

Report of the Head of Planning, Transportation and Regeneration

Address	STANFORD HOUSE, 9 NESTLES AVENUE HAYES
Development:	Demolition of existing building and redevelopment to provide a building up to 10 storeys, with 868 sq.m of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential units to the upper floors, with associated landscaping, access, car parking and cycle parking.
LBH Ref Nos:	51175/APP/2018/4260
Drawing Nos:	Air Quality Assessment Flood Risk Assessment Framework Travel Plan Transport Assessment Archaeological Desk Based Assessment SAP Calculations Noise and Vibration Assessment Finanacial Viability Repor 1820-1104 Rev. E 1820 -1105 Rev. E 1820 -1110 Rev. D 1820 -1100 Rev. D Daylight and Sunlight Repor Arboricultural Report Planning Statement 1820 -1300 Rev B Design and Access Statement 1820 -1301 Rev B 1820 -1302 Rev B 1820 -1303 Rev A 1820-0100 1820-0101 1820-0102 1820-0300 1820-1001 Rev B 1820-1002 Rev B 1820-1011 Rev B 1820-1101 Rev D 1820-1102 Rev D 1820-1103 Rev D 1820-1106 Rev D 1820-1107 Rev D 1820-1108 Rev D 1820-1109 Rev D 1820-1200 Rev A 1820-1000 Rev D Ground Investigation Repor Delivery and Servicing Plan Covering Letter Landscape Design Report Rev. 02

Statement of Community Involvement

Date Plans Received:	05/12/2018	Date(s) of Amendment(s):	16/04/2019
Date Application Valid:	05/12/2018		05/12/2018
			06/12/2018

Reason for Urgency

A non determination appeal was lodged against this application on 07/06/2019.

1. SUMMARY

The application seeks permission for the demolition of existing building and redevelopment to provide a building up to 10 storeys, with 868 sq.m of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential build to rent units to the upper floors, with associated landscaping, access, car parking and cycle parking.

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 (2015). Though Policy SA 5 generally supports mixed use development, this application fails to satisfactorily deliver a comprehensive development that responds to the context of the whole of site B.

The proposed development is considered unacceptable by virtue of its footprint and site coverage. The proposal provides dead frontages at ground floor level and fails to clearly delineate between the commercial and residential accommodation. The large expanse of blank elevations results in poor relationships with the surrounding environment.

The development fails to provide sufficient private and communal amenity space and fails to provide sufficient 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 servicing and delivery arrangements are considered unacceptable as it is likely to result in the conflict of movement between cyclist and pedestrians.

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 SA5

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 2019). 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 (March 2019).

2 NON2 Reason for Refusal: Affordable Housing

The proposed development fails to make appropriate provision of on site affordable housing. The proposal is therefore contrary to Saved Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies Policies 3.10 - 3.13 of the London Plan (2016); and National Planning Policy Framework, Para. 62 -64 (2019) or the Mayor's Affordable Housing and Viability SPD 2017.

3 NON2 Reason for Refusal: Overdevelopment

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, which represents an over-development of the site, 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 and the Botwell/Nestles Conservation Area, contrary to Policies 3,4 and 7.6 of the London Plan (2016), Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); Policies DMHB 1, DMHB 2, DMHB 11, DMHB 12 and DMHB 14 of the emerging Local Plan: Part 2 (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4 NON2 Reason for Refusal: Urban Design

The proposed development, due to its footprint and site coverage would create a narrow corridor along the eastern boundary of the site and fails to provide sufficient landscaping along the eastern boundary. Moreover, the eastern boundary provides the entrance into the office and residential units on a secondary elevation which is hidden along this access road. The principal elevation, along the eastern boundary, fails to provide a sense of arrival for future occupants and results in a poor streetscape. The narrow eastern corridor fails to provide a safe, suitable and convenient access for future residents. The proposal fails to provide an active residential frontage along Nestles Avenue. The proposal would fail to provide a sense of arrival and would be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to the National Planning Policy Framework, Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); Policies DMHB 1, DMHB 2, DMHB 11, DMHB 12 and DMHB 14 of the emerging Local Plan: Part 2 (March 2019) and the adopted Supplementary Planning Document Hillingdon Design and Accessibility Statement: Residential Layouts SPD (2006); Policies 3.5 and 7.5 of the London Plan (2016) and Chapters 2, 11 and 12 of the NPPF (2019).

5 NON2 Reason for Refusal: Noise

The development provides a high proportion of single aspect dwellings and dwellings with their sole aspect facing towards Strategic Industrial Land. The development fails to provide sufficient separation from the western boundary of the site to mitigate against a

potential noise generating use on the neighbouring site and as such, the proposal fails to take responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive residential development and thereby fails to provide a suitably high quality of residential amenity for future occupiers contrary to Policy BE1 of the Local Plan: Part One (November 2012); Policy OE1 of the Local Plan: Part Two (November 2012) and Policy 7.15 of the London Plan (2016) and Paragraph 182 of the NPPF (2019).

6 NON2 Reason for Refusal: Car Parking

The proposed development fails to provide sufficient car 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.

7 NON2 Reason for Refusal: Highways Safety

The proposed development, by virtue of its layout and servicing and delivery arrangements off a layby along Nestles Avenue, would compromise highway and pedestrian safety by virtue of the proposed vehicular access into the site and the servicing and delivery arrangements, giving rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policies DMT 2 and DMT 5 of the emerging Local Plan: Part 2 (March 2019), Policy 6.12 of the London Plan (2016) and Chapter 9 of the NPPF(2019).

8 NON2 Reason for Refusal: Highways Safety(Manoeuvrability)

The 4 proposed car parking spaces fail to provide a manoeuvring distance of 6m in accordance with Manual for Streets Standards. The proposed layout gives rise to conditions prejudicial to future users of these substandard car parking spaces and future occupants who are required to use the pedestrian footpath to access the residential and commercial entrances contrary to Policy AM7 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.

9 NON2 Reason for Refusal: Private Amenity Space

The proposed development fails to provide on site private and communal amenity and children's play space of a quantity and quality commensurate to the size and layout of the proposals. Furthermore, the communal amenity areas are situated directly outside habitable rooms and balconies which would result in overlooking from communal spaces into balconies and habitable rooms. Such an arrangement would be detrimental to the residential amenity of the future occupiers 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), emerging policy DMHB 1 of the Local Plan Part 2 (March 2019), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

10 NON2 Reason for Refusal: Sustainable Drainage

The proposed development, in the absence of a comprehensive surface drainage strategy fails to demonstrate suitable sustainable urban drainage systems have been utilised and it is therefore contrary to Policy DME1 10 of the emerging Local Plan: Part Two (March 2019), Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy 5.13 of the London Plan(2016).

11 NON2 Reason for Refusal: Section 106

The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of children's play space, CO2 emissions, public realm improvements, air quality, construction training, canal quiet way, public transport and affordable housing). Given that a legal agreement to address this issue has not at this stage been offered or secured, the proposal is considered to be contrary to Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), DMCI 7 of the emerging Local Plan: Part 2 (March 2019), Policy 3.6, 3.10, 3.13, 5.2 and 8.2 of the London Plan (2016) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

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
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

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.

5 174 **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

6 171 **LBH worked applicant in a positive & proactive(Refusing)**

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 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a) We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

b) In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

c) In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable. However, the amendments required to make the application acceptable are substantial and would materially change the development proposal. They would require further consultation to be undertaken prior to determination which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider the submission of a fresh

application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 2-storey industrial building located on the northern side of Nestles Avenue, south of Hayes town centre and Hayes & Harlington Station. The existing building sits on a 0.23 hectare site which is split into two distinct elements, the larger portion to the rear comprises a large open plan factory and a two-storey administrative block fronting onto Nestles Avenue. The building was built in the late 1930s and has an Art Deco influenced formal facade with horizontal steel windows and concrete dressings.

Stanford House is set back from Nestles Avenue by 15 metres with a hard landscaped forecourt and green hedging and trees to the boundary. The site is one of a number of light industrial units along Nestles Avenue which also accommodate education and self storage uses and a former 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 many with Art Deco influences. 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 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 2019).

To the south west, on the opposite side of Nestles Avenue, lies a predominantly residential area, largely characterised by two-storey semi-detached properties.

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.

It is immediately bounded to the east by Botwell/Nestles Conservation Area. The wider site's heritage significance relates to the site's industrial design and its manufacturing history. There are locally listed structures within the wider site, which include the Main Factory, the Canteen Building, the Lodge and the gates/railings at the front of the site.

The site currently falls within an Air Quality Management Area (AQMA) as designated in the Hillingdon Local Plan. It also falls within the Hayes Housing Zone and the Heathrow Opportunity Area, as designated in the London Plan(2016).

The Hayes Town Centre Housing Zone, is a 238 ha area which was selected in March 2016 by the Mayor of London as one of 31 new Housing Zones in London. The Council's emerging Local Plan: Part 2 identifies this as one of three sites (this forming a part of site B) along Nestles Avenue, due to be released from their current Industrial and Business Area (IBA) designation and allocated for mixed-use redevelopment. The principle of the development will be discussed in Part 7.1 of this report. However, it is notable that planning permission ref: 1331/APP/2017/1883 (28-06-18) was granted for the comprehensive mixed

use redevelopment of the former Nestle Factory site (Site A), to provide 1,386 dwellings; office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2); commercial floorspace (Use Classes B1c/B2/B8); a Data Centre (sui generis); amenity and playspace; allotments; car parking; and associated development. Planning applications have also been submitted for the comprehensive mixed use redevelopment of nos.3 & 233-236 Nestle Avenue (Site C) under planning ref: 73238/APP/2018/1145 which was approved at planning committee on 14-04-19 and 3 Viveash Close (part of site B) under planning ref: 36678/APP/2017/1774 (18-10-18) which was refused and is currently at appeal.

3.2 Proposed Scheme

The application proposal seeks full planning permission for the demolition of the existing warehouse and redevelopment of the site to provide a residential led-mixed use scheme comprising 868 sq.m of commercial floorspace alongside 81 residential self contained build to rent units providing the following mix:

- 44 x 1 bed (54%)
- 28 x 2 bed (35%)
- 9 x 3 bed (11%)

The development would be arranged in one single block with staggering heights with the tallest element of the proposal situated to the northern part of the site.

Pedestrian and vehicular access provided to the eastern part of the site and the site has been set back from Nestles Avenue by approximately 17m to allow for the Multi Modal Transport Scheme (MMTS) along Nestles Avenue. The application is car free other than the 4 accessible car parking spaces (3 commercial and 1 residential) proposed at ground floor level.

The proposal has been subject to a Financial Viability Appraisal and the applicant seeks to provide on site Discount Market Rented affordable units which equates to 11% on a habitable room basis.

The landscaping strategy proposes to provide private and communal space through private balconies and roof top communal terraces.

Amended plans were submitted and accepted on 16-04-2019. The amended plans show PV panels at fourth, fifth and at roof level.

3.3 Relevant Planning History

51175/96/1522 9 Nestles Avenue Hayes

Change of use of premises from Class B1 (Business) to Class B2 (General Industrial) with provision of associated parking

Decision: 18-12-1996 Approved

51175/APP/2019/187 Stanford House, 9 Nestles Avenue Hayes

Demolition of existing buildings and redevelopment to provide a building up to 10 storeys, comprising 84 (44 x 1 bed, 28 x 2 bed and 12 x 3 bed) residential units, associated landscaping access, car parking and cycle parking

Decision:

Comment on Relevant Planning History

There is planning history relating to the existing industrial units on site. However, this predominantly relates to their historic industrial and business use and is of limited relevance to the current proposals.

Under planning ref: 51175/APP/2019/187 an application has been submitted for the demolition of existing buildings and redevelopment to provide a building up to 10 storeys, comprising 84 (44 x 1 bed, 28 x 2 bed and 12 x 3 bed) residential units, associated landscaping, access, car parking and cycle parking.

The key difference between this application and the proposal under ref: 51175/APP/2019/187 is that this application seeks to provide a commercial unit at ground floor level and the other application does not include a commercial unit at ground floor level.

SURROUNDING AREA

3 Viveash Close

Under planning ref: 36678/APP/2017/1774 and application for the 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 was refused and is currently under appeal.

FORMER NESTLE FACTORY (SITE A - Policy SA 5)

Under planning ref: 1331/APP/2017/1883 permission was granted for part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3), office, retail, community and leisure uses (Use Class A1/A3/A4/B1/B8/D1/D2), 22,663sq.m (GEA) of commercial floorspace (Use Classes B1c/B2/B8 and Data Centre (sui generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works.

LAND AT 3, 233-236 NESTLES AVENUE HAYES (SITE C - Policy SA 5)

Under planning ref: 73238/APP/2018/1145 there was a resolution to grant planning consent subject to a Section 106 legal agreement for the demolition of existing buildings, site clearance and redevelopment to provide a mixed use scheme, including 457 residential units, 264 sqm (GEA) A1 retail use, 229 sqm (GEA) A3 cafe use and 2,273 sqm (GEA) B1 office, together with 237 car parking spaces and 1,070 cycle parking spaces, hard and soft landscaping, refuse and recycling facilities, and public and private amenity space.

1 NESTLES AVENUE

Under planning ref: 1699/APP/2017/2201 the application was withdrawn for the demolition of existing building and redevelopment of the site to provide three basement levels for

Class B8 (self-storage) and car parking, ground floor podium and five buildings above arranged over six, seven and ten floors for 7081sq.m of Class B8 (self-storage), 1349sq.m of Class B1 (office), 115sq.m of Class A3 (cafe) and 164 Class C3 residential units; creation of a pedestrian walkway adjacent to the railway station; creation of a vehicular access and route from Nestles Avenue; provision of associated plant and landscaping.

4. Planning Policies and Standards

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.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.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 coastal
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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **10th May 2019**

5.2 Site Notice Expiry Date:- **10th January 2019**

6. Consultations

External Consultees

A site notice was displayed and a press notice advertised in a local paper on 17-12-2018, with a closing date of 10-01-2019. Amended plans were submitted and accepted on 16-04-2019. The amended plans were re-consulted on between 18-04-2019 and 10-05-2019.

6 objections were received which are summarised below:

The number of units being proposed is excessive. The area is already significantly congested, and traffic on the adjoining roads is extremely heavy and Council have already added and continue to add (Nestles) hundreds of units within a 1,000 metre radius. There is no park. The amenity space proposed on the top of the roofs is not adequate.

In the interim if the building does go ahead some compensation to the local residents for the years of noise and dust pollution should be provided.

If Nestles is building such an expansive city why does the neighbour feels is perfectly suitable for them to do the same without offering the parks and benefits to the local area as Nestles are proposing. It is deeply disappointing that the council are not looking at the bigger picture, 81 units is truly excessive and will look like a monstrosity not to mention impede neighbours right to privacy as they will have view into neighbouring gardens.

- The proposal features a poor layout
- The proposal would result in overlooking and the loss of privacy for future occupants of the neighbouring site
- The proposal would be in breach of HDAS 21m separation distances
- The proposal would result in the loss of light
- The proposal would be detrimental to the delivery of the neighbourhood
- The proposal would provide insufficient distance to boundary and the proposal provides a cramped form of development
- The proposal does not adequately consider the comprehensive integration with the surrounding sites

Officer comment: If this application had of been recommended favourably, a construction management plan would have been required to ensure its construction takes place sensitively. The other objections and comments raised are addressed within the main body of the report.

