

Report of the Head of Planning & Enforcement Services

Address TESCO STORE GLENCOE ROAD HAYES

Development: Single storey detached building for use as a dry cleaning pod

LBH Ref Nos: 36999/APP/2012/372

Drawing Nos: 3470 boundary.dgr
10645-001 Rev 00 (External Elevations)
10645-100 Rev 00 (Foundation Details)
10645-100 Rev 00 (Foundation Details)
15666P 01P
2470gag###dgn (Existing 1:500) Issue #
2470gag1#.dgn (Proposed 1:500) Issue 1#
2470gag###dgn (Existing 1:100) Issue #
2470gag###dgn (Proposed 1:100) Issue 1#

Date Plans Received: 17/02/2012 **Date(s) of Amendment(s):** 17/02/2012
Date Application Valid: 06/03/2012 04/05/2012

1. SUMMARY

The application seeks planning permission for a detached building to be located within the Tesco Superstore site to provide additional facilities for customers visiting the store. The proposed A1 use is acceptable in principle. The building would be seen against the large superstore building to the side/rear and would not represent an intrusive form of development within the locality. In view of its size and location within this commercial site it is considered that the proposal would not have an unacceptable impact upon residential amenity. Furthermore, the application would not detract from either highway or pedestrian safety. The application is therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3470 boundary.dgn, 10645-001 Rev 00 (External Elevations), 10645-100 Rev 00 (Foundation Details), 10645-100 Rev 00 (Foundation Details), 15666P 01P, 2470gag###dgn (Existing 1:500) Issue ##, 2470gag1#.dgn (Proposed 1:500) Issue 1#, 2470gag###dgn (Existing 1:100) Issue ##, an 2470gag###dgn (Proposed 1:100) Issue 1# and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

3 COM7 Materials (Submission)

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

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

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Gas Protection

Prior to the commencement of development, details of lanfill gas protection measures, for example the use of a gas membrane and adequate ventilation, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation of the building.

REASON

To ensure that the safety of future occupiers of the building in accordance with Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LDF-AH	Accessible Hillingdon , Local Development Framework,

LPP 3.5	Supplementary Planning Document, adopted January 2010
LPP 5.3	(2011) Quality and design of housing developments
OE1	(2011) Sustainable design and construction
LPP 4.7	Protection of the character and amenities of surrounding properties and the local area
LPP 4.8	(2011) Retail and town centre development
	(2011) Supporting a Successful and Diverse Retail Sector

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the Tesco superstore site which is located on the northwest side of Glencoe Road. The site consists of a large building with a hipped 'barn style' roof in the north west corner, with service yard to the rear (north), parking areas to the front and side (south and east), and a petrol filling station in the east corner. Vehicular access is gained from the Glencoe Road, adjacent to the petrol filling station, and on the west side facing onto the car park is a small parade of shops. The site is located within a modern housing estate with residential properties on all sides. The locality is flat and the site is within 'The Willows, Willow Tree Lane, Local Centre' and Core Shopping Area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The application seeks planning permission for a single storey detached building to be used as a dry cleaning pod. It would be located to the east of the main entrance door to the store. The building would offer key cutting, watch repairs, shoe repairs, engraving and dry cleaning to Tesco's customers. The building is proposed to have a footprint of 6.55m x 2.65m and would have a flat roof measuring 2.45m in height. The building is proposed to be constructed of steel with a plastic coated cladding. The proposal would necessitate the removal of a single bollard which defines the pedestrian area to the front of the store to the south of the drop off and pick up point. The advertisements shown on the building are the subject of a separate application for advertisement consent.

