



## **Land at Former Rainbow Industrial Estate**

### **Planning, Design and Access Statement**

On behalf of **Troutbourne LLP**

Project Ref: 332410017 | Rev: | Date: January 2022

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## Document Control Sheet

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|                                                | <b>Name</b> | <b>Position</b>  | <b>Signature</b> | <b>Date</b> |
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| <b>For and on behalf of Stantec UK Limited</b> |             |                  |                  |             |

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# 1 Introduction

- 1.1.1 Stantec UK Limited are instructed by Troutbourne LLP ('The Applicant') to prepare a Planning and Design and Access Statement (PDAS) to support revised proposals for development on land at the former Rainbow Industrial Estate, Trout Road, Yiewsley ('The Site').
- 1.1.2 The proposals follow the refusal of planning permission by LB Hillingdon (LBH) on 19<sup>th</sup> August 2021 for *'Installation of two portacabins and retention of entrance gates and proposed change of use for Use Class Sui Generis including container storage; open and closed storage of building and scaffolding materials; storage of aggregate materials; vehicle storage and sales for a period of 36 months (part retrospective application)'* (LPA Ref: 38058/APP/2021/1327).
- 1.1.3 The proposals have been revised and a shorter time period for a meanwhile use of the site is now sought whilst a mixed use, residential-led scheme for the wider Rainbow and Kirby Industrial sites is discussed with the LPA during pre-application discussions and a formal planning application is then submitted and determined.
- 1.1.1 This PDAS should be read in conjunction with the following supporting documents submitted as part of the planning application:
- i. Site location plan and proposed site plan prepared by Stantec;
  - ii. Air Quality Note prepared by Stantec;
  - iii. Flood Risk Note prepared by Stantec;
  - iv. Noise Note prepared by Stantec;
  - v. Transport Assessment prepared by YES Engineering;
  - vi. Fire Strategy Note prepared by Stantec and Ashton Fire;
  - vii. Portakabin Technical Specifications document – Pacemaker 7 PK341
  - viii. Portakabin Technical Specifications document – Pullman PM484
  - ix. Textainer – 20ft Standard Container specifications
  - x. First Fence Gate Technical Specifications document and drawing
  - xi. Dansford Silo Brochure
  - xii. Sami Silo drawing
- 1.1.2 This PDAS is structured as follows
- Section 2 details of the Site and surroundings and any relevant planning history;
  - Section 3 sets out the proposals;
  - Section 4 summarises the relevant development plan policies and other material considerations
  - Section 5 details the key planning issues relating to the proposals; and
  - Section 6 concludes.

## 2 Site and surroundings and relevant planning history

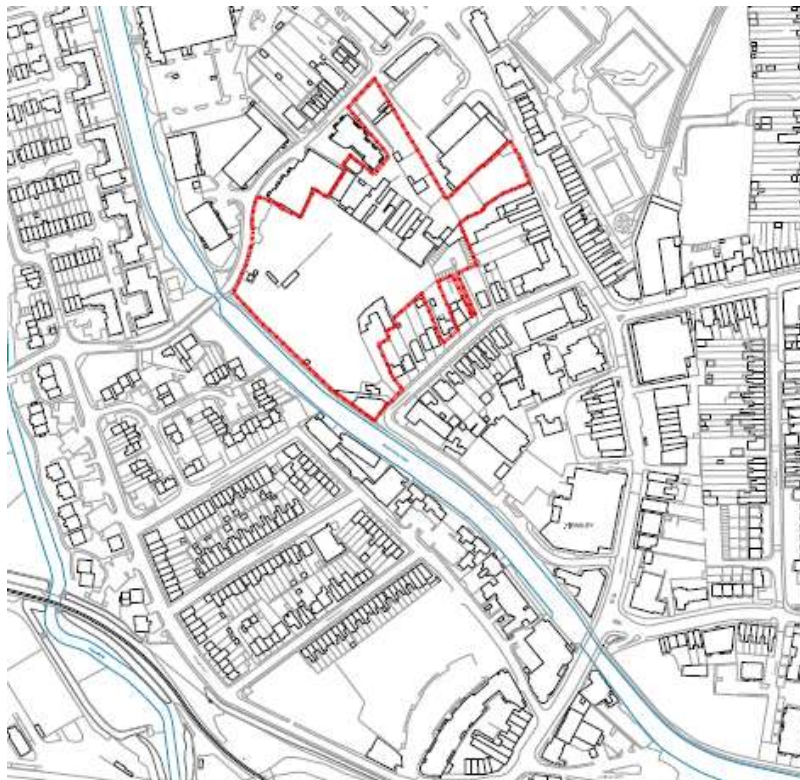
### 2.1 Site and Surroundings

#### **Application Site**

- 2.1.1 The Site comprises land at the former Rainbow Industrial Estate, Trout Road, West Drayton, UB7 7XT and extends to 1.25 ha.
- 2.1.2 The Site has two access points, one from Trout Road to the northwest and the other off St Stephen's Road to the south. Vehicular and pedestrian access to the site is principally made from Trout Road with the secondary access from St Stephen's Road used as an emergency exit only. Access to both access points is gated.
- 2.1.3 Trout Road is a single carriageway with the western end providing a bridge access over The Grand Union Canal which is signalised at both ends as the bridge can only allow a single lane of traffic to pass. St Stephen's Road is a single carriageway road.
- 2.1.4 With the exception of a small area of hardstanding (laid out as part of the previous airport parking use) by the Trout Road entrance and an internal road (laid out during 2021), the site comprises of unmade ground.
- 2.1.5 The Site is cleared of buildings and was previously used for airport parking pending redevelopment of the wider Rainbow and Kirby Industrial Estates Site (see below). Whilst the airport parking use has now ceased two portacabins, the Trout Road entrance gates, an area of hardstanding and CCTV and lighting associated with this use remain in situ and structures relating to the proposed uses are currently on site.
- 2.1.6 To the immediate north is a 4/5 storey residential block along with similar residential blocks opposite along Trout Road to the northwest; to the east are small industrial units forming part of the Kirby Industrial Estate which range from 1 to 2 storeys which are accessed off Trout Road to the northeast; to the south are residential properties along St Stephen's Road and the Al-Falah Islamic Centre; and directly to the west is The Grand Union Canal. Beyond the Canal and towpath are two-storey terraced residential properties and associated gardens located in Peplow Close and industrial units located in Bentinck Road.
- 2.1.7 Approximately half of the site is within PTAL3, with the remainder of the site within PTAL2. The closest bus stop is located on Yiewsley High Street (Stop A) approximately 0.16km (2 minutes' walk from the site). The nearest rail station is West Drayton Station, approximately 0.65km (7 minutes' walk) from the site.