STATUTORY CONSULTEES

Hayes Conservation Area

These proposals are similar to other proposals that have been made for the northern side of Nestles Avenue in terms of heights and massing of buildings. We support the concept of "Built For Rent" with a single landlord for the whole of the site bringing a uniformity of rental and maintenance agreements but wonder if this can be maintained if there is a change in ownership or if circumstances arise that require part of the development to be sold to a different landlord. We also seriously question the "car free" assumption for this mixed residential and business development which lead to the decision not to provide on-site car parking apart from four blue badge disabled parking spaces.

Officer comment: The objection is addressed within the main body of the report.

NATS

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

Thames Water (Summary)

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

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

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes:- <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

The proposed development is located within 15m of a strategic sewer. Thames Water request that the following condition be added to any planning permission:-

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

Natural England

No comment.

Metropolitan Police - Secured by Design

Voiced my serious concerns previously and they remain now. There are objections to this proposal. The proposed Nestles area regeneration is a residential led one. By placing no residential on ground and having offices on ground all natural surveillance and activity is removed in the evening, and the natural guardianship that residents would have who overlook it is removed, resulting in an area much more susceptible to crime and anti social behaviour, which unfortunately Hayes does suffer from already.

Environment Agency (Summary)

This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters. However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

Protecting and improving the groundwater that supports existing drinking water supplies
Groundwater within important aquifers for future supply of drinking water or other environmental use which should be considered as part of the assessment of this application.

Ministry of Defence

The application site resides in the statutory safeguarding zones surrounding RAF Northolt and occupies the statutory aerodrome height 91.4m and birdstrike safeguarding zones and lies approximately 5.67km south from the airfield.

The proposed development site occupies the statutory height safeguarding zone that ensure air traffic approaches and the line of sight of navigational aids and transmitters / receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured obstacle free environment for aircraft manoeuvre.

On reviewing the application plans, I can confirm that the MOD has no statutory safeguarding objections to this proposal. However, the MOD recognises that cranes may be used during the construction of tall buildings at this site. These may affect the performance of the Precision

Approach Radar (PAR) and air traffic safety. If the redevelopment of this site does progress, it will be necessary for the developer to liaise with the MOD prior to the erection of cranes or temporary tall structures.

The MOD would request that a condition such as the one below be included in any planning permission granted to ensure that the MOD is notified of when and where cranes will be erected.

Transport for London

The existing site access arrangement via a single vehicular crossover will be retained and enhanced as part of the proposals. This arrangement is deemed acceptable in strategic transport terms, although the London Borough of Hillingdon may wish to form their own view as highway authority.

The development is proposed to be car-free (except for disabled car parking), which is welcomed and supported, in line with draft London Plan policy T6. A total of 4 disabled bays are proposed, of which 3 will be for residential use and 1 for commercial use, all of which will have active electrical vehicle charging facilities which is welcomed, in line with draft London Plan Policy T6. Whilst this provision is in accordance with standards from the outset of development, in order to fully conform to draft London Plan policy T6.1, it should be demonstrated how up to 5 additional residential disabled parking bays can be provided in the future upon request. The applicant has stated that this can not be provided on site due to site constraints and has detailed alternative arrangements in accordance with Accessible London SPG guidance.

It is proposed to utilise existing car club parking, within the Nestles Factory site development, to address the shortfall in accessible car parking provision on site, however it is not clear if there will be sufficient capacity to meet this demand, nor if these spaces are accessible for disabled users. The applicant should therefore submit additional supporting information in order to persuade TfL that this is a viable alternative to the provision of disabled parking on site. If this were to be agreed, funding towards free car club membership for new disabled residents should be secured by S106 agreement.

The applicant has committed to ensuring that a 'permit-free' arrangement will be secured via S106 agreement in the surrounding CPZ, which is welcomed.

Follow up comments from TfL; May 2019

I write following further assessment and review of the above case. These comments should be read in conjunction with those issued on the 8th January 2019, and further comments issued on the 1st May. It is noted that the development is proposed to be setback from Nestles Avenue, and land will be transferred in order to allow for the delivery of the multi-modal spine proposed. Furthermore, funding towards the delivery of this scheme is to be provided. TfL are supportive of this approach.

TfL have previously raised particular concerns regarding the proposal for on-street servicing via a half-on/half-off street loading bay due to the impact on the proposed highway and cycleway improvements on Nestles Avenue and are supportive of Hillingdon's local transport comments on this element. Draft London Plan policy T7 Deliveries, Servicing and Construction states that 'development proposals should facilitate deliveries and servicing, including through the provision of adequate space for servicing, storage and deliveries off-street'. Nestles Avenue will be a gateway to the development and the wider area, and should therefore provide exemplar streetscape, creating a place for all to enjoy.

TfL appreciate and support the London Borough of Hillingdon's objection to the piecemeal approach to the development, as this approach would likely fail to deliver the aspiration of the borough for delivery of a pedestrian and cycle route through the site to Hayes and Harlington station. We

welcome and support the additional local transport mitigation secured by the council.

Greater London Authority

Principle of development: The proposed under-provision of employment floorspace at this site leads to conflict with London Plan Policy 2.17. Moreover, there is strategic concern that allowing this site to come forward in isolation could undermine the delivery of wider policy and design objectives (paragraphs 11-24).

Housing: The proposed 18% affordable housing offer is unacceptable and currently being scrutinised by GLA officers to determine the maximum reasonable amount the scheme could sustain. The necessary clawback, covenants and reviews would need to be secured on any future permission (paragraphs 25-37).

Urban design: GLA officers expect a more comprehensive approach to redevelopment at Squirrels Trading Estate in order to ensure the best design outcome for this part of the Hayes Housing Zone (paragraphs 38-48).

Sustainable development: The applicant must provide further details on the proposed energy strategy and sustainable drainage proposals to demonstrate London Plan compliance (paragraphs 48-51).

Transport: The applicant is required to make submissions in respect to; a travel plan, a healthy streets check, a construction logistics plan and a delivery and servicing plan. The applicant must address transport issues with respect to; blue badge parking and cycle parking (paragraphs 51- 57).

Recommendation

That Hillingdon Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 61 of this report; but that the possible remedies set out in that paragraph of this report could address these deficiencies.

GLA Comments - Principle of Development

Heathrow Opportunity Area

11 As set out above, the site is located within the Heathrow Opportunity Area. London Plan Policy 2.13 states that development in Opportunity Areas is expected to optimise residential and non-residential outputs and contain a mix of uses. London Plan paragraph 2.58 states that Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility, which is echoed in the supporting text to draft London Plan Policy SD1. Paragraph 2.61 of the London Plan confirms that Opportunity Areas are expected to make particularly significant contributions towards meeting London's housing needs.

London Plan Policy 2.13 identifies the Heathrow Opportunity Area as having capacity to accommodate a minimum of 9,000 homes and 12,000 jobs. Through draft London Plan Policy SD1 this is revised to 13,000 homes and 11,000 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. The draft London Plan acknowledges the area contains a range of opportunities to support London's economic development and deliver new housing and environmental improvements. Draft London Plan Policy SD1 identifies Opportunity Areas as the capital's most significant locations for development capacity and seeks to ensure that this capacity is delivered in a sustainable and integrated way to ensure the successful delivery of the growth

targets outlined above. The proposed residential and commercial uses are complimentary to the strategic policy context of the site and would enhance the residential offer in Hayes. High density residential-led redevelopment of this previously developed site is in conformity with the aspirations of the London Plan and draft London Plan, both for the Opportunity Area and generally, subject to the appropriate re-provision of employment capacity at the site.

Strategic Industrial Land

It is noted that as part of the emerging local plan the site is proposed to be de-designated from its SIL allocation. However, the site is still characterised by industrial uses. 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 some boroughs need to intensify industrial land and retain overall levels of floorspace in order to safeguard future capacity to service the London economy and its 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.

Having regard to the new evidence there remain opportunities to sustainably consolidate certain areas of SIL in accordance with Policy 2.17 and draft London Plan E7 in order to: deliver operational efficiencies for SIL occupiers; intensify employment densities; and, contribute towards wider London Plan objectives. However, approaches that would effectively reduce the reservoir of SIL land in order to introduce a mix of non-compliant SIL uses must be strategically coordinated as part of a robust evidence-based planning process, i.e. via an Opportunity Area Planning Framework or Development Plan Document.

In this particular case, Hillingdon Council has been engaged with the GLA since 2014 on a plan-led process of rebalancing a local surplus of employment land. The approach evidenced within the Council's draft Hillingdon Local Plan part 2 (awaiting Inspectors report post examination) advocates the release of 16 hectares of SIL from the Nestles Avenue Industrial Cluster (including this site). However, this release is predicated on a requirement (through emerging Local Plan Policy SA5) to re-provide a specified proportion of employment space as part of any mixed use redevelopment. 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 1 station (which is due to benefit from Elizabeth Line services once operational); 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 London Plan Policy 2.15.

The Local Plan will require the masterplan area to deliver 50% industrial re-provision. In order to ensure that the strategic target of 50% re-provision of the pre-existing employment floorspace is made across the wider site allocation, individual plots may need to commit to providing more than 50% in order to provide certainty that this target will be met given the areas of land dedicated to public space and new routes around/through the site.

Whilst London Plan Policy 2.17 resists development on SIL land for non-industrial type uses, noting the evidence for release and emerging mixed use allocation for the wider Squirrels Trading Estate within the draft Hillingdon Local Plan: Part 2, GLA officers support the principle of comprehensive mixed-use redevelopment of this site, subject to the appropriate provision of new employment space in line with emerging Local Plan Policy SA5 which requires a minimum of 50% re-provision across the wider site. It must therefore be demonstrated that this scheme in itself proportionally contributes to this strategic target, and would not compromise the ability of neighbouring sites to achieve this necessary re-provision.

As part of the coordinated approach to SIL consolidation discussed above, the draft Hillingdon 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 intentionally drafted flexibly, and 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.

The site currently comprises 1,718 sq.m of commercial floorspace across a single storey warehouse and a two-storey office. The proposals seek to re-provide 868 sq.m of commercial floorspace, which is equivalent to a re-provision of 50.5% (equivalent to a net loss of 850 sq.m) at this site. Whilst the re-provision of commercial floorspace at the site is welcomed and the proposals marginally exceed the 50% strategic target GLA officers note that the 50% re-provision must be met for the entirety of the strategic site not merely each parcel individually. Given the land dedicated to public amenity and other uses, in practice each site would be required to contribute more than 50% to ensure the wider target is met. Furthermore, given the scheme is being proposed in isolation of the wider strategic allocation GLA officers have no certainty that the necessary employment re-provision will be delivered across the wider site allocation as a whole. The applicant has sought to demonstrate that these proposals do not prejudice the realisation of this strategic target by modelling where else in the plot commercial capacity could be accommodated. As above, GLA officers have no certainty that these projections will be realised. This raises a significant concern on the basis that the required 50% provision of new employment space is fundamental to the justification for the release of SIL in this location in line with London Plan Policy 2.17. The absence of a greater commercial offer at this site would effectively load an additional employment space requirement on other sites at the Squirrels Trading Estate. Whilst, in principle, a flexible approach to how the emerging Local Plan re-provision 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 under-provision of employment space at this site and raised strategic concern does not comply with the plan-led approach to consolidating the Nestles Avenue SIL leading to conflict with London Plan Policy 2.17 and draft London Plan E7.

Comprehensive development

Site allocation SA5 within the emerging Hillingdon Local Plan Part 2 makes clear that the Council seeks to incorporate this site as part of a wider, comprehensive, redevelopment of land south of the railway. GLA officers strongly support 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.

As part of pre-application engagement across a range of sites in the Hayes Housing Zone, the GLA has been working with Hillingdon Council and various other local stakeholders to develop a strategic masterplan for the area. Whilst non-statutory in status, it is intended to express high-level design principles for the SA5 site allocation in order to positively influence development proposals in this area and ensure that design aspirations are aligned (refer to Figure 2 in the urban design section below). Key objectives of the masterplan include a new linear open space to provide an east-west route from Station Road into the heart of site SA5, and a building height strategy which locates the tallest buildings adjacent to the railway and reduces building heights towards the suburban interface at Nestles Avenue.

The application site is adjacent to Nestles Avenue with its northern edge fronting onto the envisaged east/west connection which would run across the masterplan area. GLA officers concern, however, is that allowing this site to come forward in isolation could undermine the viability and delivery of other policy and strategic design objectives across the wider strategic masterplan area. GLA officers have specific concerns regarding: the balanced re-provision of employment space; delivery of the

east-west linear open space; and, other potential forms of necessary infrastructure or mitigation that may effectively require cross-subsidy as part of a larger (and more viable) scheme.

Whilst it is noted that the applicant has made several attempts to engage with neighbouring land owners to encourage them to work collaboratively on a more comprehensive scheme and provided evidence of this to GLA officers, this has so far not been successful. Accordingly, the applicant is encouraged to redouble its efforts to engage with neighbouring landowners, and as part of this, to jointly explore the feasibility and viability of a relocation solution for its immediate neighbour to the south. The importance of this is underlined by Hillingdon Council's decision to refuse planning permission for the redevelopment of the site just north beyond the proposed linear route through the site with the principal reason for refusal being the piecemeal nature of the proposals.

In the absence of a more substantial commercial offer and given the scheme is being progressed in isolation from the wider strategic site, GLA officers have no certainty that this scheme does not prejudice the overall realisation of the wider strategic sites realisation of 50% commercial re-provision. The proposed under-provision of employment floorspace at this site leads to conflict with London Plan Policy 2.17. Moreover, there is strategic concern that allowing this site to come forward in isolation could undermine the delivery of wider policy and design objectives that may require cross-subsidy as part of a larger (and more viable) scheme. Accordingly, the applicant is strongly encouraged to redouble its efforts to engage with neighbouring landowners in order to bring forward a more comprehensive proposal.

Housing

This site forms part of the wider Hayes town centre Housing Zone, which has been prioritised for accelerated housing delivery with GLA funding support. The proposed provision of 81 residential units is supported in accordance with London Plan Policy 3.3. Figure 1 sets out the proposed residential schedule.

London Plan Policy 3.3 and draft London Plan Policy H1 seek to increase London's supply of housing and, in order to do so, sets each borough a housing target. The 2016 London Plan respectively sets Hillingdon's at 559 additional homes per year between 2015 and 2025. The draft London Plan updates these figures for the 2019 - 2029 plan period, increasing Hillingdon's annual target to 1,533.

London Plan Policy 3.3 and draft London Plan Policy H1 seek to optimise housing potential Policy 3.3 directs that boroughs identify and seek to enable additional development capacity to be brought forward Policy H1 states boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions.

The proposed development would provide 81 homes. This would equate 14.5% of the annual target for the Borough as set out in the London Plan. The residential intensification of this accessible, under-utilised site that will provide 81 units in a mixture of one, two and three bed units, including affordable family sized accommodation, is strongly supported and in accordance with policies 3.3 of the London Plan and H1 and H12 of the draft London Plan and would also assist Hillingdon Council in meeting its London Plan target of 559 units a year.

Affordable Housing

London Plan Policy 3.11 states that the Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London up to 2031. Draft London Plan Policy H5 goes further by setting a clear strategic target of 50% of all new homes delivered across London to be affordable.

