

Planning Inquiry – Appellant’s Statement of Case

Site – 9 Nestles Avenue

Inquiry into a planning application for the following 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.”

London Borough of Hillingdon ref. 51175/APP/2018/4260 – Appealed against non-determination

Appellant’s Statement of Case – Mr Charles Mills MRICS ARTPI of Daniel Watney LLP, on behalf of Healey Development Solutions (Hayes) Ltd

Contents

	Page
1. Introduction.....	2
2. Site Description	3
3. The Application.....	8
4. Contents of the Planning Application	9
5. Statutory Consultee Responses	11
6. Planning Policy	14
7. The Appellant’s Case	17
8. Conclusion	28
9. Draft Conditions	29

Appendix 1 – 3 Viveash Close GLA Stage 1 Report

1. Introduction

1.1 This Statement of Case relates land at Stanford House, 9 Nestles Avenue, UB3 4SA (“the Site”).

1.2 The planning application subject to this appeal was submitted to the London Borough of Hillingdon (“the Council”) on the 5th December 2018 by Daniel Watney LLP on behalf of Healey Development Solutions (Hayes) Ltd (“the Appellant”). The planning application was given the reference number: 51175/APP/2018/4260.

1.3 The proposed development (“the Scheme”) comprises 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 units to the upper floors, with associated landscaping, access, car parking and cycle parking.”

2. Site Description

- 2.1 The Site is located south of Hayes & Harlington Station, towards the south of the London Borough of Hillingdon.
- 2.2 The Site is rectangular in shape and measure 0.23 hectares in size. There is currently single storey commercial building to the rear of the Site, with a 2 storey office element fronting Nestles Avenue. The building is set back from Nestles Avenue beyond a forecourt which provides on-site parking.



Figure 1: Site Location Plan

- 2.3 The land between the railway to the north of the Site and Nestles Avenue to the south is generally industrial in character, dominated by the former Nestle Factory site, albeit with smaller scale, single and two storey workshop and warehouse units located west of the former factory. The Nestle Factory site is undergoing demolition as detailed latterly in this Statement.
- 2.4 The existing building on the Site is not listed, nor does it fall within a Conservation Area. However the Botwell Nestle Conservation Area falls to the east, whilst part of the former Nestle Factory is locally listed.
- 2.5 To the south of the Site is an area which is predominantly residential in character, comprising a mix of bungalows and two storey 1930s suburban housing. Hayes Town Centre is located to the north of the railway station.



Photographs 1 and 2: Existing Building on Site



Photographs 3 and 4: Typical Houses along Nestles Avenue



Photographs 5 and 6: Former Nestle Factory Building

- 2.6 The Site currently has a PTAL rating of 4, indicating a good level of public transport accessibility as a reflection of the proximity to Hayes & Harlington Station and local bus stops.
- 2.7 As detailed in the Transport Statement submitted with the planning application, the introduction of the Elizabeth Line will increase the PTAL rating of the Site to 5, meaning very good access to the public transport network. This is principally as a result of the additional bus services that will be introduced to supplement Crossrail arriving at Hayes & Harlington Station.

Regeneration of Hayes

- 2.8 Hayes is undergoing significant change and regeneration as a result of Crossrail and the development opportunities that arise as a result of such an investment in infrastructure.

Elizabeth Line

- 2.9 Hayes & Harlington Station will benefit from the introduction of the Elizabeth Line serving Crossrail, which adds approximately 10% of new railway capacity to the public transport system, creating new and easier journey opportunities east and west.

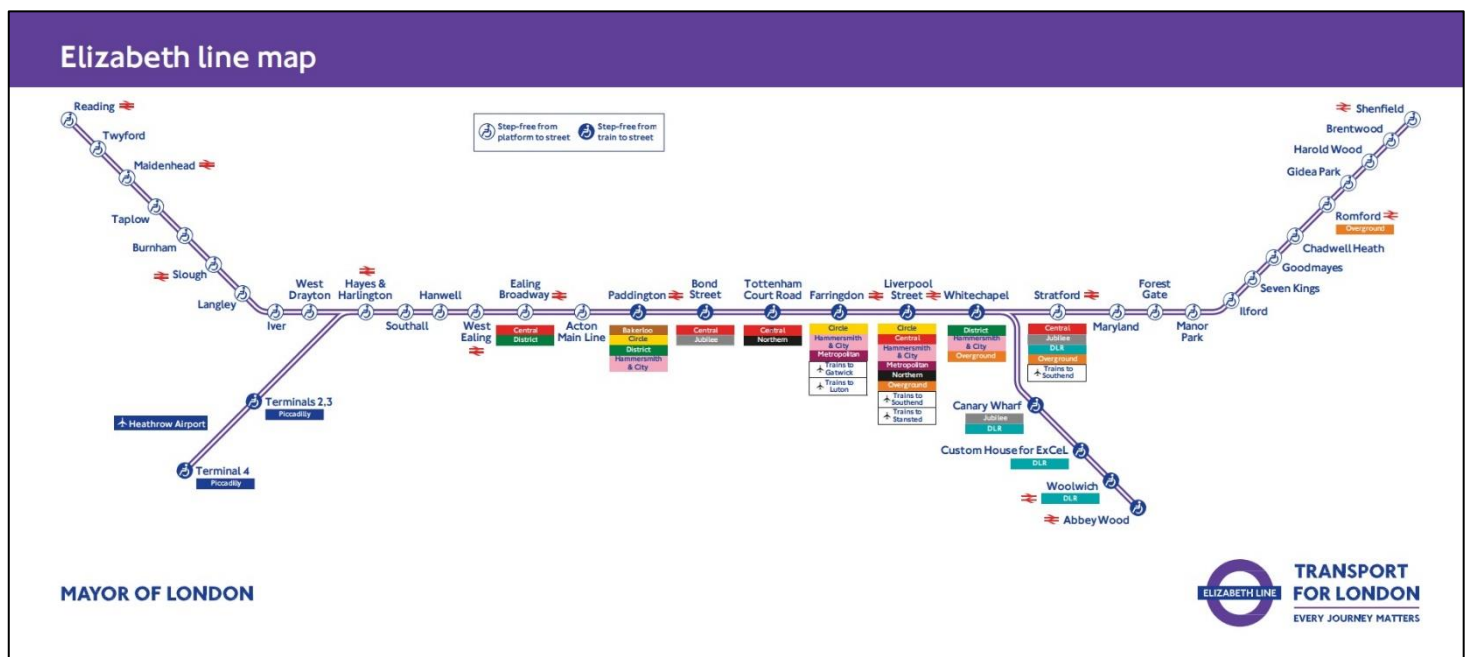


Figure 2: Crossrail Elizabeth Line Route Map

- 2.10 Stations along the route are being upgraded to accommodate the Elizabeth Line, with Hayes & Harlington to benefit from a new footbridge with four new lifts providing step free access to every platform, platform extensions and new replacement canopies in addition to lighting, customer information screens, station signage, help points and CCTV.
- 2.11 From late 2020 / early 2021, when the full route opens, up to ten Elizabeth Line

services an hour will allow passengers from Hayes & Harlington to travel to Reading or Heathrow in the west, or through central London tunnels to Abbey Wood or Essex in the east.

2.12 As a result of the Elizabeth Line, significant changes to the local bus network have been agreed. For Hayes & Harlington, this results in the following:

- Extension of the H32 which currently operates between Southall and Hounslow from Southall to Hayes & Harlington Station (subject to the completion of the Southall Gasworks link road);
- Curtailment of route 140 which currently operates between Harrow and Heathrow to operate between Harrow and Hayes & Harlington Station only;
- Introduction of a new route, the X140, an express, limited stop service between Harrow and Heathrow (i.e. replicating the current 140) with a stop at Hayes & Harlington Station; and
- Introduction of a new route, the 278, providing a local service between Ruislip, Hillingdon, Hayes & Harlington and Heathrow.

2.13 These additional services result in the site having access to a further 15 buses per hour in each direction. These changes were confirmed in August 2018 by TfL and are to be introduced as consulted upon, once the Elizabeth Line services are operational.

Heathrow Opportunity Area

2.14 In recognition of the arrival of Crossrail and the opportunities this will bring, the London Plan has identified Hayes as a key area of strategic growth and part of the Heathrow Opportunity Area (Policy 2.13), which covers an area of approximately 700 ha.

2.15 The identified Opportunity Area has an indicative employment capacity of 12,000 new jobs and the potential to create 9,000 new homes. This area also falls within the Hayes-West Drayton corridor, which the London Plan recognises as being able to offer a range of redevelopment opportunities, including small business parks, logistics and mixed uses.

Hayes Housing Zone

2.16 The Site is included within the Hayes Town Centre Housing Zone, a 238 ha area which was designated in March 2016 by the Mayor as one of 31 new Housing Zones in London. This is an initiative which was undertaken in partnership with London boroughs and their development partners as part of the GLA's Housing Strategy. A total of £600 million in funding has been made available by the Mayor and government for the construction of 75,000 new homes. The programme is also expected to provide 150,000 associated jobs.

2.17 In Hayes, the GLA anticipates that it will provide £39 million of funding as part of

the overall expected £1 billion of total investment, with a total of 2,788 new homes provided across the Housing Zone, of which 847 would be affordable, and creating 5,576 new jobs (<https://www.london.gov.uk/what-we-do/housing-and-land/increasing-housing-supply/housing-zones#acc-i-42739>).

- 2.18 There is extensive planning history in the immediate locality:
- 2.18.1 1331/APP/2017/1883 – former Nestle Factory - planning permission granted for 1,386 residential units, 22,663 sqm of Class B floorspace, data centre and additional commercial floorspace. Approved 13th December 2017;
 - 2.18.2 1699/APP/2017/2201 – 1 Nestles Avenue – application for 10 storey scheme delivering 3 basement storeys of B8 floorspace and 164 residential units above – Withdrawn 25th May 2018;
 - 2.18.3 36678/APP/2017/1774 – 3 Viveash Close - planning permission refused for redevelopment delivering 977 sqm commercial floorspace and 68 residential units. Refused 18th October 2018 and Appealed 22nd February 2019. Hearing date 25/06/2019;
 - 2.18.4 73238/APP/2018/1145 – 233-236 Nestles Avenue – resolution to grant planning permission for 474 residential units and 834 sqm of A / B class floorspace. Resolved to grant planning permission on 4th April 2019;

3. The Application

- 3.1 The planning application was originally submitted in December 2018.
- 3.2 The application was submitted following pre-application engagement and consultation, which is detailed in the Planning Statement and Statement of Community Involvement, submitted with the planning application.
- 3.3 The application sought planning permission for the demolition of the existing building and redevelopment of a building up to 10 storeys, delivering 81 residential units, 868 sqm commercial floorspace, with associated landscaping, access, car and cycle parking.
- 3.4 The landscaping included the provision of the multi-modal transport scheme on Nestles Avenue along with the necessary cycle way, footpath and landscaping which replicates the provision within the former Nestle Factory site to the east and the 233-236 Nestles Avenue scheme to the west, considered by LB Hillingdon and TfL to be fundamental to development proposals within this Masterplan area.
- 3.5 The Scheme was amended in April 2019 as a result of the comments received by stakeholders, which involved a re-design of certain elements of the Scheme to respond to specific comments on land use and urban design raised by the Council and also the Stage 1 GLA Report.
- 3.6 These amendments to the scheme were as follows:
 - 3.6.1 Alterations to ground floor commercial use, to propose a flexible use allowing for either a B1 / D1 use;
 - 3.6.2 Provision of transport addendum and updated noise assessment;
 - 3.6.3 Indication of cyclist shower and changing facilities within the commercial unit;
 - 3.6.4 Alterations to the energy strategy to include for Air Source Heat Pumps at roof level, rather than CHP in the ground floor; and
 - 3.6.5 Reconfiguration of the ground floor, reducing the plant room (due to ASHP at roof level) allowing for larger cycle stores to be provided at ground floor.
- 3.7 On 16th April 2019, an extension of time until 17th May was agreed for the Council's determination of the application to allow for re-consultation of the revisions described above.
- 3.8 On 16th May, the Council requested a further extension of time to allow for further discussions to take place with the GLA. The Council requested an extension until 18th June 2019.

4. Contents of the Planning Application

- 4.1 The planning application was supported by the following material and supporting information. Please note that where documents were revised and superseded through the course of the application, the original documents which no longer apply are not referred to below:

Architectural Drawings – Prepared by Brimelow McSweeney

- 0820-0100 – Existing Ground Floor Plan;
- 0820-0101 – Existing First Floor Plan;
- 0820-0102 – Existing Roof Plan;
- 1820-0300 – Existing Elevations;
- 1820-1000-D – Location Plan;
- 1820-1001-B – Block Plan;
- 1820-1002-B – Site Plan;
- 1820-1011-C – Ground Floor Plan, including Landscape;
- 1820-1100-D – Ground Floor Plan;
- 1820-1101-D – First Floor Plan;
- 1820-1102-D – Second Floor Plan;
- 1820-1103-D – Third Floor Plan;
- 1820-1104-E – Fourth Floor Plan;
- 1820-1105-E – Fifth Floor Plan;
- 1820-1106-D – Sixth Floor Plan;
- 1820-1107-D – Seventh Floor Plan;
- 1820-1108-D – Eighth Floor Plan;
- 1820-1109-D – Ninth Floor Plan;
- 1820-1110-D – Tenth Floor Plan;
- 1820-1200-A – Long Section;
- 1820-1300-B – West Elevation;
- 1820-1301-B – Nestles Avenue Elevation;
- 1820-1302-B – East Elevation;
- 1820-1303-A – Rear Elevation.

Supporting Documents

- Planning Statement, prepared by Daniel Watney LLP;
- Design and Access Statement, prepared by Brimelow McSweeney Architects;
- Landscape Design Statement, prepared by Outer Space;
- Daylight and Sunlight Assessment, prepared by EB7;
- Statement of Community Involvement, prepared by BECG;
- Arboricultural Report, prepared by The Ecology Consultancy;
- Transport Assessment, prepared by i-Transport;
- Technical Note dated 10th April 2019, prepared by i-Transport;
- Delivery & Servicing Plan, prepared by i-Transport;
- Draft Travel Plan, prepared by i-Transport;
- Archaeological Assessment, prepared by CgMS;
- Flood and Drainage Assessment, prepared by Heyne Tillett Steel;
- Noise Impact Assessment, dated April 2019, prepared by Mayer Brown;
- Air Quality Assessment, prepared by Mayer Brown;
- Energy and Sustainability Assessment Issue 3, dated March 2019, prepared by Mecserve;
- Energy Response to the GLA, dated March 2019, prepared by Mecserve;

- Overheating Assessment, prepared by Mecserve;
- Viability Assessment, prepared by ULL;
- Ground Conditions Assessment, prepared by GEA.

5. Statutory Consultee Responses

- 5.1 The consultation responses received from statutory consultees are summarised below.

Transport for London (TFL)

- 5.1.1 The retention and enhancement of the single vehicular crossover is deemed acceptable in strategic transport terms;
- 5.1.2 The car-free development is welcomed and supported, subject to demonstrating how additional disabled parking bays can be provided in the future;
- 5.1.3 Additional information should be provided to demonstrate that there is sufficient Car Club capacity in the former Nestle Factory site, as a viable alternative to the provision of disabled parking on site;
- 5.1.4 Permit free scheme in the surrounding CPZ is supported;
- 5.1.5 An additional 4 residential long stay cycle parking spaces should be provided;
- 5.1.6 The commercial unit should have private cycle parking and supporting end of journey facilities (lockers and showers) to encourage cycling;
- 5.1.7 Proposals should demonstrate how cycle parking facilities will cater for adapted cycles for disabled people;
- 5.1.8 Financial contributions are not requested;
- 5.1.9 Healthy Street assessment is encouraged, as are quality assessments such as PERS and CLoS audits for pedestrians and cyclists;
- 5.1.10 The half-on / half-off loading bay was not considered acceptable

Ministry of Defence

- 5.1.11 The proposed development site occupies the statutory height safeguarding zone. The MOD has no statutory safeguarding objections to this proposal.

Metropolitan Police

- 5.1.12 Object to the provision of commercial ground floor premises, stating a preference for residential use at ground floor.

Natural England

- 5.1.13 No comments on this application.

Thames Water

- 5.1.14 With regard to surface water drainage, Thames Water recommends the sequential approach.
- 5.1.15 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Waste Strategy

- 5.1.16 The proposed capacity for waste and recycling is suitable for the number of units proposed.
- 5.1.17 Waste Officers considered it unsuitable 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).

Flood Water Management

- 5.1.18 Clarification was sought in respect of the drainage and landscaping drawings.

Access Officer

- 5.1.19 The Officer concluded that the proposal appears to meet the technical considerations to satisfy accessible housing standards.

Greater London Authority (GLA) Stage 1 Report – Summary

Principle of development

- 5.1.20 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

- 5.1.21 The proposed 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

- 5.1.22 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

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

Transport

- 5.1.24 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)

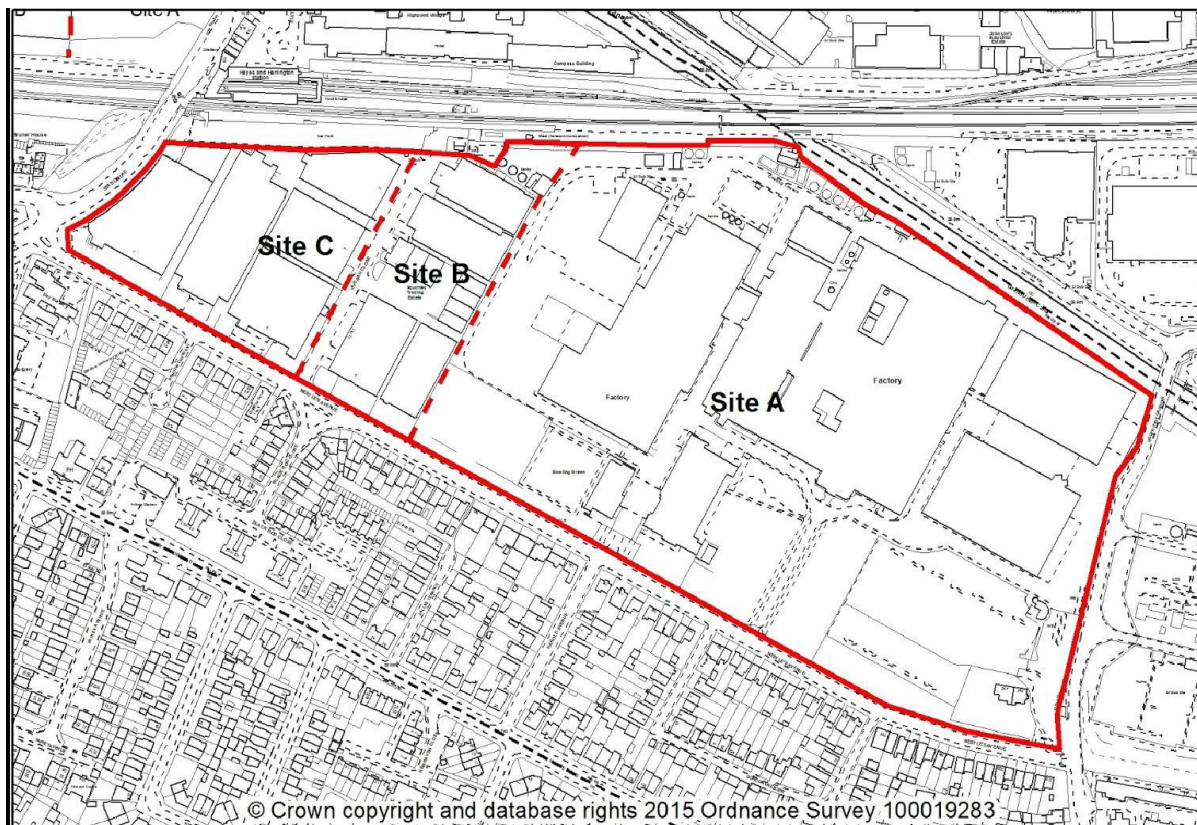
6. Planning Policy

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that *“in dealing with an application for planning permission...the authority shall have regard to the provisions of the development plan, so far as material to the application...and any other material considerations.”*
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.
- 6.3 The application was prepared having full regard to all relevant planning legislation, guidance and policies including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the 2016 Consolidated London Plan, the adopted 2012 LB Hillingdon Local Plan Part 1, and the Extant 2007 Saved Unitary Development Plan (UDP) Policies, saved in 2012.
- 6.4 Regard has also been given to the emerging LB Hillingdon Local Plan Part 2, which is a key material consideration in the determination of this planning appeal
- 6.5 The LBH draft Local Plan Part 2 documents were submitted to the Secretary of State in May 2018, with Examination taking place in August 2018. Whilst not yet forming part of the Development Plan, this document will carry significant weight in the determination of this planning appeal.
- 6.6 The draft new London Plan was submitted for Examination in July 2018, with the Hearing sessions taking place between January – May 2019. This draft London Plan will also carry significant weight in the determination of this planning appeal.

Site Specific Policies

- 6.7 The adopted Local Plan: Part 2 – Saved UDP Policies (2012) identifies the Site as falling within an Industrial and Business Area (IBA).
- 6.8 Policy LE2 states that the Local Authority will not permit development for non B Class (and appropriate Sui Generis) uses within IBA's unless it is satisfied that:
- (i) There is no realistic prospect of the land being used for industrial or warehousing purposes in the future; and,
 - (ii) The proposed alternative use does not conflict with the policies and objectives of the plan;
 - (iii) The proposal better meets the Plan's objectives, particularly in relation to affordable housing and economic regeneration.
- 6.9 Employment Land Studies formed part of the Evidence Base for the draft Local Plan Part 2, which identified a number of employment sites which were earmarked for release from such protection.
- 6.10 The Appeal Site forms part of a site allocation within the draft Local Plan Part 2.

- 6.11 Policy SA 5 identifies 'land south of the Railway, including Nestle site' as a site allocation to deliver a total of 1,800 new residential units, split into three smaller sites; A, B and C, as identified in the below figure.



- 6.12 The Appeal Site forms part of the south-easternmost block of Site B, the entirety of which is allocated as follows in the draft Local Plan Part 2:

“Site B

The provision of up to 300 residential units;
The provision of appropriate community infrastructure to support the overall quantum of development, including education as necessary;

Key principles for all sites

As a preference, Sites A, B and C should form a comprehensive development scheme across the whole site. The Council will co-ordinate the phasing of development to complement the wider Hayes Housing Zone area and all proposals will be expected to:

- Sustain and enhance the significance and integrity of heritage assets, including the Grand Union Canal, Conservation Areas, Areas of Special Local Character and Locally Listed buildings;
- Provide pedestrian links to Hayes Town Centre and key transport nodes;

- Reflect the Council's latest evidence of housing need in terms of the type and tenure of residential units;
- 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;
- Provide appropriate community infrastructure to support the overall quantum of development including education, children's services, health, transport, community and sport / recreation facilities as necessary;
- Sufficient setback from Nestles Avenue to allow for the introduction of potential public transport improvements;
- Adopt a complementary set of scale, massing, layout and design principles that take account of surrounding land uses and existing suburban context, with lower building heights located on the Nestles Avenue side.

Subject to the outcome of area specific studies, the Council may consider an approach to car parking which departs from the standards set out in this plan, if supported by relevant public transport improvements and other mitigating measures."

7. The Appellant's Case

7.1 This Appeal is being submitted against non-determination of the planning application. The Council suggested they would refuse the planning application but have not provided anything in writing which suggests why the application will be refused, or the specific reasons for the refusal.

7.2 Telephone conversations with the planning officer suggest that the Council's objection to the Scheme will be primarily based around four reasons, namely:

- Lack of comprehensiveness and the impact this Scheme would have on the delivery of SA5;
- Concerns over the access route into the east of the site and the detrimental impact this could have on the safety and security of users of this space outside of the employment operating hours;
- The lack of car parking delivered through the Scheme;
- The lack of affordable housing to be provided.

7.3 The following matters are therefore expected to be common ground between the Appellant and the Council, albeit this is currently written in the absence of a decision notice, or written report:

- **Principle of Residential-Led Development** – the principle of a residential-led development on site is acceptable in the context of emerging Policy SA5 which seeks the managed release of a large parcel of land to facilitate a residential-led masterplan. This masterplan is being realised through the approval of the former Nestle Factory site to the east, which is now on-site, and the grant of planning permission on the Buccleuch site to the west, which forms part of Site A of SA5.
- **Unit Mix** – the Appellant understands that the mix of housing proposed through the application is appropriate in respect of its proposed tenure as Build to Rent and also the mix of 1, 2 and 3-bed units. As set out above, the Site is located within the Opportunity Area and in close proximity to Hayes & Harlington Station which will serve Crossrail and is therefore well suited to a predominantly smaller unit scheme;
- **Provision of Multi-Modal Transport System** – the Scheme incorporates the Multi-Modal Transport System corridor which includes east / west pedestrian, cycle and landscape routes which is seen by the Council and TfL as a key requirement of the SA5 masterplan;
- **Noise and General Disturbance** – the Appellant understands that there are no issues with regards to noise and general disturbance as a result of the Scheme;
- **Air Quality** - the Appellant understands that there are no issues with regards to air quality as a result of the Scheme;
- **Daylight and Sunlight** - the Appellant understands that there are no issues with regards to daylight and sunlight impacts on existing and proposed neighbouring residential properties as a result of the Scheme;

- **Energy and Sustainability** - the Appellant understands that there are no issues with regards to the energy and sustainability strategy
- **Landscaping and Trees** - the Appellant understands that there are no issues with regards to the proposed landscaping of the site, including the delivery of the sustainability and landscape corridor within the southern part of the site;
- **Conservation and Archaeology** - the Appellant understands that there are no issues with regards to conservation or archaeology;
- **Biodiversity** - the Appellant understands that there are no issues with regards to biodiversity as a result of the Scheme;
- **Flood Risk and Drainage** - the Appellant understands that there are no issues with regards to flood risk and drainage as a result of the Scheme;
- **Utilities** - the Appellant understands that there are no issues with regards to connection to utilities as a result of the Scheme.

Comprehensiveness

- 7.4 The Council contend that this Scheme would prejudice the delivery of the masterplan envisaged by Policy SA5 of the emerging Local Plan Part 2. The masterplan area subject to Policy SA5 is highlighted in 6.10 of this Statement.
- 7.5 The Appellant will provide evidence at the Inquiry to demonstrate that the Scheme would be delivered in a way which does not prejudice any sites across the wider masterplan area being brought forward in the future.
- 7.6 In terms of the adopted Development Plan, there is no policy requirement for Site B to be brought forward on a comprehensive basis.
- 7.7 With regards to emerging policy, there is nothing that requires Site B to be developed comprehensively. Whilst draft policy states that “*as a preference, Sites A, B and C should form a comprehensive scheme across the whole site*” (emphasis added), this is a preference not a requirement.
- 7.8 The site allocation is in multiple ownerships which includes the SA 5 site as a whole, but also within the individual parcels A, B and C.
- 7.9 Site A has already been brought forward independently, with planning permission being granted in July 2018, whilst the Council has resolved to grant planning permission for part of Site C. The Council therefore are already granting planning permission for “standalone” schemes within SA 5. Sites B and C are in multiple ownerships which makes comprehensive redevelopment difficult, however the Council have accepted part of Site C coming forward independently which is a distinctly different position to that taken with Site B.
- 7.10 Further, the GLA was prepared to support the planning application at 3 Viveash Close even though it was not brought forward on a comprehensive basis. Whilst the Stage 1 report for the scheme requested the Applicant to “redouble” its efforts

to bring neighbouring landowners on board, the GLA were prepared (para 27 of the Stage 2 report, appended to this Statement) to support the design of the scheme when this proved unsuccessful.

- 7.11 There is also nothing in the draft London Plan that would prohibit a standalone planning application.
- 7.12 In short, it is clear that there is no policy basis on which the Council can insist on Site B coming forward together with the wider land parcels on a comprehensive basis.
- 7.13 Notwithstanding, the Applicant understands the importance of not undermining the ability for the entirety of the masterplan to come forward and deliver the vast benefits to the wider area.
- 7.14 The Scheme has been designed so that it can function as a standalone scheme, but without prejudicing the regeneration of the wider area, respecting the principles established by the Masterplan and the approach taken by the approved scheme to the east in Site A and the emerging scheme to the west in Site C, enabling the remainder of Site B to be delivered.
- 7.15 The policy requirements within emerging Policy SA 5 are reviewed below to explain how the Scheme adheres to each item noted at 6.6 above.

Residential Accommodation

- 7.16 SA 5 seeks to deliver up to 300 residential units across Site B. The Scheme seeks to deliver 81 of these units which will be a valuable contribution towards the overall quantum in line with the other land use aspirations for the site. It does not prejudice the delivery of the remaining 219 units.

Community Infrastructure

- 7.17 The Masterplan seeks to provide appropriate community infrastructure to support the overall quantum of development. The Scheme proposes a flexible commercial use for the site at ground floor, so that a community facility, such as a nursery or doctor's surgery, could be delivered if considered appropriate.

Heritage Assets

- 7.18 The site allocation seeks to sustain and enhance the significance and integrity of heritage assets, including the Grand Union Canal, the Conservation Area and the locally listed building on the former Nestle Factory site.
- 7.19 The Scheme seeks to respond to the massing approved at the former Nestle Factory site and is therefore considered to complement the emerging heritage context. The Scheme will have no adverse impact on the Canal and will not cause any harm to the character and appearance of the Conservation Area.

7.20 The design evolved through pre-application engagement with LB Hillingdon and the GLA. The appearance of the building is inspired by the industrial heritage of the local area and has been influenced by the original Sandow Factory and later Art Deco inspired Nestle Factory.

7.21 The proposed design references the local heritage assets, utilizing a brick expressed grid articulating elevations into bays with large metal framed fenestration panels, and industrial styled metal balconies.

Landscaping and Sustainable Corridor

7.22 Policy SA 5 identifies two important landscape infrastructure routes to be delivered through the Masterplan, namely a sustainable transport corridor along the southern boundary of the site on Nestles Avenue, and an east-west linear park through the centre of the Masterplan.

7.23 Both of these routes formed part of the approved former Nestle Factory site and the 233-236 Nestles Avenue scheme.

7.24 The Scheme includes a dedicated strip of land at the front of the site which will be handed over the Local Authority to deliver the sustainable transport link and necessary landscaping.

7.25 Whilst the Appellant's ownership does not extend to the proposed linear park to the north and neighbouring landowners are not currently engaging in discussions about a wider Masterplan, the indicative masterplan included in the Design and Access Statement shows that the linear park can be accommodated within Site B without undermining the remaining land use principles.

Housing Mix

7.26 Saved UDP Policy H4 states that where practicable, a mix of housing units of different sizes should be provided in schemes of residential development including particular units of one or two bedrooms. Within town centres, schemes comprising predominantly one and two bedrooms are preferred.

7.27 Emerging Policy DMH2 requires developments to provide a mix of housing units of different sizes to meet the Council's latest information on housing need.

7.28 The supporting text to emerging policy DMH2 (specifically Table 4.1) suggests a need for 96% of 3+bed units within the private tenure.

7.29 The proposed housing mix is below:

- 44 x 1-beds (54%);
- 28 x 2-beds (35%);
- 9 x 3-beds (11%).

- 7.30 The scheme therefore does not comply with emerging local planning policy in respect of latest identified need.
- 7.31 However, with regard to unit mix, the Mayor's Housing SPG acknowledges that local housing requirements should not be the single determinant of housing mix sought on individual developments.
- 7.32 The Housing SPG highlights that higher density development close to public transport facilities is especially suitable for one and two person households, particularly singles, couples and sharers, students and older people. Conversely, a lower proportion of family sized homes may be appropriate in town centres, as opportunities for play and other amenity spaces tend to be more constrained in these locations. The SPG notes that Boroughs should consider applying local policies on unit size mix flexibly for town centre and edge of centre sites where there is good accessibility, recognising the particular suitability of these locations for 1 and 2 bedrooms units.
- 7.33 Therefore whilst the proposal does not comply with the emerging policy in respect of identified housing need, the Mayor's Housing SPG explicitly identifies build to rent schemes such as this, to be appropriate for a higher density of 1 and 2 bed units.
- 7.34 All units comply with the internal space standards of the Mayor's Housing Design Standards and the Nationally Described Space Standards.

Employment Uses

- 7.35 Paragraphs 6.8 – 6.9 of this Statement notes the existing policy protection afforded to B Class uses in IBA's, however acknowledges the emerging position with respect to managed release of such floorspace.
- 7.36 Draft Policy SA 5 requires a proportion of employment floorspace to be provided by Policy SA 5 as a result of the redevelopment. This does not include an explicit percentage re-provision, however other schemes in the Masterplan have been assessed against a 50% re-provision of existing employment floorspace, which appears to be a result of the previous wording of the emerging policy.
- 7.37 Given the proposed linear park which is to be created through the Masterplan, GLA Officers have suggested through their Stage 2 response to 3 Viveash Close (Paragraph 20 of report appended to this Statement), that applications elsewhere on Site B should over-provide to account for the deficit in the centre of the site.

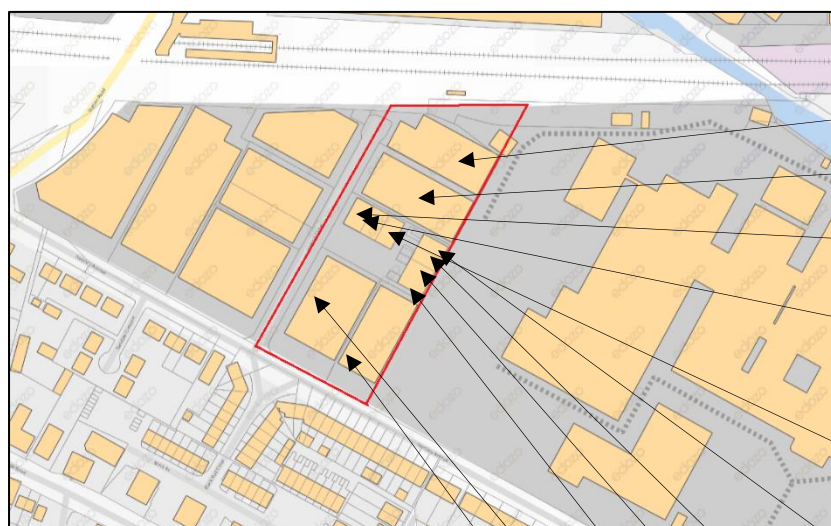


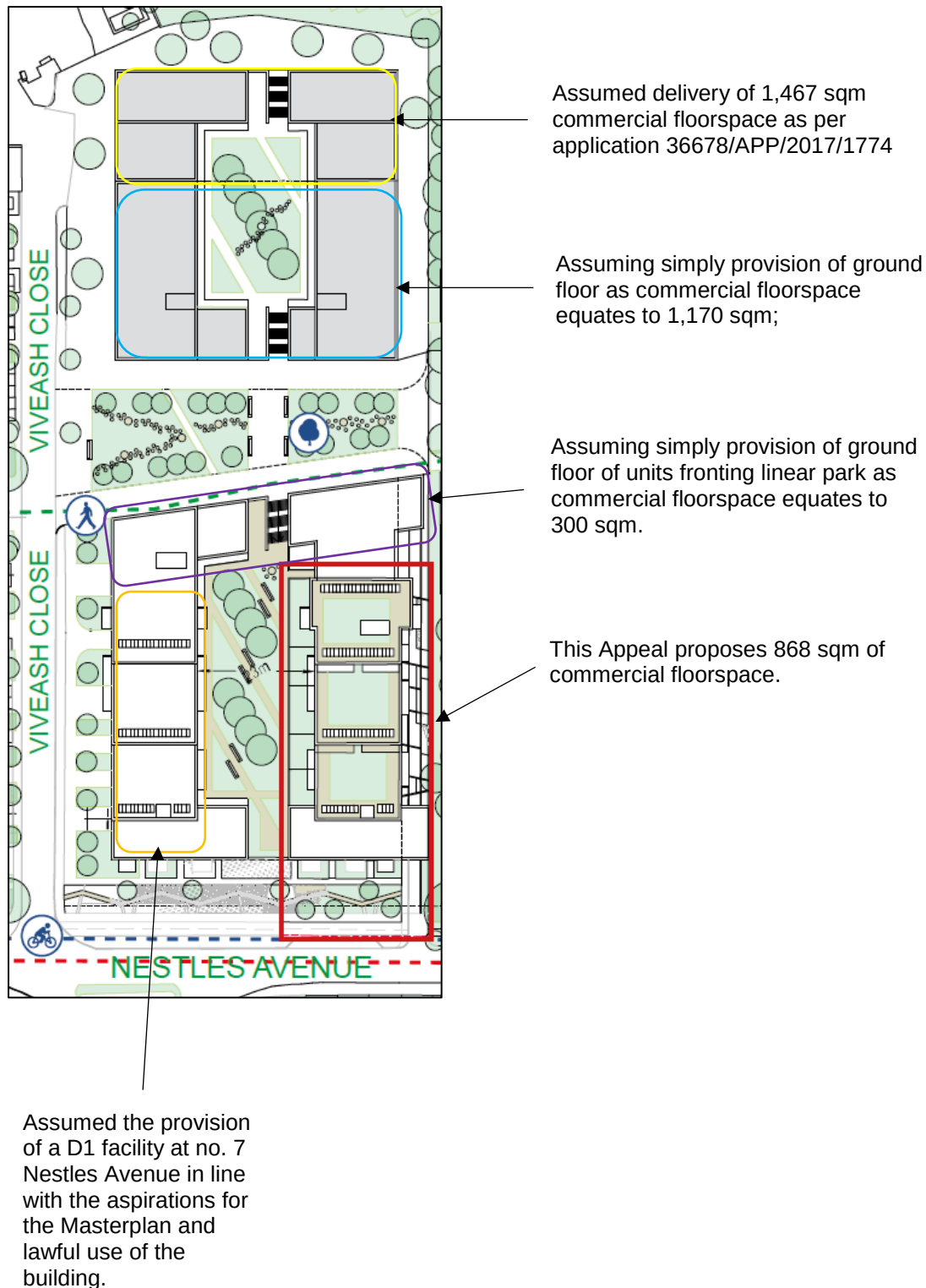
Figure 5: Existing Commercial Floorspace on Site

Site	B1 Floorspace
3 Viveash Close	2,335
4 Viveash Close	2,103
1 Squirrels Trading Estate	223
2 Squirrels Trading Estate	240
3 Squirrels Trading Estate	215
4 Squirrels Trading Estate	160
5 Squirrels Trading Estate	160
6 Squirrels Trading Estate	165
7 Squirrels Trading Estate	187
7 Nestles Avenue	807 – lawful D1 use
9 Nestles Avenue	1,718

- 7.38 There is a total of 7,406 sqm Class B floorspace within Site B as currently identified in the above figure which, based on the application of the emerging policy, would necessitate an overall re-provision of 3,703 sqm Class B floorspace through all proposals, based on this suggested 50% re-provision.
- 7.39 This Scheme proposes to deliver 868 sqm which would satisfy and slightly exceed the 50% re-provision on this site as a standalone parcel of land and deliver almost a quarter (23.4%) of the overall required replacement floorspace within Site B. Whilst there are no approved schemes within Site B as it stands which can be referred to, it is clear from architectural masterplanning that there is ample floorspace across the remainder of site to deliver the remaining requirements.
- 7.40 Whilst planning application 36678/APP/2017/1774 at 3 Viveash Close was refused and is subject to an Appeal, there was a clear intention to deliver employment floorspace through any scheme, with 1,467 sqm proposed, which would equate to 40% re-provision for the entirety of Site B.

- 7.41 As identified within the indicative Masterplan included within the Design and Access Statement and reproduced overleaf, there is an ability to deliver a substantial number of additional development blocks across Site B, whilst also retaining the key landscaping and sustainability routes through the site.
- 7.42 Whilst assumptions have to be made at this stage, simply taking the ground floor space alone of the remaining buildings within the Masterplan, outlined in blue and purple overleaf, would result in an additional 1,470 sqm commercial floorspace. When combined to the floorspace subject to this planning application and the proposed floorspace through the refused 3 Viveash Close application (as a guide), this equates to 3,805 sqm of commercial floorspace, a 51.3% re-provision when assessed against the existing quantum.
- 7.43 Should the ground floor of the neighbouring 7 Nestles Avenue also be delivered as commercial floorspace, this would increase the percentage to 62.3% re-provision when assessed against the existing quantum.
- 7.44 This calculation demonstrates at a high level that there is sufficient space within the overall masterplan to ensure that sufficient employment floorspace can be re-provided across the entirety of Site B.
- 7.45 Even if certain buildings were to deliver less floorspace than expected, for example if 3 Viveash Close reduces the quantum of employment floorspace, or even the non-residential floorspace in the Scheme is utilised as community floorspace, this could be accommodated at first floor or higher in other development blocks within the Masterplan.
- 7.46 Whilst there are not schemes for the entirety of Site B at this stage, it is clear that the Scheme would not compromise the re-provision of sufficient commercial floorspace across Site B through future proposals across a range of scenarios.

