Residents Services

APP. REF. NO: 36678/APP/2017/1774

DELEGATED DECISION

- *Please select each of the categories that enables this application to be determined under delegated powers*
- *Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.*

APPROVAL RECOMMENDED: GENERAL	Select Option
1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3. There is no Committee resolution for the enforcement action	☐
4. There is no effect on listed buildings or their settings	☐
5. The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL	
6. Application is contrary to relevant planning policies/standards	☐
7. No petition of 20 or more signatures has been received	☐
8. Application has not been supported independently by a person/s	☐
9. The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT	
10. Single dwelling or less then 10 dewlling units and/or a site of less than 0.5 ha	☐
11. Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT	
12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses	☐
13. Refusal of change of use from retail class A1 to any other use	☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS	
15. Certificate of Lawfulness (for proposed use or Development)	☐
16. Certificate of Lawfulness (for existing use or Development)	☐
17. Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS	
18. ADVERTISMENT CONSENT (excluding Hoardings)	☐
19. PRIOR APPROVAL APPLICATION	☐
20. OUT-OF-BOROUGH OBSERVATIONS	☐
21. CIRCULAR 18/84 APPLICATION	☐
22. CORPSEWOOD COVENANT APPLICATION	☐
23. APPROVAL OF DETAILS	☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval	☐
25. WORKS TO TREES	☐
26. OTHER (please specify)	☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 3 VIVEASH CLOSE HAYES

Development: Demolition of the existing building (Use Class B8) and the redevelopment of the site to include the erection of a part 8, part 10 storey building linked by podium level comprising 68 residential units (21 x 1 bedroom, 24 x 2 bedroom and 23 x 3 bedroom) (Use Class C3) and 1620 m2 commercial floorspace at ground, mezzanine and first floor levels (Use Class B1) with associated parking and landscaping

LBH Ref Nos: **36678/APP/2017/1774**

Drawing Nos: 897-P-170412 DAS Final.compressed_Part2
897-P-170412 DAS Final.compressed_Part4.
897-P-170412 DAS Final.compressed_Part1
897-P-170412 DAS Final.compressed_Part3
897-P-0300 Existing Elevations
897-P-0100 Existing site plan
897-P-1011 Mezzanine floor plan
897-P-1003 Proposed GLA Masterplan
897-P-1014 Third Floor Plan
897-P-1013 Second Floor Plan
897-P-1012 First Floor Plan.
897-P-1001 Proposed Site plan in existing context
897-P-1016 Eighth floor plan
897-P-1015 Fourth to Seventh floor plans
897-P-1017-Ninth to Twelfth Floor plans
897-P-1018 Thirteents Floor plan
897-P-1019 Fourteenth Floor Plan
897-P-1010 Proposed Ground floor plan
897-P-1030 Tenure plans
897-P-2001 Proposed context elevations masterplan
897-P-1002 Proposed site plan in future conext
897-P-2102 Proposed elevations block B East West
897-P-2100 Proposed elevations block A East West
897-P-2101 Proposed Elevations North
897-P-3001 Proposed section south
897-P-3000 Proposed Sections
897-P-2000 Proposed context elevations existing co
897-P-2103 Proosed elevation south
897-P-3010 Proposed detail sections and elevations
897-5001 Perspective view 2
897-5000 Perspective view 1
897-P-0001 Location Plan
CgMs 3 Viveash Close DBA Dec 2016 FINAL.compressed
Final L7882 Elevations Sheet 1 of 2
Final L7882 First Floor
Final L7882 Ground Floor.
Final L7882 Elevations Sheet 2 of 2.
Final L7882 Topo & UGS 2D Sheet 2 of 2
Final L7882 Topo & UGS 2D Sheet 1 of 2

RPS CgMs - 170512 - Viveash Close - Full PP Cover
Planning Statement, prepared by RPS ref:MR/BH/18182

Date Plans received : 18/05/2017 **Date(s) of Amendment(s):** 12/05/2017

Date Application Valid: 18/05/2017

1. SUMMARY

This application seeks permission for the demolition of the existing buildings and redevelopment of the site comprising a part 8, part 10 storey building linked by podium level including 68 residential units (21 x 1 bedroom, 24 x 2 bedroom and 23 x 3 bedroom) (Use Class C3) and 1,467m2 commercial floorspace at ground, mezzanine and first floor levels (Use Class B1) with associated parking and landscaping.

The application site is a part of Site B within Policy SA 5 (Land to the South of the Railway, including Nestle Site, Nestle Avenue, Hayes) of the Emerging Local Plan: Part 2 Site Allocations and Designations (2018). Though Policy SA 5 generally supports mixed use development, this application fails to satisfactorily consider the redevelopment of adjoining sites and fails to deliver a comprehensive development that responds to the context of the whole site.

This application is an over-development of the site which has been designed in isolation and has failed to consider the site's context or Policy SA 5 of the Emerging Local Plan: Part 2 (2018). The proposed development is considered unacceptable and by virtue of its size, scale and bulk. The proposal features a mainly dead frontages at ground floor level and fails to delineate between commercial and residential accommodation. The large expanse of blank elevations results in poor relationships with the surrounding environs and the future aspirations for the strategic site allocation.

35 of the proposed units fail to comply with internal floorspace standards set out in Table 3.3 of the London Plan (2016) and a significant number of units are single aspect. Given that a significant proportion of units fail to provide adequate internal floorspace, together with a significant proportion of units being single aspect (including family sized units), the proposal fails to provide good quality accommodation for future occupiers.

In the absence of detailed information, the applicant has failed to demonstrate that the development will not have an unacceptable impact on future and neighbouring occupants by way of noise and disturbance; and failed to address the issues relating to flood risk, in accordance with the National Planning Policy Framework and National Planning Practice Guidance

The proposal fails to provide sufficient car parking provision for the proposed residential units. The application has failed to demonstrate that the proposed triple car parking stackers can be delivered. Details relating to proposed stackers is inconsistent. The proposal would result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the

free flow of traffic and to highway and pedestrian safety.

Overall, the proposal would fail to provide a development that will improve the economic, social and environmental conditions of the area contrary to the Development Plan and it is recommended that this application is refused.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Reason for Refusal: Contrary to Policy SA 5

In the absence of a comprehensive scheme, the development of this site in isolation would result in a piecemeal development that would fail to safeguard the satisfactory redevelopment of this strategic site 'B' identified within Policy SA 5 of the Emerging Local Plan: Part Two (October 2018). The proposed development is therefore contrary to Policy H1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policy BE14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); and Emerging Policy SA 5 of Site Allocations (Proposed Modifications 2018)

2 NON2 Reason for Refusal: Design

The proposed development, by reason of its overall size, scale, bulk and detailed design would result in a disproportionately large, dominating and incongruous form of development in particular the ten and eight storey blank elevations against the southern boundary which would be highly visible from Nestles Avenue which would fail to respect the pattern and scale of development in the immediate area. The proposal would be detrimental to the visual amenities of the street scene and the character and appearance of the wider area, contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE14, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3 NON2 Reason for Refusal: Urban Design

The proposed development is considered to result in a large area of: dead ground floor frontage; hardstanding/parking within the curtilage of the site to the west and south; and fails to provide adequate soft landscaping or defensible space to mitigate against the impact of this development or provide any public realm improvements. The proposal would therefore be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Reason for Refusal: Living Conditions Future of Occupiers

The proposed development by reason of its size, design and layout, would be a cramped and unsatisfactory standard of residential accommodation due to the poor layout of the flats with limited circulation and floor space for furniture and fittings, poor outlook, limited natural light and poor quality amenity spaces would fail to meet the needs of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), The Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

5 NON2 Reason for Refusal: Car Parking

The proposal fails to provide sufficient parking provision for the proposed development (residential and commercial) and would therefore result in an increase in on-street car

parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

6 NON2 Reason for Refusal: Noise

In the absence of a comprehensive noise report, the applicant has failed to demonstrate that the development will not have an unacceptable impact on future and neighbouring occupants by way of noise and disturbance. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 NON2 Reason for Refusal: Drainage

In the absence of detailed flood risk assessment and drainage report, the application has failed to address the issues relating to flood risk and has failed to demonstrate that this development incorporates sustainable drainage techniques and reduce the risk of flooding. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 5.12 and 5.13 of The London Plan (2016), the National Planning Policy Framework (July 2018) and the Planning Practice Guidance (March 2014).

8 NON2 Reason for Refusal: Section 106

In the absence of a Section 106 legal agreement, this application has failed to mitigate the impacts of the development in respect of highways, air quality, affordable housing, construction training, Nestle Avenue road widening, Cranford Park Improvements and Carbon Offset fund. The proposal therefore conflicts with Polices 3.11, 3.12, 5.2, 5.3, 5.6, 5.11, 5.12, 5.13 6.2, 6.3, 6.9, 6.10, 6.12, 6.13, 7.1, 7.2, 7.14 of the London Plan (2016), Saved policies AM15, AM2, AM7, OE8, OE7, BE23, BE38 of the UDP 2012 and adopted policiesEM1, BE1, SO11, EM8, H2 of the Local Plan Part 1 2012, and the Council's Planning Obligations SPG.

9 NON2 Reason for Refusal: Conflict of Mix Uses

The proposed development fails to provide segregated car parking; and cycle parking facilities for the mix of uses proposed. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

10 NON2 Reason for Refusal: Private Amenity Space

The proposal fails to provide amenity space of a quantity and quality commensurate to the size and layout of the proposals, resulting in an over-development of the site detrimental to the residential amenity of the future occupiers. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

11 NON2 Reason for Refusal: Accessibility

The proposal would fail to meet all relevant Lifetime Home Standards, contrary to Policy AM13 of the Hillingdon Local Plan (November 2012), Policy 3.8 of the London Plan (July 2016) and guidance within the Council's Supplementary Planning Guidance - Accessible

Hillingdon (May 2013).

12 NON2 Reason for Refusal: Overbearing

The proposed development has failed to consider the consented scheme at the Former Nestle Factory and breaches the Council's separation distances resulting in an overbearing development when viewed from future sites, also resulting in a potential loss of privacy to future occupiers. The proposed development is therefore contrary to Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Layouts and Policy 3.5 of the London Plan (2016).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I52 Compulsory Informative (1)

The decision to REFUSE 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).

