suitably worded condition which forms part of the officer's recommendation.

Subject to the imposition of a suitably worded planning condition and informatives, the proposed development would be considered to comply with the requirements of Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.18 Noise or Air Quality Issues

NOISE ISSUES:

The application includes a Noise Assessment which concludes that adverse noise impacts would be unlikely.

The Council's Noise Officer has reviewed the application, including the submitted Noise Assessment and advises that given the nature and context of the proposed development, noise and vibration are not considered to be a material planning issue.

Given the location and nature of the site and surrounding context, it is considered that the development would not pose any adverse impacts to the local noise environment over and above the existing scenario.

AIR QUALITY ISSUES:

The NPPF supports opportunities to improve air quality or mitigate impacts where necessary.

Policy SI 1 (Improving Air Quality) of the London Plan (2021) states that development proposals should not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits or delay the date at which compliance will be achieved or create unacceptable high levels of exposure to poor air quality. In order to achieve this, the Mayor will require development proposals to be at least Air Quality Neutral and be designed to prevent and minimise increasing exposure.

Policy EM 8 (Land, Water, Air and Noise) of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) outlines that all developments should not cause deterioration in local air quality levels and should ensure the protection of both existing and new sensitive receptors. The Policy further states that all major developments within Air Quality Management Areas should demonstrate how air quality neutrality is achieved where appropriate.

Policy DMEI 14 (Air Quality) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) further states that development proposals should demonstrate appropriate reductions in

emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. The Policy further requires that development proposals as a minimum should be at least air quality neutral and ensure there is no unacceptable risk from air pollution to sensitive receptors, and actively contribute towards the improvement of air quality, especially within Air Quality Management Areas.

The Council's Air Quality Officer has reviewed the revised proposal and advises that the proposed development is not Air Quality Neutral as per the London Plan and is contrary to the LBH Local Action Plan which requires a more stringent level of mitigation in sensitive areas of the Borough. 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.

To this end, the Council's Air Quality Officer calculates the level of mitigation required for the proposed development at £126,830. Once all deductions are applied, the remaining value of mitigation due is £114,147. Flat rate deductions applied include the Travel Plan (10%), Green Sustainable Measures (0%), contribution to long term LBH strategic long-term strategies (e.g. multimodal shift) (0%), totalling a reduction of £12,683.

Therefore, a Section 106 agreement with an air quality contribution of £114,147 is required to allow Hillingdon to deliver its air quality local action plan and / or implement specific measures on / along the road network affected by the proposal that reduce vehicle emissions and / or reduce human exposure to pollution levels.

In addition, conditions are required to develop and implement a Low Emission Strategy and a Construction and Demolition Plan. The S106 air quality contribution and suitably worded conditions form part of the officer recommendation.

7.19 Comments on Public Consultations

No comments have been received from the public.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 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 considered that the planning obligations set out in section 2 of this report can be requested.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

CONTAMINATED LAND

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states that:

- A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.
- B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.
- C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.
- D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

The CRT advise that asbestos contamination was reported in the area close to the proposed treated foul water discharging outlet and a geo-environment ground investigation should be submitted for consideration as there would be the possibility for asbestos leaching or other pollutant getting into the watercourse.

The Contaminated Land Officer has reviewed the application and raises no objections but advises that a condition requiring the submission of a scheme to deal with any contamination on site and impacts on land and water and all other identified receptors relevant to the site is required. This forms part of the officer's recommendation. Subject to such a condition, the proposal is considered to comply with the requirements of Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

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.

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

FIRE SAFETY

Policy D12 of the London Plan (2021) states that all major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

- 1) the building's construction: methods, products and materials used, including manufacturers' details
- 2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach
- 3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans
- 4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building
- 6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

A Planning Fire Statement has been submitted and demonstrates consideration of fire safety principles early in the development process. The applicant has also provided a Fire Hydrant Location Plan (PL-18) which confirms the presence of a Fire Hydrant within the site area. It is considered that the proposed development would accord with the requirements of Policy D12 of the London Plan (2021).

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

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.

11. Reference Documents

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

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

London Plan (March 2021)

National Planning Policy Framework (2023)

Council's Supplementary Planning Document - Accessible Hillingdon

Council's Supplementary Planning Document - Planning Obligations

Contact Officer:

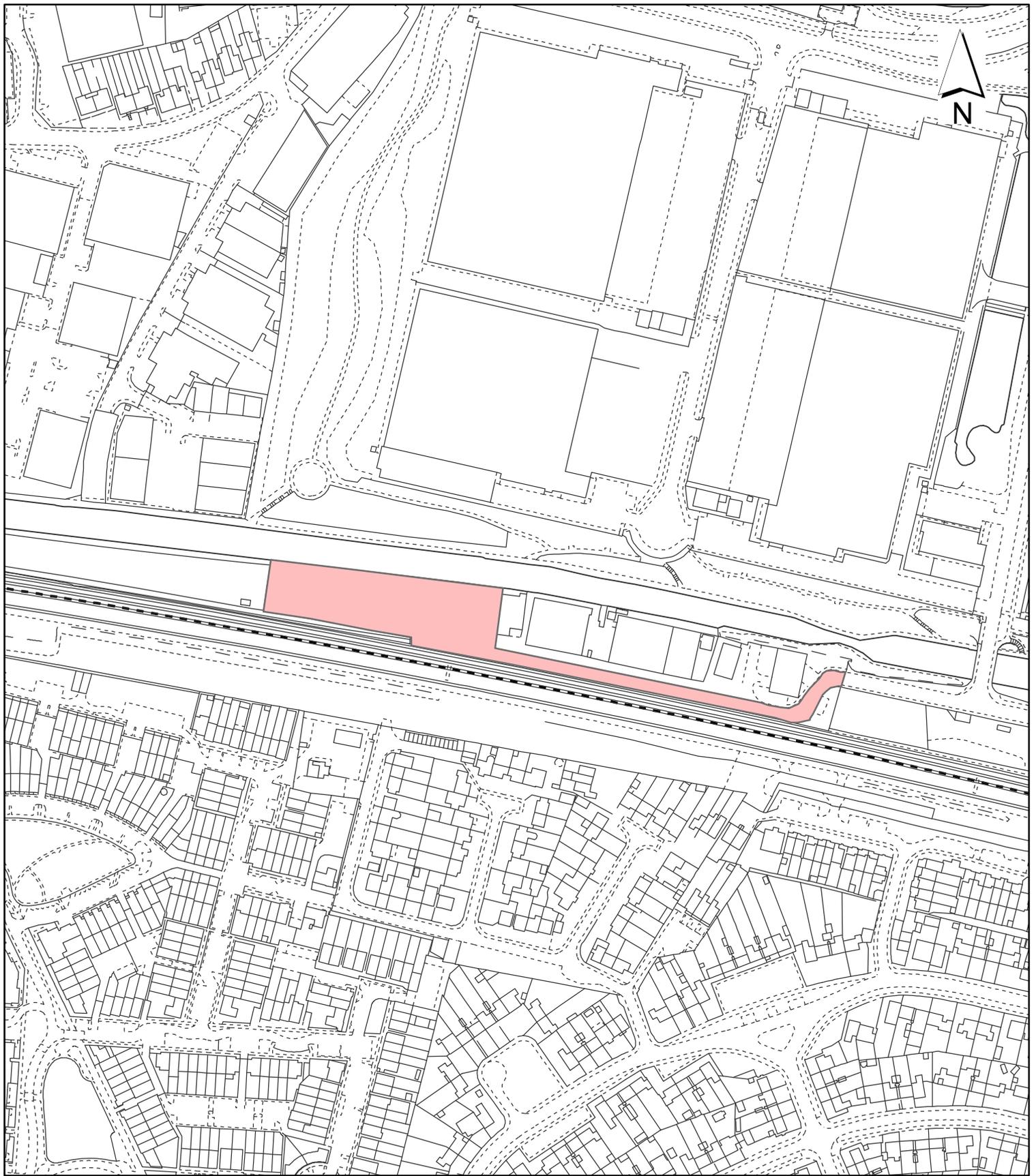
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Major Applications Planning Committee - 17th January 2024

PART 1 - MEMBERS, PUBLIC & PRESS



Notes:

 Site boundary

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Site Address:

**Berrite Industrial Estate
 Iron Bridge Road**

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

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

Planning Application Ref:
45237/APP/2022/3398

Scale:
1:2,838

Planning Committee:
Major

Date:
January 2024

