

Report of the Head of Planning, Sport and Green Spaces

Address	FORMER ARLA FOOD DEPOT VICTORIA ROAD RUISLIP
Development:	Redevelopment of the site to provide a foodstore with ancillary cafe (Class A1) and ancillary petrol filling station, cinema (Class D2), 5 x restaurant units (Class A3), and residential development consisting of 132 units, together with new vehicle and pedestrian accesses, car parking, servicing areas, landscaping arrangements, and other associated works.
LBH Ref Nos:	66819/APP/2014/1600
Drawing Nos:	12101-02-2005 Rev B 12101-02-2006 Rev B 12101-02-2007 Rev B 12101-02-2008 Rev B 12101-02-2009 Rev B 12101-02-2010 Rev B 12101-02-2011 Rev B 12101-02-1020 Rev B 12101-Visual 0001 Rev B 12101-Visual 0002 Rev B Design & Access Statement - Rev A (14/05/14) Aboricultural Report - 02/04/14 1061-043 Rev B 1061-060 Rev B 1061-061 Rev A 1061-R-001 Rev E 12101-02-4003 Rev D 12101-02-1001 Rev C 12101-02-1003 Rev C 12101-02-1007 Rev C 12101-02-1011 Rev C 12101-02-1013 Rev C 12101-02-1014 Rev C 12101-02-1015 Rev C 12101-02-1016 Rev C 12101-02-4050 Rev H 12101-02-4002 Rev D 12101-02-2031 Illustrative Arrival Space Sketch 12101-02-4001 Rev D Illustrative Paving Demolition Strategy - Rev A (23/04/14) 2013-056/G223 Rev A 2013-056/G224 Rev B 2013-056/G227 Rev F 2013-056/G250 Rev E 2013-056/G801 Rev E 2013-056/G802 Rev E 2013-056/G803 Rev K 2013-056/P220 Rev A 2013-056/R201 Rev P

2013-056/R202 Rev J
2013-056/R220 Rev P
2013-056/R230 Rev D
2013-056/G220 Rev R
2013-056/G221 Rev M
2013-056/G225 Rev K
2013-056/G226 Rev J
2013-056/G112
Construction Management Plan - Rev A (24/04/14)
BREEAM Pre-assessment - Cinema - 24/04/14
BREEAM Pre-assessment - Foodstore - 24/04/14
BREEAM Pre-assessment - Restaurant Units - 24/04/14
CFSH Pre-assessment - Residential - 24/04/14
CHP Stack Emissions Modelling - 24/04/14
Air Quality Assessment - Rev 2 (29/04/14)
2013-056/G101 Rev F
2013-056/G102 Rev G
2013-056/G103 Rev T
2013-056/G104 Rev G
2013-056/G109 Rev Q
2013-056/G200 RevAA
2013-056/G201 Rev T
2013-056/G202 Rev S
2013-056/G204 Rev U
2013-056/G222 Rev E
1061-003 Rev V
1061-004 Rev P
1061-005 Rev N
1061-006 Rev G
1061-007 Rev K
1061-020 Rev C
1061-040 Rev C
1061-041 Rev C
1061-042 Rev B
Archaeology/Heritage Assessment - December 2012
Landscape Strategy - Rev B (29/04/13)
Energy Strategy - 24/04/14
External Lighting Statement - 24/04/14
Preliminary Risk Assessment - 03/05/13
Employment Land Report - April 2014
Flood Risk Assessment and Drainage Strategy - 25/04/14
Planning Report - May 2014
Noise Assessment - 29/04/14
Utilities Design Statement - 24/04/14
12101-02-2050
12101-3001
12101-3002
12101-3003
12101-02-0030 Rev D
12101-02-0002
12101-02-0003

12101-02-4051 Rev A
12101-02-1002 Rev B
12101-02-1004 Rev B
12101-02-1005 Rev B
12101-02-1006 Rev B
12101-02-2001 Rev B
12101-02-2002 Rev B
12101-02-1008 Rev B
12101-02-1009 Rev B
12101-02-1010 Rev B
12101-02-2003 Rev B
12101-02-1012 Rev B
12101-02-2004 Rev B
12101-02-1017 Rev C
12101-02-1018 Rev C
12101-02-1019 Rev C
12101-02-5001
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12101-02-5011
12101-02-5012
12101-02-5013
12101-02-5014
12101-02-0005 Rev E
12101-02-0006 Rev G
12101-02-0007 Rev G
12101-02-0008 Rev G
12101-02-0009 Rev E
12101-02-2032
Statement of Community Involvement - May 2014
Site Waste Management Plan - 12/04/14
Daylight & Sunlight Report - 23/04/14
Retail & Leisure Report - May 2014
Sustainability Report - 30/04/14
VISSIM Modelling Report - April 2014
Transport Assessment - PMcL/3008d51/April 2014
Travel Plan - Framework - PMcL/3008d53/April 2014
Ventilation and Air Exhaust Discharge Strategy - 24/04/14
Travel Plan - ASDA - PMcL/3008d21/April 2014
Travel Plan - Residential - PMcL/3008d54/April 2014
Pedestrian (PERS) Audit - PMcL/3008d57/April 2014
Car Parking Management Plan - PMcL/3008d56/April 2014
Delivery and Servicing Plan - PMcL/3008d55/Apr 2014
Preliminary Ecological Appraisal - 15/05/14
Note on Scale and Town Centre Network - June 2014
Energy Strategy Addendum - 11/08/2014
LINSIG Details - 11/08/2014

Response to Mayor of London Stage 1 Report and Consultee Responses -
August 2014

Date Plans Received:	08/05/2014	Date(s) of Amendment(s):	19/06/2014
Date Application Valid:	08/05/2014		08/05/2014
			04/08/2014

1. SUMMARY

The application seeks full planning permission for the redevelopment of the site to provide a foodstore with ancillary cafe (total floor area of 7,131sqm) (Class A1) and ancillary petrol filling station, cinema (floor area of 5,634sqm) (Class D2), 5 x restaurant units (total floor area of 2,027sqm) (Class A3), and residential development consisting of 132 units (34 x 1-bed flats, 82 x 2-bed flats, 14 x 3-bed houses, 2 x 4-bed houses), together with new vehicle and pedestrian accesses, car parking, servicing areas, landscaping arrangements, and other associated works.

850 local residents, businesses and local amenity groups were consulted initially in May 2014. A total of 31 individual letters of objection have been received, objecting primarily on the grounds of increased traffic generation and traffic congestion at the Victoria Road/Long Drive junction and the surrounding road network. Issues relating to the scale of the development, air quality, impact on retail provision and flooding have also been raised. In addition, 64 letters, and a petition in support of the application have been received. Given the scale of the development, the application is referable to the Mayor of London.

This application is a resubmission following the refusal of a previous application on the site. Application reference 66819/APP/2013/1467 was refused on 04/04/2014. This application was refused for four reasons, relating to sequential testing, retail scale, highways, and planning obligations.

The key difference between the current scheme and the refused scheme, is that the supermarket is smaller and the site layout has been improved.

It is considered that the revised application would overcome these previous reasons for refusal, and would not result in an unacceptable impact on the town centre hierarchy or nearby town centres. It would not have an unacceptable visual impact. The proposal would result in a good living environment for potential occupiers, and would provide sufficient amenity space and car parking. The proposal would not have a detrimental impact on the amenities of the occupiers of neighbouring units and (subject to planning conditions and obligations) it is not considered that the development would lead to significant traffic impacts, such that refusal could be justified on highway grounds.

There is a significant investment proposed by this development. The application site currently makes no contribution to the local economy, and the site is currently

unattractive.

The proposed mixed use scheme will result in a significant number of local employment opportunities, including full and part time jobs within the foodstore, cinema and restaurants. The scheme will create in the order of 536 full and part time jobs through the retail and leisure uses and that many of these jobs will be made available to local people.

The regenerative benefits of the scheme weigh in it's favour, and subject to the imposition of the recommended conditions and planning obligations on any permission, it is considered that the impacts of the proposal can be mitigated to the extent it is possible to do so.

Approval is therefore recommended.