3.3 Relevant Planning History

36999/ADV/2008/47 Tesco Store Glencoe Road Hayes
REPLACEMENT OF INTERNALLY ILLUMINATED PANELS ON RETAINED GANTRIES

Decision: 04-06-2008 Approved

36999/ADV/2008/48 Tesco Store Glencoe Road Hayes
INSTALLATION OF NEW INTERNALLY ILLUMINATED FASCIA SIGNS TO PETROL FILLING STATION AND KIOSK

Decision: 04-06-2008 Approved

36999/ADV/2010/71 Tesco Store Glencoe Road Hayes
Installation of 8 x non-illuminated fascia signs, 2 x internally illuminated fascia signs, 1 x

externally illuminated fascia sign, 8 x non-illuminated flag pole signs, 4 x non-illuminated free standing directional signs, and 5 x internally illuminated free standing signs (Retrospective Application)

Decision: 03-03-2011 Approved

36999/ADV/2012/11 Tesco Store Glencoe Road Hayes

Installation of 3 internally illuminated fascia signs and 3 non-illuminated fascia signs

Decision:

36999/APP/2007/2494 Tesco Store Glencoe Road Hayes

REPLACEMENT OF EXISTING RECYCLING UNITS WITH A SINGLE TOMRA RECYCLING UNIT TOGETHER WITH ASSOCIATED ENABLING WORKS

Decision: 22-05-2008 Approved

36999/APP/2007/829 Tesco Store Glencoe Road Hayes

INSTALLATION OF EXTERNAL ATM AND ANTI-RAM RAID BOLLARDS.

Decision: 27-02-2008 Refused

36999/APP/2008/1173 Tesco Store Glencoe Road Hayes

CONSTRUCTION OF GLAZED LOBBY TO MAIN ENTRANCE AND ERECTION OF A SINGLE STOREY FRONT ADDITION UNDER EXISTING CANOPY ADJACENT TO THE CAFE AREA.

Decision: 03-06-2008 Approved

36999/APP/2008/1458 Tesco Store Glencoe Road Hayes

VARIOUS CHANGES TO CAR PARK TO INCLUDE THE RELOCATION OF RECYCLING FACILITIES, INCREASE OF RADII ON THE END OF AISLES AND INTRODUCTION OF SPEED REDUCTION ROUNDALS

Decision: 28-08-2008 Refused

36999/APP/2009/1959 Tesco Store Glencoe Road Hayes

Installation of new doors to existing entrance lobby.

Decision: 13-11-2009 Approved

Comment on Relevant Planning History

There is a lengthy planning history to this site, the most recent of which is outlined in the report.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.18 To maintain, enhance and promote town centres as the principle centres for shopping, employment and community and cultural activities in the Borough.

Part 2 Policies:

- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 5.3 (2011) Sustainable design and construction
- OE1 Protection of the character and amenities of surrounding properties and the local area
- LPP 4.7 (2011) Retail and town centre development
- LPP 4.8 (2011) Supporting a Successful and Diverse Retail Sector

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

39 Neighbouring properties were consulted by letter dated 8.3.12. A site notice was displayed at the front of the site on 14.3.12 (Expiring 4.4.12)

1 letter of objection has been received which relates to the commercial competition. Concerns have been raised that this would result in the closure of other local businesses.

A petition containing 500 signatures, although not all are Hillingdon Residents; the majority to be Hillingdon Residents, has also been received objecting to the application and raising concerns that it

will result in a loss of local sales, closure of a local business and loss of jobs resulting in a negative economic impact to the area.

A Ward Councillor has also requested that the application be referred to a Planning Committee for determination.

Internal Consultees

EPU -

It appears that the dry cleaning does not involve the use of a dry cleaning machine onsite, the cleaning being off site. Therefore an environmental permit is not required for a dry cleaning machine

The whole Tesco Site was on a landfill site tipped in the 1950's. This landfill was removed and replaced with clay at the site. However there were some residual landfill gas levels in the clay, and the site borders landfill in what is left of the Willow Tree Landfill Site which is now a park.

When the Tesco was built in the 1993 gas protection measures were applied to the supermarket building. As a precaution and for consistency similar measures should be applied to the enclosed dry cleaning building.

A condition is requested to ensure adequate gas protection measures are installed.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is located within the Tesco Superstore site within a Core Shopping Area and the Willows Local Centre as identified within the Hillingdon UDP. The site is commercial in character. The National Planning Policy Framework (NPPF) and local planning policies give clear guidance as to what is appropriate development in relation to town centres.