Figure 6: Indicative Commercial Floorspace in Site B



Massing

- 7.47 The site allocation in the emerging Local Plan seeks to locate taller buildings to the railway in the north of the site, stepping down to the residential properties along Nestles Avenue to the south.
- 7.48 The Scheme adheres to this through replicating the massing approved under the scheme to the immediate east, with ground plus three storeys being located along Nestles Avenue to the south, increasing in height towards the centre of the Masterplan area. These heights have been established through recognition of the airport safeguarding heights, in addition to reflecting the approved building heights elsewhere within the Masterplan.

Car Parking

- 7.49 The allocation notes that the Council may consider an approach to car parking which departs from the standards set out in the emerging plan, if supported by public transport improvements and other mitigating measures.
- 7.50 The Scheme will be car-free (other than disabled parking for the residential and commercial elements) which TfL support.
- 7.51 The proposed parking provision is appropriate given the Site's PTAL rating. Further, the Scheme comprises a build to rent scheme meaning apartments will be let in perpetuity rather than being sold. Research into Build to Rent has shown that renters generally have up to 0.4 fewer cars on average than owner-occupied households of a similar size and type. In addition, prospective renters will be informed that there is no parking available, and they will not be able to apply for parking permits in the surrounding streets, so will be less likely to rent the property if they require parking.
- 7.52 Further, the former Nestle Factory site includes 5 Car Club spaces, which residents of this Scheme could access.

Summary

- 7.53 The Site forms part of an emerging allocation within the Local Plan Part 2 for a residential-led mixed-use development at land south of the railway. LBH has approved a planning application for part of the SA 5 Masterplan to the east and resolved to grant planning permission for part of Site C to the west.
- 7.54 The Scheme complies with the relevant land use principles for the Masterplan and proposes delivery, where possible, of important landscaping and sustainable transport infrastructure which is key to the delivery of the Masterplan. This application enables the remainder of the Masterplan to be delivered in line with the principles of Policy SA 5.
- 7.55 The proposals contribute to the wider regeneration objectives, including the delivery of housing, re-provision of commercial floorspace or provision of

community infrastructure, the provision of public realm and an important sustainable transport link.

- 7.56 The proposals closely align with the aspirations for the redevelopment of SA 5 and therefore will not prejudice the comprehensive development of the site allocation.

Quality of Environment

- 7.57 The Council have suggested that eastern access way through the site to the residential core is of poor quality and will create an unattractive environment leading to possible safety and security concerns.
- 7.58 The access into the residential cores and also the car parking for the disabled access, is most appropriate at the eastern edge of the site, to align with the courtyard car parking proposed for Block D within the neighbouring development.
- 7.59 This access lane is 5.5 – 5.7 metres wide from the proposed building line to the site boundary line which will predominantly provide pedestrian access to the residential cores as well as the employment floorspace.
- 7.60 Given the regular use of this access route for the employment floorspace throughout the day and then the residential uses more so in the evening, along with the wider permeability that the masterplan for this area seeks to create, there will naturally be movement throughout the wider site, through north/south and east/west links. This access route through to the residential cores will be well landscaped and extensive CCTV / lighting can be provided to provide additional comfort of safety and security.

Insufficient Levels of Car Parking

- 7.61 Despite the Site's location within a highly accessible location given its proximity to Hayes & Harlington Station and the rail / bus improvements that are committed as a result of Crossrail, the Council raise objection to the provision of a car-free scheme.
- 7.62 The Transport Statement submitted with the planning application deals with the justification for a car-free scheme at length, relating to the proposed tenure of the building, the accessibility to Car Club spaces in neighbouring developments, and the wider accessibility of the site. The car-free position, other than the necessary fully accessible parking spaces, is supported by TfL.
- 7.63 Evidence will be provided at Inquiry which supports the delivery of a car-free scheme in this location.

Insufficient Levels of Affordable Housing

- 7.64 A Financial Viability Assessment was submitted with the planning application, prepared by ULL, which was reviewed by the Council's consultant Carter Jonas. The initial response highlighted some areas of disagreement between the parties in respect of the position with viability.
- 7.65 ULL prepared a rebuttal to this response which was issued on 7th April 2019. The Appellant was provided with the further response from Carter Jonas on 14th May which identified some areas of disagreement.
- 7.66 The documents noted above, i.e. those prepared by both ULL in support of the application and Carter Jonas on behalf of the Council, are included within the appeal submission and evidence will be provided at Inquiry in respect of the affordable housing quantum proposed through the Scheme.

8. Conclusion

8.1 The Scheme accords with the development plan and is supported by all relevant “material considerations” including the NPPF and the policies of the Council’s emerging Local Plan. In particular, the Appellant will demonstrate that:

- The Site can be developed in a manner which does not prejudice the remainder of SA5 coming forward in the future, once other landowners and the Council progress matters;
- The Scheme will deliver major benefits including:
 - Delivery of much needed market and affordable housing;
 - Provision of employment / community floorspace which will serve the wider masterplan area;
 - Deliver improvements to connectivity between the Site and the surrounding street network and Masterplan, linked to the improvements being delivered as a result of Crossrail;
- The Scheme will deliver a substantial package of planning obligations and will make a significant contribution to local infrastructure through the payment of Community Infrastructure Levy.

The Appellant’s evidence will demonstrate that the Council’s objections to the Scheme are misconceived.

The Appellant will also produce evidence, so far as necessary, to respond to outstanding objections raised by third parties.

9. Draft Conditions

9.1 Conditions have not been discussed between The Appellant and the Council, however the Appellant would be happy to agree to the following conditions:

1 - Time Limit. The development hereby permitted shall be begun before the expiration of three years from the date of permission.

2 - Approved drawings. The development hereby permitted shall not be carried out except in complete accordance with approved plans, namely:

- 0820-0100 – Existing Ground Floor Plan;
- 0820-0101 – Existing First Floor Plan;
- 0820-0102 – Existing Roof Plan;
- 1820-0300 – Existing Elevations;
- 1820-1000-D – Location Plan;
- 1820-1001-B – Block Plan;
- 1820-1002-B – Site Plan;
- 1820-1011-C – Ground Floor Plan, including Landscape;
- 1820-1100-C – Ground Floor Plan;
- 1820-1101-D – First Floor Plan;
- 1820-1102-D – Second Floor Plan;
- 1820-1103-D – Third Floor Plan;
- 1820-1104-E – Fourth Floor Plan;
- 1820-1105-E – Fifth Floor Plan;
- 1820-1106-D – Sixth Floor Plan;
- 1820-1107-D – Seventh Floor Plan;
- 1820-1108-D – Eighth Floor Plan;
- 1820-1109-D – Ninth Floor Plan;
- 1820-1110-D – Tenth Floor Plan;
- 1820-1200-A – Long Section;
- 1820-1300-B – West Elevation;
- 1820-1301-B – Nestles Avenue Elevation;
- 1820-1302-B – East Elevation;
- 1820-1303-A – Rear Elevation.

3 - Material Samples. No development, other than demolition and site clearance, shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

4 - Privacy Mitigation Measures. Details of the measures to ensure that the units provide adequate privacy, which may include side privacy screens for the balconies, vertical fins to buildings, obscure glazing etc. to include details of design, construction and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works.

The measures shall be installed prior to the occupation of the residential unit and thereafter

retained for so long as the development remains in existence.

5 - Radar Mitigation Scheme. No development, other than demolition and site clearance, shall take place until a Radar Mitigation Scheme (RMS), (including a timetable for its implementation during construction), has been agreed with NATS and approved in writing by the Local Planning Authority.

6 - Crane Operation Plan. No development, other than demolition and site clearance, shall take place until full details of a "Crane Operation Plan" shall be submitted to and approved in writing by the Local Planning Authority in consultation with the "Radar Operator" (NATS) and BAA Safeguarding. Construction at the site shall only thereafter be operated in accordance with the approved "Crane Operation Plan".

7 - Sustainable Water Management Scheme. Prior to commencement, other than demolition and site clearance, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall follow the strategy set out in 'Flood Risk Assessment' and 'Surface Water Drainage Strategy', produced by Heyne Tillet and Steel.

8 - Construction Environment Management Plan. Before the development hereby approved commences, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with Network Rail.

The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction.

Appropriate arrangements should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.

9 - Internal Noise Levels. The noise level in habitable residential rooms at the development hereby approved shall meet the internal noise standard specified in BS8233:2014.

10 - Air extraction system noise and odour. Prior to use, any machinery, plant or equipment, extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

11 - Contaminated land.

(i) The development shall not commence until a scheme to deal with contamination has been

submitted to the Local Planning Authority (LPA) in accordance with the Supplementary Planning Guidance Document on Land Contamination, and approved by the LPA. All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

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

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

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

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

12 - Accessible hard and soft landscaping. All areas of hard and soft landscaping shall be constructed to accord with the prescribed standards and tolerances set out in BS8300:2018.

13 - Prior to occupation of the development, details in respect of the play equipment accessible to disabled children, shall be submitted and approved in writing by the Local Planning Authority.

14 - Accessible units. The development hereby approved shall ensure that ten percent of the residential units are constructed to meet the standards for Category 3 M4(3) wheelchair user dwelling.

15 - delivery and servicing hours. There shall be no loading or unloading of vehicles, including the collection of waste from

the site outside of the hours of:-

07:00 and 23:00 hours, Monday to Saturday, and

09:00 and 18:00 hours on Sundays, Public or Bank Holidays.

16 - Piling. 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 and Network Rail. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

17 - D1 use. The D1 use hereby approved shall be unrestricted other than for use as a place of worship.

Appendix 1 – 3 Viveash Close GLA Stage 1 Report

planning report GLA/4096/02

15 October 2018

3 Viveash Close, Hayes

in the London Borough of Hillingdon

planning application no. 36678/APP/2017/1774

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Residential-led mixed use redevelopment to provide a building of up to 9-storeys to accommodate 68 residential units and 1,467 sq.m. of commercial space.

The applicant

The applicant is **General Food Trading Co. Ltd.** and the architect is **Fraser Brown MacKenna**.

Strategic issues

Hillingdon Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice there are **no sound planning reasons for the Mayor to intervene** in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance Hillingdon Council has resolved to refuse permission.

Recommendation

That Hillingdon Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

Context

1 On 3 October 2018, the Mayor of London received documents from Hillingdon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referable under the following Categories of the Schedule to the Order 2008:

- 1C 1.(c) *“Development which comprises or includes the erection of a building... more than 30 metres high and is outside the City of London”*.

2 On 30 October 2017, the Mayor considered planning report D&P/4096/01, and subsequently advised Hillingdon Council that the application did not comply with the London Plan, for the reasons set out in paragraph 57 of the above-mentioned report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 28 September 2018, Hillingdon Council resolved to refuse planning permission for the application and on 3 October 2018 advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 16 October 2018 to notify the Council of his decision and to issue any direction.

4 The Council’s draft decision notice includes the following reasons for refusal:

- In the absence of a comprehensive scheme, the development of this site in isolation would result in a piecemeal development that would fail to safeguard the satisfactory redevelopment of this strategic site 'B' identified within Policy SA 5 of the Emerging Local Plan: Part Two (October 2018). The proposed development is therefore contrary to Policy H1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); Policy BE14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); and Emerging Policy SA 5 of Site Allocations (Proposed Modifications 2018)
- The proposed development, by reason of its overall size, scale, bulk and detailed design would result in a disproportionately large, dominating and incongruous form of development in particular the ten and eight storey blank elevations against the southern boundary which would be highly visible from Nestles Avenue which would fail to respect the pattern and scale of development in the immediate area. The proposal would be detrimental to the visual amenities of the street scene and the character and appearance of the wider area, contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE14, BE19 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
- The proposed development is considered to result in a large area of: dead ground floor frontage; hardstanding/parking within the curtilage of the site to the west and south; and fails to provide adequate soft landscaping or defensible space to mitigate against the impact of this development or provide any public realm improvements. The proposal would therefore be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
- The proposed development by reason of its size, design and layout, would be a cramped and unsatisfactory standard of residential accommodation due to the poor layout of the flats with limited circulation and floor space for furniture and fittings, poor outlook, limited natural light and poor quality amenity spaces would fail to meet the needs of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), The Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

- The proposal fails to provide sufficient parking provision for the proposed development (residential and commercial) and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
- In the absence of a comprehensive noise report, the applicant has failed to demonstrate that the development will not have an unacceptable impact on future and neighbouring occupants by way of noise and disturbance. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).
- In the absence of detailed flood risk assessment and drainage report, the application has failed to address the issues relating to flood risk and has failed to demonstrate that this development incorporates sustainable drainage techniques and reduce the risk of flooding. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 5.12 and 5.13 of The London Plan (2016), the National Planning Policy Framework (July 2018) and the Planning Practice Guidance (March 2014).
- In the absence of a Section 106 legal agreement, this application has failed to mitigate the impacts of the development in respect of highways, air quality, affordable housing, construction training, Nestle Avenue road widening, Cranford Park Improvements and Carbon Offset fund. The proposal therefore conflicts with Policies 3.11, 3.12, 5.2, 5.3, 5.6, 5.11, 5.12, 5.13 6.2, 6.3, 6.9, 6.10, 6.12, 6.13, 7.1, 7.2, 7.14 of the London Plan (2016), Saved policies AM15, AM2, AM7, OE8, OE7, BE23, BE38 of the UDP 2012 and adopted policies EM1, BE1, SO11, EM8, H2 of the Local Plan Part 1 2012, and the Council's Planning Obligations SPG.
- The proposed development fails to provide segregated car parking; and cycle parking facilities for the mix of uses proposed. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.
- The proposal fails to provide amenity space of a quantity and quality commensurate to the size and layout of the proposals, resulting in an over-development of the site detrimental to the residential amenity of the future occupiers. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).
- The proposal would fail to meet all relevant Lifetime Home Standards, contrary to Policy AM13 of the Hillingdon Local Plan (November 2012), Policy 3.8 of the London Plan (July 2016) and guidance within the Council's Supplementary Planning Guidance – Accessible Hillingdon (May 2013).
- The proposed development has failed to consider the consented scheme at the Former Nestle Factory and breaches the Council's separation distances resulting in an overbearing development when viewed from future sites, also resulting in a potential loss of privacy to future occupiers. The proposed development is therefore contrary to Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two – UDP

Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Layouts and Policy 3.5 of the London Plan (2016).

5 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

6 The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

7 The policy test in Article 7(1) of the Order consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) significant impact on the implementation of the London Plan;
- b) significant effects on more than one borough; and
- c) sound planning reasons for his intervention.

8 Under Article 7(3) of the Order, in deciding whether to give a direction, the Mayor must take account of the extent to which the Council is achieving, and has achieved, housing any other targets set out in the development plan which are relevant to the subject matter of the application.

9 With regards to test (a), the provision of 68 residential units and 1,467 sq.m. of commercial space would contribute towards the strategic need identified in the London Plan and draft London Plan policy for housing and commercial space within London. Notwithstanding this, the scale of the proposal means that the scheme would be unlikely to have a significant impact on the implementation of the London Plan.

10 Concerning test (b), while the site is in relatively close proximity to the boundaries of both the London Boroughs of Ealing and Hounslow, the proposals are of a scale that is not expected to have an impact on more than one borough.

11 Turning to test (c), it is noted that the Council's officers understood the need for the employment floorspace proposed and additional housing to serve the borough and London as a whole, the benefits that would result from the development, and that the principle of development; however, it was sufficiently concerned about the piecemeal nature of the proposals scale of development, lack of active frontages, the proposed living conditions, car parking, noise and disturbance, insufficient Section 106 agreement, conflict of uses, provision of private amenity, accessibility, response to neighbouring sites to conclude that these specific, local impacts outweighed the benefits resulting from the proposal. Having regard to the details of the proposal, the Council's committee report and draft reasons for refusal, it is considered that in this instance there are no sound planning reasons to intervene in this case.

12 Consequently, there is no basis to issue a direction under Article 7 of the Mayor of London Order 2008.

Strategic planning policy and guidance update

13 In August 2017, the Mayor published his Affordable Housing and Viability Supplementary Planning Guidance (SPG). This must now be read subject to the decision in *R (McCarthy & Stone and others) v. Mayor of London*.

14 On 1 December 2017, the Mayor published his draft London Plan for public consultation.

15 On 24 July 2018, the Government published the revised National Planning Policy Framework.

16 On 13 August 2018, the Mayor published Minor Suggested Changes to his Draft London Plan, which should be taken into account on the basis explained in the NPPF.

Application update

17 At Stage 1 the applicant was seeking permission for a residential-led mixed use redevelopment to provide a building of up to 13-storeys to accommodate 88 residential units and 977 sq.m. of commercial space. Since Stage 1 the application has been revised to reduce the number of residential units by 20, reduce the number of storeys to a maximum of 9 and increase the commercial provision within the scheme by 490 sq.m.

Issues outstanding

18 Notwithstanding the above, should the scheme be considered at appeal or a revised application submitted, the applicant should have regard to the following matters considered in this report and the comments set out within the Mayor's Stage I planning report of 30 October 2017 (attached, ref: D&P/4096/01).

Principle of development

19 At consultation stage, whilst the principle of the mixed use redevelopment of the Squirrels Trading Estate was supported, it was concluded that the absence of a more comprehensive scheme and the proposed under-provision of employment floorspace at the site led to conflict with London Plan Policy 2.17. GLA officers also raised concerns with allowing this site to come forward in isolation, which could undermine the delivery of wider policy and design objectives in the area. GLA officers note that the applicant redoubled efforts to engage with neighbouring plot owners and was unable to reach an agreement to bring forward a single consolidated application for the wholesale redevelopment of the wider site Squirrels Trading Estate.

20 GLA officers note that the masterplan for the wider site includes aspirations to provide a new central route through the masterplan area which intersects the Squirrel Trading Estate. Accordingly, 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, plots either side of this route must commit to providing more than 50% in order to provide certainty that this target will be met. GLA officers, welcome the applicant's efforts to increase the employment floorspace at the site from 977 sq.m at consultation stage to 1,467 sq.m. This equates to a 62.8% re-provision of employment floorspace, this is supported and should be appropriately secured should a revised application be submitted, or should the application be the subject of appeal.

Affordable housing

21 At consultation stage the proposed 39% provision of affordable housing was strongly supported as a starting point. However, further interrogation of the affordable housing provision was required in the context of SIL release for high density housing. Since consultation stage the Mayor has published his draft London Plan and Affordable Housing and Viability SPG the requirements and guidance of which are set out below. These documents must be taken into consideration if a revised application is submitted or should the application be the subject of an appeal.

22 Following the revisions discussed in paragraph 17 the proposed development would deliver 68 residential units including 24 affordable units (equivalent to 35.3%) with the following mix:

Unit type	Total (%)
One-bedroom	21 (30.8%)
Two-bedroom	24 (35.2%)
Three-bedroom	23 (33.8%)
Total	68 (100)

23 London Plan Policies 3.11 and 3.12 and draft London Plan Policy H5 seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target of 50%. Policy H6 of the draft London Plan identifies a minimum threshold of 50% for industrial sites where there is net loss of industrial capacity. Applications providing a relevant level of affordable housing, with an appropriate tenure split, without public subsidy, and meeting other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor, can follow the 'Fast Track Route' set out in the SPC; this means that they are not required to submit a viability assessment or be subject to a late stage viability review.

24 Policy H7 of the draft London Plan and the Mayor's Affordable Housing and Viability SPC sets out a preferred tenure split of at least 30% low cost rent, with London Affordable Rent as the default level of rent, at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined in partnership with the local planning authority and the GLA. The applicant is proposing 29.2% as shared ownership housing and 70.8% as affordable rent. The proposal does not meet the requirements of the draft London Plan threshold approach, it must therefore be determined under the 'viability tested route' requiring the applicant to produce a viability assessment for independent review.

25 Draft London Plan Policy H7 and the Affordable Housing & Viability SPC (Paragraph 2.40) and provides at least 30% low cost rent and at least 30% intermediate provision. Details of the tenure split and affordability of the units should be confirmed at application stage, with reference to London Affordable Rent and London Shared Ownership. If a revised application is submitted or should the application become the subject of an appeal the London Shared Ownership properties should be secured as affordable to a range of incomes below the upper limit of £90,000 per annum and benchmarked against the monitoring figure of £56,200 per annum in the London Plan Annual Monitoring Report, with low cost rented units secured substantially below 80% of market rent in accordance with Policy H7 of the draft London Plan.

26 As set out above, the proposed affordable housing offer is 35.3% by unit. As such, if a revised application or appeal is lodged the proposals must be viability tested and an early and late stage review secured.

Urban Design

27 At consultation stage it was noted whilst the proposed development could technically function as a standalone scheme, the absence of a more comprehensive proposal led to a number of urban design shortcomings which could potentially undermine delivery of a key route through the wider area. The applicant has sought to engage with neighbouring site owners to bring forward

a more comprehensive proposal however these efforts have been unsuccessful. Accordingly, the design of the proposed scheme is broadly supported.

Sustainable development

28 At consultation stage the applicant was advised that the energy strategy was broadly supported subject to detailed clarification on district networking potential and heat pump compatibility; and, an appropriate carbon offset contribution. Should a revised application be submitted, or the application be subject to an appeal the above extant issues must be fully addressed and secured by way of appropriate planning condition/obligation.

Transport

29 At application stage the applicant was advised that the applicant must address issues associated with: transport assessment; car parking; public transport, walking and cycling; and, travel planning, construction and servicing. Since consultation stage the transport assessment has been revised and is now acceptable. Should a revised application be submitted, or the application be subject of an appeal the applicant to demonstrate how the triple stacker system for the parking would operate. The site is in the Hayes Town Centre Housing Zone where maximising housing growth is supported, for example through ensuring the delivery of the necessary infrastructure. This has been identified in a joint LB Hillingdon (LBH) and GLA study, with input from TfL, which included a number of transport interventions to which this development along with all others in the zone needs to contribute and this is an outstanding requirement. Requirements for a travel plan, delivery and servicing plan and construction logistics plans should also be attached to any future permission. Should a revised application be submitted it will be expected to accord fully with draft London Plan policies.

Response to consultation

30 Hillingdon Council publicised the application by site notice on 27 July 2017 and press notice on 23 June 2016, and letters sent to 156 adjoining occupiers in March 2017, a re-consultation was undertaken on 21 June 2017 in response to amendments to the scheme. A total of 1 objection was received, with grounds of including:

- Viveash Close is for commercial uses and station car park track maintenance,
- The impact of the existing road/traffic movements/users on future residents.

31 Responses from statutory bodies and other organisations:

- **Greater London Archaeological Advisory Service** – No comment
- **Network Rail** – requested more information to protect station infrastructure and maintenance also requested a number of informatives be issued. Informatives relate to demolition, fencing, drainage, safety, site layout, piling, excavation and earthworks, signalling, landscaping, plant, scaffolding and cranes, lighting, safety barriers and foundations.
- **National Air Traffic Services (Nats) Safeguarding** – require a condition relating to a Radar Mitigation Scheme (RMS) AGL, crane operation and construction.
- **Heathrow Airport Limited** – noted potential conflict with safeguarding criteria unless conditions are secured relating H10 Radar Mitigation, cranes and landscaping.
- **Hayes Conservation Area Advisory Panel** – object to the application on the grounds of; piecemeal development, height and massing, opportunity area objectives, residential densities, overdevelopment, unit mix, quantum of car parking and site proportions.
- **Metropolitan Police - Designing Out Crime Group** – No objection to the development subject to a condition securing Secured by Design accreditation.

- **Environmental Agency** - Recommend that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are followed.
- **Thames Water** - Require the developer to demonstrate what measures will be put in place to minimise groundwater discharges into the public sewer.

32 Issues raised by objectors have been considered in this report, the Mayor's Stage I report, and the Council's planning report of 28 September 2018. Hillingdon Council refused the application for the reasons set out in paragraph 4 of this report.

33 The committee report and this report suggest a number of conditions and section 106 heads of terms to address the points raised, including those from other consultees. Should a revised application be submitted, or should the application be the subject of appeal, these should be included.

Legal considerations

34 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

35 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

36 Having regard to the details of the application, the matters set out in the Council's Committee Report and the Council's draft decision notice there is no basis for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

37 Should the scheme be considered at appeal or a revised application submitted the applicant should have regard to the issues raised in this report and the Mayor's Stage I report and the appropriate conditions and section 106 heads of terms should be secured for any future planning permission.

for further information, contact GLA Planning Unit (Development & Projects Team):

Juliemma McLoughlin, Assistant Director – Planning

020 7983 4271 email Juliemma.McLoughlin@London.gov.uk

John Finlayson, Head of Development Management

020 7084 2632 email John.Finlayson@London.gov.uk

Graham Clements, Team Leader - Development Management

020 7983 4265 email Graham.Clements@London.gov.uk

Connaire O'Sullivan, Strategic Planner, Case Officer

020 7983 6589 email Connaire.OSullivan@London.gov.uk