#### **Wider Rainbow and Kirby Industrial Estate**

- 2.1.8 The appeal site is located within the wider Rainbow and Kirby Industrial Estates site which extends to 2.15 hectares on an irregularly shaped plot (see plan below).



- 2.1.9 Parts of the site front the south east side of Trout Road, the western side of Yiewsley High Street, and the north west side of St Stephen's Road, with the entire south west boundary bordered by the Grand Union Canal.
- 2.1.10 Access to the site can be made via the High Street, Trout Road, and St Stephen's Road.
- 2.1.11 The Rainbow and Kirby Industrial Estate site previously accommodated a range of single-storey and two-storey industrial and commercial buildings with the former office building fronting the High Street falling within the town centre boundary and is now allocated in the Local Plan.
- 2.1.12 The Hillingdon Local Plan Part 2 (2020) contains an allocation policy (ref. SA 39 Trout Road, Yiewsley) for a residential-led mixed-use development of 217 dwellings. Development is allocated across three sites – A, B, and C. Sites B and C have now been constructed and falls outside the wider Rainbow and Kirby Industrial Estates. Site A relates to the Rainbow and Kirby Industrial Estates with the current application site comprising over half of the area of Site A within this policy allocation. The policy states that Site A should be developed in accordance with the broad parameters of an earlier approved scheme (Ref: 38058/APP/2013/1756), subject to site-specific constraints. More information on this scheme is provided under Section 2.2 Planning History.

#### **Surrounding area at Yiewsley / West Drayton**

- 2.1.13 The surrounding area is of mixed character.
- 2.1.14 Trout Road and land adjoining the eastern boundary of the site along Yiewsley / West Drayton High Street is residential and commercial whilst St Stephen's Road to the south is predominantly residential.

## 2.2 Relevant Planning History

### Application Site

- 2.2.1 Planning permission was refused on 19<sup>th</sup> August 2021 for ‘*Installation of two portacabins and retention of entrance gates and proposed change of use for Use Class Sui Generis including container storage; open and closed storage of building and scaffolding materials; storage of aggregate materials; vehicle storage and sales for a period of 36 months (part retrospective application)*’ (LPA Ref: 38058/APP/2021/1327) (‘The 2021 Refusal’).
- 2.2.2 Three reasons for refusal were identified as follows:
1. *It has not been demonstrated that the proposed development would not cause unacceptable adverse impacts arising from noise resulting in significant harm to the living conditions and well-being of neighbouring residents and users of the Canalside Moorings and Towpath. The proposal thereby conflicts with Paragraph 185 of the NPPF (2021), Policy D14 of the London Plan (2021), Policies BE1 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).*
  2. *It has not been demonstrated that the proposed development would not cause unacceptable adverse impacts arising from dust and deteriorating air quality resulting in significant harm to the living conditions and well-being of neighbouring residents users of the Canalside Moorings and Towpath in this Air Quality Management Area. The proposal thereby conflicts with Paragraph 186 of the NPPF (2021), Policy SI 1 of the London Plan (2021), Policies BE1 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policies DMEI 14 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).*
  3. *Due to the applicants refusal to agree to the requested conditions, the proposed development would result in an adverse impact on the biodiversity of the Grand Union Canal by virtue of light spill, water quality, dust pollution and noise pollution and would thereby conflict with Policies EM7 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies G9, SI 16 and SI 17 of the London Plan (2021).*
- 2.2.3 On 19<sup>th</sup> August 2021, an email was sent to LBH by the Agent advising that as the issues raised in the committee report were quite specific the intention was for revised air quality and noise assessments to be commissioned and to submit a revised planning application. It was advised that all current tenants have been made aware of the hours of operation and that tenants who were unable to adhere to these have since vacated the site. It was further advised that the leaseholder is also strictly monitoring operating hours so hopefully this matter could be addressed and that the email should be taken as sign of the Applicant’s intention to seek to work with the Council to address the issues raised in the Committee Report and reasons for refusal in order that a temporary meanwhile use on the land could be secured.
- 2.2.4 Following the 2021 Refusal an Enforcement Notice was issued by LBH on 3<sup>rd</sup> September 2021 (Ref: HS/ENF/019144) and took effect on 15<sup>th</sup> October 2021. The breach of planning control alleged on the Notice was stated as, ‘*Without planning permission the installation of two mobile cabins and the use of land for container storage; open storage of building and scaffolding materials; and open storage of aggregate materials (“the breach”).*’
- 2.2.5 An appeal against the Enforcement Notice (PINS Ref: APP/R5510/C/21/3284869) was submitted on 14<sup>th</sup> October and is pending determination.