2. RECOMMENDATION

That subject to the Mayor not directing the Council under Article 6 of the Town and Country Planning (Mayor of London) Order 2008 to refuse the application, or under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application, and subject to referral to the Secretary of State, under the Consultation Direction 2009 and HS2 Safeguarding Direction, delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to any relevant amendments agreed by the Head of Planning, Sport and Green Spaces and also those requested by the Greater London Authority and the following:

A) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or other appropriate legislation to secure:

1. Transport: At no cost to the Council, the developer to undertake the following off site works to improve the capacity within the road/highway network:

- a) Long Drive and Victoria Road junction (scope of works to be agreed with the Council's Highways Engineer)**
- b) Victoria Road/Site Access/West Mead (scope of works to be agreed with the Council's Highways Engineer)**
- c) Install UTC SCOOT on the junctions of Long Drive/Victoria Road and Victoria Road/Site Access/West Mead**
- d) Access works along Victoria Road**
- e) Revised traffic modelling to be submitted to and approved in writing by the Council before commencement of the development and the requisite works to be completed before occupation of the development.**

2. Travel Plan: Full Travel Plans for each element of the development shall be submitted to and approved in writing at 80% occupation. The Travel Plans should be included and managed in the form of a Master Travel Plan for the development. This shall include the provision of an environmental fleet management plan.

3. Construction Logistics Plan: A framework Construction Logistics Plan (CLP) will be required. This should include (but not limited to):

- Construction traffic generation by development phase;**
- Access routes;**
- Contractor parking;**
- Deliveries to avoid highway network peak hours and traffic sensitive hours;**

- Construction staff travel plan; and
- Measures to manage localised priorities

4. On-street Parking Management: Carry out a study of the on-street parking situation in the surrounding area (scope to be agreed with the Council's Highways Engineer) and implement the works to extend the parking management scheme and other parking restrictions.

5. Internal Roads: Detail design of all internal roads including construction details, lighting and drainage to be submitted to and approved by the Council and constructed to the Council satisfaction. Developer shall bear the full costs of the Council's detail design checking and site inspection.

6. Affordable Housing: Provision of 10.82% of the total units being dedicated as affordable housing.

7. Review Mechanism: The legal agreement shall provide for the Council to review the finances of the scheme at set times, in order to ensure that the maximum amount of affordable housing is being sought (seeking an uplift if viable).

8. Public Realm: The provision of a new landscaped, illuminated, and adequately signposted pedestrian link into the site from Long Drive.

9. Construction Training: A contribution (or in-kind scheme delivered) is required to address training during the construction phase of the development. If the obligation is to be delivered as a financial contribution then the amount is to be based on the following formula: £2,500 for every £1m build cost + $(132/160 \times £71,675)$ = total contribution.

10. Employment Training: An employment training initiative (to ensure there is adequate skills within the community to facilitate local workers being able to find employment within the commercial elements of the scheme (when operational)).

11. Air Quality: A contribution of £50,000 is required towards the cost of air quality monitoring made necessary by the proposal.

12. Public Transport: A contribution of £135,000 towards enhancements (including enhanced waiting accommodation, and enhanced Customer Information Screens) at South Ruislip Railway Station.

13. Project Management and Monitoring Fee: A contribution equal to 5% of the total cash contributions is required to ensure the adequate management and monitoring of the resulting agreement.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the legal agreement and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That if any of the heads of terms set out above have not been agreed and the

S106 legal agreement has not been finalised before 31/12/2014, or such other date as agreed by the Head of Planning, Green Spaces and Culture, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of highways, sustainable transport, public transport, affordable housing, public realm, air quality, and construction training). The proposal therefore conflicts with Policies AM7 and R17 of the adopted Local Plan and the Council's Planning Obligations SPD and Air Quality SPG, and the London Plan (July 2011).'

E) That subject to the above, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F) That if the application is approved, the following conditions be imposed:

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:

2013-056/G101 Rev F; 2013-056/G102 Rev G; 2013-056/G103 Rev T; 2013-056/G104 Rev G; 2013-056/G109 Rev Q; 2013-056/G112; 2013-056/G200 RevAA; 2013-056/G201 Rev T; 2013-056/G202 Rev S; 2013-056/G204 Rev U; 2013-056/G220 Rev R; 2013-056/G221 Rev M; 2013-056/G222 Rev E; 2013-056/G223 Rev A; 2013-056/G224 Rev B; 2013-056/G225 Rev K; 2013-056/G226 Rev J; 2013-056/G227 Rev F; 2013-056/G250 Rev E; 2013-056/G801 Rev E; 2013-056/G802 Rev E; 2013-056/G803 Rev K; 2013-056/P220 Rev A; 2013-056/R201 Rev P; 2013-056/R202 Rev J; 2013-056/R220 Rev P; 2013-056/R230 Rev D;

1061-003 Rev V; 1061-004 Rev P; 1061-005 Rev N; 1061-006 Rev G; 1061-007 Rev K; 1061-020 Rev C; 1061-040 Rev C; 1061-041 Rev C; 1061-042 Rev B; 1061-043 Rev B; 1061-060 Rev B; 1061-061 Rev A; 1061-R-001 Rev E;

12101-02-0002; 12101-02-0003; 12101-02-0005 Rev E; 12101-02-0006 Rev G; 12101-02-0007 Rev G; 12101-02-0008 Rev G; 12101-02-0009 Rev E; 12101-02-1001 Rev C; 12101-02-1002 Rev B; 12101-02-1003 Rev C; 12101-02-1004 Rev B; 12101-02-1005 Rev B; 12101-02-1006 Rev B; 12101-02-1007 Rev C; 12101-02-1008 Rev B; 12101-02-1009 Rev B; 12101-02-1010 Rev B; 12101-02-1011 Rev C; 12101-02-1012 Rev B; 12101-02-1013 Rev C; 12101-02-1014 Rev C; 12101-02-1015 Rev C; 12101-02-1016 Rev C; 12101-02-1017 Rev C; 12101-02-1018 Rev C; 12101-02-1019 Rev C; 12101-02-1020 Rev B; 12101-02-2001 Rev B; 12101-02-2002 Rev B; 12101-02-2003 Rev B; 12101-02-2004 Rev B; 12101-02-2005 Rev B; 12101-02-2006 Rev B; 12101-02-2007

Rev B; 12101-02-2008 Rev B; 12101-02-2009 Rev B; 12101-02-2010 Rev B; 12101-02-2011 Rev B; 12101-02-2031; 12101-02-2032; 12101-02-2050; 12101-02-4001 Rev D; 12101-02-4002 Rev D; 12101-02-4003 Rev D; 12101-02-4050 Rev H; 12101-02-4051 Rev A; 12101-02-5001; 12101-02-5002; 12101-02-5003; 12101-02-5004; 12101-02-5005; 12101-02-5006; 12101-02-5007; 12101-02-5011; 12101-02-5012; 12101-02-5013; 12101-02-5014; 12101-02-0030 Rev D; 12101-3001; 12101-3002; 12101-3003; 12101-Visual 0001 Rev B; 12101-Visual 0002 Rev B;

Illustrative Arrival Space Sketch; Illustrative Paving.

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON:

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be carried out except in complete accordance with the details contained within the specified supporting documents:

Design & Access Statement - Rev A (14/05/14)
Transport Assessment - PMcL/3008d51/April 2014
Travel Plan - Framework - PMcL/3008d53/April 2014
Travel Plan - ASDA - PMcL/3008d21/April 2014
Travel Plan - Residential - PMcL/3008d54/April 2014
Pedestrian (PERS) Audit - PMcL/3008d57/April 2014
Car Parking Management Plan - PMcL/3008d56/April 2014
Delivery and Servicing Plan - PMcL/3008d55/Apr 2014
LINSIG Details - 11/08/2014
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CFSSH Pre-assessment - Residential - 24/04/14
CHP Stack Emissions Modelling - 24/04/14
Energy Strategy - 24/04/14
Energy Strategy Addendum - 11/08/2014
Sustainability Report - 30/04/14
Preliminary Risk Assessment - 03/05/13
Air Quality Assessment - Rev 2 (29/04/14)
Construction Management Plan - Rev A (24/04/14)
Demolition Strategy - Rev A (23/04/14)
Ventilation and Air Exhaust Discharge Strategy - 24/04/14
Noise Assessment - 29/04/14
Site Waste Management Plan - 12/04/14
Flood Risk Assessment and Drainage Strategy - 25/04/14
External Lighting Statement - 24/04/14
Landscape Strategy - Rev B (29/04/13)

Aboriginal Report - 02/04/14
Preliminary Ecological Appraisal - 15/05/14
Archaeology/Heritage Assessment - December 2012
Daylight & Sunlight Report - 23/04/14
Utilities Design Statement - 24/04/14
Statement of Community Involvement - May 2014
Response to Mayor of London Stage 1 Report and Consultee Responses - August 2014

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON:

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

4 NONSC Phasing

Prior to the commencement of any development, a detailed phasing and implementation plan, including the order and timing of development of individual buildings, landscaped areas, vehicular and pedestrian access ways, car and cycle parking areas, refuse storage, and any other structures or facilities to be included within any phase, shall be submitted to and approved in writing by the Local Planning Authority.

