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Ref: IC/2874

VIA PLANNING PORTAL

August, 2023

Head of Planning
Hillingdon Council

Dear Sir/Madam,

**APPLICATION SUBMITTED ON BEHALF OF BRITANNIA ROW PRODUCTIONS LIMITED
UNIT 1 NESTLES LANE, HAYES UB3 4UZ –**

ADDITION OF MEZZANINE LEVEL TO BUILDING:

- **APPLICATION FOR PLANNING PERMISSION FOR ADDITION OF MEZZANINE**
- **ASSOCIATED VARIATION OF CONDITION 68 AS ATTACHED TO
1331/APP/2017/1883**

Introduction

We are instructed by our clients, **Britannia Row Productions Limited**, the prospective lessees of unit 1 Nestles Lane to submit an application for the addition of a mezzanine level to facilitate their occupation.

The additional internal floor space provided by the mezzanine will be 2,602 square metres.

The matter is addressed by the following submissions:

- **An application for planning permission; and,**
- **A contemporaneous application to vary condition 68 to permission 1331/APP/2017/1883 in respect of the provision of mezzanines**

By way of background the principal permission for the redevelopment of the entire Nestles Factory site was that granted pursuant to **1331/APP/2017/1883** which was issued on 28th June, 2018 as per the following description of development:

Part demolition of existing factory buildings and associated structures, and redevelopment to provide 1,386 dwellings (Use Class C3). office, retail, community and leisure use (Use Class A1/A3/A4/B1/B8/D1/D2), 22,663sq.m (GEA) of commercial floorspace (Use Classes B1c/B2/B8 and Data Centre (sui generis)), amenity and playspace, landscaping, allotments, access, service yards, associated car parking and other engineering works

The scheme has been substantially completed.

The planning permission (via condition 68) specifically prohibits the addition of mezzanines: should the local planning authority take the view that the proposed mezzanine would be contrary to the terms of the permission (even as a separate planning application to be judged on its merits and assessed in detail) we are also seeking to vary condition 68 via a contemporaneous S73 submission.

Condition 68 reads as follows:

68

INDUSTRIAL CONDITION

Notwithstanding the provisions of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)(or any order revoking and re-enacting that Order with or without modification), no additional internal floorspace or mezzanines shall be created in excess of that area expressly authorised by this permission.

REASON

To enable the Local Planning Authority to assess all the implications of the development and in accordance with policies AM14 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

The proposed changes to the wording of this condition is **in red text**

68

INDUSTRIAL CONDITION

Notwithstanding the provisions of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)(or any order revoking and re-enacting that Order with or without modification), no additional internal floorspace or mezzanines shall be created in excess of that area expressly authorised by this permission, with the exception of that in relation to unit one approved under the terms ofadd application references for planning permission and S73 or, in the alternate, simply "unless otherwise agreed with the local planning authority"

We would add, however, that if the local planning authority is of the view that the matter is properly covered by the application for planning permission and that it is preferable that condition 68 remains untouched and does not need to be varied then the S73 can be withdrawn by agreement.

We are open to this discussion at a later stage in the process.

The relevant extract from the layout plan to show unit 1 in context is below:



Unit 1 is the south eastern portion of the site adjoining the access road from North Hyde Gardens.

It is one of four large commercial units that come forward via the scheme.

The permission was the subject of a number of planning conditions of which we cite, in addition to 68 as produced above, condition 67 as follows:

67

INDUSTRIAL CONDITION

Notwithstanding the provisions of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the building(s) shall not be extended without the prior written consent of the Local Planning Authority.

REASON

To enable the Local Planning Authority to assess all the implications of the development and in accordance with policies AM14 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

Britannia Row provide high-end audio equipment and audio professionals to productions of all sizes.

It essentially hires audio professional equipment to the global concert touring industry and clients include, among others, Taylor Swift, Robbie Williams, The Foo Fighters and Lady Gaga.

The on-premises work includes:

- **storage & maintenance of audio equipment;**
- **preparation & testing of audio equipment;**
- **management, accounts & other administrative functions; and,**
- **training of apprentices, staff & touring crew**

The business currently operates in Twickenham, Newbury and Heathrow, however, the locations are too small, disparate and inefficient and the move to the application site enables the business to combine all three locations under one roof. This will enable the business to function more efficiently.

There would be no net increase in available floor space to the business provided by this unit without the addition of the mezzanine and hence it is critical to their occupation: without it the benefits would not justify the move.

The floor plans submitted in support of the application show how the unit will function in totality.

At ground floor level the office element on the eastern side will provide staff facilities in terms of:

- the main reception area;
- a staff café;
- toilets;
- social and meeting area as well as formal meeting rooms;
- the operations desk at the far end, together with crew and plant room.

At first floor level, and again entirely in response as to how the building has been designed and built are further closed and open plan offices across the full extent of this part of the building.

The principal activity is the storage and distribution of audio equipment and the ancillary activities which support this, to include the preparation of equipment.

The ground floor layout shows the racking area, an area for cable storage and testing, and the preparation and management bays.

Areas are also demarcated for open storage, amplifier storage, speaker storage and a rigging storage area as well as an area for speaker preparation.

In short the array of audio equipment is stored on site, sorted, tested and prepared and then taken out to the relevant concert venue.

A detailed process of design has taken place in anticipation of being able to occupy the building

The proposed mezzanine will be utilised as follows:

- **2,602m2 in total;**
 - **400 m2 will be used for a maintenance workshop;**
 - **1,802 m2 is assigned as storage of stock;**
 - **400 m2 remaining space is circulation space**

In short it provides much needed storage space and it is this additional space which drives the business move to this location and this specific building.

We confirm that no external changes are proposed to the building under the terms of this application.

Policy

In respect of planning policy and at local level we cite the Hillingdon Local Plan Part 1 (strategic policies) and Part 2 (saved policies) of November 2012.

At strategic level, the London Plan was adopted in March, 2021.

We note that the two policies which were relied upon by the local planning authority in terms of its justification for the imposition of condition 68 are both saved UDP policies dating back to September 2007, namely;

- AM14 entitled "**New Development and Car Parking Standards**" and,
- OE1 entitled "**The Protection of the Character and Amenities of Surrounding Properties and the Local Area**".

Policy AM14 refers to car parking standards at Annex 1, however, we note that the car parking standards in respect of B2 and B8 have been crossed out and so superseded.

We would agree that the application of standards dating back to 2007, and so pre-dating all three iterations of the NPPF, would not be appropriate.

Assessment

The main planning permission has of course been issued and the site, in totality, to include the residential elements, is substantially completed.

The principle of the development is therefore not open to question.

The industrial units are on the market to be let but are currently vacant.

Unit 1 (as is the case with units 2,3 and 4) has been built to a high standard and is attractive to Britannia Row for the reasons as set out above.

The committee report pursuant to the original planning permission stated that the development delivers large areas of employment land enabling the site to deliver houses alongside employment for local residents.

In terms of the approved commercial space the Committee report advised Members back in December 2017 in the following terms;

INDUSTRIAL

The industrial part of the scheme is located in the eastern part of the masterplan. The layout of the units has been developed to maximise floor area, whilst taking into account site constraints such as heritage issues and access, and to create, modern, purpose built industrial facilities that aim to respond positively to neighbouring uses.

The industrial proposals seek planning permission for 22,663 sq m of commercial floorspace within four units, with a proposed flexible use class of B1c, B2, B8 and data centre (sui generis) for unrestricted 24 hour use, 365 days a year, together with ancillary office, landscaping, access, service yards and associated car and cycle parking. The proposed new employment floorspace will provide an estimated minimum of 369 and a maximum of 536 new full-time equivalent jobs.

And in terms of unit 1 the tabulated summary of the provision was as follows:

Unit	GIA (SQM)	GEA (SQM)
1	Unit 6,916	Unit 7096
	Office 644	Office 699
	Plant 25	Plant 25
	Sub Total 7,585	Sub Total 7,820

And the report went onto state as follows, with **our emphasis added**:

Each industrial building is located at the perimeter of the industrial part of the site, arranged around a central area that provides service yards and car parking for the units.

The associated office areas have been designed to fronting onto the canal and new public space and entrance onto the estate.

The industrial buildings would rise to a maximum height of 18 metres, which allows for two storeys of office accommodation and the ability to adapt the units if required at a later date.

The proposals aim to provide modern industrial and distribution facilities that meet the needs of future potential occupiers.

At paragraph 25 the committee report states as follows, **with our emphasis**:

25 The employment space proposed breaks down as two main types: high specification large footprint commercial buildings (warehousing with ancillary office space); and, small-scale office and co-working space. The former (to be managed by SEGRO) comprises approximately 22,000 sq.m. and responds well to the strategic characteristics of this location in terms of logistics and related demand associated with Heathrow Airport. The latter (approximately 646 sq.m.) is distributed across three units within the Locally Listed Buildings, and presents a valuable opportunity to provide affordable workspace for local start-up companies.

The site is the former of the two types cited at paragraph 25 and as highlighted.

Its location close to the A312 and onward to the M4 is a key attraction.

The use will attract the provision of the existing 153 staff on site: the broad make-up is as follows:

- **38 x manual**
- **12 x clerical**
- **07 x professional**
- **20 x managerial**
- **55 x technical**
- **21 x apprentices**

These are to work in both the office area and on the "shop" floor.

There are 73 on-site car parking spaces currently and taking into account the fact that some local employees will cycle, share car trips or use public transport this is seen as more than sufficient such that all of the activity associated with the use can be accommodated on site.

A larger mezzanine may be deemed to suggest more trips and activity, however, the reality is that the additional space is to be used for storage to support this business.

The business utilises bulky equipment such as speakers, amplifiers and significant lengths of cabling and this requires a great deal of space in which to be appropriately stored and prepared.

The additional space will in part accommodate this together with the ground floor space.

The building is designed to attract a high profile tenant by virtue of its high specification and location and Britannia Row and the business within which it functions aligns with this aim.

The purpose of the planning permission, with the loss of the original employment space associated with the Nestle factory, is to provide flexible and attractive space and hence its attraction to Britannia Row.

We therefore confirm that the addition of a mezzanine will attract this tenant to the site and make an economic contribution to sustainable development by early occupation with a number of staff being local and sustaining local shops and services.

We conclude as follows:

- The principle of the development has been established;
- The mezzanine is required to store bulky equipment associated with the applicant's business of providing audio equipment to the music industry;
- The space was designed from the outset to be flexible, and this is set out in the associated committee report as follows: "the ability to adapt the units if required at a later date";
- The impact arising from the additional space provided by the mezzanine is limited: the car parking spaces will remain as approved and cater for the envisaged staff taking into account the site's location close to the public transport infrastructure and areas of housing. The proposed development will not generate additional vehicular movements beyond those assessed as part of the original planning permission.
- No operational changes are proposed to the exterior of the building.

Ian Coward from these offices is dealing with this matter.

Yours faithfully

Collins & Coward
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