### **Wider Rainbow and Kirby Industrial Estate Site**

- 2.2.6 Outline planning permission was granted on 23<sup>rd</sup> July 2014 (and is referred to throughout this PDAS as the 2014 Outline permission) for '*Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping (Outline Application)*' (LPA Ref: 38058/APP/2013/1756).
- 2.2.7 Reserved Matters were granted on 6<sup>th</sup> December 2018 (and referred to as the 2018 Reserved Matters in this PDAS) *FOR 'Reserved Matters relating to Appearance and Landscaping of outline planning permission ref: 38058/APP/2013/1756 dated 23-07-2014 for Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sq.m light industrial floorspace comprising 17 business units (B1c) and 611.30sq.m. of restaurant/cafe (A3) floorspace, associated open space, car parking and landscaping'* (LPA Ref. 38058/APP/2017/1340).
- 2.2.8 The redevelopment scheme of the wider site as approved under the 2014 Outline Permission and the 2018 Reserved Matters is unimplemented but remained extant until 1<sup>st</sup> May 2021.
- 2.2.9 A new scheme for redevelopment is being pursued by the Applicant with informal pre application discussions undertaken with LBH Major Applications team in June 2021 (Ref: 38058/PRC/2021/90).
- 2.2.10 The new proposals will be GLA referable due to proposed strategic scale and will require extensive pre app with LBH, the GLA, residents and stakeholders as well as EIA screening before submission of a planning application.
- 2.2.11 The proposals will be a hybrid planning application will have a minimum statutory determination period of 13 weeks (if the scheme is agreed as not EIA development in the LPAs Screening Opinion) and will be subject to GLA Stage 1 and Stage 2 Reports and completion of a S106 Agreement which will further prolong the likely timescales for issue of the decision notice. Additionally, prior to commencement on site, approval for Reserved Matters will need to be secured as well as the appointment of a principal contractor and detailed Stage 3+ design work undertaken before the formal discharge of all pre-commencement planning conditions and s106 obligations secured.
- 2.2.12 It is considered that the likely programme for the new redevelopment scheme from pre-app, submission, determination of the hybrid and Reserved Matters applications and start on site will be more than the 12-month temporary period sought under this application.

## Proposed Development

2.2.13 The proposals are made for,

*'Retention of entrance gates and change of use for use class sui generis including container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos and other structures for a period of 12 months (retrospective application).'*

2.2.14 The proposed use is sought for a temporary period of 12 months as a meanwhile use of the site whilst a mixed use, residential-led scheme for the Rainbow and Kirby Industrial sites is discussed with LBH during pre-application discussions and a formal planning application is submitted and determined.

2.2.15 The proposed use will provide an active use of the site as well as local employment and help maintain site security and deter flying tipping which has been occurring on site since the previous airport parking use ceased.

2.2.16 The site has historically had a mixed commercial use and proposed temporary uses are considered consistent with those previous uses.

2.2.17 A number of uses with related structures are proposed across the site as shown on the proposed site plan:

### **Vehicle storage and vehicle sales area**

2.2.18 Vehicle storage and vehicle sales will be located on the retained hardstanding area by the Trout Road entrance and to the northwest of the site.



### **Closed container store area**

2.2.19 Up to 25 containers for general closed storage within this part of the site.

2.2.20 The containers on site would be standard shipping containers, measuring 8ft (w) by 20ft (l) by 8.5ft (h), manufactured by Textainer (see submitted Textainer specifications document).

2.2.21 The number of the containers will be flexible depending on tenant demand.



### **Skips**

- 2.2.22 Next to the closed container area is a compound for the storage of skips and one container store.



### **Aggregates area**

- 2.2.23 Next to the skip area and along the northern and eastern part of the site is an area to be used for aggregates storage.
- 2.2.24 The aggregate storage comprises of 10mm to 20mm shingle and sharp sand, with one load of 20 tonnes of each. There is some open storage of aggregates, 3 x mobile silos for enclosed storage and one container store and portacabin.
- 2.2.25 The silos include 2 x SAMI low level transportable silo with electric weight batching (refer to submitted Dansford brochure) and 1 x Dansford Mobile Low Level Easy silo (50 tonne capacity) - [Horizontal silos | SAMI S.r.l.](#) The silos are suitable for use on short term construction sites and do not require the use of cranes for their installations or concrete slabs or ground anchors during the work phase. A portable water tank is located next to the silos.
- 2.2.26 The aggregates are stored on site until placed on trucks. The aggregates are then mixed at the designation for their eventual use in construction.



### Conways street lighting storage area

- 2.2.27 The Conways street lighting storage area is located centrally within the site to the east of the vehicle storage and sales area. The compound principally services local authority street lighting requirements.
- 2.2.28 The compound is enclosed by palisade fencing and has two stacked portacabins (3.3m (w) x 9.8m (l) with an overhaul height of 5.3m) and overhead lighting and CCTV.



### Open storage area

- 2.2.29 The open storage area is located off the southern boundary and includes the retention of two existing portacabins (Pacemaker Series 7 (PK341) and Pullman (PM484)). The model Pacemaker Series 7 (PK341) measures 10,257mm (w) by 2,688mm (d) by 2,637mm (h) and the larger model, Pullman (PM484), measures 14,514mm (w) by 3,904mm (d) by 3,039mm (h). Specifications for these portacabins are provided in the submitted technical specifications documents.
- 2.2.30 The portacabins were disconnected on 27th April 2021 and moved off site and returned. They have now been repositioned from the centre of the site to the corner of the site behind the substation and the boundary adjacent to the bridge by Trout Road and they are not widely visible from surrounding development.

- 2.2.31 The portacabins will be retained in this location and will be for site monitoring and security and staff welfare for the whole site.
- 2.2.32 There is storage of marble within open stores and on steel racks and timber storage within open and closed stores. Other scaffolding and building materials may also be stored here including (poles, scaffolding canopy and decked planks and associated fittings).
- 2.2.33 A semi enclosed store for sorting and cutting of timber and an additional portacabin (3.2m (w) x 8m (l) x 2.4m (h)) is located here.



### **Front gates and fencing**

- 2.2.34 The palisade fencing and gate around the site entrance off Trout Road will be retained to ensure site security and will serve as the principal access to the site. The St Stephen's Road access will be used as an emergency exit only (and as operated during the airport parking use).
- 2.2.35 The palisade fencing and gate was erected in June 2020 and is set back from Trout Road and is located within the site to limit the potential for queueing onto the highway. The gate is operated by fobs for tenants and includes an intercom which links to one of the portacabins for site security and access required by delivery and tenant vehicles.
- 2.2.36 The palisade fencing is made of galvanised steel and the pales are 2400mm in height (see First Fence technical specifications document).

### **Other installations**

- 2.2.37 There is an area of hardstanding by the Trout Road site entrance and an internal paved road which will be retained.

## **2.3 Hours of operation, staff and vehicles**

- 2.3.1 Access to the site will be permitted for tenants and staff only. When fully let it is expected that the site will have 20-30 staff, however as the proposed uses are mainly a storage use it is not expected that all staff will be on site all day, every day.
- 2.3.2 Access to the vehicle sales areas will be via appointment and no other public access will be permitted within the site. This will be enforced by the security gated entrance and intercom set up within the retained portacabin located by the substation.
- 2.3.3 The gates on the Trout Road are electric and will be kept open during operational hours to limit the potential for queuing on Trout Road.
- 2.3.4 Proposed hours of use are 7am – 7pm on weekdays, 7am – 1 pm on Saturdays, and closed on Sundays, Bank and public holidays.
- 2.3.5 Please see the submitted Transport Assessment for details of the number of vehicles and HGVS expected to be using the site.

## **2.4 Design and Access considerations**

### **Scale**

- 2.4.1 The proposed, temporary use of the site is for sui generis use including container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos and other structures, spread over the spread over a 1.25 ha site.
- 2.4.2 The scale is proportionate to previous commercial uses of the site and activities within the surrounding context.

### **Amount**

- 2.4.3 The temporary storage of materials will be limited to the types of materials detailed earlier in this section. There will be some fluctuation in the amount of stored materials and activity on the site at different times, as materials are removed and deposited, subject to tenant demand.

- 2.4.4 For open storage, the amount contained onsite will be limited by the constraints of the site and the need to keep areas open for circulation. Closed storage of the containers will be limited up to 25 containers.

#### **Layout**

- 2.4.5 The Proposed Site Layout Plan shows the indicative areas for the proposed uses within the site. The specific location of related containers, portacabins and stores within the designated areas will vary according to tenant requirements.
- 2.4.6 The layout has been determined by the requirements of the site, the type of storage materials, and the needs of transport and access.
- 2.4.7 This revised proposal relocates the aggregates areas to the northern part of the site (previously off the southern boundary in the 2021 Refusal Application) to minimise impact on the Grand Union Canal from dust, noise and lighting.

#### **Landscaping**

- 2.4.8 The site is cleared off development and landscaping.
- 2.4.9 No permanent or temporary landscaping works are proposed for this temporary use planning submission.

#### **Appearance**

- 2.4.10 The proposals are made for a temporary meanwhile use of the site.
- 2.4.11 The site is self-contained and is screened from the High Street. It should be noted that the site is highly contained with relatively few opportunities for the public to see the site, by virtue of visual screening. For example, the site is predominantly behind properties on St Stephen's Road, the High Street and part of Trout Road.
- 2.4.12 Although behind fencing, the site would remain visible in some areas of public realm, for example from part of Trout Road and the Grand Union Canal tow path (see photos below for views from the canal towpath).
- 2.4.13 Taller elements of the proposals such as the double stacked containers on the Conway street lighting area are located away from the site boundary within the centre of the site to limit impact on the character of the surrounding area.
- 2.4.14 Development is also set back from the southern/ Grand Union Canal boundary and no additional lighting along this boundary is proposed as part of the proposals.



### **Access**

- 2.4.15 Trout Road will serve as the principal access with St Stephen's Road used as an emergency exit only as in place for the previous airport parking use.

### 3 Relevant planning policy

3.1.1 The Development Plan for the site comprises:

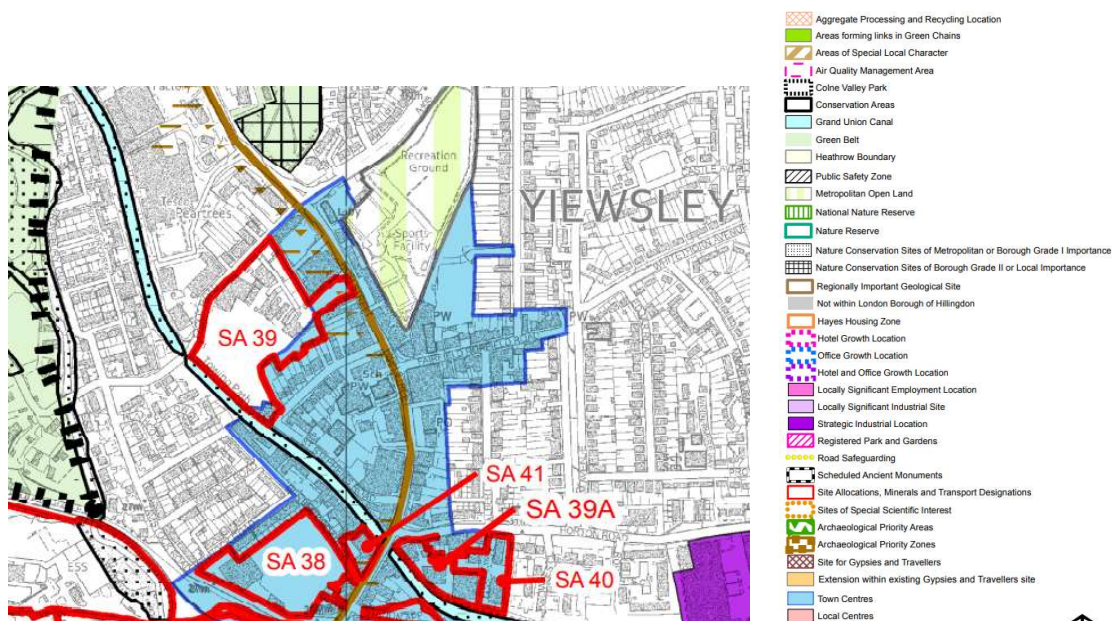
- i) The London Plan (2021)
- ii) The LB Hillingdon Local Plan Part 1 (2012)
- iii) The LB Hillingdon Local Plan Part 2 (2020) - including Development Management Policies and Site Allocations and Designations