The phasing plan shall include details of the provision of the pedestrian link from Long Drive to the commercial elements of the site.

Thereafter and prior to occupation of each phase, the scheme shall be completed in strict accordance with the approved details and thereafter maintained for the life of the development.

REASON:

To ensure the development proceeds in a satisfactory manner, and to ensure the availability of linked trips between the site and the town centre, in accordance with policy E5 of the Hillingdon Local Plan Part 1, policies LE1, BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), and policies 2.15, 4.7 and 4.8 of the London Plan (July 2011).

5 COM7 Materials (Submission)

No phase of the development shall commence until details of all materials and external surfaces to be used on the buildings in the relevant phase, including details of balconies, windows, doors, porches, and PV panels have been submitted to and approved in writing by the Local Planning Authority for that phase. Thereafter the relevant phase of development shall be constructed in accordance with the approved details and be retained as such.

Details shall 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 Local Plan: Part Two Saved UDP Policies (November 2012).

6 COM6 Levels

No phase of the development shall commence until plans of the phase, showing the existing and proposed ground levels, as well as floor levels of all proposed buildings in the relevant phase, together with the location of any earthworks and excavations to be carried out near to the railway boundary (if relevant to the phase), have been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the relevant phase of development shall not be carried out other than in accordance with the approved details for the relevant phase.

REASON:

To ensure that the development relates satisfactorily to adjoining properties in accordance with policies AM7, AM11 and BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policies 2.6, 6.2, 6.3 and 6.4 of the London Plan (July 2011) and paragraph 32 of the National Planning Policy Framework.

7 COM9 Landscaping (car parking & refuse/cycle storage)

No phase of the development shall commence until a landscape scheme for the relevant phase has been submitted to and approved in writing by the Local Planning Authority for that phase. The scheme for each phase shall include:

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:250),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate, including replacement semi-mature tree planting for trees removed at site entrances.

2. Details of Hard Landscaping
 - 2.a Covered and secure refuse storage
 - 2.b Covered and secure cycle storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts
 - 2.e Hard Surfacing Materials, including paving materials (which shall be suitable for wheel chair users)
 - 2.f External Lighting
 - 2.g Other structures

3. Living Walls and Roofs
 - 3.a Details of a scheme for the inclusion of living walls, roofs and screens. The scheme shall provide details of the types of living material to be used and the locations and methods of maintenance where necessary.
 - 3.b Justification as to why no part of the development can include living walls and roofs

4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

6. Other
 - 6.a Existing and proposed functional services above and below ground

Thereafter the relevant phase of development shall be carried out and maintained in full accordance with the approved details for the relevant phase.

REASON:

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), and policies 5.11 and 5.17 of the London Plan (July 2011).

8 COM10 Tree to be retained

Trees, hedges and shrubs shown to be retained on the approved Tree Retention plans shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON:

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

9 COM30 Contaminated Land

(i) No phase of the development shall commence until a scheme to deal with contamination within the relevant phase has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme for each relevant phase shall include all of the following measures:

(a) A desk-top study carried out by a competent person to characterise the land within the phase and provide information on the history of the land within the phase, the site and surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the land within the phase;

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

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement of each relevant phase.

(ii) If during development or works in any phase, contamination which is not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme for the phase must be submitted to and agreed with the LPA prior to its implementation.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

10 NONSC Contaminated Land Remediation

All works which form part of the remediation scheme detailed in the condition above for a relevant phase shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the relevant phase is occupied or brought into use.

REASON:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

11 NONSC Imported Soils

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination.

REASON:

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

12 NONSC Carbon Reduction

No phase of the development shall commence until a detailed energy assessment has been submitted showing how the relevant phase of development will reduce carbon emissions by 40% from a 2010 Building Regulations compliant development. The assessment for the relevant phase shall clearly show:

- 1) The baseline energy demand (kwhr and kgCO₂) for each element of the regulated energy use (e.g. space heating, hot water and electricity) for all the relevant uses (e.g. residential, commercial) within the phase.
- 2) The methods to improve the energy efficiency of the relevant phase of development and how this impacts on the baseline emissions and where they will be included within the relevant phase of development.
- 3) Full details of any CHP units that will service any residential uses in the phase, including the specification of the technology to be used, the inputs and outputs (in kwhr

and associated kgCO₂) of the CHP unit and the impacts on the baseline emissions as well as the impacts on air quality. Full details of maintenance, monitoring and management shall also be included.

4) Full details, specification and location of the renewable energy technology to be used within the relevant phase. This should include relevant roof plans and elevations of the proposed solar thermal and photovoltaics for the commercial units.

5) How all the technology will be maintained, monitored and managed throughout the lifetime of the development within the relevant phase.

Thereafter, each phase of the development shall proceed in accordance with the approved details for the relevant phase.

REASON:

To ensure appropriate carbon savings are delivered in accordance with policy 5.2 of the London Plan (2011).

13 RES16 Code for Sustainable Homes

The dwelling(s) shall achieve Level 4 of the Code for Sustainable Homes. No relevant phase of development involving residential dwellings shall commence until a signed design stage certificate confirming this level has been received for the phase. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The relevant phase of development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling in the relevant phase.

REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

14 NONSC Air Quality - Energy Provision

No phase of the development shall commence until details of any plant, machinery and fuel burnt, as part of the energy provision and the location of the flue(s) for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. This shall include pollutant emission rates at the flue(s) with or without mitigation technologies and needs to be considered as part of a wider air quality assessment, as set out in the EPUK CHP Guidance 2012, if applicable. The use of ultra low NO_x emission gas CHPs and boilers is recommended. An air quality neutral assessment should be undertaken prior to first occupation of each phase of the development.

The development of the relevant phase shall be undertaken in accordance with the approved details.

REASON:

To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

15 NONSC Sustainable Water Management

No phase of the development shall commence until a scheme for the provision of sustainable water management for the relevant phase has been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the relevant phase of development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. Provide details of water collection facilities to capture excess rainwater;
- v. Provide details of how rain and grey water will be recycled and reused in the development.
- vi. Provide details of the disposal of both surface water and foul water drainage to be directed away from the railway.

The scheme shall also provide details of plans for the reduction in water use including the harvesting and recycling of grey water and rain water. The scheme shall clearly set out how collected water will be reused in areas where potable water is not required, i.e. toilet flushing and irrigation of landscaped areas. The relevant phase of development must proceed in accordance with the approved scheme.

REASON:

To ensure the development does not increase the risk of flooding and ensure the development reduces the pressure on potable water in accordance with policy OE8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policies 5.12 and 5.15 of the London Plan (2011).

16 NONSC Bird Hazard Management Plan

No phase of the development shall commence until a Bird Hazard Management Plan for the relevant phase has been submitted to and approved in writing by the Local Planning Authority for each phase. The submitted plan shall include details of:

- Management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The approved Bird Hazard Management Plan for the relevant phase shall be implemented upon completion of the roofs and shall remain in force for the life of the building.

REASON:

To comply with policy A6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), and because it is necessary to manage the roof areas in order to

minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport and RAF Northolt.

17 NONSC Secured by Design

The building(s) of any relevant phase shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building in any relevant phase shall be occupied until accreditation for the buildings has been achieved.