The NPPF seeks to ensure that main Town Centre uses are located within Town Centres, which includes local centres. The application seeks permission for a building which would act as a dry cleaners (providing services including dry cleaning receiving, key cutting, watch repair, shoe repairs and engraving) which would constitute an A1 retail use and is located within the The Willows Local Centre. The principle of this retail building located within a designated centre is considered acceptable in accordance with the NPPF and Hillingdon UDP (Saved Policies).

One of the key objectives of the NPPF is to 'promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centre' and that the provision of an additional unit providing town centre appropriate services would contribute to this key objective.

A petition and objection have been received objecting to the application on the basis that it will compete with existing retailers, in particular a local dry cleaners, however competition between individual retailers was not a material consideration prior to the NPPF being adopted, and as stated above, now that the NPPF is adopted it promotes competition.

7.02 Density of the proposed development

N/A

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

N/A

7.04 Airport safeguarding

- N/A
- 7.05 Impact on the green belt**
- N/A
- 7.07 Impact on the character & appearance of the area**
- Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties. The proposed modest building is considered to be a modest addition to this site, set against the backdrop of the large superstore. It is considered to be in keeping with the building to which it relates, and it is considered that the application would not result in a detrimental impact to its surroundings. Therefore the proposal is considered to accord with Policy OE1 of the UDP (Saved Policies September 2007).
- 7.08 Impact on neighbours**
- Due to the proximity and design of the proposed modest building, it is considered that it would not impact on the amenities of any adjoining buildings or adjacent properties by reason of loss of sunlight or overshadowing, and no adverse privacy impacts are anticipated, given the distance to the nearest residential properties. The proposal is therefore in accordance with Policies BE20, BE21 and BE24 of the UDP(Saved Policies September 2007).
- 7.09 Living conditions for future occupiers**
- N/A
- 7.10 Traffic impact, Car/cycle parking, pedestrian safety**
- The proposed building would be located within a pedestrianised area to the side of the main entrance doors of the superstore. This area is defined by bollards which prevent vehicles front entering this area. The proposal would not result in the loss of any parking spaces. Whilst the proposal would result in the removal of a single bollard it is considered that it would not obstruct pedestrians and sufficient space would be retained to the front and side of the store to ensure that pedestrian safety and access to the store is retained.
- 7.11 Urban design, access and security**
- N/A
- 7.12 Disabled access**
- The building would be accessible to disabled customers/staff.
- 7.13 Provision of affordable & special needs housing**
- N/A
- 7.14 Trees, landscaping and Ecology**
- N/A
- 7.15 Sustainable waste management**
- N/A
- 7.16 Renewable energy / Sustainability**
- N/A
- 7.17 Flooding or Drainage Issues**
- N/A
- 7.18 Noise or Air Quality Issues**
- N/A
- 7.19 Comments on Public Consultations**
- A petition and objection have been received objecting to the application on the basis that it will compete with existing retailers, in particular a local dry cleaners, however commercial issues relating to competition between individual retailers is not a viable reason to refuse

this application.