3 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

LPP 1.1	(2016)Delivering the strategic vision and objectives for London
BE14	Development of sites in isolation
BE25	Modernisation and improvement of industrial and business areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM10	Incorporation in new developments of additions to the proposed cycle network
AM11	Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -

	(i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM3	Proposals for new roads or widening of existing roads
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE12	Proposals for alternative use (to original historic use) of statutorily listed buildings
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE28	Shop fronts - design and materials
BE29	Advertisement displays on business premises
BE35	Major development proposals adjacent to or visible from major road and rail connections to Heathrow and central London
BE36	Proposals for high buildings/structures in identified sensitive areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE39	Protection of trees and woodland - tree preservation orders
BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE2	Assessment of environmental impact of proposed development
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OL5	Development proposals adjacent to the Green Belt
R1	Development proposals in or near areas deficient in recreational open space
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
R3	Indoor sports, leisure and entertainment facilities
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG	Residential layouts and house design.
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
LPP 2.1	(2016) London in its global, European and United Kingdom context
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.18	(2016) Green Infrastructure: the multi functional network of open and green spaces
LPP 2.2	(2016) London and the wider metropolitan region
LPP 2.3	(2016) Growth Areas and Co-ordination Corridors
LPP 2.6	(2016) Outer London: vision and strategy
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 3.10	(2016) Definition of affordable housing
LPP 3.11	(2016) Affordable housing targets
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.13	(2016) Affordable housing thresholds
LPP 3.15	(2016) Co-Ordination of Housing Development and Investment
LPP 3.16	(2016) Protection and enhancement of social infrastructure
LPP 3.19	(2016) Sports Facilities
	(2016) Improving health and addressing health inequalities

LPP 3.2	
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.7	(2016) Large residential developments
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 4.1	(2016) Developing London's economy
LPP 4.2	(2016) Offices
LPP 4.3	(2016) Mixed use development and offices
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 4.9	(2016) Small Shops
LPP 5.1	(2016) Climate Change Mitigation
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.17	(2016) Waste capacity
LPP 5.18	(2016) Construction, excavation and demolition waste
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 6.1	(2016) Strategic Approach
LPP 6.10	(2016) Walking
LPP 6.11	(2016) Smoothing Traffic Flow and Tackling Congestion
LPP 6.12	(2016) Road Network Capacity
LPP 6.13	(2016) Parking
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.13	(2016) Safety, security and resilience to emergency
LPP 7.14	(2016) Improving air quality
LPP 7.16	(2016) Green Belt
LPP 7.18	(2016) Protecting open space and addressing deficiency

LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.2	(2016) An inclusive environment
LPP 7.24	(2016) Blue Ribbon Network
LPP 7.3	(2016) Designing out crime
LPP 7.30	(2016) London's canals and other rivers and waterspaces
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 7.7	(2016) Location and design of tall and large buildings
LPP 7.8	(2016) Heritage assets and archaeology
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review
NPPF1	NPPF - Delivering sustainable development
NPPF10	NPPF - Meeting challenge of climate change flooding costal
NPPF11	NPPF - Conserving & enhancing the natural environment
NPPF12	NPPF - Conserving & enhancing the historic environment
NPPF4	NPPF - Promoting sustainable transport
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF8	NPPF - Promoting healthy communities
NPPF9	NPPF - Protecting Green Belt land

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2012, Local Plan Part 1 (November 2012), Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

5 I74 Community Infrastructure Levy (CIL) (Refusing Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application be allowed at appeal, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 2-storey building located on the northern side of Viveash Close, south of Hayes town centre and adjacent to Hayes & Harlington station. The existing building measures 2,400m2 and operates as a food distribution business (Use Class B8). The site is bound to the north and east by the Nestles Conservation Area.

The application site is one of a number of light industrial units, also home to education buildings, self storage units, a car museum and car rental & repair shops. Surrounding buildings are of a similar functional industrial style ranging from one to three storeys in height. The buildings have large windows and are built from metal cladding or brick. A large portion of the site is allocated to car parking presumably for workers employed within the buildings.

The site is located within the wider Nestles Avenue industrial cluster - designated within the Hillingdon Saved UDP Policies (November 2012) as Strategic Industrial Location (SIL). However, more recently, the application site is included as part of Site B within Policy SA 5 (Land to the South of the Railway, including Nestle Site, Nestle Avenue, Hayes) of the emerging Local Plan: Part 2 Site Allocations and Designations (Proposed Modifications 2018).

The area around Viveash Close has started to be redeveloped in recent years. There are a number of recently approved tall buildings in the vicinity, namely the recently approved Vinyl Factory and the High Point Village scheme which have enhanced the character of the area and set the precedent for future developments.

The Nestles Avenue industrial cluster comprises approximately 34 hectares of land south of the railway, and extends eastwards from Station Road, across Squirrels Trading Estate and North Hyde Gardens, encompassing the electricity substation and land beneath the Hayes Bypass. Having undertaken a review of employment land in the borough, the Council propose to release 16 hectares of SIL land within the Nestles Avenue industrial cluster (including the Squirrels Trading Estate) as part of its emerging Local Plan Part 2.

The existing site includes an area of hardstanding, alongside the northern boundary of the site, that is utilised for car parking, but which is not formally laid out as a car park. Furthermore, informal parking occurs to the front of the main building, within Viveash Close. There are no existing parking restrictions within Viveash Close, within the vicinity of the site. There is no secure cycle parking currently provided on site.

3.2 Proposed Scheme

Planning permission is sought for a residential led mixed-use scheme which would involve: demolition of the existing buildings and redevelopment of the site to provide one building with separate eight storey and ten storey blocks, connected at ground floor level providing 68 residential units on upper floors and 1,467m2 commercial floorspace at ground, mezzanine and first floor levels; along with 41 car parking spaces, 148 cycle and 4 motor cycle parking spaces and associated landscaping.

The redevelopment of the site will comprise:

a. Complete demolition of the existing warehouse building and associated buildings;
b. The development proposes a total of 68 units
c. Construction of 2 blocks:
i. Ground, mezannine and first floor comprising of commercial (Use Class B1) floorspace;
ii. 10 storey Block A fronting Viveash Close, ground, mezzanine and first floor commercial (Use Class B1) floorspace and 39 residential units above;
iii. 8 storey Block B on eastern edge of site, ground and mezzanine floor energy centre, refuse area accessed along northern boundary, water tank and 29 residential units above;

d. Ground floor central connecting building with a commercial floorspace and providing 27 residential car parking spaces and 7 commercial parking spaces from triple stacking combilifts, 4 motorcycle parking spaces, 7 disabled parking spaces (41 car parking spaces in total) and 64 cycle spaces for Block A, 56 cycle spaces for Block B and 28 cycle spaces for the commercial floorspace.

Cycle stores are accessed either from the communal entrances or through the car park entrance on Viveash Close.

The initial application was submitted to the Council in May 2017 and following meetings with officers in August and September 2017 and consultee comments received particularly from BAA, the proposal was revised.

Key amendments to the application are as follows:

- Maximum height has been reduced from 13 storeys to 10;
- Rooftop recreational play space has been removed;
- Podium level reduced to one level shared by both apartments in both blocks;
- Ground floor reconfigured to provide an increased amount of commercial floorspace and frontage to the northern part of the site;
- Number of units are reduced from 88 to 68 units;
- The proposed development set back from the former Nestle Factory site; and
- The external appearance of the North and south facades are amended.

3.3 Relevant Planning History

36678/A/98/0205 3 Viveash Close Hayes

Removal of existing 'north light' roof and raising height of building to 7.6 metres with new flat roof

Decision: 20-03-1998 Approved

Comment on Planning History

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 14th July 2017

4.2 Site Notice Expiry Date:- 18th August 2017

5. Comments on Public Consult

156 surrounding property owners/occupiers were initially consulted in March 2017 and then re-consulted on 21.06.2017. In addition a site notice was displayed near to the site on 27.07.2017. This application was advertised in the press on 23.06.2017.

EXTERNAL

One objection was received noting:

- Viveash Close is predominantly in commercial use.
- The existing site and is heavily used for car parking by businesses;
- The public realm would be heavily parked and would be an uncomfortable living arrangement for future occupiers.

GREATER LONDON AUTHORITY Stage 1 (Summary)

The GLA provided Strategic issues summary:

The GLA supported the principle of redevelopment however raised concerns regarding the under-provision of employment floorspace. The GLA also raised strategic concern that the site is coming forward in isolation and therefore could undermine the delivery of wider policy and design objectives.
The provision of 39% of affordable housing is strongly supported as a starting point, however, notes the applicant has failed to consider a higher provision through grant funding.
The absence of a comprehensive proposal leads to a number of urban design shortcomings and could potentially undermine delivery of a key route through the wider area.
The energy strategy is broadly supported however clarification on how the ASHP would operate in conjunction with the site-wide network; and, an appropriate carbon offset contribution.
The applicant must address issues associated with: transport assessment; car parking; public transport, walking and cycling; and, travel planning, construction and servicing.
The approach to access and inclusion accords with London Plan Policy 7.2.

Stage 2; (summary)
That Hillingdon Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the SoS may take and does not therefore wish to direct that he is to be the local planning authority.

GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE

No comments.

NETWORK RAIL (Summary)

The red line boundary plan includes the entrance/exit to the Hayes and Harlington station car park. Network Rail has requested confirmation from the developer that continued access will be provided to the car park with no change in the width or height. This is to allow Network Rail cranes to be placed in the car park to install sections of the new footbridge structure starting early 2018.

Network Rail require the use of the car park to deliver some station works and need to ensure that the road is kept clear and open at all times, therefore, we require assurance from the developer/applicant that Viveash Close will be kept open at all times during construction and there will be no impact upon the car park.

Network Rail has also requested that a number of informatives are included with the decision should the application be considered acceptable. Informatives relate to demolition, fencing, drainage, safety, site layout, piling, excavation and earthworks, signalling, landscaping, plant, scaffolding and cranes, lighting, safety barriers and foundations.

NATIONAL AIR TRAFFIC SERVICES (NATS) SAFEGUARDING (Summary)

NATS commented on the revised proposal noting the proposal is anticipated to have a technical impact on its radar located at Heathrow Airport and require a condition relating to a Radar Mitigation Scheme (RMS) AGL, crane operation and construction, would be required if planning permission were to be granted.

HEATHROW AIRPORT LIMITED (Summary)

Noted the proposal could conflict with safeguarding criteria unless conditions are secured relating H10 Radar Mitigation, cranes and landscaping.

HAYES CONSERVATION AREA ADVISORY PANEL (Summary)

Object strongly to the proposals on the following grounds:

The proposal is premature and constitutes a piecemeal development, a plan for the whole site is required rather than individual sites;
The proposal would have an adverse impact on the adjacent Nestles Conservation Area;
The changes to the scheme do not go far enough;
The residential density appears very high, and though the GLA appear prepared to accept this in the context of the Opportunity and Housing Zone designation and its proximity to both station and town centre, we are not prepared to see such extreme overdevelopment in an area currently surrounded by low-rise, well-spaced housing. It would be totally out of character and completely change the nature of the residential area south of the railway;
In agreement with the GLA, a comprehensive development of the whole site is required;
Buildings above 6-storeys should only be supported if it is part of a wider masterplan;
A higher proportion of family sized accommodation is required to meet local demand;
Concerned at the low number of parking spaces proposed for this substantial development. Provision seems inadequate for residents, and no allowance has been made for visitors coming by car. In an area where there are already problems over inadequate street parking, this is likely to make a poor situation worse; and
The application should be refused.