REASON:

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 7.1 and 7.3 of the London Plan (2011).

18 NONSC Facilities for Disabled People

Before commencing development of any of the commercial elements of the proposal, plans and details shall be submitted to and approved in writing by the Local Planning Authority which show:

- Details to demonstrate how the proposed design would cater for high sided vehicles privately owned by disabled people, and the provision of a suitable drop-off area for Dial-a-Ride and similar large minibus services.
- Details of how the rise between the Piazza and the restaurant levels will be made accessible for disabled persons, compliant with BS 8300:2009+A1:2010.

Before commencing development of any of the residential elements of the proposal, plans and details shall be submitted to and approved in writing by the Local Planning Authority which show:

- Details of amenity areas designed to allow disabled and non-disabled children to play together, along with accessible play equipment to be provided.

Thereafter the relevant phase shall be developed in strict accordance with the approved details.

REASON:

To ensure that sufficient measures are provided to meet the needs of disabled and elderly people in accordance with policies 3.1 and 7.2 of the London Plan (2011).

19 NONSC Railway Fencing

Prior to the occupation of any phase of the development hereby permitted, a trespass-proof fence with a height of at least 1.8m shall be installed adjacent to the boundary with the railway.

REASON:

To protect the adjacent railway from unauthorised access and in accordance with policy AM11 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

20 NONSC Car Parking Allocation

No phase of development shall be occupied until a Car Parking Allocation and Management Plan for the relevant phase has been submitted to, and approved in writing by, the Local Planning Authority.

The car parking allocation and management plan for the relevant phase shall clearly identify and delineate parking spaces which are allocated and dedicated for the non-residential and residential components of the relevant phase of development. Each residential unit designed for wheelchair users shall be allocated at least 1 car parking space. The plan should include details of the following provision:

- 10% Disabled (residential)
- 5% Disabled, 5% Brown Badge and 5% Parent & Child (commercial)
- 20% active + 20% passive electric vehicle charging points (residential)
- 10% active + 10% passive electric vehicle charging points (commercial)

The provisions of the Car Parking Allocation and Management Plan shall be adhered to for the lifetime of the development.

REASON:

To ensure that an appropriate level of car parking provision is provided on site in accordance with policies AM14, AM15, and AM16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

21 NONSC Retail Split

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) or the Town and Country Planning (General Permitted Development) Order 1995), the split between convenience and comparison goods within the supermarket shall be at a ratio of 59% : 41% (2193sqm : 1524sqm) in favour of convenience goods, and shall be maintained for the life of the development. The net sales area of the supermarket shall not exceed 3,717sqm in area.

REASON:

To ensure unacceptable impacts on the town centre do not occur, as the retail impact resulting from a different split has not been tested, in accordance with policy E5 of the Hillingdon Local Plan Part 1, policy LE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), and policies 2.15, 4.7 and 4.8 of the London Plan (July 2011).

22 NONSC Free Car Parking

Three (3) hours of free car parking shall be provided to the public on the site, for users of the commercial elements of the site, and this period of free parking shall be maintained on the site for the life of the commercial development.

REASON:

To enable linked trips between the development and South Ruislip Town Centre, in accordance with policy E5 of the Hillingdon Local Plan Part 1, policy LE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), and policies 2.15, 4.7 and 4.8 of the London Plan (July 2011).

23 NONSC Shopping Trolley Storage

Prior to the commencement of works on site, details of the provisions to be made for shopping trolley storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

REASON:

To ensure that adequate storage capacity is provided and in the interests of the visual amenity of the area, in accordance with policies BE13 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

24 NONSC No Additional Floorspace

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace 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 to ensure that adequate parking and loading facilities can be provided on the site, in accordance with policies AM7 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

25 NONSC Customer Recycling Facilities

Prior to the installation of any on site customer recycling facilities, details of such facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and retained for the life of the development.

REASON:

To provide a designated area where customers can dispose of recycled waste before it is removed from the site, in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

26 NONSC Delivery Noise Management Plan

No commercial phase of development shall commence until a 'Delivery Noise Management Plan', which specifies the provisions to be made for the control of noise from delivery and service yard operations that may be associated with proposals in the relevant phase, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include such combination of physical, administrative measures, noise limits and other measures as may be approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON:

To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

27 NONSC Mechanical Plant

The rating level of noise emitted from plant and/or machinery at the development shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON:

To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

NONSC

~~28~~ Flues, Air Conditioning or Air Extraction Systems system shall be used on the commercial premises hereby approved until a scheme for the control of noise and odour emanating from the Flues, Air Conditioning or other air extraction system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON:

To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

29 NONSC Lifetime Homes

All new residential units within the development hereby approved shall be built in accordance with Lifetime Homes Standards.

REASON:

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with policies 3.1, 3.8 and 7.2 of the London Plan (2011).

30 NONSC Wheelchair Units

No development of any residential phase shall take place until full details - showing 13 of the units hereby approved being designed to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users (as set out in the Council's Supplementary Planning Document HDAS: Accessible Hillingdon), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the relevant phase shall be developed in strict accordance with the approved details.

REASON:

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with policies 3.1, 3.8 and 7.2 of the London Plan (2011).

31 NONSC Amenity Areas (Residential Developments)

None of the dwellings hereby permitted in a relevant phase shall be occupied, until the outdoor amenity areas serving the dwellings as shown on the approved plans (including balconies where these are shown to be provided) have been made available for the use of residents of the relevant phase of the development. Thereafter, the amenity areas shall so be retained for the life of the development.

REASON:

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in accordance with policy BE23 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policy 7.1 of the London Plan (2011).

32 NONSC Childrens Play Space

No development shall commence until details of play areas for children for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the play areas shall be provided prior to the occupation of any unit within the relevant block and maintained for this purpose.

REASON

To ensure that the development makes adequate provision of children's play space in accordance with policy R1 of the Hillingdon Local Plan: Part Two Saved UDP Policies

(November 2012) and policy 3.16 of the London Plan (July 2011).

33 NONSC Insulation and Ventilation

No residential phase of the development shall commence until a sound insulation and ventilation scheme for protecting the proposed residential development from road traffic, rail traffic, air traffic and other noise has been submitted to and approved in writing by the Local Planning Authority. The sound insulation and ventilation scheme shall ensure that internal LAeq,Tand LAmox noise levels meet appropriate noise criteria.

All works which form part of the sound insulation and ventilation scheme shall be fully implemented before the relevant residential phase of development is occupied and thereafter shall be retained and maintained in good working order for so long as the building/s remains in use.

REASON:

To ensure that the amenity of the occupiers of the proposed residential development is not adversely affected by road traffic, air traffic and other noise in accordance with policy OE5 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policy 7.15 of the London Plan (2011).

34 NONSC Privacy Measures

No development shall take place until full details of means to protect the privacy of plots 2, 81, 97, and 110 have been submitted to and approved in writing by the Local Planning Authority and no residential unit shall be occupied until the approved details relating to that unit has been installed. Such measures should include fins, obscure glazing, screening or landscaping. The approved privacy measures shall be maintained for the life of the development.

REASON:

In the interests of visual amenity in accordance with policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative

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

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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

- AM1 Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM10	Incorporation in new developments of additions to the proposed cycle network
AM11	Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
EC2	Nature conservation considerations and ecological assessments
H4	Mix of housing units
H5	Dwellings suitable for large families
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
LE6	Major office and other business proposals in town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments

OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LPP 2.6	(2011) Outer London: vision and strategy
LPP 2.7	(2011) Outer London: economy
LPP 2.8	(2011) Outer London: Transport
LPP 2.15	(2011) Town Centres
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.6	(2011) Children and young people's play and informal recreation (strategies) facilities
LPP 3.7	(2011) Large residential developments
LPP 3.8	(2011) Housing Choice
LPP 3.9	(2011) Mixed and Balanced Communities
LPP 3.10	(2011) Definition of affordable housing
LPP 3.11	(2011) Affordable housing targets
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 4.1	(2011) Developing London's economy
LPP 4.4	(2011) Managing Industrial Land & Premises
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.6	(2011) Decentralised Energy in Development Proposals
LPP 5.7	(2011) Renewable energy
LPP 5.10	(2011) Urban Greening
LPP 5.11	(2011) Green roofs and development site environs
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.18	(2011) Construction, excavation and demolition waste
LPP 5.21	(2011) Contaminated land
LPP 6.1	(2011) Strategic Approach
LPP 6.3	(2011) Assessing effects of development on transport capacity
LPP 6.5	(2011) Funding Crossrail and other strategically important transport infrastructure
LPP 6.6	(2011) Aviation
LPP 6.9	(2011) Cycling
LPP 6.10	(2011) Walking

LPP 6.11	(2011) Smoothing Traffic Flow and Tackling Congestion and reducing traffic
LPP 6.12	(2011) Road Network Capacity
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture
LPP 7.7	(2011) Location and design of tall and large buildings
LPP 7.13	(2011) Safety, security and resilience to emergency
LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy

3 11 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 111 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

5 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

6 118 Storage and Collection of Refuse

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans. For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

7 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804).