7.20 Planning obligations

N/A

7.21 Expediency of enforcement action

N/A

7.22 Other Issues

N/A

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

N/A

10. CONCLUSION

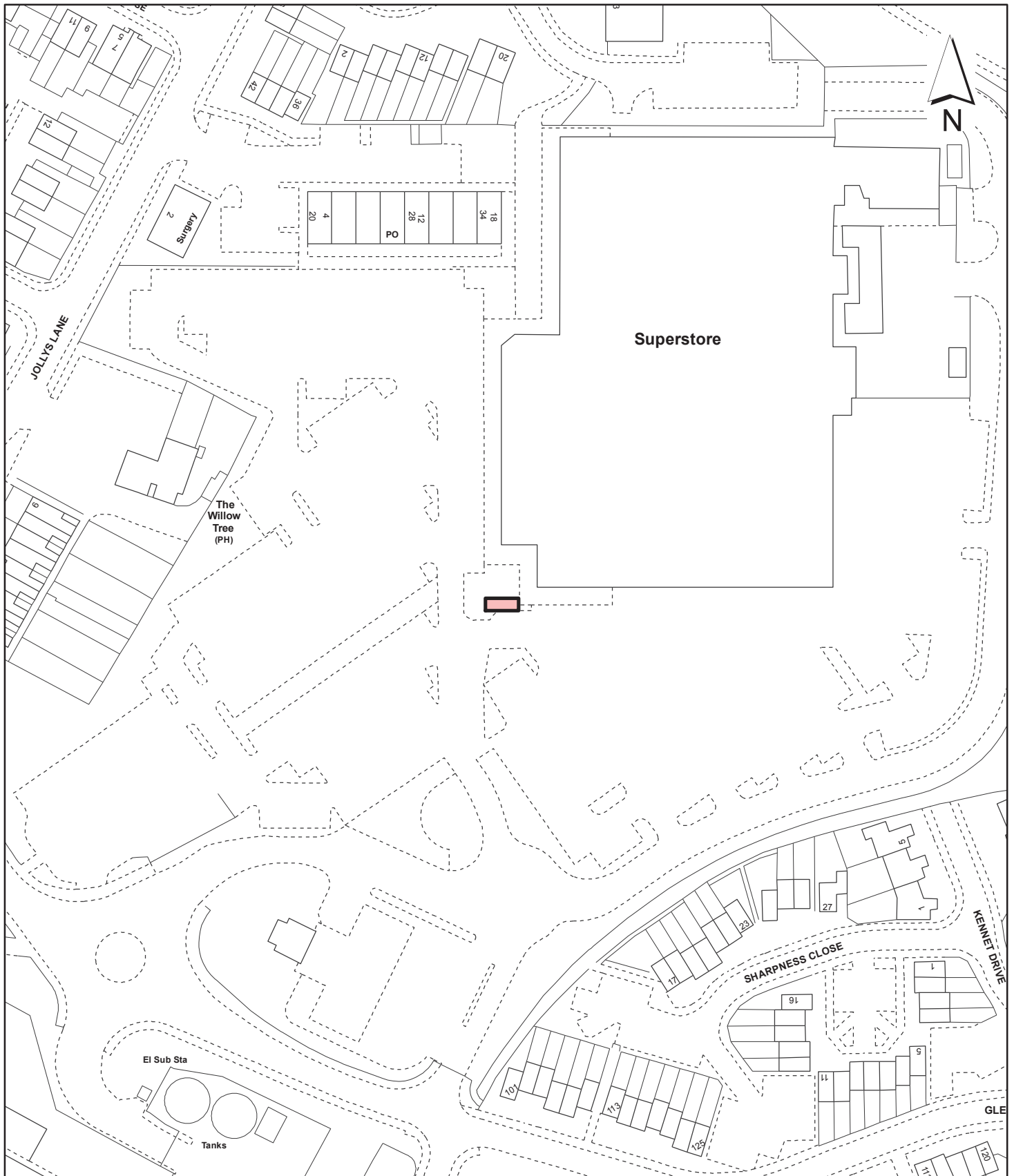
The application seeks planning permission for a modest building to be located within the Tesco Superstore site to provide additional facilities for customers visiting the store. The proposed A1 use is acceptable in principle. The building would be seen against the large superstore building to the side/rear and would not represent an intrusive form of development within the locality. In view of its size and location within this commercial site it is considered that the proposal would not have an unacceptable impact upon residential amenity. Furthermore, the application would not detract from either highway or pedestrian safety. The application is therefore recommended for approval.

11. Reference Documents

Hillingdon UDP (Saved Policies 2007)
London Plan 2011
Accessible Hillingdon SPD
NPPF

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes



Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2012 Ordnance Survey 100019283

Site Address

**Tesco Store
Glencoe Road
Hayes**

Planning Application Ref:

36999/APP/2012/372

Planning Committee

Central and South

Scale

1:1,250

Date

**May
2012**

**LONDON BOROUGH
OF HILLINGDON
Planning,
Environment, Education
& Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON