

Draft Statement of Common Ground

Stanford House, 9 Nestles Avenue

LB Hillingdon Planning Ref: 51175/APP/2018/4260

Parties entering into Statement of Common Ground:

Healey Development Solutions (Hayes) Limited
London Borough of Hillingdon

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1. Introduction

1.1 This draft Statement of Common Ground (SoCG) has been prepared for the planning appeal made by Healey Development Solutions (Hayes) Limited (the Appellant) against the London Borough of Hillingdon's (the Council) non-determination of an application for planning permission.

1.2 The appeal site is Stanford House, 9 Nestles Avenue, UB3 4SA ("the Site").

1.3 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 the Appellant. The planning application was given the reference number: 51175/APP/2018/4260.

1.4 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."

1.5 The purpose of this Statement is to set out the agreed factual information and areas of agreement relating to the following matters:

- Description of the Site and its surroundings;
- Planning history, including the refusal subject to this Appeal;
- Proposed Development;
- Development Plan and material considerations;
- Matters not in dispute;
- Matters in dispute; and,
- Planning conditions.

1.6 This draft Statement has been prepared in accordance with the advice contained in the Planning Inspectorate 'Procedural Guidance – Planning Appeals – England' prepared in March 2019.

1.7 The contents of this document are considered to be 'common ground' between the Appellant and the Local Planning Authority. It may be that further Statements of Common Ground are agreed with stakeholders such as the Greater London Authority, Transport for London, or any identified Rule 6 Parties.

2. Site Description

- 2.1 The below description of the Site is agreed as common ground.
- 2.2 The Site is located south of Hayes & Harlington Station, towards the south of the London Borough of Hillingdon.
- 2.3 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

- 2.4 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.
- 2.5 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.
- 2.6 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

- 2.7 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. There are committed traffic infrastructure improvements in the local area including the introduction of the Elizabeth Line to Hayes & Harlington Station as well as additional bus services as a result.

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.