London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Negotiations on sites should take account of their individual circumstances including development viability, resources available from registered providers (including public subsidy), the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

In August 2017 the Mayor published his Affordable Housing and Viability Supplementary Planning Guidance (SPG), which sets out his preferred approach to the delivery of affordable housing, introducing a Fast Track Route for applications that deliver at least 50% affordable housing (by habitable room) on site (subject to tenure and increasing this further through the use of grant funding) for industrial land. The document also sets out detailed guidance to the form, content and transparency of viability assessments and the requirements for review mechanisms. The threshold approach to affordable housing is also set out in draft London Plan policies H6 and H7. In November 2016, the Mayor also launched a new Affordable Homes Funding Programme for the period of 2016-21, which introduced new affordable products, rent benchmarks and grant rates.

The Mayor's Affordable Housing and Viability SPG and draft London Plan Policy H13 provide specific guidance on Build to Rent (BTR) schemes. To qualify as BTR, a scheme must meet the criteria within draft London Plan Policy H13, including the following: be comprised of over 50 units; held in a covenant for at least 15 years; be subject to a clawback mechanism, in the event of the covenant being broken; under a unified management; and tenancies of three or more years must be made available. Draft London Plan Policy H13 and the Mayor's Affordable Housing and Viability SPG states that BTR schemes can provide an entirely DMR affordable offer, where the rents proposed are at a genuinely affordable level. The Mayor does not consider that 80% market rent is genuinely affordable in London, as set out in paragraph 4.7.4 of the draft London Plan. The preferred rent level for DMR homes is London Living Rent, which is set at two thirds of median local market rent, i.e. approximately 66%. With regard to rent levels the scheme must respond to the requirements of the paragraph 4.13.6 of the draft London Plan with specific reference to the affordability caps.

The proposed affordable housing offer of 18% DMR (by habitable room) is unacceptable and fails to meet the 50% threshold required by this site to meet the Fast Track route as set out within the Mayor's Affordable Housing & Viability SPG and draft London Plan. Accordingly, the financial viability assessment submitted alongside this application is being rigorously interrogated by GLA officers with the intention of verifying the maximum reasonable amount of affordable housing the scheme can achieve. Early and late stage viability reviews would also need to be secured.

London Plan Policy 3.8 and draft London Plan Policy H12 encourage a full range of housing choice. Draft London Plan Policy H12 recognises that central or urban sites may be most appropriate for schemes with a significant number of one and two beds, whilst new London Plan Policy H12 recognises that the number of family sized affordable homes provided should be driven by local and strategic need and should recognise that some families live in units smaller than three bedrooms. With specific regard to the BTR sector, the Mayor's Affordable Housing and Viability SPG notes that demand for one and two bed properties is higher in this sector than in the owner occupied/social rented sector; as such, the SPG states that borough policies on housing size mix can be applied flexibly.

Housing mix

Of the total development, 88% of units are one or two bedrooms. Given the site specific circumstances and the close proximity to sustainable transport modes as noted above, a build to rent scheme of predominately one and two-bedrooms is acceptable in this instance.

London Plan Policy 3.6 and draft London Plan Policy S4 require development proposals to make

provisions for play and informal recreation based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and draft London Plan Policy S4 expect a minimum of 10 sq.m per child to be provided in new developments.

Children's playspace

London Plan Policy 3.6 and draft London Plan Policy S4 require development proposals to make provisions for play and informal recreation based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and draft London Plan Policy S4 expect a minimum of 10 sq.m per child to be provided in new developments.

The detailed composition of affordable and market units produces a child yield of 20 children with 7 of these being under 5. Accordingly, the scheme would be required to provide 196.4 sq.m of dedicated playspace. The scheme proposes 110 sq.m of playspace located on the 5th floor terrace with other public spaces and rooftop amenity spaces also available. This provision represents a 86.4 sq.m shortfall against the overall requirements of the Play and Informal Recreation SPG, when assessed across all age groups. In the first instance this must be provided on site, where this is not possible, provision must be made for the youngest children as a minimum. Where it is possible surrounding public open space could meet this shortfall the Council is encouraged to seek an open space contribution where appropriate to mitigate any intensified use of local spaces.

Urban Design

GLA officers have been working with Hillingdon Council and various other local stakeholders to develop a non-statutory strategic masterplan for this area to ensure that design aspirations are aligned (refer to figure 2 below). The masterplan advocates a comprehensive approach to redevelopment, seeking to establish a new east-west route via the Estate into the heart of site SA5 (connecting the historic Nestle factory core with the station and high street). In terms of scale, the masterplan locates taller buildings along the railway, and transitions to low-rise blocks at Nestles Avenue. At pre-application the importance of realising this comprehensive vision was highlighted to the applicant, it is acknowledged that the applicant has sought to engage with neighbouring landowners but that these attempts, to date, have been unsuccessful.

Proposed design principles

In general, the high density mixed-use approach of this proposal (which seeks to optimise development potential next to the future Crossrail station) is supported in response to London Plan Policies 2.7, 2.13 and 3.3. The built form of the proposal would not preclude the masterplan objective for a new east-west route, however, as discussed in the principle of development section above, there is concern that allowing this site to come forward in isolation could undermine the viability of delivering this route in future. Hence officers are seeking a more comprehensive scheme to ensure that the strategic objectives for this area would be appropriately secured and delivered.

The scheme would position its tallest element (at 10 storeys) at the northern edge of the site the profile of the building then steps down at three intervals to 3 storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding well to its immediate context. The tallest element of the scheme is concentrated to the northern edge of the site and would sit comfortably within the indicative massing proposed for the northern portion of the site as laid out in the indicative masterplan for the area. The stepped elevations of the scheme provide generous amenity space and sufficiently reduce the massing whilst maintaining the privacy of adjacent properties. In general design terms the height and massing of the proposals are supported.

The proposed scheme ensures all residential units meet minimum space standards, benefits from

efficient core ratios with no more than 8 units per core and benefit from private amenity space in the form of terraces and balconies. This is welcomed.

The applicant is advancing a robust architectural treatment of multi-coloured stock brickwork with dark grey metal window frames and balcony metal work. The scheme benefits from a regular pattern of fenestration which ensures internal spaces would be well lit. The proposed architecture is broadly supported and does not present any strategic design concerns.

Density

London Plan Policy 3.4 and draft London Plan Policy D6 seek to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services. Draft London Plan Policy D6 expands upon the previous policy, requiring management plans for schemes that exceed specified density thresholds and requiring the submission of several measures of density alongside a planning application to assess, monitor and compare development proposals across London. The proposed density is equivalent to 405 residential units per hectare. Whilst this exceeds the guidance offered within the density matrix this is not intended to be applied mechanistically. Further, given the characteristics of the site and emerging context (in close proximity to a future Crossrail station), the proposed density is considered acceptable in this instance given the high standard of design.

Notwithstanding the above and in accordance with draft London Plan Policy D6, a management plan must be secured as part of any future planning permission, detailing the management strategy for the development, the day-to-day servicing and the longer-term maintenance plan.

In accordance with Policy D11 of the draft London Plan, the Council should secure the submission of a fire statement, produced by a third party suitable qualified assessor.

Whilst the proposed development could successfully function as a standalone scheme, the absence of a more comprehensive proposal leads to a number of policy and placemaking concerns. In particular, there is concern that allowing this site to come forward in isolation could undermine the viability of delivering the SA5 east-west route in future. GLA officers expect a more comprehensive approach to redevelopment at Squirrels Trading Estate in order to ensure the best design outcome for this part of the Hayes Housing Zone. The applicant is therefore strongly encouraged to redouble its efforts to engage with neighbouring land owners, in order to bring forward a more comprehensive proposal.

London Plan Policy 7.2 and draft London Plan Policy D3 require that all new development achieves the highest standard of accessible and inclusive design. These policies seek to ensure that all new development can be used easily and with dignity by all.

London Plan Policy 3.8 and draft London Plan Policy D5 require that 10% of new housing is wheelchair accessible and that the remaining 90% are easily adaptable for residents who are wheelchair users. The application documents confirm that the scheme would provide 10% of the new housing delivered as accessible as wheelchair accessible/adaptable dwellings from the total residential offer of 84 units. The proposed provision of wheelchair accessible units in this instance is acceptable.

In accordance with the principles of London Plan Policy 5.2 and Policy SI2 of the draft London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. In summary the proposed strategy comprises: energy efficiency measures (including a range of passive design features and demand reduction measures).

A site heat network driven by combined heat and power plant is proposed which in this instance is

not acceptable, alternative low carbon heating methods must be investigated. Renewable technologies comprising photovoltaic panels and Heat Pumps have been proposed. The approach proposed would achieve a 48% carbon dioxide reduction for the residential component of the scheme and a 35% reduction for the non-residential component. Whilst the principles of the energy strategy are supported, the applicant must explore the potential for additional measures to deliver further carbon dioxide reductions (particularly for the residential component). Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall.

Flood Risk

The approach to flood risk management for the proposed development complies with London Plan policy 5.12 and draft London Plan policy SI.12. The surface water drainage strategy for the proposed development does not comply with London Plan policy 5.13 and draft Policy SI.13, as it does not give appropriate regard to the greenfield runoff rate. Revised attenuation storage volume calculations, consistent between the plans and the text of the FRA, attenuation tank dimensions, and exceedance assessment information should also be provided.

The proposed development does not meet the requirements of London Plan policy 5.15 and draft London Plan Policy SI.5 as it does not meet the non-residential water consumption targets of these policies for the proposed B1 parts of the development.

Transport

London Plan Policy 6.13 and draft London Plan Policy T6 require developments to provide the appropriate level of car parking provision. The proposed car-free nature of the development is strongly supported, in accordance with draft London Plan Policy T6.1. A total of 4 disabled bays (3 residential and 1 commercial) are proposed, all of which will provide active electric vehicle charging points. Whilst the provision of active charging points is welcomed the overall provision of disabled bays should be increased. The applicant has committed to ensuring that a 'permit-free' arrangement will be secured via S.106 agreement in the surrounding CPZ, which is welcomed.

Cycle parking should be provided to be in line with the draft London Plan standards. Cycle parking design should be in accordance with London Cycle Design Standards (LCDS). Short Stay cycle parking should also be provided in line with draft London Plan standards and should be located close to the access points into the development, within the public realm. A total of 144 long stay cycle parking spaces, including 136 for residential use and 8 for the commercial unit. Commercial long stay cycle parking is in conformity with draft London Plan minimum standards, however an additional 4 residential long stay cycle parking spaces should be provided, in order to conform to draft London Plan policy T5.

Delivery and servicing is proposed to be undertaken from a new half on/half off street loading bay on Nestles Avenue, which is not considered acceptable in strategic terms. Nestles Avenue will be a gateway to the development and wider area, and should provide exemplar streetscape. A finalised Delivery and Servicing Plan (DSP) should be secured by condition.

A full Construction Logistics Plan (CLP) should be submitted to the London Borough of Hillingdon prior to works commencing on site and this requirement should be secured by condition on any consent. A travel plan has been submitted which include modal shift targets towards sustainable modes, in line with the Mayor's Transport Strategy (MTS). This document and funding required for implementation should be secured by condition/s106 agreement as appropriate on any consent.

Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out

whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Internal Consultees

Access Officer

This proposal appears to meet the technical considerations to satisfy accessible housing standards, namely M4(2) and M4(3), as required by London Plan policy 3.8 (c) and (d). However, detail is still lacking on the following design elements to meet London Plan policy 3.1 (Ensuring Equal Life Chances), 3.5 (Quality and Design of Housing) and 7.2 (Inclusive Environment):

1. A drop-off point for door-to-door service providers, to include large Dial-A-Ride vehicles, should be provided
2. 10% of Affordable Housing units would be required to satisfy the design standards for an M4(3) Wheelchair Accessible unit.
3. The affordable units should be suitable for 'day one occupation' by a wheelchair user. These units should be designed and fitted as per the prescribed standards for a Wheelchair Accessible M4(3) unit, as set out in ADM 2015.
4. A floor plan at no less than 1:100 should be submitted for each of the different M4(3) units. All details, to include transfer zones, wheelchair storage area, and other spatial requirements within bedrooms, bathrooms, living and dining areas, should be shown on a separate plan for every different unit type.
5. All remaining units must be designed to the standards for Category 2 M4(2) Accessible and Adaptable dwellings, as set out in Approved Document M2015.
6. Details of the materials palette, with particular attention given to the paver types to be installed in accordance with the tolerances set out in BS8300:2018.
7. Wheelchair access to the proposed roof gardens and terraces should accord with the prescribed standards set out in Approved Document M to the Building Regulations (2015 edition).
8. No details appear to have been submitted on play equipment to be installed for disabled children, including those with sensory or complex multiple disabilities. Provisions could include outdoor sound tubes, colour and lighting canopies, and other play equipment that could stimulate the olfactory senses. Inclusive play is a key requirement of any new residential development. Conclusion: it would be acceptable to secure the above provisions through appropriately worded planning conditions. In addition, the following condition should be attached to any planning consent: The development hereby approved shall ensure that 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.

REASON: To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 (c) and (d), is achieved and maintained.

Officer response: In the absence of an adequate accessible layout, this will be included as a reason for refusal within the decision notice.

Flood Water Management Officer

Clarification is required on this application. A figure is expected to be given to each element. It is understood set back of 10.5m is to be given to the frontages of building to include road widening and cycle lane as well as landscaped area to the front of buildings. The landscaping plans indicate a 6m of sustainable space is this for elements 3-6. Elements 1 and 2 of the footway and cycleway should also fall towards these area so that they are sustainably drained. It is noted that a blue roof is proposed of 260m² by ABG. Plus 468m² of Green Roof As well as a shallow attenuation tank of 300mm providing 106m³ volume to accommodate Thames Water invert Levels. Permeable Paving across the site of 0.195m across 257m². The rain gardens proposed are included in the set back from the road, but whilst new footpaths and cycle ways are included these should also be sustainably drained.

Waste Strategy Officer

The proposed capacity for waste and recycling is suitable for the number of units proposed. 50% of the bins provided should be allocated for dry mixed recycling.

It is unclear where it is intended for waste and recycling collections to be carried out. The 'Framework delivery and servicing plan' makes reference to the refuse lorry lay by on Nestles Avenue, but also states that ' refuse collection vehicles will undertake collections from within the site.' It is not suitable for the refuse lorry to enter the site as there is not a suitable area for the vehicle to turn around and leave in a forwards motion. If the intention is for collections to take place from the lay by on Nestles Avenue, then a management company would be responsible for presenting all waste and recycling bins within 10 metres of the lay by, but off of the public highway on the allocated collection day(s). The bins must be placed on a smooth surface and a suitable dropped kerb should be installed to allow for the safe transfer of bins to the collection vehicle.

Contaminated Land Officer

The report document Titled: Desk Study and Ground Investigation; Report Ref: J18167; Issue No. 2; dated November 2018; Prepared by Geotechnical and Environmental Associates Limited (GEA) has been reviewed.

As a combined report the document provides details of Phase 1 Preliminary Risk Assessment in conjunction with a Conceptual Site Model, and leading to a Phase 2 site investigation to evaluate potential and identified pollutant linkages at the site.

The report includes recommendations relating to aspects of the site where supplementary works are deemed necessary to obtain further data, finalise previous investigative works and conduct further risk assessments as necessary. Each aspect (including any further contamination discovered during works at site) must be addressed accordingly as part of the remediation works to be conducted at site.

Officer comment: this is acceptable subject to a condition.

Energy and Sustainability Officer

The information submitted broadly demonstrates compliance with the London Plan requirements for a minimum of 35% onsite reduction in CO₂ from a 2013 Building Regulation baseline. However, the development does not achieve the necessary zero carbon standards and consequently requires a S106 offsite contribution as per Policy 5.2E of the London Plan.