8 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804).

9 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate

against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804.

10 136 Petrol Storage and Petrol Vapour Recovery - Filling Stations

You should ensure that the arrangements for the delivery and storage of petrol at the service station comply fully with the relevant statutory requirements, in particular, the Environmental Protection Act 1990 and the Petrol Vapour Recovery (Stage 1) Local Enforcing Authorities Direction and Notice 1996 and the Petroleum (Consolidation) Act 1928. Advice on these requirements can be obtained from the London Fire Brigade, Petroleum Section, Room 810, Hampton House, 20 Albert Embankment, London, SE1 7SD (Tel. 020 7587 6378).

11 158 Opportunities for Work Experience

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon Education and Business Partnership. Please contact: Mr Peter Sale, Chief Executive Officer, Hillingdon Training Ltd: contact details - c/o Hillingdon Training Ltd, Unit A, Eagle Office Centre, The Runway, South Ruislip, HA4 6SE Tel: 01895 671 976 email: petersale@hillingdontraining.co.uk.

12 160 Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues'.

13

CIL:

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £134,354.80 on commencement of this development. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms. Should you require further information please refer to the Council's Website.

14

Bird Hazard Management Plan:

The Bird Hazard Management Plan referred to in the conditions above must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting; roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

15

Network Rail - Asset Protection Measures:

We would draw the councils attention to the following Rail Accident Investigation Branch report into 'Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London 8 March 2013', which concluded: The intent of this recommendation is to ensure that the planning approval process reduces the risk to railway infrastructure due to adjacent developments. The Department for Communities and Local Government should introduce a process to ensure that Railway Infrastructure Managers are made aware of all planning applications in the vicinity of railway infrastructure. This process should at least meet the intent of the statutory consultation process (paragraphs 97f and 101).

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the

operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing (building), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors.

This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service and that demolition works on site do not impact the safety and performance of the railway.

Drainage

All surface water is to be directed away from the railway.

Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
- Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Suitable foul drainage must be provided separate from Network Rail's existing drainage.

- Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.
- Drainage works could also impact upon culverts on developers land.

Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.

Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.

2m Gap

Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.

- To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).
- To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.
- To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
- To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls etc
- To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc.

3. CONSIDERATIONS

3.1 Site and Locality

The application site covers 5.56 hectares. It forms the majority of the former Express Dairies depot which has been disused for a number of years. A number of vacant large industrial buildings are currently located on the site. The balance of the depot, 1.98ha to the rear of the vacant retail warehouses on Victoria Road (known as the 'Aviva' site), has been safeguarded for the potential HS2 project. The application site also includes the existing entrance to the Aviva site which is being 'stopped up', with a new shared access with the dairy proposed.

The site is located adjacent to Victoria Road in South Ruislip and adjoins the South Ruislip Local Centre which contains a range of shops and community facilities including a large Sainsbury's food store. The site lies within a predominantly residential area, with a suburban character of 3 storey residences and local centre shops.

To the south and west of the site is South Ruislip station on the Central Line of the Underground, and the Chiltern Line railway link from Marylebone to Birmingham. To the north of the site lies Victoria Road, a mature tree lined road which provides the main access into the site. The character of the road is residential, with three storey housing with garages at ground level, slate pitched roofs and cream brickwork, located between the road and the site. The opposite side of Victoria Road is also predominantly residential with brick built 3-storey housing with pitched roofs. The residential areas are interrupted with a petrol filling station, a church and shops.

Beyond the southern boundary of the site lies Long Drive which links Victoria Road to South Ruislip Station. Between the road and the site at the corner of the junction are retail units, with apartments over dating from the 1960s. The Ramada Hotel and the Middlesex Arms Public house have frontage to Long Drive but back onto the site. A pedestrian link is proposed from Long Drive, between the public house and the terrace of retail units.

The north-west boundary is formed by the Aviva site comprising the former Focus and Land of Leather retail units with associated car parking, together with the access from Victoria Road. The application proposals include the remodelling of the access and car parking arrangement to these retail units.

The southwest boundary comprises the railway and industrial buildings. The proposed HS2 link out of London will run in a tunnel parallel in part with the site boundary and the existing railway line. The buildings proposed avoid the safeguarded area of the HS2 route. RAF Northolt lies further to the southwest.

3.2 Proposed Scheme

The application seeks full planning permission for the redevelopment of the site to provide a foodstore with ancillary cafe (total floor area of 7,131sqm) (Class A1) and ancillary petrol filling station, cinema (floor area of 5,634sqm) (Class D2), 5 x restaurant units (total floor area of 2,027sqm) (Class A3), and residential development consisting of 132 units (34 x 1-bed flats, 86 x 2-bed flats, 10 x 3-bed houses, 2 x 4-bed houses), together with new vehicle and pedestrian accesses, car parking, servicing areas, landscaping arrangements, and other associated works.

The application proposals comprise a comprehensive mixed-use scheme of re-development including specifically:

- Asda Foodstore including ancillary customer cafe (7,131sqm gross / 3,717sqm sales area) (Use class A1) together with an associated petrol filling station
- Cineworld - 11 screen multiplex cinema (5,634sqm gross) (Use class D2)
- 5 'family themed' restaurants (total 2,027sqm) (Use class A3)
- 132 dwellings including affordable units.

The associated works proposed as part of the application can be summarised as:

- Demolition of existing dairy related structures (an application for the prior approval of the buildings has been decided by the Council, with prior approval not being required)
- The provision of a new pedestrian access from Long Drive providing a pedestrian route through the site from South Ruislip local centre to the proposed food store, cinema and restaurant uses
- A detailed scheme of hard and soft landscaping including the development of a landscaped seating area outside the proposed cinema and restaurant units (the 'piazza') and the formation of a new public square ('Arla Square') at the pedestrian entrance to the

- site from Long Drive, around which the proposed 4 unit shops will be located
- The creation of a new main vehicular and pedestrian access into the site from Victoria Road to be shared between the Arla site and the adjacent retail warehouses (the 'Aviva' site)
 - The stopping up of the existing Aviva access road and the reconfiguration of the car park layout to the retail warehouses
 - Provision of 506 car parking spaces part of which will be predominantly under-croft and for the use of the customers of the food store, cinema and restaurant.

The commercial elements are proposed to the north-western side of the site, and comprises the supermarket, cinema, and two restaurants in one large building, with a further three restaurant units located across the 'piazza'. The petrol station is proposed to the western corner of the site.

The proposed vehicle access to the main commercial elements of the site is a proposed new access combined with the 'Aviva' site. This provides the access to the main car park and would also provide the access to the petrol station, and the servicing access to the supermarket and cinema.

With regard to the proposed housing, the mix of 132 units is proposed as follows:

- 34 x 1-bed 2-person flats
- 9 x 2-bed 3-person flats
- 77 x 2-bed 4-person flats
- 10 x 3-bed 5-person houses
- 2 x 4-bed 7 person houses

8 units (2 x 1-bed, 2 x 2-bed, 4 x 3-bed) are proposed as Social Rent, and 5 units (2 x 1-bed, 2 x 2-bed, 1 x 4-bed) are proposed as Intermediate units, resulting in a total provision of affordable housing units of 10%.