3.1.2 Other material considerations include the Accessible Hillingdon SPD (2010), Hillingdon Air Quality SPG (2002), the National Planning Policy Framework (NPPF) (2021) and the National Planning Policy Guidance (NPPG) (2021).

#### Site designations

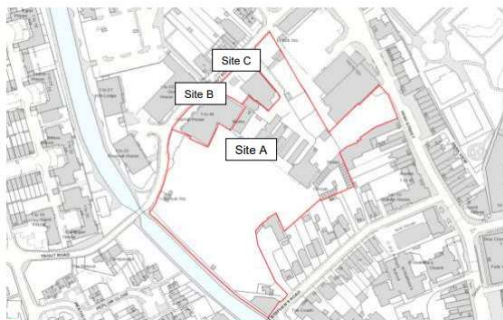
The site is subject to site allocation SA39 in the Local Plan Part 2: Policies Map and the Local Plan Part 2: Site Allocations and Designations - relevant extracts are shown below:

#### Local Plan Part 2: Policies Map



## Local Plan Part 2: Site Allocations and Designations

| New Homes                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Site Information                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                    |                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Trout Road, Yiewsley                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Trout Road, Yiewsley                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                    |                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Site A                                                                                                                                                                                                                                                                                                                                                                                               | Site B                                                                                                                                                                             | Site C                                            |
| The site comprises a parcel of land bound to the south by the Grand Union Canal and St Stephen's Road and to the North-West by Trout Road. The Council has granted planning permission for the provision of 149 residential units as part of a mixed used development on Site A and 44 residential units on Site B. The principle of residential development is supported on Site C, subject to the agreement of design, layout and massing details with the Council. |  | Yiewsley                                                                                                                                                                                                                                                                                                                                                                                             | Yiewsley                                                                                                                                                                           | Yiewsley                                          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Rainbow and Kirby Industrial Estates, Trout Road                                                                                                                                                                                                                                                                                                                                                     | Caxton House, Trout Road                                                                                                                                                           | Onslow Mills                                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | 2.7                                                                                                                                                                                                                                                                                                                                                                                                  | 0.18                                                                                                                                                                               | 0.13                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | 2                                                                                                                                                                                                                                                                                                                                                                                                    | 2                                                                                                                                                                                  | 2                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Mixed Use                                                                                                                                                                                                                                                                                                                                                                                            | Residential                                                                                                                                                                        | Residential                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Industrial Business Area; Yiewsley Town Centre; Archaeological Priority Zone                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                    |                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | None                                                                                                                                                                                                                                                                                                                                                                                                 | None                                                                                                                                                                               | None                                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Industrial buildings                                                                                                                                                                                                                                                                                                                                                                                 | Industrial buildings                                                                                                                                                               | Industrial buildings                              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | Demolition of existing commercial premises and existing dwelling and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sqm light industrial floorspace comprising 17 business units (B1c) and 611.30sqm of restaurant/cafe (A3) floorspace associated open space, car parking and landscaping. (Outline Application). Approval on 16.06.2014. | Erection of 44 residential apartments with associated access, car parking, landscaping, and associated works (involving demolition of existing buildings). Approval on 31.07.2014. | Application for residential development submitted |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | 149                                                                                                                                                                                                                                                                                                                                                                                                  | 44                                                                                                                                                                                 | 24                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | 0                                                                                                                                                                                                                                                                                                                                                                                                    | 0                                                                                                                                                                                  | 0                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | 149 units                                                                                                                                                                                                                                                                                                                                                                                            | 44 units                                                                                                                                                                           | 24                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | As per extant                                                                                                                                                                                                                                                                                                                                                                                        | As per extant consent                                                                                                                                                              | Drainage                                          |



### POLICY SA 39: Trout Road, Yiewsley

The Council will support development proposals that contribute to the regeneration of Yiewsley Town Centre.

#### Site A

The site should be developed in accordance with the broad parameters of the approved scheme, subject to site-specific constraints (Ref: 38058/APP/2013/1756).

#### Site B

The site should be developed in accordance with the broad parameters of the approved scheme, subject to site-specific constraints (Ref: 3678/APP/2013/3637).

#### Site C

The principle of residential development is supported, subject to the agreement of design, layout and massing details with the Council.