The shortfall amounts to 41 tCO₂ per annum as set out in the Energy Assessment (MECSERVE). This equates to 1230 tCO₂ over the 30 year period defined by the GLA as the period of a carbon intensive grid. The S106 contribution (@£60/tCO₂) is £73,800.

In addition, the following condition is necessary to provide certainty over the type and specifications to be delivered as part of the final designs.

Condition:

Prior to above ground works, full details of the low and zero carbon technology shall be submitted to and approved in writing by the Local Planning Authority. The details following requirements must demonstrate compliance with the reductions set out in the Energy Assessment:

1 - Details of the CHP should also include the heat network, the plant type and its location. Full details of the fuel inputs and energy outputs shall also be presented.

2 - Details of the PVs, including fixing mechanisms, pitch, orientation and plans (roof and elevations) shall also be included

The development must proceed in accordance with the approved plans.

Reason:

To ensure the proposals contribute to a reduction in CO2 in accordance with London Plan 5.2.

Highways Officer

The application site is located along Nestles Avenue an unclassified no through road. There is a priority junction at its western point where Nestles Avenue intersects with Station Road with a banned right hand turn out. At its eastern point vehicular access will be provided to North Hyde Gardens once open, however at present is now closed, although cyclist and pedestrians are still able to pass.

The site itself is bound by Squirrels Trading Estate to the north which is accessed via Viveash Close (approximately 50 metres to the west of the development site) and the former Nestle Factory site to the east which is soon to be redeveloped. Nestle Avenue also provides connections through Harold Avenue to the A437 (North Hyde Road) which makes up part of Hillingdon Councils Classified Road Network.

Within the vicinity of the site, the Nestles Avenue is subject to a 30mph speed limit and benefits from pedestrian footway, street lighting. There is on-street parking along much of Nestles Avenue controlled by a parking management scheme introduced in 2018, this is complemented with parking restrictions in the form of single yellow lines Mon-Sat (8am-6.30pm).

The site currently accommodates a single industrial type building (Use Class B1c/B2 use) which contains a ground floor area of approximately 1,718sqm. Off street parking is located along the site forecourt with access taken directly of Nestles Avenue. There is no mention of the number of parking spaces the site could accommodate.

You will be aware that this application seeks the demolition of the existing building to accommodate the construction of 81 residential units and circa 863sqm of ground floor commercial floor space.

Having reviewed the PTAL rating for the proposed development using the Transport for London WebCAT service, it is indicated that the site has a PTAL rating of 4, which on a scale of 1-6b is considered to be good. It is noted that the site is within a relative walking distance to the Hayes and Harlington railway station and Hayes town centre. Hayes and Harlington station is on the Great Western Mainline with direct train services to London Paddington, Reading, Heathrow airport as well as Didcot and Oxford. From 2019 Hayes will also be served by the new Elizabeth Line (Crossrail)

currently under construction. The Elizabeth Line is a new railway line across Central London serving the West End, City and Docklands and running from Reading and Heathrow in the west across to Shenfield and Abbey Wood in the east.

Hayes is also well connected to the local bus network, eight different bus services pick up and set down in the town centre. There are firm proposals to change the West London bus network in response to the opening of the Elizabeth Line. These proposals include a new north/south bus route linking Ruislip with Heathrow Airport.

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Councils adopted Car Parking Standards.

As already highlighted, the submissions do not include existing parking numbers, except that the site already makes use of a forecourt which enables off-street parking. This scheme seeks a car free development with small provision for 'blue badge' compliant parking which total 3 spaces. These spaces will be used for residents only and will provide 'active' electrical charging points.

In accordance with the currently adopted saved Unitary Development Plan, a recommended maximum parking provision of 122 parking spaces is permissible for the residential component. This equates to a parking ratio of 1.5 spaces per unit. A further provision of 11 spaces would be required to serve the commercial element of the scheme.

It is apparent that the lack of on-site parking provision for this scheme not only falls short of the adopted Unitary Development Plan standard but also the emerging Local Plan DMT6 policy and parking standard for developments where a higher demand of parking provision is required..

Although it is noted that the site contains a Public Transport Accessibility Level rating of 4 which is deemed 'good', the PTAL rating is based on public transport connectivity by bus and rail within the London area only and does not reflect the deficiencies in connectivity of the public transport network to destination beyond Greater London. Given LB Hillingdon is an Outer London borough any future occupiers of the development are likely to travel to destinations beyond Greater London such as Reading, Slough, Staines, High Wycombe, St Albans etc. Few of the public transport services available in Hayes town centre serve these destinations therefore the new residents are likely to be reliant on the private car to satisfy their daily travel needs.

This situation is confirmed by existing car ownership levels, the results of the 2011 Population Census shows that car ownership levels in Hillingdon are amongst the highest in London.

Although future infrastructure projects such as Crossrail, may provide some overall benefit to available public transport both within and outside of the borough, it is not considered that the benefits would be likely to substantiate a significant alteration in travel modes within the Hillingdon Borough which is reliant on the private motor vehicle.

It is noted that the local area provides some means to remove on-street parking demand with deterrents in the form of a residents parking management scheme and parking restrictions, Mon-Sat (8am -6.30pm). The submissions have further highlighted that potential occupants will be made aware of the lack of on-site parking provisions and lack of available on-street parking thereof.

However, whilst some deterrents are in place, the associated impacts along unrestricted roads within the site vicinity have not been factored. Particularly along Harold Avenue and Viveash Close (This is currently subject to appeal under ref, 36678/APP/2017/1774). It is most likely that displaced parking linked to the development site will in fact take place along these sections of highway.

Taking the above into account, when considering the quantum of development sought and the

location of the site in relation to the surrounding development area, it is suggested that a parking ratio of 0.6 spaces per residential unit be provided. This would provide a quantum of 49 parking spaces for the residential component as well as a further 11 spaces for the commercial aspect (totaling 60 spaces). This level of parking is significantly below the London Borough of Hillingdon's maximum parking standards which would require 133 spaces.

It should be noted that the neighboring Nestle Factory development site exhibits a consented parking ratio of 0.6 per unit. It would be prudent to incorporate this already consented ratio at this site also given its close proximity. It is therefore considered that the relative car free development is unacceptable.

Cycle Provision

It is proposed that 144 cycle parking spaces be provided across the development in the form of double stacked cycle racks. 136 spaces will be allocated to residential occupiers and 8 for the commercial unit. Whilst this is in accordance with the draft London Plan standards, the residential component is considered an overprovision when compared to the 90 residential spaces required as per the Unitary Development standards.

It has been observed that many of the cycle parking spaces at large developments in Hillingdon are often not used. This may be because Hillingdon is an Outer London Borough where the density of development is lower. As a result key destinations are more distributed resulting in longer journeys, not all of which can be made by walking or cycling. It is considered that the available areas could be put to better use i.e. amenity space etc. On this basis, the space requirement as set out in the UDP standard is considered to be suitable and should be applied.

Access and Manoeuvring provision

Access to the site will be retained with some minor alterations in order to host suitable access to the three disabled spaces which are perpendicular to the internal access road. As highlighted within highway guidance contained within the current Manual for Streets document, parking bays should provide a manoeuvring distance of 6.0m. This does not appear to be the case with the drawings demonstrating a manoeuvring distance of 5.0m narrowing to 4.3m when including a grassed amenity area. This is considered unacceptable not least taking into account the special needs of disabled drivers.

Trip Generation

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP 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.

To determine both the existing and proposed number of trip rates associated with the development, the applicant has carried out an interrogation of the TRICS (Trip Rate Information Computer System) database. Given the car free status of the development with some on-site provision for blue badge parking, it is considered that this scheme would in fact result in a reduction in the level of vehicular trips to and from the site compared to that which currently takes place. It should however be highlighted that the parking demand generated by the development will be greater.

Servicing and Delivery Arrangement

The submissions demonstrate a half on and off-street servicing bay along Nestles Avenue. As stated within the Transport Assessment, the proposals will require servicing/delivery for both the residential and commercial elements of the scheme. This will include refuse/waste, as well as

deliveries such as home shopping and post etc.

Whilst it is acknowledged that changes will be made along Nestles Avenue (also known as the Nestles Avenue Multi Modal Spine) which will undoubtedly improve walking and cycling provision, it is considered that the proposed on-street servicing arrangement will detract from these improvements which are being provided as part of LB Hillingdon's and Transport for London's Healthy Streets approach.

Although the proposed arrangement is intended to restrict the need for larger goods vehicles to cross the footway/cycleway, given the level of servicing/delivery trips associated with the site, the proposals would instead require waste and deliveries to be dragged across the footway/cycle way.

In accordance with highway guidance contained within the current Manual for Streets document (1), residents should not be required to carry waste more than 30 metres to the storage point, as well as waste collection vehicles being able to get within 25 metres of the storage point. However, LB Hillingdon's waste service offers a more flexible approach and offers a 10 metre drag distance for collection vehicles.

It is apparent from the submitted information that this has not been achieved with the scheme proposing a refuse and recycling area in the most northern section of the building line in excess of the required distances. No information has been provided as to how the site will be managed on refuse/waste collection days with the absence of a suitable collection point.

Conclusion

Mindful of the above, it is recommended that this application is refused due to insufficient parking and inappropriate servicing and delivery provision. Should the application be considered, the following would be required:

- Car parking permit restriction for existing and future parking management zone (for residents and employees)
- Framework Travel Plan (plus £20,000 bond)
- Transfer of land to enable provision of the the multi modal transport spine along Nestles Avenue
- Contribution of £10,770.11 up to £75,000 towards the Nestles Avenue multi modal spine
- A S38 agreement to provide cycle way, footpath and landscaping as part of MTS road
- £12,000 contribution towards the Grand Union Canal Quietway
- £10,000 £16,596.90 towards Cranford Park improvements – Grand Union canal to Cranford Park via North Hyde Gdns and Watersplash Lane
- A contribution to TfL for additional bus capacity £27,759.51
- A contribution of £5,000 towards the extension of a parking management zone

Trees and Landscaping Officer

This site is occupied by a commercial building situated to the east of Viveash Close and adjacent to the former Nestle site - which has an extant permission for a residential development (on the western half of the site). The building is set back to the north of Nestles Avenue with a car park to the front. There are occasional trees / hedges on site which are not protected by TPO or Conservation Area designation.

Comment:

A tree report has been submitted by The Ecology Consultancy. The report has identified and assessed the condition and value of 17 individual trees, groups and hedges which are on, or close to, the site. There are three 'B' grade trees T6, T8 and G3 which are all off-site. The remaining (on-site trees) are 'C' and 'U' grade trees (poor), whose removal is not generally considered to be a constraint on development. A Landscape Design Report, by Outer Space, indicates a landscape

buffer / reserved strip (15 metres wide?) on the Nestles avenue frontage. This conforms with an

agreed standard along the north edge of Nestles Avenue. This is intended to accommodate modest front gardens for the ground-floor, footpath and cycleways connectivity segregated from the road and SUDS - all within a landscaped setting. The final detailing and ultimate width will be dictated by the proposed new bus route. * A loading bay has been introduced on the Nestles Avenue frontage. - This will compromise the landscape quality of the area and conflict with the requirement to enable the development of an unfettered bus route. * Most of the external amenity space will be provided in the form of four separate levels of roof gardens with a narrow linear courtyard planted along the eastern boundary. An indicative palette of hard and soft landscape materials and plants has been included, together with external furniture and a lighting strategy. A play area will be incorporated within one of the roof gardens and the planting will be designed to encourage pollinators and biodiversity.

Recommendation:

- 1.The quality of the landscape scheme will depend on the final details and the quality of implementation and maintenance.
- 2.The introduction of the loading bay will compromise the potential development of the new bus route.
3. If you are minded to approve the scheme, landscape conditions should include RES9 (parts 1, 2, 3, 4 and 5).

Air Quality Officer

The proposed development is located in a Focus Area, bringing traffic and energy production emissions which will add to the current exceedances. As per the new London Plan, developments need to be neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

Therefore, a section 106 agreement with the LAP of £5,371 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduces human exposure to nitrogen dioxide levels.

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy has been submitted to and approved in writing by the Local Planning Authority. The low emission strategy shall address 1) the specification of the CHP as low NOx emissions and boilers as ultra-low NOx emissions; 2) show what benefits are given to development purchasers that own a Euro 6 or cleaner or have implemented retrofitting devices that will enable compliance with such Euro standards; 3) a travel plan for residents; and 4) an electric vehicle bay charging aligned with the London Plan requirements.

The strategy shall detail the steps that will be followed in addressing the lower emissions requirements stated above and what measures will be taken to take into account future changing standards and available technologies and be updated accordingly in agreement with the local planning authority. The Low Emission Strategy shall have targets for emission reduction and time-scales, with pollution savings quantified. At the end of each calendar year an implementation plan shall be submitted for approval in writing by the local planning authority, which on approval shall be fully implemented in accordance with the details and measures so approved. The measures in the agreed scheme shall be maintained throughout the life of the development.

The LES shall include details of the following components:

- Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies
- A Welcome Pack available to all new residents online and as a booklet during the sales period, containing information and incentives to encourage the use of sustainable transport modes
- Car club provision within development or support given to local car club/eV car clubs

- Designation of parking spaces for low emission vehicles

Reason - As the application site is within an Air Quality Management Area and Focus Area and to comply with paragraph 124 of the NPPF, policy 7.14 of the London Plan, and policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2).

No development shall commence until proof of the registration in GLA's database (nrmm.london/nrmm/about/what-nrmm-register) and compliance with the London's Low Emission Zone for non-road mobile machinery requirements is submitted to and approved in writing by the Local Planning Authority.

The non-road mobile machinery shall comply with the standards set out at Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

This will apply to both variable and constant speed engines for both NOx and PM. These standards will be based upon engine emissions standards set in EU Directive 97/68/EC and its subsequent amendments. NRMM used on the site of any major development within Greater London will be required to meet Stage IIIA of the Directive as a minimum.

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements as of 1st September 2015, and Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

Conservation and Urban Design Officer

The application seeks permission to demolish the existing building and redevelop to provide a building up to 10 storeys, with 868 sq.m of commercial or community space (Use Class B1 or D1) at ground floor level and 81 (44 x 1-bed, 28 x 2-bed and 9 x 3-bed) residential units to the upper floors, with associated landscaping, access, car parking and cycleparking.

The tallest element (at 10 storeys) would be at the northern edge of the site. The profile of the building then steps down at three intervals to 4 storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding to its immediate context and the lower two storey suburban houses to the south of Nestles Avenue. The tallest element of the scheme is concentrated to the northern edge of the site. The design has similarities with the adjacent approved Block D of the former Nestle Factory site but does not stretch back as far as the linear park 'Sandow Avenue'. The stepped configuration provides flat roofs to provide amenity space and reduce the massing helping to maintain the privacy of adjacent properties.

The development seeks to provide some set-back from Nestles Avenue and the adjoining former Nestle Factory site to the south east, however, the proposed development footprint is very large for a relatively small site (0.23ha). The proposed building sits very close to its boundaries, particularly to the northwest, and leaves no 'breathing space' around the perimeter of the development to allow the curtilage sites to take their own course with regards to future redevelopment. This will clearly constrain development opportunities for the 'Site B' land parcels to the north and west of Stanford House.