The application provides a total of 4,851.56sqm public and private amenity space for the residential units. This comprises private gardens for flats and houses at ground floor level, together with shared amenity space and children's play areas at ground floor level and roof level, and private balconies for flats at upper levels. Car and cycle parking is provided for each residential unit. The residential units are accessed via the existing access to the site which will be retained from Victoria Road.

3.3 Relevant Planning History

66819/APP/2013/1467 Former Arla Food Depot Victoria Road Ruislip

Demolition of existing buildings and redevelopment of site to provide a foodstore with ancillary cafe (Class A1) and ancillary petrol filling station, cinema (Class D2), 5 x restaurant units (Class A3), 4 x shop units (Class A1 and/or A2), and residential development consisting of 104 units (21 x 1-bed flats, 67 x 2-bed flats, 12 x 3-bed houses, 4 x 4-bed houses), together with new vehicle and pedestrian accesses, car parking, servicing areas, landscaping arrangements, and other associated works.

Decision: 11-02-2014 Refused

66819/APP/2013/3199 Former Arla Food Depot Victoria Road Ruislip

Application for Prior Notification of Proposed Demolition at the Arla Dairy Site.

Decision: 18-11-2013 PRN

Comment on Relevant Planning History

Application reference 66819/APP/2013/1467 was submitted on 03/06/2013 for the Demolition of existing buildings and redevelopment of site to provide a foodstore with ancillary cafe (Class A1) and ancillary petrol filling station, cinema (Class D2), 5 x restaurant units (Class A3), 4 x shop units (Class A1 and/or A2), and residential development consisting of 104 units (21 x 1-bed flats, 67 x 2-bed flats, 12 x 3-bed houses, 4 x 4-bed houses), together with new vehicle and pedestrian accesses, car parking, servicing areas, landscaping arrangements, and other associated works.

This application was subsequently refused on 04/04/2014 (following the Mayor's Stage 2 response) for the following reasons:

1. The retail component of the development does not accord with the sequential approach set out in the NPPF, and it is considered that the proposal would be likely to have an unacceptable impact on the borough's hierarchy of town centres, and on committed development within the relevant catchment areas. The proposal is therefore contrary to policies E4 and E5 of the Hillingdon Local Plan Part 1, Policies 2.15, 4.7, 4.8 and 4.9 of the London Plan (July 2011), Policy PR23 of the Hillingdon Local Plan Part 2 and the provisions set out in the National Planning Policy Framework.

2. The scale of the development would result in the existing local centre increasing in scale to that of a centre with more retail floorspace than other Major Town Centres within the borough, which would result in a local centre out of scale with its position in the borough's retail hierarchy. This would result in impacts on other centres within, and outside the borough (Harrow) in terms of trade draw. The proposal is therefore contrary to policies E4 and E5 of the Hillingdon Local Plan Part 1, Policies 2.15, 4.7, 4.8 and 4.9 of the London Plan (July 2011), Policy PR23 of the Hillingdon Local Plan Part 2 and the provisions set out in the National Planning Policy Framework.

3. The application fails to demonstrate that the proposed development would not result in detrimental traffic impacts. The proposal is therefore contrary to policy AM7 of the Hillingdon Local Plan Part 2 and policies 6.3, 6.11 and 6.12 of the London Plan (July 2011).

4. The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of Off site Highways Works, Travel Plans, Public Transport, Employment Training, Construction Training, Public Realm, Open Space, Affordable Housing, Education, Health, Library Facilities, Air Quality and Project Management and Monitoring). The scheme therefore conflicts with policy R17 of the London Borough of Hillingdon Local Plan Part 2, and the adopted Supplementary Planning Document 'Planning Obligations'.

Revised details submitted towards the end of the application addressed further reasons for refusal relating to noise, outlook and landscaping. With regard to reason 4, this was imposed because a signed unilateral undertaking was not in place prior to the issuing of the decision notice.

An Application for Prior Notification of Proposed demolition of all buildings and related

structures (including the multi-storey car park) at the Arla Dairy Site was approved on 18 November 2013, confirming that prior approval of details was not required for the proposed demolition. This demolition is now nearing completion.

The site has been vacant since the dairy closed in 2005. Prior to this, the site has had an extensive planning history for its previous use as a dairy.

4. Planning Policies and Standards

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (July 2011)
Revised Early Minor Alterations to the London Plan (October 2013)
National Planning Policy Framework
Hillingdon Supplementary Planning Document - Residential Layouts
Hillingdon Supplementary Planning Document - Residential Extensions
Hillingdon Supplementary Planning Document - Accessible Hillingdon
Hillingdon Supplementary Planning Document - Noise
Hillingdon Supplementary Planning Document - Planning Obligations July 2014
Hillingdon Supplementary Planning Guidance - Air Quality
Hillingdon Supplementary Planning Guidance - Community Safety by Design
Hillingdon Supplementary Planning Guidance - Land Contamination

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment
PT1.CI1 (2012) Community Infrastructure Provision
PT1.CI2 (2012) Leisure and Recreation
PT1.E1 (2012) Managing the Supply of Employment Land
PT1.E5 (2012) Town and Local Centres
PT1.E7 (2012) Raising Skills
PT1.EM1 (2012) Climate Change Adaptation and Mitigation
PT1.EM4 (2012) Open Space and Informal Recreation
PT1.EM5 (2012) Sport and Leisure
PT1.EM6 (2012) Flood Risk Management
PT1.EM7 (2012) Biodiversity and Geological Conservation
PT1.EM8 (2012) Land, Water, Air and Noise
PT1.EM11 (2012) Sustainable Waste Management
PT1.H1 (2012) Housing Growth
PT1.H2 (2012) Affordable Housing

- PT1.T1 (2012) Accessible Local Destinations
- PT1.T3 (2012) North-South Sustainable Transport Links

Part 2 Policies:

- AM1 Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM10 Incorporation in new developments of additions to the proposed cycle network
- AM11 Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
 (i) Dial-a-ride and mobility bus services
 (ii) Shopmobility schemes
 (iii) Convenient parking spaces
 (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- BE13 New development must harmonise with the existing street scene.
- BE14 Development of sites in isolation
- BE18 Design considerations - pedestrian security and safety
- 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.
- BE22 Residential extensions/buildings of two or more storeys.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE26 Town centres - design, layout and landscaping of new buildings
- BE28 Shop fronts - design and materials
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- EC2 Nature conservation considerations and ecological assessments

H4	Mix of housing units
H5	Dwellings suitable for large families
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
LE6	Major officer and other business proposals in town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LPP 2.6	(2011) Outer London: vision and strategy
LPP 2.7	(2011) Outer London: economy
LPP 2.8	(2011) Outer London: Transport
LPP 2.15	(2011) Town Centres
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.6	(2011) Children and young people's play and informal recreation (strategies) facilities
LPP 3.7	(2011) Large residential developments
LPP 3.8	(2011) Housing Choice
LPP 3.9	(2011) Mixed and Balanced Communities
LPP 3.10	(2011) Definition of affordable housing
LPP 3.11	(2011) Affordable housing targets
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 4.1	(2011) Developing London's economy
LPP 4.4	(2011) Managing Industrial Land & Premises
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector

- LPP 4.9 (2011) Small Shops
- LPP 5.1 (2011) Climate Change Mitigation
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.6 (2011) Decentralised Energy in Development Proposals
- LPP 5.7 (2011) Renewable energy
- LPP 5.10 (2011) Urban Greening
- LPP 5.11 (2011) Green roofs and development site environs
- LPP 5.12 (2011) Flood risk management
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.18 (2011) Construction, excavation and demolition waste
- LPP 5.21 (2011) Contaminated land
- LPP 6.1 (2011) Strategic Approach
- LPP 6.3 (2011) Assessing effects of development on transport capacity
- LPP 6.5 (2011) Funding Crossrail and other strategically important transport infrastructure
- LPP 6.6 (2011) Aviation
- LPP 6.9 (2011) Cycling
- LPP 6.10 (2011) Walking
- LPP 6.11 (2011) Smoothing Traffic Flow and Tackling Congestion and reducing traffic
- LPP 6.12 (2011) Road Network Capacity
- LPP 6.13 (2011) Parking
- LPP 7.1 (2011) Building London's neighbourhoods and communities
- LPP 7.2 (2011) An inclusive environment
- LPP 7.3 (2011) Designing out crime
- LPP 7.4 (2011) Local character
- LPP 7.5 (2011) Public realm
- LPP 7.6 (2011) Architecture
- LPP 7.7 (2011) Location and design of tall and large buildings
- LPP 7.13 (2011) Safety, security and resilience to emergency
- LPP 7.14 (2011) Improving air quality
- LPP 7.15 (2011) Reducing noise and enhancing soundscapes
- LPP 8.2 (2011) Planning obligations
- LPP 8.3 (2011) Community infrastructure levy

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **6th June 2014**

5.2 Site Notice Expiry Date:- **6th June 2014**

6. Consultations

External Consultees

Consultation letters were sent to approximately 850 local owner/occupiers on 14/05/2014. The application was also advertised by way of site and press notices. The applicant also undertook publicity of their own during the course of the application.