## 4 Key planning issues

- 4.1.1 Having regard to the Site's planning history and policy context, the key planning issues relating to the proposals are considered to be:
- i. The principle of development and impact on the character and appearance of the area
  - ii. Noise and impact on the wellbeing of neighbouring residential occupiers
  - iii. Dust and impacts on air quality
  - iv. Impact on the biodiversity of the Grand Union Canal

### 4.2 The principle of development and impact on the character and appearance of the area

- 4.2.1 The Site is cleared of buildings and was previously used for airport parking pending redevelopment of the wider Rainbow and Kirby Industrial Estates Site under the 2014 Outline and 2018 Reserved Matters.
- 4.2.2 The Rainbow Industrial Estate site, prior to its clearance and airport parking use, has historically provided approximately 5,934 sqm of employment floorspace (light industrial uses) within a range of single storey and two storey buildings.
- 4.2.3 The Applicant is pursuing an alternative mixed-use, residential led scheme of the wider Rainbow and Kirby Industrial site and pre-application discussion commenced in June 2021. Following on from pre-app, a formal planning application will be submitted and determined, any conditions will need to be discharged and a principal contractor appointed before the scheme can be implemented.
- 4.2.4 The surrounding area is in mixed use and the Kirby part of the wider Rainbow and Kirby Industrial site is still within commercial use and the proposed temporary use would not be out-of-keeping with this.
- 4.2.5 The Site would be vacant were it not put to some temporary meanwhile use. The proposed use provides some local employment and security benefits to the site as well as a deterrent from fly tipping activities that has been occurring.
- 4.2.6 The NPPG recognises the value of temporary meanwhile uses and notes '*Temporary uses can help improve the physical appearance of vacant or partially-utilised land or buildings, and provide space for local services and community spaces, businesses and residential accommodation, until more permanent development is delivered*' (Paragraph: 003 Reference ID: 66-003-20190722, Revision date: 22 07 2019).
- 4.2.7 The London Plan also recognises the value of temporary and meanwhile uses in town centres and for housing and cultural and creative industries. Whilst focused on cultural uses the supporting text at paragraph 7.5.7 - '*Meanwhile uses can also help prevent blight in town centres and reduce the risk of arson, fly tipping and vandalism. The benefits of meanwhile use also include short-term affordable accommodation for SMEs and individuals, generating a short-term source of revenue for the local economy and providing new and interesting shops, cultural and other events and spaces, which can attract longer-term business investment*' - would also apply to a short term commercial use.
- 4.2.8 The Committee Report to the 2021 Refusal accepted the principle of a temporary use and advised at paragraph 7.01,

*'The principle of the use of the site for some form of industrial use is accepted, given the site's history of industrial and storage uses. A temporary permission is also appropriate in principle whilst the long term residential-led redevelopment is progressed.'*

- 4.2.9 The time period for the proposed temporary use has been reduced from 36 months in the 2021 Refusal application to 12 months.

- 4.2.10 Overall, the principle of development is considered acceptable.

- 4.2.11 With regards to visual impacts on the character and appearance of the surrounding area this was accepted in the 2021 Refusal application and it was noted in paragraph 7.07 of the Committee Report,

*'In terms of the visual impact of the development, public views into the site are restricted by surrounding residential and commercial buildings and canal tree screening. The proposed temporary uses comprises portacabins, containers and aggregate mounds which are functional and utilitarian features which in themselves are not attractive but are equally not out of place and not unexpected on a large site which has a history of industrial and storage use. The portacabins proposed are a maximum of 2.6 metres in height and are not in themselves of a significant scale. The proposed open storage area located predominately adjacent to the canal but also to the rear of properties on St Stephens Road, is proposed to store materials up to a height of 5.2 metres (the applicant has stated that it would not exceed the height of 2 portacabins).*

*Given this, and the limited view into the site, principally from the Trout Road entrance, it is considered that the proposal can be accepted in terms of visual impact on its surroundings.'*

- 4.2.12 Proposed buildings and structures with this revised proposal are similar to those proposed in the 2021 Refusal application with designated areas for the proposed uses.

- 4.2.13 Taller structures such as the double stacked containers within the Conway street lighting compound are located centrally within the site to limit impacts on adjoining residential occupiers, all other structures are single storey only. Similarly development is located away from the southern/ Grand Union Canal boundary with no additional lighting proposed to limit impact on the biodiversity of the canal and towpath from noise, air quality and lighting.

### **4.3 Noise and impact on the wellbeing of neighbouring residential occupiers**

- 4.3.1 London Plan Policy D14 Noise advises in order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by (amongst other criteria) avoiding significant adverse noise impacts on health and quality of life; and mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.
- 4.3.2 Hillingdon Local Plan Part 1 and 2 policies BE1, EM8 and DMHB11 take a similar approach to London Plan D14 and generally advises that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.
- 4.3.3 Reason 1 of the 2021 Refusal referred to noise impact to neighbouring residents and users of the canalside moorings and towpath.
- 4.3.4 Section 6 of the Committee Report to the 2021 Refusal application included a summary of responses from external consultees including noise. The Council's noise consultant's response to the 2021 Refusal application did not identify significant harm to the living conditions and wellbeing of neighbouring residents and users of the Canalside Moorings and

Towpath because of the proposals and it did not recommend refusal on noise grounds. Instead, it is advised, *'Recommend an assessment of the proposed scheme in line with the BS4142 is submitted as part of the planning application together with details of how noise will be controlled to a practicable minimum'*.

- 4.3.5 Section 7.18 of the Committee Report for the 2021 Refusal application provided the Officer's assessment on noise and in concluding states,

*'Turning briefly to the proposed hours of operation, whilst those proposed within the planning submission are limited in duration, complaints of significant out of hours operations taking place have been received, however the LPA has not yet verified any out of hours operations through site investigations. If planning permission were to be granted, a compliance condition would have been imposed to restrict the operating hours of this site, and also to ensure adequate enforcement could also be taken, Under the current proposed hours of operation, no in principle objection is raised.'*

*In summary, the noise assessment is not considered robust - the correct British Standard is not used - and with the proposed scheme being more industrial in nature it is considered the previous assessment is not a reliable guide. The historic (industrial) nature of the site, and the temporary nature of the proposed use, are noted. However, Officers consider that in the absence of a robust assessment, the submission fails to demonstrate that unacceptable harm would not occur in respect of noise, and it is proposed that the application be refused on this ground.'* [Stantec underlining]

- 4.3.6 The Applicant is willing to accept a condition on operating hours to provide LBH control over noise and means of enforcement if operating hours associated with the development and proposed hours of use were ever breached as part of the proposed uses.