The proposed ten-storey blank elevation against the north east boundary is also a concern. It will be highly visible from the adjoining streets and views across the estate particularly given the low-scale nature of the adjoining buildings within 'Site B' and would create an austere building that would detract from the townscape. The applicant has attempted to mitigate the harm by introducing brick detailing to help to visually break up the elevation but it is not an adequate solution or positive contribution to the townscape setting. The north eastern street level elevation would present a dead inactive frontage that would be exacerbated by the large gates to the end of the access road which prevents permeability through the site. A development that turns its back onto the proposed Linear

Park would be particularly harmful and will detract from the area and aspirations for the redevelopment of the Nestles Avenue industrial cluster. Future adjoining development will have to step back considerably in order not to compromise the outlook and/or sunlight/daylight to occupants of this or future adjoining developments, considerably constraining the future development opportunity for the neighbouring/ adjoining land within 'Site B.'

Use of brickwork, broken up by fenestration, balconies and feature panels is acceptable in principal adding visual interest and articulation that will help to break up its mass. Nevertheless, its overall size, scale, height and mass is still considered to represent a disproportionately large, dominating and incongruous form of development which would be unacceptable in this location. Whilst it is acknowledged that large scale buildings have been approved as part of the former Nestle Factory site, they formed part of a comprehensive development scheme and were carefully considered as part of a much larger site rather than in isolation, which is the case here.

There are also concerns that the entrances to the office accommodation and residential units are on a secondary elevation 'hidden' within the Access Road and the building is less legible as a consequence. The principal facade, fronting onto Nestles Avenue, should have a primary entrance/s and this should be celebrated appropriately.

There is little room provided at the ground level for public realm and amenity space. The areas in control of the site at street level are minimal and would be hard landscaped with minimal soft landscaping. The 15 metre set back from Nestles Avenue provides some welcome relief, however, this is likely to be reduced with road widening works and the provision of a cycle and pedestrian footpath in the near future. The narrow access lane on the eastern side would appear oppressive particularly with the oversailing residential storeys and balconies. It is also unclear what the boundary would consist of between the neighbouring development, Block D, of the former Nestle Factory site.

There is very little in the way of supporting visual material that shows the proposed development in its wider context. Verified views of the building from longer distances would be useful as would more illustrative views of its more immediate context with the existing buildings and consented schemes. The application was not submitted with a townscape and visual impact assessment and it appears that the impact of the scale of the proposed development has not been properly assessed.

The applicant is heavily relying on a 'draft OAPF' that 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 emerging Local Plan: Part Two (2019) and LBH's current local policies take precedence over the 'draft masterplan'. These documents have undertaken the correct consultation and adoption procedures.

It should 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, discussed above, except for No.1 Nestles Avenue (withdrawn) and 3 Viveash Close (appealed), along Nestles Avenue have taken on board LBH's comprehensive planning advice and is reflected in their proposals, and consulted on in their individual applications. The only relevant element of the GLA proposed draft OAPF plan is that a comprehensive approach to development (land use and layout) must be taken for all Nestle Avenue sites.

To mitigate these concerns the neighbouring landowners should have been engaged with to ensure 'buy-in' into their proposals. There is no evidence of this or a process to draw up a masterplan in consultation with LBH to demonstrate 'comprehensiveness', which is the positive approach that the other applicants have achieved. At the very least the appellant should have agreed the principles and parameters of their proposals, especially if they could not engage with their neighbours. 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 Squirrels Industrial Estate, until it is planned comprehensively as 'Site B' and resilient with regards to phased development and future options/ scenarios, to enable No. 9 Nestle Avenue to come forward early for redevelopment.

The proposals clearly show that development value will be disproportionately loaded onto the applicants land ownership, without any thought of community infrastructure uses or external public amenity areas, for example, which will have to be taken up by remaining sites. Therefore, any proposals for the Squirrels Industrial Estate will need to be comprehensive planned and coordinated to evenly distribute development value to encourage other sites to come forward.

Tall buildings would only be supported in this location if proposals form part of a comprehensive development referred to in Policy SA 5 of the Emerging Local Plan (2019). An isolated development which potentially prejudices a comprehensive regeneration of this part of Hayes is not supported.

Any proposals for this site need to be comprehensively planned and coordinated. If they are not, like the current approach, they 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(2019).

Planning Policy Officer

The draft London Plan (2017) identifies Hayes as an Opportunity Area (OA) with an indicative capacity for 4,000 new homes and 1,000 new jobs. Whilst this is only a draft policy, the allocation of the Hayes OA is not being objected to by the Council and is deemed to be consistent with the vision for Hayes outlined within the adopted Local Plan: Part 1 and emerging Local Plan: Part 2.

The application 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). However, through the process of preparing the Draft Local Plan Part 2, this part of the Hayes Industrial Area is proposed for release from SIL and has been allocated for mixed use re-development as part of the wider Hayes Housing Zone and Opportunity Area. Given the advanced stage of the preparation of the Local Plan Part 2 and because the proposed SIL release is not subject to any main modifications requested by the Inspector, the removal of the SIL designation of this site as part of coordinated programme of release through the development plan process can be afforded significant weight. The principle of mixed use on the site is also considered to have been established through the Draft Local Plan Part 2.

The proposed scheme is located within Site Allocation SA 5 (Land to the South of the Railway, Nestle Avenue Hayes) of the Draft Local Plan Part 2. The application site makes up only a small portion (0.23 ha) of Site B within Policy SA 5. Policy SA 5 outlines that the three parts (A, B and C) should form a comprehensive development scheme. The release of such a large quantity of Strategic Industrial Land (SIL) has been justified on the basis of a strategically co-ordinated process of SIL consolidation through the emerging Local Plan: Part 2, in line with Policy 2.17 (B) of the London Plan (2016), in order to ensure the necessary infrastructure to make residential use appropriate can be designed into scheme. Releasing small portions of SIL individually would compromise the integrity and effectiveness of the remaining surrounding area to accommodate industrial type activities, contrary to Policy 2.17 (C) and potentially Paragraph 182 of the NPPF (2019).

Policy BE14 of the Local Plan: Part 2 - Saved UDP Policies (2012) outlines that permission will not be granted for the development of sites in isolation if the design fails to safeguard the satisfactory

redevelopment of adjoining sites which have development potential. Emerging Policy DMHB 11 continues the requirement to ensure that the design of new development safeguards the satisfactory re-development of any adjoining sites which have development potential. Emerging Policy SA 5 clearly identifies the adjoining sites as having development potential and has done so since the initial publication of the first Proposed Submission Version in September 2014 (Policy SA 10 within this version).

It is acknowledged that the principle of the three sites coming forward separately has been accepted, subject to the scheme not being in conflict with Policy BE14 and other Development Plan policies, with Site A being approved independently (1331/APP/2017/1883) and Site C (73238/APP/2018/1145).

The boundary of this application however only forms a small portion (0.23 ha) of the release of Site B and as such, support for piecemeal development could only be afforded where it does not prejudice the redevelopment of the remainder of Site B and does not compromise the deliverability of the objectives within emerging Policy SA 5. It is not considered that this has been achieved due to reasons outlined within this report.

The applicant's justification for the development of this site in isolation appears to be based on the scheme being in supposed conformity with a draft masterplan produced by the GLA. This draft masterplan was produced by the GLA in June 2016 without input from Officers at the London Borough of Hillingdon. The draft masterplan is not supported by any emerging or adopted evidence base and has never been publicly consulted on. The document simply outlines a position in time in regards to discussions on sites which are now significantly out of date and do not reflect the current position. The process of drafting any OAPF was ceased by the GLA towards the end of 2017. The document is not endorsed by the London Borough of Hillingdon and it is not considered that significant material consideration should be afforded to this document.

Officers consider that the context for determining this application should be based on extant planning applications and emerging Policy SA 5, as well as the Development Plan. Even if significant weight is afforded to the draft masterplan, it is clear that the development of this scheme in isolation would constrain the redevelopment of adjoining sites for reasons explored further in this statement. Furthermore, the draft masterplan identifies a substantial green pedestrian link from east to west through all three sites, which means a large portion of Site B could not be developed. It is therefore self-evident that a large element of cross-subsidy on Site B would be required to ensure that the remaining landowners could bring this objective forward. The approval of schemes in isolation on Site B, without any element of cross-subsidy, would make the green pedestrian link from east to west unviable and result in Squirrels Trading Estate remaining as such indefinitely. This would be contrary to the wider intention of Policy SA 5 to release and redevelop the site, as well the specific requirement for sites to provide pedestrian links to Hayes Town Centre and key transport nodes.

It is important to note that these are issues that have also been raised within the GLA's Stage 1 Response (18-03-19), who have raised a significant objection to the assertion that this site can both be brought forward in isolation and be in conformity with the GLA's draft masterplan.

It is important to note that the green pedestrian link from east to west has already been well designed into the approved application for Site A (1331/APP/2017/1883) and the live application that has a resolution to grant planning consent subject to the completion of the Section 106 legal agreement on Site C (73238/APP/2018/1145). Later this raises concerns that 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. Both the aforementioned applications have overcome this policy requirement, largely through the inclusion of substantial public amenity space as part of this east to west green pedestrian link.

The proposed scheme would fundamentally fail to safeguard the satisfactory redevelopment of the remaining land parcels within Site B directly to the south of the application. As identified later in this report the density of the proposed development of this small site is exceptionally high, particularly when compared to Table 3.2 of the London Plan (2016).

The proposed development footprint is excessive and remains hard up against the western boundary, which compromises No. 7 Nestles Avenue from redeveloping the site next door leaving little spacing reserved for future development.

As part of the coordinated approach to SIL consolidation discussed above, the Emerging Local Plan: Part 2 (2015) sought 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). Within the Council's Statement of Proposed Modifications (2019) this requirement has been amended so that all proposals will be expected to comprise a proportion of employment generating uses to be agreed with the Council. Suitable uses will include B1 and elements of B2 and B8 that are compatible with the residential elements of the scheme.

The site is currently occupied by a warehouse and provides a total of 1,718 sq.m. of Class B2-B8 employment space. The applicant is proposing to provide approximately 868 sq.m. of employment floorspace in the form of office space for small to medium sized enterprises (SMEs) falling into Use Class B1a and A2 or D1 community space. This provision equates to a 50% reprovision of existing employment floorspace and this quantum is considered to be acceptable. However, this non-residential portion of the scheme is being delivered along the southern side of the site, which would not be in keeping with the consistent frontage of residential family duplexes that have been permitted on Site A and are proposed along Site C, nor the residential frontage that currently exists along Nestle Avenue. Non-residential floorspace on Site B should front onto Viveash Close and the proposed East to West route in order to create a consistent frontage of employment floorspace and ensure harmonious integration with the proposed residential elements of SA 5. 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.

It should be noted that there is no car parking available for the commercial units and the servicing and delivery arrangements appear to be inadequate. The current arrangements would require a commercial unit to haul goods along a 20 to 30m to the site which could render any future employment use here unviable.

The proposal to provide a community use (excluding a place of worship) would still necessitate the need for visitor picks ups and drop offs. Which could result in considerable highways safety issues. The proposal could result in the very narrow 5.5m access route along the eastern part of the site to be heavily parked and therefore compromised. This is covered more extensively elsewhere in the report however it further emphasises that the delivery of this site in isolation is in conflict with Policy SA 5.

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 issues with allowing this site to come forward in isolation that would undermine the delivery of wider policy and design objectives that may well require cross-subsidy as part of a larger and more viable scheme. The proposal is therefore considered to be contrary to Policy 2.17 of the London Plan (2016), Policy BE14 the Local Plan: Part 2 - Saved UDP Policies (2012), Policy DMHB 11 and Policy SA 5 of the Emerging Local Plan: Part Two with Modifications (2019).

BUILD TO RENT

Purpose-built build to rent is a distinct asset class within the private rented sector that is becoming increasingly common across London and is now specifically identified in Annex 2 of the NPPF (2019). Policy 3.8 of the London Plan (2016) specifically references that when determining applications, the planning system should provide positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery. The Mayor's Affordable Housing and Viability SPG (2017) also provides support for and specific guidance on build to rent developments, recognising that they differ to the traditional build for sale model. Certain requirements, including those surrounding covenants, clawbacks, management and tenancy length, would need to be integrated into any potential S106 agreement.

At a local level, the latest evidence of housing need comes from the Strategic Housing Market Assessment (2016) which notes an increasing proportion of the Borough relying on private rent as their current tenure. It is important to note however that, whilst they differ to the traditional build for sale model, new purpose-built build to rent is still required to meet adopted local plan policies and needs to be held to the same design standards as schemes of traditional models.

AFFORDABLE HOUSING

Policy H2 of the Local Plan: Part One (November 2012) require a minimum of 35% of units within developments of 10 or more units to be delivered as affordable housing.

The London Plan (2016) Policies 3.11 and 3.12 require, boroughs to, amongst other matters, identify targets for the level of affordable housing provision to meet the capitals needs and to negotiate the maximum reasonable amount in any scheme.

The Mayor's Affordable Housing and Viability SPG (2017) states the preferred tenure split is for schemes to deliver:

- At least 30% low cost rent (social rent or affordable rent) with rent set at levels that the LPA considers 'genuinely affordable';
- At least 30% as intermediate products; and
- The remaining 40% to be determined by the relevant LPA. The London Borough of Hillingdon has determined that this 40% should be delivered as low cost rent (social rent or affordable rent). This approach is consistent with Policy H2 of the Local Plan: Part One (November 2012) and emerging Policy DMH 7 of the Local Plan: Part Two (March 2019).

There is a requirement to achieve the maximum amount of affordable housing on development sites and that regard will be had to viability. The applicant has submitted a viability report in support of the application which was reviewed independently. The applicant's submitted viability suggests that a 6% affordable housing (Discount Market Rent), which equates to 11% on a habitable room basis is the maximum reasonable amount that could be provided.

This has been reviewed by an independent financial viability consultant on behalf of the Council who notes the scheme produces a surplus of £605,638 which indicates that the additional affordable housing units can be provided. The surplus has been modelled by Carter Jonas and this provides for another 10 DMR units taking the total to 15 units, which equates to 18% affordable housing provision.

In the absence of a Section 106 legal agreement, the applicant fails to provide a maximum reasonable level of affordable housing contrary to Policy H2 of the Local Plan: Part One (November 2012) and Policies 3.11 and 3.12 of the London Plan (2016).

Affordable Housing Officer

- 1) The application scheme (reference: 51175/APP/2018/4260) proposes the demolition of the two storey industrial building to provide 81 residential units (Build to Rent) and 868 square metres of B employment space. The applicant agent submitted its original FVA in December 2018 has been supplemented with an additional letter (5th April 2019).
- 2) The applicant agent included modelling the Build To Rent units through a Discounted Cash Flow (DCF) and inputting the Gross Development Value into a development appraisal, together with the employment uses to derive the residual land value for the scheme. The Applicant's affordable housing offer of 5 units or 6% has not changed, although the figures have been adjusted to reflect adjustments made by the Council appointed independent FVA assessor in its review.
- 3) The scheme produces a surplus with 5 DMR (Discounted Market Rent) units, which indicates that the additional affordable housing units can be provided. The surplus has been modelled by The Council appointed independent FVA assessor and this provides for another 10 DMR units taking the total to 15 units, which equates to 18% affordable housing provision.
- 4) The Applicant's affordable housing offer and The Council appointed independent FVA assessor' review shows that the scheme is unable to comply with Hillingdon's affordable housing policy.
- 5) The conclusions from the independent FVA consultant's review indicates that the scheme can deliver 15 Discount Market Rent units out of the total of 81 Build To Rent units, which equates to 18% affordable housing provision. Therefore it is recommended the Council seeks to negotiate the s.106 agreement on this basis ensuring that the DMR units are linked to the London Living Rents for the Botwell ward and the clawback mechanism as advocated by the Mayoral Supplementary Planning Guidance is included.