At the time of the preparation of this report, 64 letters and a petition of 25 signatures, have been received in support of the application. It should be noted, that a number of the letters of support were subject to traffic and parking issues being satisfactorily addressed.

31 letters of objection, have been received which raise the concerns summarised below:

- i) The proximity of the site to another supermarket (which has permission to be extended)
- ii) Traffic problems, congestion in the area, impact on Victoria Lane / Long Drive junction
- iii) Highway safety
- iv) No need for a petrol station given the proximity of existing petrol station
- v) Loss of privacy/overlooking
- vi) Disturbance from traffic entering / leaving site past residential properties
- vii) Late hours of operation and resulting disturbance (on both existing and proposed residential units)
- viii) Development out of keeping with the area.
- ix) Noise and pollution from increased traffic
- x) Inadequate amenity space provided
- xi) Impact on safety and security / anti-social behaviour
- xii) Potential parking pressure and on-street parking
- xiii) Construction / demolition nuisance
- xiv) Site would be better suited for housing redevelopment only
- xv) No proposed improvement to the local highway network
- xvi) Overdevelopment of site and impact on local centre and residential area
- xvii) Increased noise and impact on amenity
- xviii) Inadequate car parking numbers
- xix) Development should include community facilities, sports/gym facilities, health centre, more shops, better restaurants.

A detailed objection was also received from Waitrose, which highlighted concerns over retail impact, sequential testing and retail scale. The summary stated:

'Despite the revisions to the current scheme, the characteristics of the current proposal have not fundamentally changed and as such, the Council's position in the determination of this application should not fundamentally change. It remains the case that the proposal would result in the creation of a commercial focal point outside of South Ruislip local centre which would compete rather than complement the existing local centre and would be of a scale that would have an unacceptable impact on the borough's hierarchy of town centres.'

These are matters which have been considered in details in establishing the acceptability in principle of this proposal (see section 7.1 of the report).

GREATER LONDON AUTHORITY:

London Plan policies on retail, leisure, housing, affordable housing, play and informal recreation, urban design/housing quality, access and inclusive design, sustainable energy, and transport are relevant to this application. The application complies with some of these policies, but not with others, for the following reasons:

Retail:

- (i) Healthchecks: Hillingdon Council is requested to provide feedback on the updated retail health

check and furthermore inform Harrow Council of the findings of this aspect of the assessment. This is due to continuing concerns in relation to potential impact issues arising in centres within its district centres and in context of the objection previously raised by Harrow Council.

(ii) Sequential Test: It is requested that Hillingdon Council provide a view on the local assessment of site options within the borough and furthermore engage with Harrow Council (who objected to the previous application) on sites within the catchment area. This should be provided before stage 2 referral to provide time to discuss with Harrow Council any sites it believes are sequentially better placed and meet the available, suitable or viable tests.

(iii) Test of Scale: The application continues to raise concern in relation to potential impacts of such an increase in centre floorspace on the defined network of retail centres, the change in the centre status is resolvable should the case in relation to impact and sequential assessment be robust enough. As stated the London Plan team would welcome discussion on amending Hillingdon's borough hierarchy of centres.

(iv) Assessment of Impact: It remains GLA officers opinion that the overall development in South Ruislip could have adverse impacts on retail centres within Hillingdon and Harrow. It is therefore requested that Hillingdon Council should once again undertake a thorough review of the findings of the retail assessment on its retail centre hierarchy. Furthermore, in the context of Harrow Council's objection to the previous application, the borough should consult and discuss the revised scheme impact on its town centre health and investment within those centres. This should be completed and discussed with GLA officers before stage 2 referral to the Mayor.

Leisure:

In the context of London Plan policy and NPPF guidance, it is requested Hillingdon Council again assess the need for such a substantial increase in leisure floorspace within this part of the borough and provide detail of any centres and related proposals that could be potentially impacted upon by the proposed development in South Ruislip. Furthermore, the Council should consult with Harrow Council whether it has any concerns with potential adverse impact on the leisure section in Harrow town centre and its district centres. This should be completed and discussed with GLA officers before stage 2 referral to the Mayor.

Housing:

The increase in dwelling numbers is welcome, but in context of the current need for housing across London it is requested the applicant explore increasing density and number of residential units.

The housing mix by size has 12% three/four-bed apartments/houses with 26% one-bed units and 65% two-bed units. This mix is skewed towards the provision of smaller units and it is requested that the applicant provides a more balanced mix and increases the number of larger apartments and houses.

Affordable Housing:

This proposal includes a total of 23 affordable units (17%) compared to 38 affordable units in the original refused scheme. The level of affordable housing will need to be justified through a viability assessment using the GLA/Three Dragons Tool Kit and Hillingdon Council should have its findings independently assessed. The final level of affordable housing should be secured by condition.

Play and Informal Recreation:

The proposed play space provision and strategy requires modification. The off-site provision, which is within 800 metres of the site for 12+ age group is a reasonable solution, but the applicant should contribute to the qualitative enhancement of available facilities given the constrained nature of the on-site provision.

Urban Design:

The development proposals have been substantially revised but continue to raise concerns over the overall approach to the masterplan layout. In principle the proposed new street through the site is welcomed but there is a need for further revision to the design.

The masterplan proposed pedestrian/cycle link to Long Drive has progressed and this is welcome but it is officer's opinion that a more robust solution could be achieved in cooperation with the adjacent public house to a higher quality of linkage.

Access and Inclusive Design:

The applicant should respond in full to the additional clarifications and amend plans as requested in relation to the public realm, shared surfaces, and children's play space, and that all residential units comply with Lifetime Homes Standards and that this is demonstrated in typical layouts and plans.

Sustainable Energy:

The site wide regulated carbon emissions and savings at each step of the energy hierarchy should be submitted and the energy comments responded to in full before compliance with London Plan policy can be verified. This revision should be completed before the stage 2 referral.

Transport:

The applicant has developed a VISSIM highway model and the methodology adopted has yet to be fully validated by TfL and therefore the conclusions cannot be fully supported. On that basis TfL recommended that the application is not determined until the outcome of the modelling is fully validated and agreed by all parties. The other main outstanding issues are the excessive level of residential car parking and the impact of additional trips on the local highway network. The applicant should accept all proposed conditions and S106 contributions.

TRANSPORT FOR LONDON:

VISSIM Modelling

The applicant has entered into the VISSIM Model Auditing Process (VMAP) which was created by TfL to simplify this process by providing a structured framework which leads all interested parties through model development, submission and auditing.

TfL can confirm that all of the models are to a good standard and are fully validated to the VMAP criteria. Following a review of the model TfL recommends that Split cycle offset optimisation technique (SCOOT) is installed on the junctions of Victoria Road / Long Drive & Victoria Road / West Mead to assist with smoothing traffic flow through the area. This will allow the signals to be co-ordinated with the junctions on West End Road which are currently under SCOOT control and will allow progression along Station Approach/Long Road to be improved.

Other matters

In addition to comments on the VISSIM Model TfL raised a number of points relating to matters such as car parking South Ruislip station and bus stops which has yet to have been responded to by the applicant. It would be welcomed if these were addressed by the applicant prior to the target committee date.

Summary

Subject to the applicant addressing the matters raised in the above paragraph and the installation of SCOOT being secured either by s278/s106 agreement TfL considers that this application is now in general conformity with the relevant London Plan transport policies.