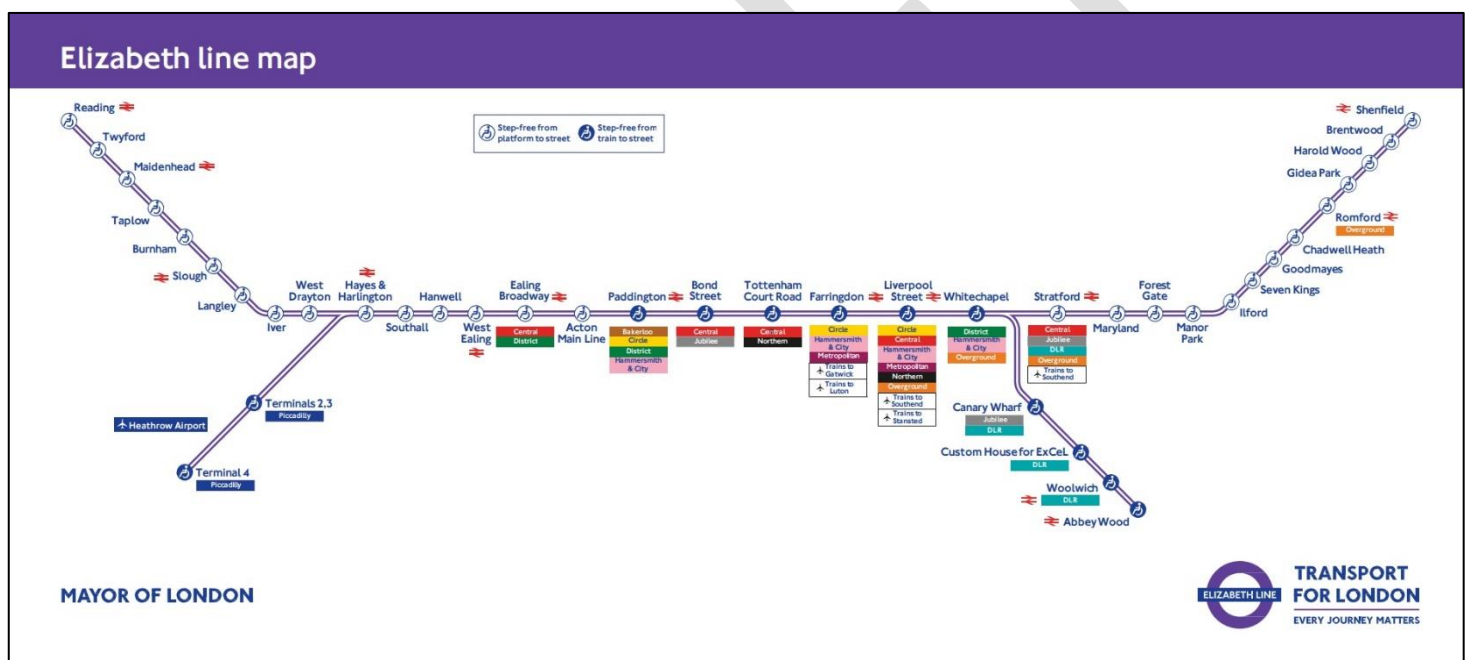


Figure 2: Crossrail Elizabeth Line Route Map

- 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>).

Planning History

Reference	Description	Decision	Date
51175/APP/2019/187	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.	Undecided	
51175/APP/2018/4260	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	Undecided – subject to this planning appeal.	
51175/A/97/0919	Details of landscaping scheme in compliance with Condition 2 of planning permission ref: 51175/96/1522 dated 18/12/96; change of use from Class B1 (business) to Class B2 (general industrial) with provision of associated parking.	Approved	09/10/1997
51175/96/1522	Change of use of premises from Class B1 (business) to Class B2 (general industrial) with provision of associated parking.	Approved	18/12/1996

2.18 The below planning applications which are located within the same emerging site allocation as the Appeal site are agreed as common ground:

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;

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3. The Application

- 3.1 The scope of the planning application as detailed below is agreed as common ground.
- 3.2 The planning application was originally submitted in December 2018.
- 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 schemes includes 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.
- 3.5 The Scheme was amended in April 2019 as follows:
 - 3.5.1 Alterations to ground floor commercial use, to propose a flexible use allowing for either a B1 / D1 use;
 - 3.5.2 Provision of transport addendum and updated noise assessment;
 - 3.5.3 Indication of cyclist shower and changing facilities within the commercial unit;
 - 3.5.4 Alterations to the energy strategy to include for Air Source Heat Pumps at roof level, rather than CHP in the ground floor; and
 - 3.5.5 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.
- 3.6 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 in 3.5 above.
- 3.7 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 content of the planning application is agreed as common ground.
- 4.2 The planning application was supported by the following material and supporting information:

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.

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5. Planning Policy

- 5.1 It is common ground that LB Hillingdon's Development Plan currently comprises the adopted 2012 LB Hillingdon Local Plan Part 1, and the extant 2007 Saved Unitary Development Plan (UDP) Policies, saved in 2012.
- 5.2 It is common ground that the Inquiry will have regard to all additional planning legislation, guidance and policies including the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and the 2016 Consolidated London Plan.
- 5.3 It is common ground that both the new London Plan and the emerging LB Hillingdon Local Plan Part 2 have recently been through Examination and will both form material considerations in the determination of the Appeal.

Site Specific Policies

- 5.4 It is common ground that the site is located within an Industrial and Business Area (IBA) as identified through the adopted Local Plan: Part 2 – Saved UDP Policies (2012).
- 5.5 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.
- 5.6 The release of land from its designation as Strategic Industrial Land is justified within the employment land studies that form part of the Local Plan evidence base.
- 5.7 Policy SA5 of the draft Local Plan Part 2 identifies 'land south of the Railway, including Nestle site' to deliver a total of 1,800 new residential units, of which Site B is considered as follows:

"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."

5.8 It is common ground that prior to Examination of Policy SA 5, the emerging Plan sought "*a minimum of 50% of each site [Sites B and C] should contain employment generating uses including B1 office, and suitable B2 light industrial*".

5.9 It is common ground that on determination of other planning applications within SA 5 whilst the previous policy drafting was a material consideration, the draft policy was being applied flexibly to account for a 50% reversion of the existing B Class floorspace across each sub-site.