7. MAIN PLANNING ISSUES

7.1 The principle of the development

COMPREHENSIVE DEVELOPMENT

The draft London Plan (2017) identifies Hayes as an Opportunity Area (OA) with an indicative capacity for 4,000 new homes and 1,000 new jobs. Whilst this is only a draft policy, the allocation of the Hayes OA is not being objected to by the Council and is deemed to be consistent with the vision for Hayes outlined within the adopted Local Plan: Part 1 and emerging Local Plan: Part 2.

It is acknowledged that the principle of the three sites coming forward separately has been accepted, subject to the scheme not being in conflict with Policy BE14 and other Development Plan policies, with Site A being approved independently (1331/APP/2017/1883) and Site C (73238/APP/2018/1145) being recommended favourably at committee.

The boundary of this application however only forms a small portion (0.23 ha) of the release of Site B and as such, support for piecemeal development could only be afforded where it does not prejudice the redevelopment of the remainder of Site B and does not compromise the deliverability of the objectives within emerging Policy SA 5. It is not considered that this has been achieved due to reasons outlined within this report.

Officers consider that the context for determining this application should be based on extant planning applications and emerging Policy SA 5, as well as the Development Plan. The development of this scheme in isolation would constrain the redevelopment of adjoining sites.

It is important to note that lack of comprehensive development have also been raised within the GLA's Stage 1 Response (18-03-19), who have raised a significant objection to the assertion that this site can be brought forward in isolation.

It is important to note that the green pedestrian link from east to west has already been designed into the approved application for Site A (1331/APP/2017/1883) and the live application that has a resolution to grant planning consent subject to the completion of the Section 106 legal agreement on Site C (73238/APP/2018/1145). Later this raises concerns that 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. Both the aforementioned applications have overcome this policy requirement, largely through the inclusion of substantial public amenity space as part of this east to west green pedestrian link.

The proposed scheme would fundamentally fail to safeguard the satisfactory redevelopment of the remaining land parcels within Site B directly to the south of the application. As identified later in this report the density of the proposed development of this small site is exceptionally high, particularly when compared to Table 3.2 of the London Plan (2016).

The proposed development footprint is excessive and remains hard up against the western boundary, which compromises No. 7 Nestles Avenue from redeveloping the site next door leaving little spacing reserved for future development.

LOSS OF EMPLOYMENT FLOORSPACE

As part of the coordinated approach to SIL consolidation discussed above, the Emerging Local Plan: Part 2 (2015) sought 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). Within the Council's Statement of Proposed Modifications (2019) this requirement has been amended so that all proposals will be expected to comprise a proportion of employment generating uses to be agreed with the Council. Suitable uses will include B1 and elements of B2 and B8 that are compatible with the residential elements of the scheme.

The site is currently occupied by a warehouse and provides a total of 1,718 sq.m. of Class B2-B8 employment space. The applicant is proposing to provide approximately 868 sq.m. of employment floorspace in the form of office space for small to medium sized enterprises (SMEs) falling into Use Class B1a and A2 or D1 community space. The uses are considered to be unsuitable which undermine the town centre function.

This provision equates to a 50% reprovision of existing employment floorspace and this quantum is considered to be acceptable. However, this non-residential portion of the scheme is being delivered along the southern side of the site, which would not be in keeping with the consistent frontage of residential family duplexes that have been permitted on Site A and are proposed along Site C, nor the residential frontage that currently exists along Nestle Avenue. Non-residential floorspace on Site B should front onto Viveash Close and the proposed East to West route in order to create a consistent frontage of employment floorspace and ensure harmonious integration with the proposed residential elements of SA 5. Accordingly, the proposed provision of employment space at this site does not comply with the plan-led approach to consolidating the Nestles Avenue SIL, in accordance with Policy 2.17 of the London Plan (2016).

It should be noted that there is no car parking available for the commercial units and the servicing and delivery arrangements appear to be inadequate. The current arrangements

would require a commercial unit to haul goods along a 20 to 30m to the site which could render any future employment use here unviable.

The proposal to provide a community use (excluding a place of worship) would still necessitate the need for visitor picks ups and drop offs. Which could result in considerable highways safety issues. The proposal could result in the very narrow 5.5m access route along the eastern part of the site to be heavily parked and therefore further compromised. This is covered more extensively elsewhere in the report however it further emphasises that the delivery of this site in isolation is in conflict with Policy SA 5.

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 issues with allowing this site to come forward in isolation that would undermine the delivery of wider policy and design objectives that may well require cross-subsidy as part of a larger and more viable scheme. The proposal is therefore considered to be contrary to Policy 2.17 of the London Plan (2016), Policy BE14 the Local Plan: Part 2 - Saved UDP Policies (2012), Policy DMHB 11 and Policy SA 5 of the Emerging Local Plan: Part Two with Modifications (2019).

BUILD TO RENT

Purpose-built build to rent is a distinct asset class within the private rented sector that is becoming increasingly common across London and is now specifically identified in Annex 2 of the NPPF (2019). Policy 3.8 of the London Plan (2016) specifically references that when determining applications, the planning system should provide positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery. The Mayor's Affordable Housing and Viability SPG (2017) also provides support for and specific guidance on build to rent developments, recognising that they differ to the traditional build for sale model. Certain requirements, including those surrounding covenants, clawbacks, management and tenancy length, would need to be integrated into any potential S106 agreement.

At a local level, the latest evidence of housing need comes from the Strategic Housing Market Assessment (2016) which notes an increasing proportion of the Borough relying on private rent as their current tenure. It is important to note however that, whilst they differ to the traditional build for sale model, new purpose-built build to rent is still required to meet adopted local plan policies and needs to be held to the same design standards as schemes of traditional models.

AFFORDABLE HOUSING

Policy H2 of the Local Plan: Part One (November 2012) require a minimum of 35% of units within developments of 10 or more units to be delivered as affordable housing.

The London Plan (2016) Policies 3.11 and 3.12 require, boroughs to, amongst other matters, identify targets for the level of affordable housing provision to meet the capitals needs and to negotiate the maximum reasonable amount in any scheme.

The Mayor's Affordable Housing and Viability SPG (2017) states the preferred tenure split is for schemes to deliver:

- At least 30% low cost rent (social rent or affordable rent) with rent set at levels that the

LPA considers 'genuinely affordable';

- At least 30% as intermediate products; and
- The remaining 40% to be determined by the relevant LPA. The London Borough of Hillingdon has determined that this 40% should be delivered as low cost rent (social rent or affordable rent). This approach is consistent with Policy H2 of the Local Plan: Part One (November 2012) and emerging Policy DMH 7 of the Local Plan: Part Two (March 2019).

There is a requirement to achieve the maximum amount of affordable housing on development sites and that regard will be had to viability. The applicant has submitted a viability report in support of the application which was reviewed independently. The applicant's submitted viability suggests that a 6% affordable housing (Discount Market Rent), which equates to 11% on a habitable room basis is the maximum reasonable amount that could be provided.

This has been reviewed by an independent financial viability consultant on behalf of the Council who notes the scheme produces a surplus of £605,638 which indicates that additional affordable housing units can be provided. The surplus has been modelled by Carter Jonas and this provides for another 10 DMR units taking the total to 15 units, which equates to 18% affordable housing provision.

In the absence of a Section 106 legal agreement, the applicant fails to provide a maximum reasonable level of affordable housing contrary to Policy H2 of the Local Plan: Part One (November 2012) and Policies 3.11 and 3.12 of the London Plan (2016).

Policy DMH 2 of the emerging Local Plan: Part Two (2019) requires developments to provide a mix of housing of different sizes within residential schemes to reflect the Council's latest information on housing need.

The proposal provides the following:

- 44 x 1 bed (54%)
- 28 x 2 bed (35%)
- 9 x 3 bed (11%)

Whilst there is a focus on one and two bedroom units in the scheme, the approach to family sized accommodation slightly improves on the approved application on Site A, the Former Nestle Factory Scheme (10%) to the East of the site. It is similar to the unit mix proposed on Site C to the west (11%).

It is acknowledged that substantial part of the ground and first floors provide employment floorspace, which are typically the most appropriate locations for family sized accommodation. Given the site's closer proximity to Hayes Town Centre than the Former Nestle Factory Scheme, the proportion of family units proposed within this scheme should be considered as the minimum required on this site

7.2 Density of the proposed development

London Plan Policy 3.4 (March 2016) seeks to maximise the potential of sites, compatible with local context, design principles and public transport accessibility. Boroughs are encouraged to adopt the residential density ranges set out in the density matrix within Table 3.2 of the plan (habitable rooms and dwellings per hectare) in order to encourage sustainable residential quality. The recommended density for this urban setting within the London Plan (2016) is **35-260** 45-120-u/ha and **150-700** 200-450-hr/ha.

Although this is a mixed use scheme, the majority of the proposed floorspace would provide residential accommodation. The application site comprises an area of 0.23 ha and the proposal would have a density of 352 u/ha and 904 hr/ha which is far in excess of recommended density for an urban area.

It should be noted that whilst higher densities could potentially be accommodated within areas with good public transport connectivity, this quantum of development proposed at this site is far in excess of the consented developments within the vicinity of the development and therefore the proposal is considered to be incompatible within this context.

On Site C under planning ref: 73238/APP/2018/1145 a density of 293 units and 728 habitable rooms per hectare was accepted and on Site A (Former Nestle Factory) a density of 430 habitable rooms per hectare / 170 units per hectare was consented.

As a high density scheme, the development would be expected to provide an exemplary quality of accommodation, and there are no inherent site constraints which could justify failure to comply in full with the Residential Design Standards. As such it is recommended that permission be refused on the grounds that the scheme exceeds the density threshold for the area, and the design quality namely the large number of single aspect units (72%) and the lack of amenity space, design quality, does not properly address the issues relating to high density living contrary to Policy 3.4 of the London Plan(2016).

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

Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that new development within or on the fringes of conservation areas will be expected to preserve or enhance the features, which contribute to the conservation area's special architectural or visual qualities.

The site is not listed nor does it lie within a conservation area, however it is situated on the western boundary of the Botwell/Nestle Conservation Area which comprises two locally listed buildings.

Policy HE1 of the Local Plan Part One (November 2012) notes that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes the Grand Union Canal and its features, listed buildings, conservation areas, historic village cores, locally recognised historic features.

Policy DMHB 1 of the emerging Local Plan: Part Two (March 2019) expects development proposals to avoid harm to the historic environment.

The conservation officer has commented on the application noting the proposal positions its tallest element (at 10 storeys) at the northern edge of the site, the profile of the building then steps down at three intervals to 3 storeys at the southern edge of the plot bordering Nestles Avenue. Whilst the existing building on site abuts the boundary of the site and itself, does not make a positive contribution to the setting of the conservation area, future developments are required to preserve and enhance the setting of the neighbouring conservation area. This application fails to preserve or enhance the setting of the conservation area.

7.4 Airport safeguarding

The proposal does not give rise to any concerns regarding airport or aerodrome safeguarding.

7.5 Impact on the green belt

The site is not located within or close to the Green Belt, as such there are no Green Belt issues relating to this application.

7.7 Impact on the character & appearance of the area

Policy 7.1 of the London Plan (2016) sets out a series of overarching design principles for development in London and Policy 7.6 (2016) seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 7 of the London Plan (2016) policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

Policy SA5 of Site B (Land to South of the Railway, including Nestle Site, Nestle Avenue, Hayes) of the emerging Local Plan: Part 2 Site Allocations and Designations (2019) states that: Site B should provide up to 300 residential units and the provision of appropriate community infrastructure to support the overall quantum of development, including education as necessary. Sites A, B, and C should form a comprehensive development scheme across the whole site. For clarity, the application site makes up to 18% of Site B.

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, where people enjoy living and working and that serve the long-term needs of all residents.

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.

Policy BE14 of the Local Plan: Part 2 - Saved UDP Policies (2012) outlines that permission will not be granted for the development of sites in isolation if the design fails to safeguard the satisfactory redevelopment of adjoining sites which have development potential.

Policy BE19 states that the Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

Policy BE21 states that planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

Policy BE38 states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate. Planning applications for planning consent will be required to provide an accurate tree survey showing the location, height, spread and species of all trees where their proposals would affect any existing trees.

Policy HE1 states that the council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes: Historic village cores, Metro-land suburbs, planned residential estates and 19th and 20th century industrial areas, including the Grand Union Canal and its features including designated heritage assets such as statutorily Listed Buildings and Conservation Areas.

Policy DMHB 11 of the emerging Local Plan: Part Two (2019) requires new developments to be designed to the highest standards and, incorporate principles of good design by harmonising with the local context by taking into account scale, height, mass and bulk,

building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm.

It also requires development to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs and holds no weight.

The Greater London Authority started to draw up a 'draft OAPF' for the area covered by 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 2019), but this was not consulted upon, endorsed or adopted by the London Borough of Hillingdon and holds no weight for planning purposes albeit the applicants submission draws from the document.

The desire to create a green pedestrian link via a linear park 'Sandow Avenue' across the three sites to connect through to Station Road has been respected in the consented Nestle Factory (Site A) development and the recently approved redevelopment of the Buccleuch site on a substantial part of Site C. This accords with the aspirations of Policy SA5 of the emerging Local Plan: Part Two (2019).

The consented developments at Sites A and C of Policy SA 5 have provided well considered schemes for the sites in which they cover and have not prejudiced the development of adjoining sites. As previously mentioned the two schemes ensure that 'Sandow Avenue' can be delivered and in delivering their schemes the design teams have integrated their proposals with both the new and existing context and mitigate the impact on the adjacent residential neighbourhoods.

The tallest element (at 10 storeys) would be at the northern edge of the site. The profile of the building then steps down at three intervals to 4 storeys at the southern edge of the plot bordering Nestles Avenue. This provides for significantly reduced massing at the southern edge of the plot responding to its immediate context and the lower two storey suburban houses to the south of Nestles Avenue. The tallest element of the scheme is concentrated to the northern edge of the site. The design has similarities with the adjacent approved Block D of the former Nestle Factory site but does not stretch back as far as the linear park 'Sandow Avenue'.

The development seeks to provide some set-back from Nestles Avenue and the adjoining former Nestle Factory site to the south east, however, the proposed development footprint is very large for a relatively small site (0.23ha). The proposed building sits very close to its boundaries, particularly to the northwest, and leaves no 'breathing space' around the perimeter of the development to allow the curtilage sites to take their own course with regards to future redevelopment. This would constrain future development opportunities for the 'Site B' land parcels to the north and west of Stanford House.

The conservation and design officer has also expressed concern with regards to the proposed ten- storey blank elevation against the north east boundary. It will be highly visible from the adjoining streets and views across the estate particularly given the low-scale nature of the adjoining buildings within 'Site B'. The proposal would create an austere building that would detract from the townscape. The applicant has attempted to mitigate the harm by introducing brick detailing to help to visually break up the elevation but it is not an

adequate solution or positive contribution to the townscape setting. The north eastern street level elevation would present a dead inactive frontage that would be exacerbated by the large gates to the end of the access road which prevents permeability through the site. The development would in effect turn its back on the proposed Linear Park and as a result will detract from the area and aspirations for the redevelopment of the Nestles Avenue industrial cluster. Future adjoining development will have to step back considerably in order not to compromise the outlook and/or sunlight/daylight to occupants of this or future adjoining developments, considerably constraining the future development opportunity for the neighbouring/ adjoining land within 'Site B.'

Use of brickwork, broken up by fenestration, balconies and feature panels is acceptable in principle adding visual interest and articulation that will help to break up its mass. Nevertheless, its overall size, scale, height and mass is still considered to represent a disproportionately large, dominating and incongruous form of development which would be unacceptable in this location. Whilst it is acknowledged that large scale buildings have been approved as part of the former Nestle Factory site, they formed part of a comprehensive development scheme and were carefully considered as part of a much larger site rather than in isolation, which is the case here.

There are also concerns that the entrances to the office accommodation and residential units are on a secondary elevation 'hidden' within the Access Road and the building is less legible as a consequence. The principal facade, fronting onto Nestles Avenue, should have a primary entrance/s and this should be celebrated appropriately.

There is little room provided at the ground level for public realm and amenity space. The 15 metre set back from Nestles Avenue provides some welcome relief, however, this is likely to be reduced with road widening works and the provision of a cycle and pedestrian footpath in the near future. The narrow access lane on the eastern side would appear oppressive particularly with the oversailing residential storeys and balconies. It is also unclear what the boundary treatment would consist of between the neighbouring development, Block D, of the former Nestle Factory site.

There is very little in the way of supporting visual material that shows the proposed development in its wider context. Verified views of the building from longer distances would be useful as would more illustrative views of its more immediate context with the existing buildings and consented schemes. The application was not submitted with a townscape and visual impact assessment and it appears that the impact of the scale of the proposed development has not been properly assessed by the applicant's submission.

The proposal fails to provide a comprehensive development referred to in Policy SA 5 of the Emerging Local Plan (2019). An isolated development which potentially prejudices a comprehensive regeneration of this part of Hayes is not supported. Any proposals for this site need to be comprehensively planned and coordinated. If they are not, like the current approach, they 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 (2019).

7.8 Impact on neighbours

Policy DMHB 11 of the Local Plan: Part Two (2019) notes development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. Policy BE21 of the Local Plan: Part Two (November 2012) requires new residential

developments to be designed to protect the outlook of adjoining residents. The design guide 'Residential Layouts' advises that for two or more storey buildings, adequate distance should be maintained to avoid over dominance. A minimum distance of 15 metres is required, although this distance will be dependent on the extent and bulk of the buildings. The Council's HDAS further provides guidance in respect of privacy, in particular, that 'adequate distance should be maintained to any area from which overlooking may occur and regard should be given to the character of the area and the distances between buildings. As a guide, the distance should not be less than 21m, between facing habitable room windows.'

Properties on the southern side of Nestles Avenue are situated some 33m to the south of the site and would not be impacted by the proposal.

Full planning permission was granted under planning 1331/APP/2017/1883 for part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3). This consent is currently being implemented and proposed Block D of this development lies to the east of the application site. Officers have reviewed the plans for planning permission ref: 1331/APP/2017/1883 and note that there is a 22.2m separation distance between habitable windows of Block D and the nearest habitable windows in the projecting side element sited at the rear of the development. As regards the balconies, on the main elevation, these would maintain a distance of some 20.2m on the main side elevation, which reduces to within 16.9m on the balconies on the projecting side element and those facing the application site on Block D. Balconies are generally considered to be areas which should be private and although the separation distance between the closest of the balconies does not satisfy the minimum 21m distance, it is considered that as the balconies on Block D would essentially overlook a parking court serving this block and there is an access road which runs along the eastern side of the proposal, the privacy of the balconies would already be compromised and would be akin to an across the street relationship so that the shortfall of the 21m separation distance would not be unduly significant. For this reason officers do not consider that a reason for refusal on the loss of privacy between balconies could not be sustained.

On the western boundaries, the proposed habitable rooms lie within 7m from the site boundary. These distances would require adjoining sites to be built approximately 14m away from the habitable windows on the application site. The development fails to provide at least 10.5m separation on the western boundary and therefore the development would prejudice the neighbouring site to the west from delivering a comprehensive scheme and therefore this application fails to accord with Policy BE14 and BE21 of the Local Plan: Part Two (November 2012).

Officers have reviewed the submitted daylight and sunlight assessment and note the proposal would not impact the sunlight and daylight for neighbouring occupants to the south and future occupants to the east.

7.9 Living conditions for future occupiers

In terms of the layout of the units, the majority of units are single aspect, either east or west facing, however each unit would enjoy good outlook. The daylight and sunlight report submitted confirms habitable rooms would receive adequate levels of daylight and sunlight. However, as noted elsewhere in this report, the proposal fails to provide adequate setback from the western boundary of 10.5m thereby prejudicing the site to the west from delivering a comprehensive scheme in the future contrary to Policy BE14 of the Local Plan: Part Two (November 2012).

Unit Sizes

The London Plan (2016) sets out minimum sizes for various sized residential units. The applicant submitted plans which demonstrate the proposed sizes meet minimum floor space standards. The scheme accords with the London Plan (2016) minimum standard and is therefore considered acceptable.

Policy 3.5 of the London Plan (2016) requires the design of new housing developments to consider elements that enable the home to become a comfortable place of retreat. Traffic noise and adjacent uses can hamper the quiet enjoyment of homes.

Standard 28 of the London Plan Housing SPG (2016) requires the developments to demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, the street and other public spaces.

Paragraph 4.7 of the HDAS (2006) notes consideration will be given to the ability of residential developments to provide high standards of interior qualities to guarantee satisfactory indoor living space and amenities. Significant thought has been given to the design of the units to ensure that their future occupiers receive adequate light and a comfortable living environment.

External Amenity Space

Policy BE23 of the Local Plan: Part Two (November 2012) requires the provision of external amenity space, which is 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 Council's SPD Residential Layouts specifies amenity space standards for flats.

Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential layouts, suggests that the following shared amenity space for flats is provided:

- 1 bedroom flat - 20m² per flat
- 2 bedroom flat - 25m² per flat
- 3+ bedroom flat - 30m² per flat

Based on the current accommodation schedule, the required amenity space provision would be 1,715 sq.m. The current development proposal provides approximately 1,076 sq.m of amenity space through balconies and rooftop communal terraces. Whilst the applicant has included the linear park at ground floor level, given that this would be a public route it has been excluded in line with Paragraph 4.16 (2) of the HDAS (2006) which notes areas that are closely overlooked from roads, footpaths or windows to habitable rooms of adjoining properties will not be included in calculations of private useable garden space.

The proposal falls well short of the required amount of on-site private and communal amenity space. Furthermore, where communal amenity space is being provided, it is placed so close to habitable windows particularly at fourth, fifth and sixth floor levels that its use would create a further concern of the loss of privacy to adjacent properties which could not be alleviated with the provision of screening as it would be detrimental to the outlook of these properties. This further demonstrates that the quantum of development is excessive for this site and the proposal is contrary to Policy BE23 of the Local Plan: Part Two (November 2012) and HDAS (2006).

Children's Playspace

Policy 3.6 of the London Plan (2016) requires development proposals make provision for play and informal recreation based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG expect a minimum of 10 sq.m per child to be provided in new developments.

The detailed composition of affordable and market units produces a child yield of 20 children with 7 of these being under 5. Accordingly, the scheme would be required to provide 196.4 sq.m of dedicated playspace. The scheme proposes 110 sq.m of play space located on the 5th floor terrace with other public spaces and rooftop amenity spaces also available. This provision represents a 86.4 sq.m shortfall against the overall requirements of the Play and Informal Recreation SPG, when assessed across all age groups. The applicant is required to provide this on site in the first instance, in the absence of on site provision, a contribution of ~~£16,596.90~~ £14,179 is required to mitigate the intensified use of Cranford Park which is the nearest area of public open space to the site. In the absence of a Section 106 legal agreement securing a contribution towards children's playspace the proposal fails to accord with Policy 3.6 of the London Plan (2016).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Paragraph 109 of the NPPF (2019) notes developments should only be refused on highways grounds if there would be an unacceptable impact on highways safety, or residual cumulative impacts on the road network would be severe.

Policy 6.10 of the London Plan (2016) notes that development should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space and Policy 6.11 seeks to maintain an efficient road network for movement and access.

Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) are concerned with traffic generation, road capacity, onsite parking and access to public transport. In particular AM7 (ii) advises that the Local Planning Authority will not grant permission for developments whose traffic generation is likely to prejudice the 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.

Emerging Policy DMT1 (March 2019) requires new development to maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users. Emerging Policy DMT6 (March 2019) requires new developments to comply with car parking standards within the local plan to facilitate sustainable development and address issues relating to congestion and amenity.

To determine both the existing and proposed number of trip rates associated with the development, the applicant has carried out an interrogation of the TRICS (Trip Rate Information Computer System) database. Given the car free status of the development with some on-site provision for blue badge parking, it is considered that this scheme would in fact result in a reduction in the level of vehicular trips to and from the site compared to that which currently takes place. It should however be highlighted that on street car parking demand generated by the development is likely to be greater.

The highways officer has considered servicing and delivery noting the submissions demonstrate a half on and off-street servicing bay along Nestles Avenue. As stated within the Transport Assessment, the proposals will require servicing/delivery for both the

residential and commercial elements of the scheme. This will include refuse/waste, as well as deliveries such as home shopping and parcel deliveries. TfL have objected to the on street servicing and delivery arrangements that will undermine the Multi Modal Transport Spine. The proposed on-street servicing arrangement will detract from the improvements being provided as part of LB Hillingdon's and Transport for London's Healthy Streets approach along Nestles Avenue.

Although the proposed arrangement is intended to restrict the need for larger goods vehicles to cross the footway/cycleway, given the level of servicing/delivery trips associated with the site, the proposals would instead require waste and deliveries to be dragged across the footway/cycle way.

In accordance with highway guidance contained within the current Manual for Streets document (1), residents should not be required to carry waste more than 30 metres to the storage point, as well as waste collection vehicles being able to get within 25 metres of the storage point. However, LB Hillingdon's waste service requires a 10 metre drag distance for collection vehicles.

It is apparent from the submitted information that this has not been achieved with the scheme proposing a refuse and recycling area in the most northern section of the building line in excess of the required distances. No information has been provided as to how the site will be managed on refuse/waste collection days with the absence of a suitable collection point.

This may potentially result in large commercial or residential refuse bins being left out on proposed Multi Modal Transport Spine compromising ease of movement and the safety of pedestrians and cyclist, a matter that TfL have objected to.

It could also result in a situation where delivery vehicles or cars could drive onto the access route on the eastern boundary of the site and casually park in this location creating conflict between road users. The application is not very clear on how such a situation could be deterred thereby compromising the ease of cyclist or pedestrian movement contrary to Policy AM7 (of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMT1 of the emerging Local Plan: Part 2 (March 2019).

Finally it should be noted that there are proposals to change the West London bus network in response to the opening of the Elizabeth Line. These proposals include a new north/south bus route linking Ruislip with Heathrow Airport; there is a good opportunity to route this new service along Nestles Avenue, thereby widening the travel choices available to future occupants. However this will require Nestles Avenue to be remodelled so that it will be able to cater for 2-way bus traffic. Had the application been considered favourably, a contribution towards the delivery of the Multi Modal Transport Spine for future residents to use and a new bus service would have been required. This request is supported by TfL.

~~Haves town centre also offers access directly onto the under construction Grand Union Canal Quietway. When complete early in 2020. Phase 1 of the The Grand Union Quietway will link Haves town centre with Yiewsley via Stockley Park and West Drayton. Works involve resurfacing the existing unmade towpath with a 2 metre wide bitumen macadam surface for pedestrians and cyclist to use. Eastbound the Grand Union Canal Quietway when complete will provide cyclists with a direct and off road route to Central London. Had the application been considered favourably, a Section 106 contribution of £3,544 would~~

have been sought towards canal quietway improvements that would have directly benefited future residents.

CAR PARKING

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Councils adopted Car Parking Standards.

The highways officers have reviewed the application and note that the submissions does not provide details of the existing car parking provision. It is noted that the site currently makes use of a forecourt which provides off-street parking. This application seeks a car free development with small provision for 'blue badge' compliant parking which total 4 spaces. These spaces will be used for residents only and will provide 'active' electrical charging points.

In accordance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies, a recommended maximum parking provision of 122 parking spaces is required for the residential component. This equates to a parking ratio of 1.5 spaces per unit. A further provision of 11 spaces would be required to serve the commercial element of the scheme. The car free development would fails to accord with Policy AM14, and the Policy DMT 6 of the emerging Local Plan: Part Two (March 2019).

It is noted that the site has a Public Transport Accessibility Level rating of 4 which is deemed 'good', the PTAL rating is based on public transport connectivity by bus and rail within the London area only and does not reflect the deficiencies in connectivity of the public transport network to destination beyond Greater London. Given LB Hillingdon is an Outer London borough any future occupiers of the development are likely to travel to destinations beyond Greater London such as Reading, Slough, Staines, High Wycombe, St Albans etc. Few of the public transport services available in Hayes town centre serve these destinations therefore the new residents are likely to be reliant on the private car to satisfy their daily travel needs. This situation is confirmed by existing car ownership levels, the results of the 2011 Population Census shows that car ownership levels in Hillingdon are amongst the highest in London.

Although future infrastructure projects such as Crossrail, provide benefit to public transport accessibility both within and outside of the borough, it is not considered that the benefits would be likely to substantiate a significant alteration in travel modes within the Hillingdon Borough which is reliant on the private motor vehicle.

It is noted that the local area provides some means to remove on-street parking demand with deterrents in the form of a residents parking management scheme and parking restrictions, Mon-Sat (8:00 am - 6.30 pm). However, whilst some deterrents are in place, the associated impacts along unrestricted roads within the site vicinity have not been factored. Particularly along Harold Avenue and Viveash Close. This application is most likely to result in displaced car parking along unrestricted roads within the vicinity of the application site.

Notwithstanding the above, the highways officer notes that given the site's accessibility and the proposed tenure could allow for a car parking ratio of 0.6 spaces per residential unit (49 car parking spaces and 11 commercial spaces) could be accepted which would be comparable to the development consented at the neighbouring site (Former Nestles

Factory) subject to the delivery of an associated package of highways and transportation mitigation measures. The level of car parking proposed under this application is significantly below this. The proposal is contrary to Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies and Policy DMT 6 of the emerging Local Plan: Part Two (March 2019).

In order to substantiate a lower parking ratio of 0.6 per dwelling on this development, the following package of mitigation would be sought:

- Car parking permit restriction for existing and future parking management zone (for residents and employees)
- Framework Travel Plan (plus £20,000 bond)
- Transfer of land to enable provision of the multi modal transport spine along Nestles Avenue
- Contribution of ~~up to £75,000~~ **£10,771.11** towards the Nestles Avenue multi modal spine
- A S38 agreement to provide cycle way, footpath and landscaping as part of MTS road
- ~~£12,000 contribution towards the Grand Union Canal Quietway~~
- ~~£10,000~~ A contribution of **£16,596.90** towards Cranford Park improvements – ~~Grand Union canal to Cranford Park via North Hyde Gardens and Watersplash Lane~~
- **Parking Management Zone extension £5,000**
- **£27,759.51 towards bus capacity**

The application seeks to provide 144 cycle parking spaces across the development in the form of double stacked cycle racks. 136 spaces will be allocated to residential occupiers and 8 for the commercial unit which accords with the standards set out within the London Plan (2016). Though it should be noted that many cycle parking spaces on large developments in Hillingdon are often not used. As an outer London Borough, where the density of development is lower key destinations are dispersed resulting in longer journeys, not all of which can be made by walking or cycling. It is considered that the available areas could be put to better use i.e. amenity space etc. On this basis, this application should provide 113 cycle parking spaces in accordance with Table 6.3 of the London Plan (2016).