METROPOLITAN POLICE - DESIGNING OUT CRIME GROUP (DOCG) (Summary)

No objection to the development subject to a condition securing Secured by Design accreditation. Recommend that fences and gates surrounding the site are 2.4m tall.

ENVIRONMENTAL AGENCY (Summary)

Recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be additional to the risk to human health that your Environmental Health Department will be looking at.

Risk Assessments should be prepared in line with EA 'Groundwater protection: Principles and practice' document (commonly referred to as GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

THAMES WATER (Summary)

Require the developer to demonstrate what measures will be put in place to minimise groundwater discharges into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the planning application be approved, requested an informative requiring a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

Thames Water have also requested that a condition is attached relating to piling, surface

water and ground contamination.

INTERNAL CONSULTEE COMMENTS

HIGHWAYS:

Original Application

Viveash Close is a cul-de-sac off Nestles Avenue that throughout the week is subject to very high levels of parking stress as a result of nearby workshops and business premises. There are no Controlled Parking Zone restrictions in operation in this part of Hayes. The site has a PTAL value of 4 (good) which suggests that there are opportunities for some trips to be made to and from the site by modes other than the private car.

There are 50 on-site car parking spaces provided using a car stacking system. 45 spaces are allocated to housing but 60 of the units are potentially family units. That level of car parking equates to approximately 0.5 spaces per flat.
This level of parking provision would not allow any form of visitor car parking. The proposed level of on-site car parking is far below that set out in the Council's car parking standards.
This proposal is one of a number of residential developments in the Nestles Avenue area and the appropriate off-street car parking allocation should be agreed for all of the sites.
The Transport Assessment suggests that the residential development will generate slightly more traffic than the existing B8 use, there is no concern that there would be a significant increase.
The proposal has 140 cycle parking spaces on site along with EVCPs and motorcycle bays which are supported. There is significant concern with the low levels of on-site car parking that is provided on site which is exacerbated by the high levels of on-street parking stress in the area of the site.
On the basis of the above comments, it is recommended that this application is refused for the lack of on-site car parking for both residents and visitors.

Revised Application

This revised application is for the development of a site in Viveash Close Hayes for 68 flats (was 88) and over 1,000 sq.m of commercial space. A Transport Assessment Addendum by Vision dated February 2018 was provided in support of the revised application.

There are 41 on-site car parking spaces provided using a car stacking system. 34 spaces are allocated to housing but 51 of the units are potentially family units. That level of car parking equates to 0.5 spaces per flat which is a lot less than that agreed on the adjacent Nestles factory site. The proposed level of car parking provision would not allow any form of visitor car parking which would result in further overspill parking on the already over-subscribed roads.

The proposed level of on-site car parking is far below that set out in the Council's car parking standards and that approved at the adjacent Nestles Factory site. Given the proximity of the Nestles development, parking standards for both developments should be the same.
According to the TA addendum discussions with TfL indicated they wanted to see on-site car parking not in excess of 0.5 spaces per unit. There has been no discussions with the applicant and their consultants with LBH who are the highway and planning authorities for the application.
There is significant concerns relating to the triple car parking stacker as a suitable

arrangement to manage car parking. It is also noted that drawing ref: 897P3001 Rev A suggests a double car parking stacker suggesting only 31 car parking spaces could realistically be accommodated as opposed to the 41 spaces referenced within the TA. This further reduces the level of car parking on site. It is also noted that if the proposed level of car parking spaces were to be provided, this would further impact the level of excavation required to accommodate a triple stacker or the height of the proposed building.
It is said in the TA addendum that TfL would be happy with the installation of a CPZ and an on-site restriction on any resident holding a parking permit. Any new CPZ would have to be agreed in principal with LBH and subject to a consultation process.
This proposal is one of a number of residential developments in the Hayes Housing Zone and a consistent level of off-street car parking allocation is essential.
The TA suggests that the residential development will generate slightly more traffic than the existing B8 use on an access that is already subject to delays. There is no significant concern relating to increased traffic and trip generation.
The proposal has 140 cycle parking spaces on site along with EVCPs and motorcycle bays which are supported.
There are significant concerns with the low levels of on-site car parking that is provided on site which is exacerbated by the high levels of on-street parking stress in the area of the site.
Should this application be allowed, given its location within the Hayes Housing Zone, should a scheme be approved, the applicant should make financial contributions towards new transport infrastructure.
There is a pedestrian route within the Nestles site that will exit close to the applicant's site so there is integration required with this issue. There are bus improvements being made along Nestles Avenue that will require further funding support from the applicant.
The provision of a CPZ scheme in close proximity to this site would appear a key element in seeing lower levels of on site car parking so should be funded.
On the basis of the above comments, it is recommended that this application is refused the current application due to inappropriate and lack of on-site car parking for both residents and visitors.

PRINCIPAL DESIGN & CONSERVATION (revised scheme):

The Urban Design Officer has raised significant concerns in relation to the isolated development of this site. The development fails to comply with Policy (SA5) of the Emerging Local Plan Part 2 (October 2015). A summary of the main issues raised is set out below:

The proposal would prejudice development on adjacent sites. The application breeches policy BE14 (saved UDP) and LP Pt II policy SA5, which is has now been submitted for EIP, therefore carries more weight (material consideration) than the consultation version.
The proposed development footprint is very large for a small site (0.23ha). The proposed layout is 'hard up' against the southern boundary adjoining the active industrial uses (No.4/ Paramount Powders Ltd). There is also no ' breathing space' around the perimeter of the development to allow the curtilage sites to take their own course with regards to future redevelopment.
Concerns relating to the site's layout and potential noise from the adjoining industrial estate.
The applicant heavily relies on the 'draft OAPF' this was never consulted, endorsed or adopted by LBH. The process of drafting an OAPF was ceased by the GLA towards the end of 2017. It was not supported by an [adopted] evidence base(s) either, therefore it is incomplete. The applicant believes it is 'non-statutory guidance', but it is clear the Local Plan Part Two take precedence over this 'draft masterplan'.
The applicant failed to engage with neighbouring landowners to ensure 'buy-in' into their proposals.

Instead, the applicant has worked in isolation and used a redundant 'blueprint', which is flawed in many areas. For this reason, the principle of development (residential uses) is not an appropriate solution for the [current] industrially active SIE, until it is planned comprehensively as 'Site B' and resilient with regards to phased development and future options/ scenarios, to enable No.3 Viveash to come forward early for redevelopment.
There is no record of public consultation undertaken during the application process, which is a concern.
The applicant is proposing a ten-storey blank elevation against the southern boundary, which is a concern, as it will be highly visible from Nestles Avenue (and beyond), due to scale of the proposed scheme. The applicant has attempted to 'pretty' the facade, however this facade is considered to be austere in its appearance and fails to contribute positively to the townscape setting.
The facade includes windows so future adjoining development will have to step back considerably in order not to compromise the outlook and/or sunlight/daylight to those windows. Therefore considerably constraining the future development opportunity for the neighbouring/ adjoining land to the south.
The proposed building is monolithic in form, with very little active primary facades. It reads as an institutional or commercial building, and not residential.
The ground and lower levels (perimeter) of the building are very inactive and comprise mainly of blank walls, parking ventilation, cycle store, vehicle entrance and lobbies onto Viveash Close. With refuse storage, energy centre, more cycle stores, lobbies and commercial frontage along the remaining length. The residential uses and podium amenity deck are segregated from the street-level and start on the second-floor onwards, which is over 9m above the ground-level. This compounds the lack of active frontage further, with effectively the equivalent of three-storeys of mainly 'dead frontage'.
The development proposes 100% triple stackers car parking for all residential and commercial parking that is mixed in together with no delineation between the two, which will present user and maintenance issues. The x7 DDA spaces and x4 motorcycles. If the x34 stackers parking spaces are omitted at a later stage, then the site will only be able to provide x12 spaces, in addition to the DDA and motorcycle spaces. It is also worth noting that the site is not physically constrained by any historic building assets, conservation or natural features that would merit such an excessive use of triple stackers. Therefore there is no public benefit for such extreme measures or warrants an exemption from LBH policy standards.
The proposed density for the 0.23ha site (PTAL 4 location) is very high. The application proposes 68 units/ 260 habitable rooms. This equates to 291 D/PH or 882 HR/H which is the equivalent of a PTAL 6 for a central metropolitan location, which this site is not. And this condition will not improve with the arrival of Crossrail.

TREES/LANDSCAPE (revised scheme):

I refer to updated landscape information forwarded to me. Documents received:
- A Landscape Statement by Farrer Huxley, dated January 2018 (with amendments to the March 2017 version)
- Planting schedule, dated March 2017 (as previously submitted).

Comment:
Roof top planting on the two towers has been removed. - cf The cross-sections of the street level landscape concept in paras. 2.1, 2.2 and 2.3 of the March 2017 report. This significantly reduces the are of soft landscape to ground and podium levels only.
There is no change to the planting palette on schedule No. FHA681-X-01. I would recommend the use of more multi-stem species on the podium (possibly omitting the Betula pendula 'Youngii')
One of the multi-stemmed trees on the schedule is Liriodendron tulipifera 'Fastigiatum'. Liriodendron would be an interesting species to use as a multi-stem although I have never seen it on any nursery's availability list. It would not be logical to specify the variety

'Fastigiatum' because multi-stems are required to bush out? The planting palette of shrubs and perennials is relatively restricted with ground cover ornamental grasses and perennials repeated throughout the site. It would be helpful to have an indicative / sample planting plan to show a typical planting arrangement.
Due to the high proportion of grasses and perennials - some of which will die back in the winter months there are likely to be void periods in the winter months. Spring bulbs could be added to the mix to extend the seasonal interest and fill the winter gaps.
Recommendation - objection:
The current landscape proposals have been significantly diminished by the loss of planting on the two towers. Planning guidance promotes the provision of green roofs and green walls, particularly in situations where the density of grey infrastructure leaves limited space for ground level amenity space.

WASTE SERVICES:

For the residential element of the development, it is estimated that 15 1,100l bins would be required of the following size:

Bin Size	Height	Depth	Width
1,100 litre Eurobin	1,370 mm	990 mm	1,260 mm

Commercial occupiers are expected to make arrangements with either the Council or a licensed waste carrier for the collection of the waste produced from the premises.
The collectors should not have to cart a 1,100 litre bulk bin more than 10 metres or sack 15 metres from the point of storage to the collection vehicle (BS 5906 standard).
If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

ACCESS:

This proposal in respect of the proposed residential units appears not to have been designed in accordance with the objective set out in London Plan Policy 3.8 (c) and (d). London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable in accordance with M4(2) as set out in Approved Document M to the Building Regulations (2015 edition). In addition, 10% of new dwellings should accord with M4(3) of the same. The dimensions shown on plan, particularly in respect of the kitchen and bathroom layouts do not agree with the tolerances permitted within the Approved Document referred to above. The application is not supported for this reason.

FLOOD WATER MANAGEMENT OFFICER (Revised scheme):

The RPS drainage stratgey sets out principles of a discharge rate of 2 l/s which is acceptable. However further refinement is needed to establish the final design that can be taken foward as a condition.
The Strategy indicates the potential for a brown roof alongside PV on part of the roof. However the extent to which this will provide the rainwater harvesting and this must be set out early to ensure it is factored into structural designs. Currently the design provides for the worst case scenario as a tank providing all attenuation which is not acceptable. For example can a blue roof not be considered? Long sections will be required demonstrating that a pumped discharge is not required as Thames Water invert levels are so high.
Information on the calculations should be presented in a proforma so that it can clearly compared to the accepted standards in Hillingdon, please see attached. It is believed that the calcualtion may underestimate the storage
required as default values for CV etc are used. Further guidance is found on the proforma.

HOUSING

The affordable housing on this development is acceptable as it offers 36% affordable housing calculated on a unit basis. 30% of the units are much needed family 3 bed units and, the bulk of these 17 units included within the affordable housing provision. The ratio of rented to shared ownership units is 62% below the Hillingdon preferred ratio of 70:30 in favour of rented units however the proposal is consistent with the requirements set out within the London Plan.

ENVIRONMENTAL PROTECTION UNIT, NOISE:

The site is surrounded by railway noise to the north and industrial/commercial noise to the other elevations in a predominantly industrial location. There are concerns as to the suitability of the site for residential use.

A noise impact assessment by KR Associates was included as part of the application. It appears the assessment only looked at railway noise with regards to the noise prediction maps. Mention is made of short term monitoring of other noise but was not included in the assessment. There is concern over other uses around the site includes car repair which will have an element of impulsive noise such as hammering which needs to be included in any assessment.

The noise assessment only looked at internal noise level but no assessment of the amenity areas have been made. Also the internal noise levels were assessed in terms of LAeq and not LMax. It is recommended a further assessment is made to include LMax.

This application fails to satisfactorily consider noise from the surrounding area and its impact on future occupiers.

AIR QUALITY:

Given the inadequacy of the air quality assessment report and more importantly given the application site is within a Focus Area with a total transport emission load per annum of 162.9 Kg/year and no mitigation measures were proposed, a S106 Air Quality contribution of £70,565 is required for LAQM by the PA in the Hays Focus Area.

Summary of issues for air quality

a) DMRB is still mentioned which is inadequate for air quality assessments within AQMAs and Specially within Focus Areas where sensitive receptors are already well above limit value;
b) No traffic data are presented in the report for both baseline nor opening years which does not allow a suitable replication of the methodology of the report;
c) Baseline - existing levels of air quality (2015) is outdated - it is 3 years old! A lot has changed since then in Hays
d) Emission factors have been updated since 2015 - Emission Factors Toolkit (Version 7.0) is outdated - alterations due to updated emission factor data have been published since (current version of the EFT is version 8.0.1)
e) model adjustment inadequate - see attached calculations - a much higher adjustment factor should had been applied
f) Neutral Assessment - incorrectly calculated given the use of outdated emission factors
g) No cumulative assessment calculated which is key being in a Focus Area and in a major development area (near Nestle major development).

Therefore, as cited above, should the planning application be considered viable in other disciplines , a S106 Air Quality contribution of £70,565 is required prior to approval.

RENEWABLE ENERGY/SUSTAINABILITY OFFICER:

No objections to the proposed development were raised subject to a contribution of £100,863 for carbon off-setting and a condition.

6. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.CI2	(2012) Leisure and Recreation
PT1.CI3	(2012) Culture
PT1.E1	(2012) Managing the Supply of Employment Land
PT1.E3	(2012) Strategy for Heathrow Opportunity Area
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM2	(2012) Green Belt, Metropolitan Open Land and Green Chains
PT1.EM3	(2012) Blue Ribbon Network
PT1.EM4	(2012) Open Space and Informal Recreation
PT1.EM5	(2012) Sport and Leisure
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing
PT1.HE1	(2012) Heritage
PT1.T1	(2012) Accessible Local Destinations
PT1.T2	(2012) Public Transport Interchanges

Part 2 Policies:

LPP 1.1	(2016)Delivering the strategic vision and objectives for London
BE14	Development of sites in isolation
BE25	Modernisation and improvement of industrial and business areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM10	Incorporation in new developments of additions to the proposed cycle network
AM11	Improvement in facilities and promotion of safety and security at bus and

	rail interchanges; use of planning agreements to secure improvement in public transport services
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM3	Proposals for new roads or widening of existing roads
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE12	Proposals for alternative use (to original historic use) of statutorily listed buildings
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE28	Shop fronts - design and materials
BE29	Advertisement displays on business premises
BE35	Major development proposals adjacent to or visible from major road and rail connections to Heathrow and central London
BE36	Proposals for high buildings/structures in identified sensitive areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE39	Protection of trees and woodland - tree preservation orders
BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.

HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE2	Assessment of environmental impact of proposed development
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OL5	Development proposals adjacent to the Green Belt
R1	Development proposals in or near areas deficient in recreational open space
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
R3	Indoor sports, leisure and entertainment facilities
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG	Residential layouts and house design.
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
LPP 2.1	(2016) London in its global, European and United Kingdom context
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.18	(2016) Green Infrastructure: the multi functional network of open and green spaces
LPP 2.2	(2016) London and the wider metropolitan region
LPP 2.3	(2016) Growth Areas and Co-ordination Corridors
LPP 2.6	(2016) Outer London: vision and strategy
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 3.10	(2016) Definition of affordable housing
LPP 3.11	(2016) Affordable housing targets
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.13	(2016) Affordable housing thresholds
LPP 3.15	(2016) Co-Ordination of Housing Development and Investment
LPP 3.16	(2016) Protection and enhancement of social infrastructure
LPP 3.19	(2016) Sports Facilities

LPP 3.2	(2016) Improving health and addressing health inequalities
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.7	(2016) Large residential developments
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 4.1	(2016) Developing London's economy
LPP 4.2	(2016) Offices
LPP 4.3	(2016) Mixed use development and offices
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 4.9	(2016) Small Shops
LPP 5.1	(2016) Climate Change Mitigation
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.17	(2016) Waste capacity
LPP 5.18	(2016) Construction, excavation and demolition waste
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 6.1	(2016) Strategic Approach
LPP 6.10	(2016) Walking
LPP 6.11	(2016) Smoothing Traffic Flow and Tackling Congestion
LPP 6.12	(2016) Road Network Capacity
LPP 6.13	(2016) Parking
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.13	(2016) Safety, security and resilience to emergency
LPP 7.14	(2016) Improving air quality
LPP 7.16	(2016) Green Belt
LPP 7.18	(2016) Protecting open space and addressing deficiency
LPP 7.19	(2016) Biodiversity and access to nature
LPP 7.2	(2016) An inclusive environment
LPP 7.24	(2016) Blue Ribbon Network

LPP 7.3	(2016) Designing out crime
LPP 7.30	(2016) London's canals and other rivers and waterspaces
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 7.7	(2016) Location and design of tall and large buildings
LPP 7.8	(2016) Heritage assets and archaeology
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review
NPPF1	NPPF - Delivering sustainable development
NPPF10	NPPF - Meeting challenge of climate change flooding costal
NPPF11	NPPF - Conserving & enhancing the natural environment
NPPF12	NPPF - Conserving & enhancing the historic environment
NPPF4	NPPF - Promoting sustainable transport
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF8	NPPF - Promoting healthy communities
NPPF9	NPPF - Protecting Green Belt land

In addition: The Council submitted the Local Plan: Part 2 (October 2015) to the Secretary of State on 18 May 2018 to begin the examination in public. An examination in public took place between 07-08-2018 and 10-08-2018. The Council is awaiting the Inspector's finding's however there was little discussion in respect of Policy SA 5 as such the Local Planning Authority attaches significant weight to Policy SA 5 (Land to the South of the Railway, including Nestle Site) of the Emerging Local Plan: Part 2 Site Allocations and Designations (October 2012).

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to prevent developments which would be detrimental to the amenity of nearby occupiers by way of their siting, bulk, proximity or loss of light.

Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new developments do not have adverse impacts on the amenity of existing residential properties due to loss of privacy.

Paragraph 4.12 of the HDAS requires new residential development to be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property. Adequate distance is expected to be maintained to any area from which overlooking may occur. As a guide, the distance should not be less than 21m, between facing habitable room windows.

At present there are no residential properties that directly abut the site. The nearest residential properties are on Nestles Avenue which are over 100 metres away to the south; and to the north is the Highpoint development which is approximately 70 metres

away separated by the railway line. These separation distances would ensure the development would potentially not have any significant adverse impacts on the amenity of residential occupiers in the vicinity in regards to overbearing/overlooking and loss of daylight/sunlight.

However notwithstanding the above, planning permission was granted, ref: 1331/APP/2017/1883, for the adjoining site to the immediate east (Former Nestle Factory) to provide 1,386 residential units of which the nearest residential units are proposed to be 21m. There is also a live application being considered at the site immediately to the west under planning ref: 73238/APP/2018/1145 (Land at 3, 233-236 Nestle Avenue) which proposes to provide 474 residential units of which the nearest residential unit to this site is likely to be 16m. There is concern that there is the potential for mutual overlooking between the consented units and the proposed under this application. Although the 21m separation distance within HDAS serves as a guide, it further reinforces the issue raised elsewhere in this report that the site fails to adequately consider the surrounding context and consented development proposals. Therefore there is concern that there is the potential for overlooking between residential units within this development and those on the former Nestle Factory site, which this application has failed to consider or mitigate against.

In addition the in principle objection to this piecemeal development is also pertinent due to the impact the proposal would have on the neighbouring property, no.4 Viveash Close, which immediately abuts the site to the south both within the existing and future context. The proposal involves a part 8 and 10 storey development with a maximum height of 34.5 metres with an outdoor amenity on the second floor. The development proposal is significant in size, scale and massing which would be further exacerbated by the immediate neighbouring property, no.4 Viveash, which is a modest 2 storey unit. It is therefore considered that the proposal would be an overbearing development which would be unsympathetic to its immediate and wider surroundings to the south.

Furthermore within the future context, the proposal shows an isolated development that would constrain and prejudice the neighbouring sites specified as 'Site B' within Policy SA5 of the Emerging Local Plan: Part 2 (2018) from coming forward for redevelopment with a plan-led approach to consolidate Nestle Avenue. Issues relating to air quality and noise are dealt with elsewhere in this report.

7.2 Impact on Street Scene

Policy BE1 of the Local Plan: Part 1 (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 (November 2012) seek to ensure that new development complements or improves the character and amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features of merit and provision of new planting and landscaping in development proposals.

Policy BE13 states that new development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote high quality design and design-led change in key locations. In addition to Chapter 7, London Plan policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

Policy SA 5 (Land to the South of the Railway, including Nestle Site) of the Emerging Local Plan: Part 2 Site Allocations and Designations (2018) notes this is an important strategic site located within Hayes.

The developments consented and currently proposed within the vicinity of the application site (Former Nestle Factory, Highpoint Village and 233-2236 Nestle Avenue) include varying heights upto 12 storeys. A review of the planning applications at the neighbouring sites suggests that given the size of the plots, a proportionate approach was taken to built and unbuilt spaces whereas this site is designed to be built up hard against its boundary. This approach prejudices sites referred to as 'site B' within Policy SA 5 of the Emerging Local Plan: Part 2 (2018) and would sit at odds in the street scene along Viveash Close which is generally made up of low level industrial units of varying design predominantly 2 to 3 storey high.

The proposed building is monolithic in form, with very little active primary facades. It reads as an institutional or commercial building, and not residential. And the building is broadly an extrusion of the site area, therefore the height/ scale/ massing is unforgiving and lacks any articulation or rationale with regards to the emerging context of Nestles Avenue. The design also needs to address the emerging roofscape for Nestles Avenue, which if not addressed, compounds the monolithic form of the building further.

The Council would only support tall buildings in this location if proposals form part of a comprehensive development referred to in Policy SA 5 of the Emerging Local Plan (2018). The Council does not support this isolated development which potentially prejudices a comprehensive regeneration of this part of Hayes.

In terms of its design merits, this application is proposing a ten-storey blank elevation against the southern boundary, given the site's visibility from Nestles Avenue, the proposal would be read as austere in the townscape. The applicant has amended the facade, but it fails to provide an adequate solution or positive contribution to the townscape setting. It is noted that the amended South Elevation Plans suggest there are windows on this facade, however floorplans suggest this would be a blank facade. The proposed plans are inconsistent and there is further concern that should windows be designed into the south elevation, future adjoining developments will have to step back considerably in order not to compromise the outlook and/or sunlight/daylight to those windows thereby constraining the future development opportunity for the neighbouring/ adjoining land to the south.

The ground and lower levels (perimeter) of the building are very inactive and comprise mainly of blank walls, parking ventilation, cycle store, vehicle entrance and lobbies onto Viveash Close. With refuse storage, energy centre, more cycle stores, lobbies and commercial frontage along the remaining length. The residential uses and podium amenity deck are segregated from the street-level and start on the second-floor onwards, which is over 9m above the ground-level. This compounds the lack of active frontage further, with effectively the equivalent of three-storeys of mainly 'dead frontage'.

Therefore the proposed isolated development is considered unacceptable and an over development by virtue of its size, scale and bulk, although it is noted that revisions have been received, this does not address the concerns. The scheme is poorly designed comprising of dead frontages and has a poor relationship with the surrounding environs and the plan-led aspirations of Policy SA 5 of the Local Plan: Part 2 (2018).

7.3 Traffic Impact/Pedestrian Safety

Paragraph 108 of the revised NPPF (2018) states that In assessing sites that may be allocated for development in plans, or specific applications for development, it should be

ensured that:

a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users; and
c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

London Plan policy 5.17 states that proposals for waste management should be evaluated against the full traffic impact of all collection, transfer and disposal movements. Policy 6.3 notes that Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. It also requires that development should not adversely affect safety on the transport network.

London Plan Policy 6.1 seeks the integration of transport and development by encouraging development which reduces the need to travel; seeking to improve the capacity and accessibility of public transport, walking, and cycling; and supporting development which generates high trip levels at locations with high public transport accessibility.

London Plan Policy 6.3 requires the impacts of new developments on the transport network to be fully assessed and states that developments should not adversely impact the safety of the transport network.

Local Plan requirements in relation to impacts on traffic demand, safety and congestion are set out in Local Plan Part 2 policy AM7 which states that the LPA will not grant permission for developments whose traffic generation is likely to (i) unacceptably increase demand along roads or through junctions which are already used to capacity, especially where such roads or junctions form part of the strategic London road network, or (ii) prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

There are serious concerns regarding the functionality of Viveash Close and the compatibility of the residential traffic coming into the application site and the HGV movements along the road. During a site visit, Officer's witnessed HGV's that were forced to reverse up Viveash Close as it was the only way drivers could ensure that they could get out of the road given the level of on street parking.

The applicant has submitted a Transport Assessment (TA). The Council's Highways Engineer has reviewed the TA and raised fundamental highways issues. The revised application is for the development of a site in Viveash Close, Hayes for 68 flats (was 88) and approximately 1,467sq m of commercial space.

Viveash Close is a cul-de-sac off Nestles Avenue that throughout the week is subject to very high levels of parking stress as a result of nearby workshops and business premises. The existing B8 use on the site has limited amounts of off-street car parking provided. There are no Controlled Parking Zone restrictions in operation in this part of Hayes. The site has a PTAL value of 4 (good) which suggests that there are opportunities for some trips to be made to and from the site by modes other than the private car. The site is approximately 200m from Hayes and Harlington Station.

The proposal includes approximately 51 family sized units however there are 41 car parking spaces proposed to be provided using a triple car stacking system on which only 34 car parking spaces are allocated to residential units. The level of car parking equates

to 0.5 spaces per unit which is considerably lower than the ration of car parking that was agreed on the adjacent Nestles factory site. The proposed level of car parking provision does not consider any form of visitor car parking which would result in further overspill parking on the already over-subscribed roads. The proposed level of on-site car parking is far below that set out in the Council's car parking standards and that approved at the adjacent Nestles Factory site.

According to the Transport Assessment, discussions with TfL indicated they wanted to see on-site car parking not in excess of 0.5 spaces per unit. However, no discussions have taken place with the applicant, their consultants and LBH who are the highway and planning authority for the application site. The Transport Assessment notes TfL would be happy with the installation of a Controlled Parking Zone (CPZ) and an on-site restriction on any resident holding a parking permit. Any new CPZ would have to be agreed in principal with LBH and subject to a consultation process which the applicant has failed to demonstrate they have carried out. This proposal is one of a number of residential developments in the Hayes Housing Zone and a consistent level of off-street car parking allocation is essential. This point was made in the pre-app responses and has not been taken up by the applicant or TfL.

The Transport Assessment suggests that the residential development will generate slightly more traffic than the existing B8 use on an access that is already subject to delays.

The Highways Officer has concerns with the low levels of on-site car parking that is provided which is exacerbated by the high levels of on-street parking stress in the area of the site. This is a site within the Hayes Housing Zone and should a scheme be approved the applicant should make financial contributions towards new transport infrastructure.

The proposal has 148 cycle parking spaces on site along with EVCPs and motorcycle bays which are supported in principle, however this does not overcome concerns relating to the overall layout of this space.

Accordingly, the Highways Officer has recommended refusal as the proposal fails to provide sufficient parking provision for the proposed units and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety. The proposal is contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

Should this application be considered acceptable, a Section 106 legal agreement securing a contribution towards to the pedestrian route within the Nestles site that would link to the application site is required. It is also noted that there are bus improvements being made along Nestles Avenue which could be linked to this site to improve sustainable transport links. A contribution towards this scheme would also be required. If this application is accepted, a contributions towards the provision of a CPZ scheme in close proximity to this site is considered necessary to making this development acceptable.

7.4 Carparking & Layout

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The application site is located in an area with average public transport accessibility (PTAL=4).

CAR PARKING

The Council's parking standards require a maximum of 1.5 car parking spaces per unit. Therefore for the 68 unit scheme proposed a maximum of 102 spaces are required to accord with local parking standards. However with a total of 34 car parking spaces (including spaces for disabled drivers and excluding the 7 proposed for commercial use), car parking has been proposed at a ratio of just 0.5 spaces per unit.

Furthermore a total of seven parking spaces would be provided for the commercial uses, which equates to a provision of 1 space per 239 square metres (within the London Plan's specified range of 1 space per 100 - 600 square metre). However this is also significantly less than the 1 space per 100 square metres required by Hillingdons car parking standards. As such it is significantly short of Hillingdon's maximum parking standards and is therefore unacceptable.

There is also some ambiguity within the submission as to whether double or triple stackers are proposed. For the purposes of assessing this scheme, it has been assumed triple stackers are proposed. It is considered that with the proposed provision of triple car stackers is a clear indication that this is an over development of the site when considering the proposal would only amount to 0.5 car parking spaces, which is in clear conflict with the councils car parking requirements.

CYCLE PARKING

A total of 148 cycle parking spaces are provided across the development, with 120 spaces for the residential uses and 28 secure cycle parking spaces for the commercial use.

Hillingdon's cycle parking standards are expressed as a minimum and specify 1 space per 1 or 2 bed flat and 2 spaces for flats with three bedrooms or more. Based on the breakdown of 1, 2 and 3 bedroom units, the development proposals would require a total of 91 cycle parking spaces. A total of 120 secure residential cycle parking spaces are provided within two secure cycle stores and within cycle racks located within the ground floor car park, As such cycle parking for the residential land use is in excess of the standards set out within Hillingdon's UDP.

16 secure cycle parking spaces will be provided for the commercial floorspace within the ground floor car park. A further 12 cycle parking spaces will be provided to the north east of the building, which will provide an element of short-term cycle parking for the development.The provision of cycle parking spaces for the commercial floorspace is in accordance with the minimum cycle parking standards set out within Hillingdon's UDP and The London Plan.

7.5 Urban Design, Access and Security Considerations

URBAN DESIGN

Local Plan Part 1 Policy BE1 requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Policies BE13 and BE19 of the Hillingdon Local Plan (November 2012) seek to ensure that new development complements or improves the character and

amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features of merit and provision of new planting and landscaping in development proposals.

Policy BE13 states that new development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 7, London Plan policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

The principle of this piecemeal form development is of significant concern, mainly because the application shows an isolated development proposal for one site only that will constrain/ prejudice the neighbouring sites within 'Site B' of Policy SA 5 of the Emerging Local Plan: Part 2 (2018) coming forward for redevelopment in the immediate/ near future.

Any proposals for this site will need to be comprehensively planned and coordinated. If they are not, then like the current approach will risk constraining the development viability of neighbouring 'Site B' land parcels or risk the lost opportunity for the provision of such vital infrastructures to support all new developments for Nestles Avenue as set out in Policy SA 5. Therefore the application is contrary to Policy BE14 (saved UDP) and Policy SA5 of the Emerging Local Plan (2018).

The proposed development footprint is very large for a small site (0.23ha). The proposed layout is 'hard up' against the southern boundary adjoining the active industrial uses (No.4/ Paramount Powders Ltd). The proposal fails to provide relief around the perimeter of the development to allow the curtilage sites to take their own course with regards to future redevelopment. And the narrow spaces around the site are still envisaged to be used for access. This application would clearly constrain development opportunities for the 'Site B' land parcels southwards of No.3. It also triggers questions regarding 'agents of change' (Draft London Plan) i.e. will the proposed development mitigate the effects of proximity noise, odours, shared access with industrial vehicles, etc. Or will it constrain the majority remaining industrial uses on Viveash Close - i.e. highways and noise complaints (statutory nuisance) will compromise the commercial operation of those existing (active) industrial units. Without an agreed comprehensive masterplan or development strategy in place, the large footprint is unacceptable in its current form. Therefore it will need to pulled in significantly from the redline boundary area and reduced in scale.

With regards to a masterplan, the applicant is heavily relying on a 'draft OAPF' that was never consulted, endorsed or adopted by LBH. Also, the process of drafting an OAPF was ceased by the GLA towards the end of 2017. It was not supported by an [adopted] evidence base(s) either, therefore it is incomplete. The applicant believes it is 'non-statutory guidance', but it is clear the Emerging Local Plan: Part Two (2018) and current local policies take precedence over the 'draft masterplan'.

It is to be noted that the plans for Nestles Avenue have evolved far beyond this 'draft masterplan', which was never deemed 'fit for purpose' by LBH. The other applications along Nestles Avenue have taken on board LBHs comprehensive planning advice and is reflected in their proposals, and consulted on in their individual applications - the one [partial] exception being No.1 Nestles, which has now been withdrawn, because it is not compliant with all of the LBHs aspirations for the area. The only relevant element of the

GLA proposed draft OAPF plan is that a comprehensive approach to development must be taken for all Nestle Avenue sites.

There is no evidence that the applicant has engaged with neighbouring land owners to draw up a masterplan in consultation with LBH to demonstrate 'comprehensiveness', which is the positive approach that the other applicants have achieved. Instead, the applicant has worked in isolation and used a redundant 'blueprint', which is flawed in many areas. For this reason, the principle of development (residential uses) is not an appropriate solution for the [current] industrially active site, until it is planned comprehensively as 'Site B' and resilient with regards to phased development and future options/ scenarios, to enable No.3 Viveash to come forward early for redevelopment.

In terms of the interaction of this development with the surrounding area, the ground and lower levels (perimeter) of the building are very inactive and comprise mainly of blank walls, parking ventilation, cycle store, vehicle entrance and lobbies onto Viveash Close. With refuse storage, energy centre, more cycle stores, lobbies and commercial frontage along the remaining length. The residential uses and podium amenity deck are segregated from the street-level and start on the second-floor onwards, which is over 9m above the ground-level. This compounds the lack of active frontage further, with effectively the equivalent of three-storeys of mainly 'dead frontage'.

The podium areas are small and therefore unlikely to meet policy amenity standards. And there is little room provided at the ground level for public realm and amenity space. In fact, the visuals provided seem to rely on the amenity space of the neighbouring consented schemes and the draft OAPF, without any provision or agreement for access to these areas.

The proposal fails to provide detailing on how the site will be self-sufficient, until the curtilage sites are redeveloped. The podium areas will be exposed to noise from both the railway line and active industrial uses, therefore it is questionable whether they will be successful spaces. It is a concern that the proposed development presents many environment conflicts for residential uses due to the above proximity concerns. And can only be resolved comprehensively across the entire site, meaning the industrial uses are positively integrated (mitigated) or omitted entirely for 'Site B'.

This site relies on the substandard access to the new Hayes and Harlington station entrance via the existing dilapidated Network Rail car park or Viveash Close, which is equally dilapidated that will be active with industrial uses and associated vehicle movements for the immediate future. Therefore, the reliance on these existing spaces is not a positive environment regarding adequate public realm or conducive to supporting active pedestrian footfall. Also the site suffers from poor access and will be isolated, meaning the entire proposal is orientated towards Crossrail and it will not contribute towards the evolving context (comprehensively) of Nestles Avenue as set out in Policy SA 5. For this reason, it should be considered as infill/ back-land development that is piecemeal and uncoordinated, preventing the rest of the 'Site B' coming forward for redevelopment or industrial estate to operate unfettered as industrial uses in the meantime.

ACCESS

London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable. Development proposals should ensure, 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all

remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

This proposal has been reviewed and appears not to have been designed in accordance with the objective set out in London Plan Policy 3.8(c) and (d). The dimensions shown on plan, particularly in respect of the kitchen and bathroom layouts do not agree with the tolerances permitted within the Approved Document referred to above. In addition it is noted that the depth of the proposed winter garden balcony areas are only 1.3 metre deep and are thus inadequate. The proposal is therefore unacceptable.

SECURITY

Secured by Design is now covered by Part Q of the Building Regulations which the development will be required to accord with. In addition the Metropolitan Police - Designing Out Crime were consulted and have suggested that all gates and the perimeter fencing should be a minimum of 2.4 metres high. This further emphasises the lack of integration of the proposed development with the surrounding environs and demonstrates poor design and lack of a coherent strategic approach to the redevelopment of the larger development Site B within Policy SA 5 of the Emerging Local Plan: Part 2 (2018).

LIVING CONDITIONS FOR FUTURE OCCUPIERS

Density

London Plan Policy 3.4 seeks to maximise the potential of sites, compatible with local context and design principles in Policy 7.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in the Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

The total area of the site is 0.23ha, with the residential part of the site having a current PTAL of 4.

The proposed scheme equates to a unit density of 291.22 units per hectare (u/ha) and a habitable room density of 882.22 habitable rooms per hectare (hr/ha) with a figure of 3.02 for habitable rooms per unit (hr/u). This is above the upper end of the London Plan density range (70-260 u/ha or 200-700 hr/ha) based on the site's PTAL score of 4-6. This exceeds the London Plan guidelines demonstrating an over-development of the site. Accordingly an objection is raised to the proposed density in this instance, as the proposal fails to meet national, regional and local plan objectives.

The neighbouring sites (A and C of Policy SA 5 of the Emerging Local Plan: Part 2 (October 2018)) have come forward as high density, but this was an acceptable approach, because there was an appropriate masterplanning solution to ensure comprehensiveness between land holding, to optimise land use, amenity space and access provision that will unlock the respective sites and their surroundings.

Internal Space

The Government's national space standards contained in the Technical Housing Standards and Policy 3.5 of the London Plan (2016) set out the minimum floor areas required for proposed residential units in order to ensure that they provide an adequate

standard of living for future occupants. The statement requires:

1 bed 2 person flat should have a minimum floorspace of 51.5 sq.m (plus 1.5 sq.m of built-in storage);
2 bed 3 person flat should have a minimum 63 sq.m and 4 person to have 72 sq.m (both plus 2 sq.m of storage); and
3 bed 5 person flat should have a minimum 88.5 sq.m (plus 2.5 sq.m of storage).

The submitted plans indicates that 35 proposed units, just over half of the total proposed, would fall short of the required minimum levels. The plans indicate that some of the 1 bed flats would only have a GIA of 50 sq.m, the 2 bed 4 person flats would be 70 sq.m and some of the larger 3 bed 5 person flats would be 86 sq.m. Whilst it could be argued that the shortfall is not significant, ranging from 1.5 sq.m to 2.5 sq.m for each flat, given the overall percentage at over half of the total proposed, illustrates poor design and re-emphasises the over-development of the site. Therefore it is considered that the proposal would not provide an adequate level of internal amenity space and an appropriate standard of living accommodation for the future occupiers of the flats in conflict with the London Plan 2016.

An assessment of internal day light has been undertaken by EB7 to ensure adequate levels to the habitable rooms. The results of the daylight assessment within the proposed scheme show good levels of internal daylight with compliance rates of 90% being considered excellent for an urban location. Where deviations occur, it is principally as a result of balcony provision overhanging the windows, or recessed terraces, which is a compromise recognised within the BRE guidance.

The plans demonstrate that the entrances to the building would have level access to/from parking and external areas. The cores are appropriately positioned and the communal corridors would be acceptable in terms of accessibility. Please see 'Accessibility' in Section 7.5 for further consideration of these matters.

External Amenity Space

Saved Policy BE23 of the UDP 2012 requires the provision of external amenity space, sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document specifies the following amenity space requirements for flats provided on site is:

Studio/1 bedroom flat - 20 sq.m per flat
2 bedroom flat - 25 sq.m per flat
3+ bedroom flat - 30 sq.m per flat

Based on the current accommodation schedule the required amenity space provision for the 68 proposed units would be as follows:

Studio/1 bed flat; 21 x 20 = 420 sq.m
2 bed flat; 24 x 25 = 600 sq.m
3 bed flat; 23 x 30 = 690 sq.m
Total required= 1,710 sq.m

The total proposed amenity space is well short of this figure at 1,463 sq.m, comprising a communal area of 554 sq.m; Block A balcony areas totalling 493 sq.m; and Block B

balcony areas totalling 416 sq.m. Once again there are inconsistencies between the various supporting information and the plans. For the purposes of assessing this scheme, the submitted plans have been used to calculate the total amenity space. The submitted plans show an outdoor communal space located on the podium level between Block A and Block B on the second floor would total 554 sq.m. This is significantly lower than the required level and given its immediate proximity overlooking the neighbouring industrial units, is also not considered of suitable quality. Furthermore although it is accepted that the majority of units would be provided with balcony areas these again fall short of the total required and in regards to the winter balcony areas, are not of sufficient depth.

Therefore the proposal fails to provide amenity space of a quantity and quality commensurate to the size and layout of the proposals, resulting in an over-development of the site detrimental to the residential amenity of the future occupiers. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

Childrens Play Space

Policy 3.6 'Children and young people's play and informal recreation facilities' of the London Plan (2016) recommends that development that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

The Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation sets out guidance to assist in this process.

The play space requirements based on the estimated child yield of the development have been calculated (using the GLA's Child Yield Calculator) and a total of 319.3sqm of play space would be required (160sqm for 0-5 year olds; 100sqm for 5-11 year olds; and 6sqm for 12+ year olds)

The proposal includes a total provision of 309sqm of children's play space to meet the requirements of all age groups. Therefore, in terms of children's play space, the proposal is considered acceptable, in accordance with the requirements of the Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation and policy 3.6 of the London Plan (2016).

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT

Policy 2.13 of the London Plan notes that Hayes forms part of the wider Heathrow Opportunity Area which is identified as having capacity to accommodate a minimum of 9,000 new homes and 12,000 additional jobs. The London Plan also specifically recognises the Hayes-West Drayton corridor as offering a range of redevelopment opportunities - including small business parks, logistics and mixed uses.

This 0.2 hectare site forms part of the Squirrels Trading Estate which is located within a wider 34 hectare expanse of employment land south of the railway at Hayes and Harlington known as the 'Nestles Avenue Industrial Cluster'. All 34 hectares of this cluster is currently subject to designation as a Strategic Industrial Location (SIL). London Plan Policy 2.17 seeks to promote, manage and, where appropriate, protect SILs. Further to

this, the latest evidence of strategic demand (London industrial land demand study 2017) suggests that boroughs need to intensify industrial land and retain overall levels of floorspace in order to safeguard future capacity to service the London economy and is growing population. This new evidence underscores the importance of a carefully managed plan-led approach to employment land management in line with London Plan Policy 2.17.