- 4.3.7 A Noise Note including a Noise Impact Assessment (NIA) (October 2021) undertaken as part of the current enforcement appeal prepared by Stantec is submitted as part of the current application. The NIA concluded:

- On-site activities indicates that the noise rating level associated with the site at nearby existing and noise sensitive receptors is below a level which is likely to result in significant adverse impact at all receptors and is no more than 10 dB above the typical background sound level.
- The assessment is based on noise impact from noise generated at its current position on the site. To provide protection from noise impact of activities taking place in other areas on the site, two example planning conditions have been proposed. The inclusion of these or similar conditions should ensure that noise impacts are maintained below the SOAEL and reduced to below the LOAEL where possible.
- As significant adverse noise impacts are anticipated to be avoided and adverse noise impacts can be mitigated, planning permission should not be refused on the grounds of noise.
- Building services plant noise limits to be achieved at the nearest noise sensitive receptors have been set based on the existing background sound levels.

- 4.3.8 Further noise assessment will be undertaken during the course of the planning application to address additional uses and operations now on site including the operation of 3 x silos in the aggregates storage areas and relocation of uses within the site. For example, the aggregates store area is now shown on the northern part of the site next to existing commercial uses at the Kirby Industrial Site and away from the southern Grand Union Canal towpath and corridor.

- 4.3.9 Noise impacts are therefore considered acceptable and can be mitigated through an operational hour's condition.

#### 4.4 Dust and impacts on air quality

- 4.4.1 Policy SI 1 of the London Plan (2021) and Policy EM8 of the Hillingdon Local Plan: Part 1 requires that development should not lead to deterioration of existing poor air quality.
- 4.4.2 Policy DMHB 11 and DMEI 14 of the Hillingdon Local Plan: Part 2 requires new development to avoid adverse impacts on the amenity, noise, daylight and sunlight of adjacent property and open space and seeks to protect air quality from deterioration throughout the Borough.
- 4.4.3 Following the 2021 Refusal and issue of the 2021 Enforcement Notice, the Applicant and tenants have sought to address LBH and resident concerns around dust nuisance from vehicles by extending the extent of hardstanding within the Appeal Site. There was previously only a small area of hardstanding (laid out as part of the previous airport parking use) by the Trout Road entrance with the remainder of the site comprising of unmade ground. This has been extended in September and October 2021 to provide a concrete internal spine road for vehicle manoeuvring and access. It is expected that this will further help limit potential dust nuisance from proposed operations compared to the previous unmade ground surface of the site.
- 4.4.4 Paragraph 7.18 of the Committee Report for the 2021 Refusal application commented and concluded on air quality,

*'...The proposed development has the potential to generate high risk of nuisance to the nearby residents during its operation phase, particularly given the nature of the use and accompanying HGV traffic. The applicant has not provided sufficient information on the following:*

*a) Impacts of transportation of stored materials on local residential areas, namely lorries carrying construction materials to and from the application site; these can include emissions from track-out, fugitive emissions from stockpiling construction materials, and increased congestion due to large size vehicle movements to and from the site to deposit/collect the stored materials. No cumulative assessment of the total vehicle movements (both cars, vans and lorries) with other existing activities in the vicinity of the site was undertaken.*

*b) Plans and measures to mitigate fugitive emissions likely to originate from the application site during operation through a Dust Management Plan;*

*c) Plans and measures to manage traffic routes for material transportation lorries to avoid sensitive and congested areas of the Focus Area through a Traffic Management Plan.*

*No cumulative assessment was undertaken to ascertain the impact of having construction vehicles coming in and out of the application site (this includes both traffic emissions and fugitive emissions due to track out). In addition, no air quality assessment of the impacts on local air quality and premises of fugitive emissions from within the site was submitted to the LA for evaluation.*

*In conclusion, there is a lack of information to ascertain the level of dust nuisance to nearby residential areas and the mitigation to be deployed at receptors most likely to be affected by the operation of the development due to traffic exhaust emissions and dust. In the absence of this information it is considered that permission should be refused on air quality grounds.'*

- 4.4.5 An Air Quality Note including an Air Quality Assessment and Dust Risk Assessment (October 2021)) prepared Air Quality Assessments Ltd which responds to reason (b) of the Enforcement Notice and Reason 2 for refusal of the 2021 Application and the revised Transport Assessment (July 2021) is submitted as part of the application.
- 4.4.6 With the implementation of dust control measures and other actions set out in the Dust Management Plan, it is considered that the effects of the operation of the unauthorised use

due to dust will *not be significant*. This applies site wide and within the immediate surroundings including at the Grand Union Canal.

- 4.4.7 Overall, the AQA concludes that there should be no constraints to the development of the site, with regards to air quality and the dust effects on local receptors and that the proposed use accords with air quality policies in the NPPF; the London Plan, Policy BE1 and EM8 of the Hillingdon Local Plan Part 1; and Policy DMEI 14 and Policy DMHB 11 of the Hillingdon Local Plan Part 2.