The highways officer has reviewed the access noting the proposal seeks to retain access with some minor alterations in order to host suitable access to the four disabled spaces which are perpendicular to the internal access road. As highlighted within highway guidance contained within the current Manual for Streets document, parking bays should provide a manoeuvring distance of 6.0m. This does not appear to be the case with the drawings demonstrating a manoeuvring distance of 5.0m, reducing to 4.3m opposite grassed amenity areas. This is considered unacceptable not least taking into account the special needs of disabled drivers contrary to Policy AM7 of the Local Plan: Part Two (November 2012).

7.11 Urban design, access and security

URBAN DESIGN

Policy SA5 (connecting the historic Nestle factory core with the station and high street) seeks to provide a comprehensive approach to redevelopment, seeking to establish a new east-west route at the heart of the development. In terms of scale, taller buildings are generally placed along the railway, and transitions to low-rise blocks along Nestles Avenue. It is noted that the applicant has sought to engage with neighbouring landowners but that these attempts, to date, have been unsuccessful. However, by maximising the site's footprint, the proposal fails to make appropriate setbacks to allow neighbouring sites to re-develop comprehensively which is contrary to Policy SA5 of the Site Allocations and Designations (October 2015) and Policy BE14 of the Local Plan: Part Two (November

2012).

SECURITY

Policy 7.3 of the London Plan (2016) requires developments to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

The Secured by Design Officer has objected to the application citing the lack of residential use on ground floor. A small amount of commercial use can assist but will depend on what the commercial is delivered and the associated levels of activity and usage.

There are concerns with regards to the access and the pathway between this development and the proposed neighbouring building to the east. There is little natural surveillance of this area and it could become an undesirable area as it is relatively long and narrow and could feel like an alleyway that residents of Core A would have to walk down to get to their entrance.

Had this application been considered acceptable in all other respects, a secure by design condition would have been required to include the submission of boundary treatments to ensure that this part of the site would visually permeable and sight lines from the north to the south of the building are completely clear.

CONTAMINATED LAND

The contaminated land officer has reviewed the application and the report document Titled: Desk Study and Ground Investigation; Report Ref: J18167; Issue No. 2; dated November 2018; Prepared by Geotechnical and Environmental Associates Limited(GEA).

As a combined report the document provides details of Phase 1 Preliminary Risk Assessment in conjunction with a Conceptual Site Model, and leading to a Phase 2 site investigation to evaluate potential and identified pollutant linkages at the site.

The report includes recommendations relating to aspects of the site where supplementary works are deemed necessary to obtain further data, finalise previous investigative works and conduct further risk assessments as necessary. Should the application have been considered acceptable, a condition would have been secured.

7.12 Disabled access

There are significant concerns relating to the proposed access route (serving the disabled bays and main pedestrian access points into the building) which measures 5.0m wide which narrows down to 4.6m. The access route would be used by drivers, pedestrians and cyclists. This part of the site is dominated by inactive frontages. It is unclear what the boundary treatment with the neighbouring site would be, however if a 2m boundary fence is erected, this area could become an oppressive space and fails to provide a sense of arrival for residents, particularly those occupying the second core. It is unclear what provision would be made to prevent car parking and delivery vehicles accessing this space, there is the potential for this space to become heavily parked and quite oppressive for future occupants.

Furthermore, there is a narrow strip of land to the northern part of the site that is not overlooked due to the lack of windows in the proposed building's rear elevation. Should the site to the north come forward, this part of the site would become an awkward strip of land that fails to provide a meaningful gap between the application site and future development to the north compromising its delivery creating a potential crime corridor contrary to Policy

3.5 and 7.3 of the London Plan (2016).

7.13 Provision of affordable & special needs housing

Policy H2 of the Local Plan: Part One (November 2012) require a minimum of 35% of units within developments of 10 or more units to be delivered as affordable housing.

The London Plan (2016) Policies 3.11 and 3.12 require, boroughs to, amongst other matters, identify targets for the level of affordable housing provision to meet the capitals needs and to negotiate the maximum reasonable amount in any scheme.

The Mayor's Affordable Housing and Viability SPG (2017) states the preferred tenure split is for schemes to deliver:

- At least 30% low cost rent (social rent or affordable rent) with rent set at levels that the LPA considers 'genuinely affordable';
- At least 30% as intermediate products; and
- The remaining 40% to be determined by the relevant LPA. The London Borough of Hillingdon has determined that this 40% should be delivered as low cost rent (social rent or affordable rent). This approach is consistent with Policy H2 of the Local Plan: Part One (November 2012) and emerging Policy DMH 7 of the Local Plan: Part Two (March 2019).

There is a requirement to achieve the maximum amount of affordable housing on development sites and that regard will be had to viability. The applicant has submitted a viability report in support of the application which was reviewed independently. The applicant's submitted viability suggests that a 6% affordable housing (Discount Market Rent), which equates to 11% on a habitable room basis is the maximum reasonable amount that could be provided.

This has been reviewed by an independent financial viability consultant on behalf of the Council who notes the scheme produces a surplus of £605,638 which indicates that additional affordable housing units can be provided. The surplus has been modelled by Carter Jonas and this provides for another 10 DMR units taking the total to 15 units, which equates to 18% affordable housing provision.

In the absence of a Section 106 legal agreement, the applicant fails to provide a maximum reasonable level of affordable housing contrary to Policy H2 of the Local Plan: Part One (November 2012) and Policies 3.11 and 3.12 of the London Plan (2016).

7.14 Trees, landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Saved UDP Policies (November 2012) states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate.

The trees and landscaping officer has reviewed the submitted tree report. The report has identified and assessed the condition and value of 17 individual trees, groups and hedges which are on, or close to, the site. There are three 'B' grade trees T6, T8 and G3 which are all off-site. The remaining (on-site trees) are 'C' and 'U' grade trees (poor), whose removal is not generally considered to be a constraint on development.

A Landscape Design Report, by Outer Space, indicates a landscape buffer / reserved strip on the Nestles Avenue frontage. This conforms with an agreed standard along the north edge of Nestles Avenue. This is intended to accommodate modest front gardens for the ground-floor, footpath and cycleways connectivity segregated from the road and SUDS all within a landscaped setting.

The final detailing and ultimate width will be dictated by the proposed new bus route. This will compromise the landscape quality of the area and conflict with the requirement to enable the development of an unfettered bus route.

An indicative palette of hard and soft landscape materials and plants has been included, together with external furniture and a lighting strategy. A play area will be incorporated within one of the roof gardens and the planting will be designed to encourage pollinators and biodiversity. Should the application have been considered acceptable, a condition would have final details of hard and soft landscaping.

7.15 Sustainable waste management

Policy EM11 of the Local Plan: Part One (November 2012) requires proposed development to address waste management at all stages of development. London Plan Policy 5.17 requires suitable waste and recycling facilities in all new developments. HDAS - New Residential Layouts provides further details on waste management to guide development proposals.

The waste officer has commented on the application noting that a management company is required which should be responsible for presenting all waste and recycling bins within 10 metres of the lay by, but off of the public highway on the allocated collection day(s).

Whilst this could be subject to a condition, officers are concerned that overall, the proposal fails to make suitable long term provision for servicing and deliveries. A management condition could be secured whilst the block is under single management, however this may change in the future and there is no way of guaranteeing the management company would remain in place for the duration of the development.

Furthermore, dragging the waste out to the kerb on collection day would still compromise pedestrian or cycle safety if it is left on the Multi Modal Transport Spine. Due to the size of the footprint, the applicant has not been able to secure a suitable area where servicing and deliveries could take place safely. The proposal is therefore contrary to Policy EM11 of the Local Plan: Part One (November 2012).

7.16 Renewable energy / Sustainability

The development as submitted does not comply with planning policy 5.2 of the London Plan (2016) as the scheme is not zero carbon. The sustainability officer has commented on the application noting the information submitted broadly demonstrates compliance with the London Plan requirements for a minimum of 35% onsite reduction in CO₂ from a 2013 Building Regulation baseline. Given the site is not zero carbon, a S106 offsite contribution is required in accordance with Policy 5.2E of the London Plan (2016).

The shortfall amounts to 41 tCO₂ per annum as set out in the Energy Assessment (MECSERVE). This equates to 1,230 tCO₂ over the 30 year period defined by the GLA as the period of a carbon intensive grid. As such should the application have been considered acceptable, a S106 contribution (@£60/tCO₂) of £73,800 would be required.

7.17 Flooding or Drainage Issues

Policy DMEI 10 of the emerging Local Plan: Part Two (March 2019) requires all major developments in Critical Drainage Areas or an area identified at risk from surface water flooding must be designed to reduce surface water run-off rates to no higher than the pre-development greenfield run-off rate in a 1:100 year storm scenario, plus 30% allowance for climate change for the worst storm duration. The assessment is required regardless of the changes in impermeable areas and the fact that a site has an existing high run-off rate will not constitute justification.

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 site falls outside any flood zones as defined in the Council's own Strategic Flood Risk Assessment (SFRA) and is within flood zone 1 on the Environment Agency maps. A flood risk assessment has been submitted with the application. The scheme would need to demonstrate that it would incorporate sustainable drainage techniques and reduce the risk of flooding in accordance with the requirements of Policies 5.11, 5.12 and 5.13 of the London Plan and the NPPF (2019).

The Greater London Authority has commented on the application noting the approach to flood risk management for the proposed development complies with London Plan policy 5.12. The surface water drainage strategy for the proposed development does not comply with London Plan policy 5.13 as it does not give appropriate regard to the greenfield runoff rate.

Revised attenuation storage volume calculations, consistent between the plans and the text of the FRA, attenuation tank dimensions, and exceedance assessment information is required. In the absence of this information the proposal is contrary to Policy 5.13 of the London Plan (2016) and Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.18 Noise or Air Quality Issues

Paragraph 180 of the NPPF (2019) 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 submitted report demonstrates the future occupants would be provided with sufficient levels of insulation. However, the report fails to consider the site to the west (No. 7 Nestles Avenue) which is an allocated industrial site. Should this come forward in the future with noise generating uses given its lawful designation as an industrial unit, the habitable rooms, terraces and balconies on the western elevation would be affected by ongoing noise and disturbance. It further demonstrates the application site has not been sufficiently setback from the western boundary to mitigate against this and for this reason, the application is contrary to Policy BE1 or the Local Plan: Part One (November 2012) and draft policy D12 of the draft London Plan (2017).

AIR QUALITY

Policy 7.14 of the London Plan (2016) requires developments to at least be Air Quality Neutral and not lead to further deterioration of existing poor air quality, particularly in Air Quality Management Areas.

The air quality officer has reviewed the application and notes the report does not acknowledge that the application is within the Hayes Focus Area and that it should aim at being air quality positive contributing to the improvement of air quality within the area.

Given the site is in a Focus Area, the extant use (as per LBH standard practice within these areas) the extant trip generation cannot be used as benchmark for vehicle emissions; the application generates traffic which needs to be accounted for cumulatively with other granted planning applications within the area.

The supporting information does not assess the cumulative effects of the energy centre on the Hayes Focus Area nor does it undertake neutral assessment calculations as per the requirements set out by the Greater London Authority. Given the approach taken, the conclusions of the report are not considered to be valid.

The air quality officer notes the site is within a Focus Area and therefore a Low Emission Strategy is required. Therefore should the application have been considered acceptable, this would have been secured by way of a planning condition. A S106 contribution of £5,371 would also have been secured.

7.19 Comments on Public Consultations

Addressed within the main body of this report.

7.20 Planning obligations

Policy R17 of the Hillingdon UDP is concerned with securing planning obligations to supplement the provision of recreational 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. The saved UDP policy is supported by more specific supplementary planning guidance.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impacts of the development. As the application is being recommended for refusal, no negotiations have been entered into with the developer in respect of these contributions. However, if the application were to be considered for approval, the following heads of terms would have been pursued:

1. Highways: in line with the SPD and depending upon the views of the highways engineer any and all highways works will be required to be met by the applicant, including s278 works.
2. Affordable Housing: In line with the SPD and current planning policy 35% of the scheme is required to be delivered as affordable housing with the tenure and mix to be agreed by the Council.
3. Built to Rent restrictive covenants in line with Greater London Authority SPG on Affordable Housing (2017)
4. Construction Training: Either a construction training scheme delivered during the construction phase of the development or a financial contribution.
4. ~~Public Realm Contributions: a contribution of £4,431.~~
5. ~~Contributions towards security measures on land adjacent to the site.~~

6. Agreement to secure a boundary treatment on the eastern part of the site in discussion with the neighbouring landowner.
7. Carbon Off-set of £73,800.
8. Travel Plan plus £20,000 Bond
9. Parking Permit free restriction **for existing and future car parking management zones development for all future residents**
10. Transfer of land to enable provision of the the multi modal transport spine along Nestles Avenue
11. Contribution of **up to £75,000 £10,770.11** towards the Nestles Avenue multi modal spine
12. **TfL Bus Capacity £27,759.51**
13. A S38 agreement to provide cycle way, footpath and landscaping as part of MTS road
14. ~~£12,000 contribution towards the Grand Union Canal Quietway~~
- **15. £10,000 £16,596.90** towards Cranford Park improvements ~~–Grand Union canal to Cranford Park via North Hyde Cdns and Watersplash Lane~~
16. **Parking management zone extension £5,000**
17. Project Management and Monitoring Fee.

No legal agreement to address these issue has been offered. As such, the proposal fails to comply with Policy R17 of the UDP and it is recommended the application should be refused.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable

10. CONCLUSION

The application seeks permission for the demolition of existing building and redevelopment of the site. The application fails to satisfactorily deliver a comprehensive development that responds to its context and that of the wider site Site B.

The proposed development is considered inappropriate by virtue of its footprint and site coverage. The proposal provides dead frontages at ground floor level and fails to clearly delineate between the commercial and residential accommodation. The large expanse of blank elevations results in poor relationships with the surrounding environment.

The development fails to provide sufficient private and communal amenity space and fails to provide sufficient 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 servicing and delivery arrangements are considered unacceptable as it is likely to result in the conflict of movement between cyclist and

pedestrians.

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.

11. Reference Documents

The Hillingdon Local Plan: Part 1- Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan 2016
National Planning Policy Framework (NPPF) 2019
The Greater London Authority Sustainable Design and Construction (2006)
Council's Supplementary Planning Guidance - Community Safety by Design
Council's Supplementary Planning Document - Air Quality
Council's Supplementary Planning Document - Noise
Hillingdon Supplementary Planning Document: Accessible Hillingdon January (2010)
Air Safeguarding Circular 01/03
GLA Affordable Housing and Viability Supplementary Planning Guidance (SPG)
Emerging Hillingdon Local Plan: Part 2 Site Allocations and Designations
Emerging Hillingdon Local Plan: Part 2 Development Management Policies
Emerging Hillingdon Local Plan: Part 2 Policies Map
The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (2016)
General Aviation Strategy March 2015

Contact Officer: Zenab Haji-Ismael

Telephone No: 01895 250230