Hillingdon Council's Emerging Local Plan: Part 2 (2018) proposes the release of 16 hectares of SIL from the Nestles Avenue Industrial Cluster (including this site as part of the wider Squirrels Trading Estate). However, this release is predicated on a requirement within Emerging Policy SA 5 of the Site Allocations Plan (Proposed Modifications 2018) to re-provide a specified proportion of employment space as part of any mixed use redevelopment (refer to paragraphs 20 to 21 below). The key drivers for the proposed release of SIL land at the Nestles Avenue Industrial Cluster (rather than elsewhere in the borough) are: the proximity of this land to the Hayes and Harlington Crossrail station and, the potential for comprehensive redevelopment of this land to support sustainable suburban intensification of homes and jobs and the regeneration of Hayes town centre, in line with Policy 2.15 of the London Plan (2016).

As part of the coordinated approach to SIL consolidation discussed above, the Emerging Local Plan: Part 2 seeks to ensure that a minimum of 50% of each site at Squirrels Trading Estate contains employment generating uses (including B1 office and suitable B2 light industrial). This policy has been drafted so flexibility may be applied in terms of land area or floorspace. In practice, however, given the ambition to deliver high density genuinely mixed use development adjacent to the Crossrail station, the Local Plan target is being implemented on a '50% re-provided floorspace' basis for Squirrels Trading Estate and other sites within the Emerging Site Allocation SA 5 (Proposed Modifications 2018).

The site is currently occupied by a food distribution business and provides a total of 2,335 sq.m. of Class B8 employment space. The applicant is proposing to provide approximately 1,620 sq.m. of Class B1 employment floorspace in the form of office space for small to medium sized enterprises (SMEs). This provision equates to a 64% reprovision of existing employment floorspace, and therefore accords with the Emerging Local Plan. However, it is vital to note that this relates to the site in isolation. Whilst, in principle, a flexible approach to how the Emerging Local Plan reprovision target is met across the Squirrels Trading Estate as a whole may be considered, the absence of a sufficiently comprehensive proposal at this stage makes delivery of this policy objective significantly uncertain. Accordingly, the proposed provision of employment space at this site does comply with the plan-led approach to consolidating the Nestles Avenue SIL, in accordance with London Plan Policy 2.17, it may well not do so when taken as part of a more strategic approach.

The Site Allocation SA 5 within the Emerging Local Plan Part 2 makes clear that the Council seeks to incorporate the Squirrels Trading Estate Estate (identified as Site B within the wider SA 5 land allocation) as part of of a wider, comprehensive redevelopment of he land south of the railway. Indeed the GLA has also strongly supported the thrust of this approach and note that in general, comprehensive redevelopment is essential to ensure that the challenges and incentives of brownfield land development are shared evenly in order to achieve coherent growth and regeneration - whilst integrating delivery of the infrastructure necessary to support sustainable communities.

Whilst the principle of mixed use redevelopment of the Squirrels Trading Estate is supported, in the absence of a comprehensive scheme there are major strategic concerns that allowing this site to come forward in isolation could undermine the delivery of wider

policy and design objectives that may well require cross-subsidy as part of a larger and more viable scheme.

In the absence of a comprehensive scheme, the development of this site in isolation would result in a piecemeal development that would fail to safeguard the satisfactory redevelopment of this strategic site 'B' identified within Policy SA 5 of the Emerging Local Plan: Part Two (October 2015). The proposed development is therefore contrary to Policy H1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policy BE14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); and Emerging Policy SA 5 of Site Allocations (Proposed Modifications 2018).

PROVISION OF AFFORDABLE HOUSING

In respect of affordable housing, the NPPF (2018) aims to boost the supply of housing and states that where local planning authorities have identified that affordable housing is needed, they should set policies for meeting this need onsite.

The London Plan (2016) sets the policy framework for affordable housing delivery in London. London Plan Policies 3.10 -3.13 require that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes, having regard to their affordable housing targets.

The London Plan (2016) establishes the need for regional growth in housing and employment and identifies Opportunity Areas as a means by which this requirement can be accommodated. The London Plan seeks that development should maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses, respect local context, character and communities and be sustainable. London Plan Policy 3.8 states, that whilst boroughs should seek the maximum reasonable amount of Affordable Housing, regard should be had to the need to encourage rather than restrain residential development. Negotiations on sites should take account of their individual circumstances, including development viability.

Policy 3.10 of the London Plan (2016) goes on to state that affordable housing should be provided in different types/tenures to include low cost rent/affordable rented and shared ownership/intermediate housing, to meet the needs of specific households whose needs are not met by the market. Policy 3.11 of the London Plan 2016 goes on to state that 60% of the provision should be low cost rent/affordable rent and 40% shared ownership/intermediate housing. Policy H2 of the adopted Local Plan Part 1 (2012) seeks a tenure split of 70% low cost rent/affordable rent and 30% shared ownership/intermediate housing. This is also set out in the emerging Development Management Policy DMH 7 (2015). Whilst the local policy differs from the London Plan policy, the local planning policies take into account the need within the Borough.

Policy 3.12 of the London Plan (2016) seeks the maximum reasonable amount of affordable housing and the Local Plan establishes a Borough-wide strategic affordable housing target of 35%. The same target has been adopted for the Hayes Housing Zone.

The proposed development offers 24 units as affordable housing, equating to 35.3% of the total residential units. Of this affordable housing provision, 29.2% is proposed to be shared ownership housing and 70.8% is proposed to be affordable rent. This tenure split is therefore in accordance with policy 3.11 of the London Plan 2016 or adopted policy H2 of the Local Plan Part 1 (2012).

UNIT MIX

Adopted Policy H4 of the Local Plan Part 1 (2012) states that housing provision is expected to include a range of housing to meet the needs of all types of households. The proposed development is seeking to deliver a range of unit sizes including studios, 1, 2 and 3 bed units.

The scheme incorporates a range of dwelling types to provide opportunities for families, first time buyers and downsizers. The scheme provides:
21 x one bed units equating to 30.8%
24 x two bed units equating to 35.2%
23 x three bed units equating to 33.8%

The proposed mix is considered to broadly meet the current identified housing demand in the borough.

AIRPORT SAFEGUARDING

BAA Safeguarding have assessed the application and have stated that they have no objection, subject to appropriate conditions and informatives.

ARCHAEOLOGY

The NPPF 2018 sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption in favour of 'sustainable development', a key component of which includes protecting and enhancing the historic environment. In general terms, the document places great weight on: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; their potential to contribute to sustainable communities; and the desirability of new development making a positive contribution to the historic environment's distinctiveness.

Policy 7.8 of the London Plan 2016 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 189 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where necessary undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

An Archaeological Desk Based Assessment has been completed which confirms the site is not located within an Archaeologically Significant Area, including any Archaeological Priority Zone or Area and based on the limited archaeological potential of the study site, the development proposals are considered very unlikely to have a significant or widespread negative archaeological impact. In addition the council have consulted with the Greater London Archaeological Advisory Service (GLAAS) and they have confirmed they have no concerns.

The proposals are therefore considered to accord with the NPPF and Policy 7.8 of the London Plan (2016).

SUSTAINABLE WASTE MANAGEMENT

Policy 5.16 'Waste Net Self Sufficiency' of the London Plan (2016) sets out the Mayor's spatial policy for waste management, including the need to minimise waste and encourage recycling. This is supported by policy EM11 of the Local Plan Part 1 2012.

The proposal provides separate refuse stores for residential and commercial involving a store for each residential block and one for commercial use. These stores are located at ground floor at either corner on the north facade. The supporting information states that refuse vehicles would be able to stop within 18m of the refuse holding area. Due to the narrow street frontage and limited vehicular access to Block B, the refuse bins for this block would have to be moved to a temporary store at the end of Viveash Close. It should be noted that the collection points for refuse should not be more than 10m from the highway, which could be controlled by way of condition if the scheme was considered acceptable in all other regards.

The proposed development comprises 2 elements/streams of refuse and recycling, the residential areas and the commercial facilities on site. These matters have been considered by the waste strategy officer and it is considered that subject to suitable conditions to secure these waste management arrangements, the proposal would be considered to be acceptable and compliant with policy 5.16 of the London Plan (2016) and policy EM11 of the Local Plan Part 1 2012.

RENEWABLE ENERGY/SUSTAINABILITY

The NPPF encourages local planning authorities to adopt proactive strategies to mitigate and adapt to climate change, paragraph 148 supports the move to a low carbon future and seeks to increase low carbon energy. Policy 5.2 of the London Plan 2016 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean: use less energy;
2. Be Clean: supply energy efficiently; and
3. Be Green: use renewable energy.

Policy 5.2 of the London Plan (2016) also seeks new residential development to be zero carbon from 2016 and as per building regulations requirements for non-domestic buildings. A detailed energy assessment is required to demonstrate how the targets for carbon dioxide emission reductions have been met within the framework of the energy hierarchy.

Policy 5.3 of the London Plan 2016 seeks sustainable design and construction and for proposals to demonstrate that sustainable design standards are integral to the development.

Policy BE1 of the Local Plan Part 1 (2012) requires all new development to improve and maintain the quality of the built environment to create successful and sustainable neighbourhoods. All new developments should achieve a satisfactory assessment rating in terms of the latest Building for Life Standards. Proposals should also maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of
local air quality pollutants.

Policy 5.6 of the London Plan (2016) seeks to ensure that new development evaluates the potential for connections to Combined Heat and Power (CHP) systems and states that major development proposals should select energy systems in accordance with the following hierarchy:

1. Connection to existing heating or cooling networks;

2. Site-wide CHP network; and
3. Communal heating and cooling.

The proposed development consists of 68 new build residential units. For the purpose of the energy report, 21 dwelling types have been identified for the whole development: 12 for Block A and 9 for Block B. The energy and CO2 emissions reduction have been calculated for these dwelling types and the results have been multiplied by the cumulative floor area for the particular dwelling type in question to give the related CO2 emissions.

The Energy Strategy demonstrates a shortfall in emissions from the Zero Carbon target set by the London Plan (Policy 5.2). The shortfall is 56.02tCO2. In situations such as this it is necessary to provide an offsite contribution through payment to the Council's carbon reduction fund. This is supported by Policy 5.2e of the London Plan. The contribution calculation has been provided by the GLA and it requires a payment of £1800/tCO2 (£60/tCO2 x 30years). The Section 106 for this proposal must include a contribution of £100,863. This is necessary to ensure policy compliance along with the condition.

The glazing area of a building can have significant impact on heat losses, thermal comfort and daylight levels. For this project the estimated glazing percentage of the building is 35.45%. This is the total glazed area divided by the facade area.

The energy report submitted with this application states, space heating within the building will be provided by an energy efficient communal gas boiler, with a heating control system (charging system linked to use of community programmer
and at least two room thermostats) for all dwellings. Similarly an energy efficient (91%) gas boiler, with heating control system has been assumed for commercial unit, in line with GLA Guidance for Energy Reports (2016).
Domestic hot water will also be provided from the communal gas boiler system. Each dwelling will be fitted with a cylinder varying from 125 litres for 1 bedroom dwellings to 170 litres for 2-3 bedrooms dwellings.
The air quality within a building and individual dwellings is significantly influenced by the ventilation system specified. To ensure high air quality within the building/dwelling(s), an efficient balanced ventilation system with heat recovery has been specified. The system will have a low specific fan power (0.44 W/l/s) and a heat recovery efficiency of 90% for the domestic units and 75% for the commercial unit.

Cooling within the commercial unit will be provided by an air source heat pump with a SEER of 5.0.

There are currently no existing district heating networks located in the vicinity that the development could link to. However, the London Heat Map does highlight that the site will be located close to a potential district heat network and an allowance will be made within the building services design to allow for a future connection. In addition in view of the absence of the likely energy demand required to match CHP production, the installation of a CHP system would not be considered for this development.

The Council's Energy Officer has reviewed the submissions and raised no objections, subject to the provision of conditions to ensure further details are submitted and the details contained within these being secured, in addition to the carbon offset contribution for the residential and commercial part of the development. As such the application is considered acceptable and accords with policies 5.2, 5.3 and 5.6 of the London Plan (2016) and Policies EM1 and BE1 of the Local Plan: Part 1 (2012).

FLOODING ISSUES

Government guidance requires that consideration be given to flood risk in the planning process. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in flood risk areas, it can be permitted provided it is made safe without increasing flood risk elsewhere.

The London Plan (2016) reiterates national policy guidance, and Policy 5.12 seeks to ensure development proposals comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.

London Plan Policy 5.2 (2016) sets out that development should address the issues of flood resilient design and emergency planning. Development should remain safe and operational under flood conditions and buildings should be designed for quick recovery following a flood. Policy 5.13 of the London Plan (2016) seeks to ensure that Sustainable Urban Drainage Systems are included in development proposals.

Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding. The application is not located within a zone at risk of flooding, however due to the size of the development, it is necessary for it to demonstrate that it would incorporate sustainable drainage techniques and reduce the risk of flooding, in accordance with the requirements of Polices 5.11, 5.12 and 5.13 of the London Plan and the NPPF.

The Council's Floods Officer has reviewed the submissions and the drainage strategy which is considered acceptable. However, further refinement is needed to establish the final design. Currently the design provides for the worst case scenario as a tank providing all attenuation which is not acceptable. Therefore the proposal is considered unacceptable given the lack of detailed information submitted.

Therefore in the absence of detailed flood risk assessment and drainage report, the application has failed to address the issues relating to flood risk and has failed to demonstrate that this development incorporates sustainable drainage techniques and reduce the risk of flooding. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 5.12 and 5.13 of The London Plan (2016), the National Planning Policy Framework (July 2018) and the Planning Practice Guidance (March 2014).

NOISE

Paragraph 180 of the NPPF (2018) states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions. According to the government's Noise Policy Statement for England (NPSE) of March 2010, these aims should be achieved within the context of Government policy on sustainable development.

Saved Policies OE1 and OE3 of the Local Plan (2012) seek to protect the environment

from the adverse effects of pollutants and to ensure sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable. Saved Policy OE3 seeks to ensure that uses which have the potential to cause noise be permitted only where the impact is appropriately mitigated.

The proposal raises significant concerns with regards to the submitted information. The site is surrounded by railway noise to the north and industrial/commercial noise to the other elevations in a predominantly industrial location. Therefore concerns as to the suitability of the site for residential use have been raised.

The applicants noise impact assessment by KR Associates has only looked at railway noise with regards to the noise prediction maps. Mention is made of short term monitoring of other noise but was not included in the assessment submitted. The concern is the other uses of the industrial units around the site which include car repair which will have an element of impulsive noise such as hammering which needs to be included in any assessment. The report therefore fails to make it clear if the industrial/commercial noise is dominant. Where this is the case then an assessment under BS4142 should also be undertaken.

The applicants assessment was made on the basis of windows closed (par 1.5 of the report). However a further assessment has to be made with windows open as this is the approach recommended in the Council's Noise SPD (para 4.19) and the new Professional Practice Guidance on Planning & Noise (ProPG May 2017) as this demonstrates good acoustic design. The noise assessment only looked at internal noise level but no assessment of the amenity areas have been made. Also the internal noise levels were assessed in terms of LAeq and not LMax. Therefore taking all matters into consideration and given the lack of accurate quantifiable evidence, the proposal is unacceptable.

Accordingly, in the absence of a comprehensive noise report, the applicant has failed to demonstrate that the development will not have an unacceptable impact on future and neighbouring occupants by way of noise and disturbance. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

AIR QUALITY

The NPPF, requires that "the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."

London Plan (2016) Policy 7.14 (Improving Air Quality) states that development proposals should:
- Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the Greater London Authority and London Councils;
- Where biomass boilers are included, set out a detailed air quality assessment that should forecast pollutant concentrations. Permission should only be granted if no adverse impacts from biomass are identified; and
- Aim to be 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as AQMAs).

Local Plan: Part 1 (2012), strategic objective SO11 aims to: "address the impacts of

climate change, and minimise emissions of carbon and local air quality pollution from new development and transport." and Policy BE1 (Saved UDP Policy 2012) states that "The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should, maximise the opportunities for all new homes to contribute to tackling and adapting climate change and reducing emissions of local air quality pollutants."

Policy EM1 of Local Plan: Part 1 (November 2012) also requires that areas with high carbon emissions should be targeted for additional carbon reductions through low carbon strategies. Policy EM8 of Local Plan: Part 1 (November 2012) requires conformity with air quality management area policies.

The proposed development is within the declared AQMA and in an area which currently appears to be close to the European Union limit value for annual mean nitrogen dioxide, and may be exceeding the EU limit value. It is likely the air quality will continue to be poor in the area due to existing traffic issues without development, and it will likely worsen due to increase in traffic as a consequence of the development.

The applicants have failed to quantify the air quality reductions detailed within their report and it is not possible to monitor their success or efficiency and usually these are default measures considered by proposals in genera. Therefore suitable mitigation needs to be quantified in terms of NOx reduction and associated ambient air concentration reductions and implemented. As a result, the applicant is required to provide a financial contribution to enable the Local Authority to ensure provisions are made to reduce emissions from the development, of the amount of £70,565.

Subject to conditions and planning obligations, it is considered that the impact of the development on the air quality of the area can be mitigated, to the extent that refusal of the application on these grounds would not be justified.

CONTAMINATED LAND

NPPF (2018) states that planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Policy 5.21 of the London Plan relates to contaminated land. It confirms that the Mayor supports the remediation of contaminated sites and will work with strategic partners to ensure that the development of brownfield land does not result in significant harm to human health or the environment, and to bring contaminated land to beneficial use. The policy states that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination. Borough Local Development Frameworks should encourage the remediation of contaminated sites and set out policy to deal with contamination.

Local Plan: Part 1 Strategic Objective SO10 is to "Improve and protect air and water quality, reduce adverse impacts from noise including the safeguarding of quiet areas and reduce the impacts of contaminated land" and Policy EM8 seeks mitigation strategies for development on contaminated land. Emerging Policy DMEI 12 of LPP2 requires planning applications on sites with potential contamination to be accompanied by an assessment of

the likely contaminants.

The Desk Based Assessment produced by RPS has identified a number of potential pollutant linkages that may become active upon the redevelopment of the site. It is therefore recommended that the potential for these linkages to be active is assessed through a Phase 2 Environmental Site Investigation of the site.

It is considered that if the proposal was considered suitable in all other regards the imposition of suitable conditions to carry out further investigations and land remediation could have been included. Therefore no objections are raised and refusal on these grounds would not be justified.

PLANNING OBLIGATIONS:

Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is concerned with securing planning obligations to supplement the provision recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These saved UDP policies are supported by more specific supplementary planning guidance.

Had this application been considered acceptable and recommended for approval the following Heads of Terms would have been sought.

1. On site affordable housing (39% by hr or 35% by unit) with Policy compliant tenure mix;
2. S278 works in and around the site;
3. Car parking permit restriction for existing and future parking management zone (for residents and employees)
4. £5,000 towards an extension of the parking management zone
5. £49,062 for Bulls Bridge improvements
6. £23,304 for additional bus capacity
7. Travel Plan (plus £20,000 bond) for all uses and a travel plan coordinator
8. Financial Contribution of a minimum £10,770.11 towards the Nestles Avenue road widening works;
9. £13,933.20 Contribution towards Cranford Park improvements
10. Employment and training Strategy for construction phase and commercial development (end users)
11. Contribution of up to £70,565 for Air Quality mitigation
12. Contribution of up to £100,863 for Carbon offset fund
13. Monitoring contribution (equivalent to 5%)

As these HoT have not been agreed, it is deem expedient to refuse this application for failure to secure adequate mitigation. This development would also be liable to London Borough of Hillingdon and Mayoral CIL Payment.

8. Reference Documents

The Hillingdon Local Plan: Part 1- Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (March 2016)
National Planning Policy Framework (NPPF) (July 2018)
Hillingdon Supplementary Planning Document - Community Safety by Design (July 2004)
Hillingdon Supplementary Planning Document - Air Quality (May 2002)
Hillingdon Supplementary Planning Document - Planning Obligations (July 2014)

Hillingdon Supplementary Planning Document: Accessible Hillingdon January (2010)
Hillingdon Supplementary Planning Document : Residential Layouts (July 2006)
Hillingdon Supplementary Planning Document : Public Realm (April 2006)
Employment Land Study Update produced by URS (February 2014)
Draft London Plan (November 2017)
Planning Practice Guidance (online)
Draft Hillingdon Local Plan: Part 2 (Proposed Modification 2018)
Draft Hillingdon Site Allocations and Designations (Proposed Modification 2018)
London Plan SPG: Affordable Housing & Viability (August 2017)
London Plan SPG: Housing (March 2016)
London Plan SPG: Social Infrastructure (May 2015)
London Plan SPG: Crossrail Funding (March 2016)
London Plan SPG: Accessible London: Achieving an Inclusive Environment (October 2014)
London Plan SPG: The control of dust and emissions during construction and demolition (July 2014)
London Plan SPG: Town Centres (July 2014)
London Plan SPG: Use of planning obligations in the funding of Crossrail, and the Mayoral
London Plan SPG: Community Infrastructure Levy (April 2013)
London Plan SPG: Land for Industry and Transport (September 2012)
London Plan SPG: Play and Informal Recreation (September 2012)
London Plan SPG: Planning for Equality and Diversity in London (October 2007)
Draft National Policy Statement for Water Resources (November 2017)

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