## 4.5 Impacts on the biodiversity of the Grand Union Canal

- 4.5.1 Reason 3 for refusal of the 2021 Refusal stated,

*'Due to the applicants refusal to agree to the requested conditions, the proposed development would result in an adverse impact on the biodiversity of the Grand Union Canal by virtue of light spill, water quality, dust pollution and noise pollution and would thereby conflict with Policies EM7 and EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policies DMEI 7 and DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies G9, SI 16 and SI 17 of the London Plan (2021).'*

- 4.5.2 Policy SI 17 of the London Plan requires development along London's canal network to respect local character and biodiversity.
- 4.5.3 Policy EM7 of the Local Plan Part 1 advises that Hillingdon's biodiversity and geological conservation will be preserved and enhanced with particular attention given to (amongst other criteria) the protection and enhancement of all Sites of Importance for Nature Conservation. Sites with Metropolitan and Borough Grade 1 importance will be protected from any adverse impacts and loss. Borough Grade 2 and Sites of Local Importance will be protected from loss with harmful impacts mitigated through appropriate compensation, and the provision of biodiversity improvements from all development, where feasible.
- 4.5.4 Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies requires the design and layout of new development to retain and enhance any existing features of biodiversity or geological value within the site.
- 4.5.5 Policy DMEI 8 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) expect development alongside the Grand Union Canal to contribute to the improvement of the Canal and its biodiversity.
- 4.5.6 The Site is an established commercial site and has historically been used for general industrial and commercial uses prior to the 2014 Outline, site clearance and 2018 Reserved Matters permissions for redevelopment of the wider Rainbow and Kirby Industrial site. More recently the Site has been in temporary use for airport parking.
- 4.5.7 In commenting on trees, landscaping and ecology, the Committee Report to the 2021 Refusal Application at paragraph 7.14 made clear that additional landscaping to enhance biodiversity was not required,

*'The proposed development is a meanwhile use and therefore the requirement to provide additional trees and landscaping as part of this application is superfluous however, this would be necessary as part of any application to redevelop the whole site.'*

### Water quality

- 4.5.8 The Committee Report to the 2021 Refusal application noted that there was no objection to the proposals by the Environment Agency in Section 6 and at Section 7.17 the Committee

Report notes that the site is more than 1ha but falls within Flood Zone 1, the area of least risk, and is not within a Critical Drainage Area. It went to state,

*'No alterations are proposed to the existing site surfaces. It is noted however that the CRT requested a condition for details of surface water drainage for the site, to ensure that no harmful material will enter the canal. This matter is covered in section 7.14 of the report. The proposal is considered acceptable from a flood risk point of view, albeit matters of surface water drainage are not considered to have been adequately addressed.'*

- 4.5.9 Flood risk impacts were accepted by LBH in the 2021 Refusal and Section 6 of the Committee Report under 'Flooding Team', Officers commented on requirements for surface water drainage as follows:

*'The Council's Floods and Drainage Officer commented on the previous application for a two year temporary parking consent, that the proposal failed to demonstrate that the site is safe and flood risk is suitably mitigated including through the provision of adequate management of surface water drainage. The view was taken at that time that as the site is in Flood Zone 1 the risk of flooding only relates to impacts off-site from surface water flooding. Officers consider that it would be difficult to request surface water drainage works on land where the uses would be taking place for a temporary period only, as these works could be substantial. In the current proposal again no works are proposed to existing surfaces and it is considered this view remains relevant.'*

- 4.5.10 Additionally, a 2017 Enforcement Appeal Decision (PINS Ref: APP/R5510/C/16/3163200 and APP/R5510/C/16/3163365) for the previous temporary airport parking use of the Site considered flood risk and surface waste drainage including SUDs and it concluded at paragraphs 37 and 38,

*'37. In that context it would be disproportionate to require a sustainable drainage system [SuDS]. In reaching this view I have taken account of the House of Commons Written Statement [HCWS161] made on 18 Dec 2014. The distinction I draw for not applying it, in the absence of it having been demonstrated that a SuDS would be inappropriate, is that it would not be reasonable to impose a condition to require a SuDS on what is expressly sought to be a one year temporary permission. To impose such a condition would therefore be contrary to the policy in paragraph 206 of the Framework. Indeed, it is noticeable that the Council has not even suggested that a SuDS condition should be imposed, despite the absolute terms of SP Policy EM6 and the absence of an assessment to demonstrate that it would not be viable. This material consideration therefore outweighs the breach of the policy.'*

*38. On the third main issue I conclude that the use is appropriate in Flood Zone 1 and that vehicles would be at negligible risk of flooding from surface water or other sources. As such I find no conflict with LP Policy 5.12, SP Policy EM614, the Framework or the Guidance.'*

- 4.5.11 The proposals are made for a temporary 12-month period and the forthcoming application for redevelopment of the Rainbow and Kirby Industrial Estate sites would address long term flood risk and surface water drainage and impacts on the Grand Union canal comprehensively as part of the hybrid application.

#### Light Spill

- 4.5.12 No change is proposed to boundary treatment or additional lighting within 25m of the Grand Union Canal frontage.
- 4.5.13 Proposed lighting within the site is required for site security only and provides localised and low intensity (max 150W) lighting by immediate structures and stores and is angled away from the canal boundary. It is considered unlikely that there will be any light spill towards the Grand Union Canal towpath which may have adverse impacts on biodiversity.

Dust pollution and noise pollution

- 4.5.14 Dust pollution and noise issues across the Site are considered above. It is considered that site wide conclusions also apply specifically to the Grand Union Canal and if required, conditions can be imposed to manage dust impacts.

## 5 Conclusion

5.1.1 This Planning Statement is prepared in support of proposals for,

*'Installation and retention of two portacabins and entrance gates and proposed change of use to the site for Use Class Sui Generis including container storage; open and closed storage of building and scaffolding materials; storage of aggregate materials; vehicle storage and sales for a period of 36 months (part retrospective application)'*

5.1.2 The Site would currently be vacant were it not put to some temporary meanwhile use. The proposed use is sought for a temporary period of 12 months site whilst a mixed use, residential-led scheme for the Rainbow and Kirby Industrial sites is discussed with LBH during pre-application discussions and a formal planning application is submitted and determined.

5.1.3 The proposed use will provide an active use of the site as well as local employment and help maintain site security and deter flying tipping which has been occurring on site since the previous airport parking use ceased.

5.1.4 The site has historically had a mixed commercial use and proposed temporary uses are considered consistent with those previous uses and accord with the Hillingdon Development Plan and other material considerations. Planning permission should therefore be granted for a temporary 12-month period.

5.1.5 Stantec look forward to working with LBH during the application process.