6. Matters not in dispute

6.1 The following matters are not in dispute between the Council and the Appellant:

- **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.
- **Unit Mix** – 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 given the Site's location within the Opportunity Area and in close proximity to Hayes & Harlington Station;
- **Height & Massing** – the height and massing proposed is considered appropriate in the context of the approved scheme to the east and the surrounding context;
- **Design / Materiality** – the appearance of the scheme is considered appropriate in respect of elevational treatments and materiality;
- **Provision of Multi-Modal Transport System** – the provision of the Multi-Modal Transport System corridor is supported which includes east / west pedestrian, cycle and landscape routes;
- **Noise and General Disturbance** – there are no issues with regards to noise and general disturbance as a result of the Scheme;
- **Air Quality** - there are no issues with regards to air quality as a result of the Scheme;
- **Daylight and Sunlight** - 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** - there are no issues with regards to the energy and sustainability strategy
- **Landscaping and Trees** – 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** - there are no issues with regards to conservation or archaeology;
- **Biodiversity** - there are no issues with regards to biodiversity as a result of the Scheme;
- **Flood Risk and Drainage** - there are no issues with regards to flood risk and drainage as a result of the Scheme;
- **Utilities** - there are no issues with regards to connection to utilities as a result of the Scheme.

7. Car Parking

- 7.1 The below is common ground.
- 7.2 Adopted UDP Policy AM14 notes *“new development will only be permitted where it is in accordance with the Council’s adopted car parking standards as set out in Annex 1.”*
- 7.3 Annex 1 identifies that *“all car parking standards are maximum, unless otherwise stated”* and notes a requirement for a maximum of 1.5 spaces per dwelling.
- 7.4 Emerging Policy SA 5 notes that “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.”
- 7.5 Adopted London Plan Policy 6.13 provides maximum standards for parking as per Table 6.2 in the Parking Addendum to Chapter 6. Table 6.2 states that developments in areas of good public transport accessibility in all parts of London should aim for significantly less than 1 space per unit, with a maximum standard of 1 space per unit in areas with a PTAL rating of 2-4.
- 7.6 Emerging London Plan Policy T6 (Part B), states that “car free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere design to provide the minimum necessary parking.”
- 7.7 Emerging Table 10.3 of the London Plan states a maximum parking provision of 0.5 spaces per dwelling in Outer London locations with a PTAL of 4. The same table identifies that in all areas of PTAL 5 – 6, all residential schemes should be car-free.
- 7.8 It is common ground that the car parking proposals for the Scheme are supported by TfL.

8. Affordable Housing

- 8.1 The planning application was accompanied by a Financial Viability Assessment prepared by ULL, which concluded that 11% affordable housing (habitable rooms) was the maximum amount that could be offered on site. This comprised 5 x 3-bed residential units (6% by unit numbers).
- 8.2 The viability assessment was reviewed by the Council's appointed advisors, Carter Jonas and the Appellant was provided the initial review on 26th March 2019 which suggested that, based on a number of revised inputs, would generate a surplus of £0.7m enabling the scheme to support an enhanced affordable offer of 18 units (22% by units).
- 8.3 ULL responded to Carter Jonas on 5th April 2019 querying the key differences of opinion which revolved around the GDV and the build costs.
- 8.4 Carter Jonas formally responded in April 2019, which was sent by the Council on 14th May 2019, which accepted some of the comments raised by ULL but retained their position on other aspects including GDV, construction costs and benchmark land value. Carter Jonas concluded that the scheme could deliver no more than 15 affordable units (18% by units).

9. Planning Conditions and Obligations

- 9.1 Ahead of the Inquiry, the Appellant and the Council will be agreed on the necessary planning conditions should planning permission be granted on appeal. A full list of agreed conditions will be provided in advance of the Inquiry.
- 9.2 It is agreed that both parties are open to further discussions about conditions at the Inquiry should the Inspector feel this to be necessary.
- 9.3 It is common ground that a Section 106 agreement will be entered into the secure planning obligations associated with the development.

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