ENVIRONMENT AGENCY:

Although we have commented on this site for a similar application last year, as we now have an agreement with Hillingdon for surface water flood risk we will not be providing any comments on this application.

As there are no constraints like source protection zones or principle aquifers, our groundwater and contaminated land team also have no comments in this regard.

HARROW COUNCIL:

The application for a new 11 screen cinema, housing, restaurants and supermarket on this edge of local centre site raises concerns with regards to Policy compliance. There are no objections to the housing component of this scheme.

The NPPF paragraph 24 and London Plan policy 4.7 directs major new retail and leisure facilities to centres at the higher end of the retail hierarchy, with Local Centres and Edge of Centre sites at the very end of this hierarchy. The sequential assessment shows that there are no suitable and available sites for this development in a sequentially more preferable location, and the Council would agree with this sequential test.

However there must also be a need for the retail and leisure facilities, especially to approve a large scale development in such a location. The Council accepts that there may be a need for the retail element of the scheme as set out in the supporting retail assessment, although this evidence does conflict with the LB Hillingdon's own retail study. Harrow Council would like to see this resolved, if necessary by revised healthchecks data leading to a change of status for the centre. The impacts of this retailing element are quantified, and whilst it is acknowledged there would be some negative effect on Harrow's centres within the catchments area, the majority of the impact would be on the Sainsbury's next to the site, and other larger supermarkets in the area.

However, there is concern that the leisure element of the scheme is inappropriate for an edge of centre location and contrary to London Plan policy, and also serious concern over the impacts of the cinema coupled with the 5 restaurants on Harrow's leisure offer. Whilst the applicant states that the leisure component of the scheme would create its own market, this is not satisfactorily justified.

The Council would request that the applicant undertakes a leisure impact study, taking into account the Vue Cinema in Harrow and the realistic catchment area for such large scale cinemas and restaurant destinations, to ascertain what the impacts upon Harrow would be. This is because the existing Cinema facilities of Harrow town centre currently serves the residents of South Ruislip and the development proposal would reduce the vitality of the town centre in that these users would no longer be likely to use the leisure facilities in the town centre. Other retail and businesses in the town centre would also be adversely affected by the proposal on the basis that 'linked trips' to other facilities within Harrow town centre would be diminished. A revised sequential assessment may also be necessary for the Leisure component of this scheme to take into account the catchment area, which is likely to include stops along the underground line serving Ruislip.

Without this information, it is considered that the development would be likely to adversely impact on the health, vitality and vibrancy of Harrow town centre and its role within the hierarchy of town centres in the London Plan as a Metropolitan Centre. Accordingly, it is considered that the development proposals conflicts with policies 2.15, 4.6, and 4.7 of The London Plan 2013.

NATURAL ENGLAND:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England's comments in

relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts

NETWORK RAIL:

Network Rail has the following comments to make on the above proposal.

(1) S106 Contribution or CIL Contribution

The Framework Travel Plan states that, "The station provides an attractive travel choice for staff, patrons and customers travelling to Arla Development," and the Residential Travel Plan states, "The station provides an attractive travel choice for new residents."

The Hillingdon Local Plan states:

"Policy T1: Accessible Local Destinations - The Council will steer development to the most appropriate locations in order to reduce their impact on the transport network. All development should encourage access by sustainable modes and include good cycling and walking provision."

"The principal challenge is to meet the London Plan requirement to accommodate a proportion of 12,000 new jobs and 9,000 new homes in the Heathrow Opportunity Area. Access will have to be provided within the context of a congested road network and crowded public transport system. In order to accommodate this growth, high trip generating uses will only be located where they have good access to public transport. New developments will be steered towards locations with minimal impact on the transport system."

The National Planning Policy Framework states that councils should, "work with transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, or transport investment necessary to support strategies for the growth of other major generators of travel demand in their areas." Also, "encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plan, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport."

As the developer has highlighted the proximity to South Ruislip Railway Station, as a travel choice for both shoppers and residents Network Rail believes that it is not unreasonable to request a S106 Contribution towards enhancements at the station as a result of increased footfall from both the residential and recreational / shopping facilities and to mitigate any effects as a result of increased footfall (from e.g. visitors to the foodstore, cinema and restaurants as well as a potential 2 persons per dwelling for the 132 dwellings).

We would therefore seek the following contributions:

- Enhanced waiting accommodation = £100,000
- Enhanced Customer Information Screens = £35,000

Where development proposals place a strain on existing infrastructure, then developer contributions in the form of financial payments should be sought in whole or in part towards their improvement/replacement. Network Rail believes that a developer contribution towards enhancing the facilities at South Ruislip Station should be considered in the same manner as developer contributions towards highways as a result of developments. In this case a financial contribution is particularly important due to the proximity of South Ruislip Railway Station to the proposal area.

As Network Rail is funded by public remit we believe that enhancements to railway stations, as a result of increased footfall from developments, should be funded by developer contributions. We believe that the developer contribution should form part of the planning consent.

(2) Asset Protection Measures

We would draw the councils attention to the following Rail Accident Investigation Branch report into 'Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London 8 March 2013', which concluded:

The intent of this recommendation is to ensure that the planning approval process reduces the risk to railway infrastructure due to adjacent developments.

The Department for Communities and Local Government should introduce a process to ensure that Railway Infrastructure Managers are made aware of all planning applications in the vicinity of railway infrastructure. This process should at least meet the intent of the statutory consultation process (paragraphs 97f and 101).

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

Demolition

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing (building), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors.

This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service and that demolition works on site do not impact the safety and performance of the railway.

Drainage

All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
- Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Suitable foul drainage must be provided separate from Network Rail's existing drainage.
- Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.
- Drainage works could also impact upon culverts on developers land.

Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.

Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.

We would request that a condition is included in the planning consent as follows:

"Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway from the risk of flooding and pollution.

No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere," We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land.

2m Gap

Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.

- To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).
- To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any

embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.

- To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.

- To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls etc

- To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc.

Noise

We would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should then use conditions as necessary.

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

- There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

- Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.

- Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.

Excavations / Earthworks

Network Rail will need to review all excavation works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.

We would request a condition is included in the planning consent as follows:

"Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway.

Fencing - Residential

If not already in place, the Developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Any existing Network Rail fencing at the site has been erected to take account of the risk posed at the time the fencing was erected and not to take into account any presumed future use of the site, where increased numbers of people and minors may be using the areas adjacent to the operational railway. Therefore, any proposed residential development imports a risk of trespass onto the railway, which we would remind the council, is a criminal offence (s55 British Transport Commission Act 1949). As the applicant has chosen to develop a proposal next to the railway, they are requested to provide a suitable trespass proof fence to mitigate any risks imported by the proposal.

Network Rail is a publicly funded organisation with a regulated remit; it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party commercial development adjacent to the railway.

An asset Protection Engineer will need to review the fencing to ensure that no works to the foundations undermine or destabilise Network Rail land, or encroach onto Network Rail land.

Condition:

"Prior to occupation of the dwellings a trespass proof fence with a height of at least 1.8m shall be installed adjacent to the boundary with the railway."

Reason: To protect the adjacent railway from unauthorised access.

HS2:

The current proposed HS2 alignment will be in tunnel at this location and there will be a tunnel ventilation and access shaft (South Ruislip) at Victoria Road. An access road from Victoria Road to the tunnel ventilation and access shaft is currently proposed to run South from Victoria road along an existing access road to the East of the former Focus Store. Therefore in this location the draft safeguarding direction had both subsoil and surface interests shown. These are replicated on the applicant's Proposed Masterplan.

The formal map showing land subject to the safeguarding direction in this location can be found on Map numbers 13 and 14 at <http://www.hs2.org.uk/content/greater-londonboroughs> Interaction of Proposed HS2 Works and the Planning Application The application site interacts with the proposed HS2 works in the following way:

- Parts of the site are above the proposed tunnel alignment and may be above some sub-surface elements of the Victoria Road tunnel ventilation shaft and access.
- The Victoria Road tunnel ventilation shaft and access compound is adjacent to the site in the South West corner of the site. The application red line specifically excludes this land.
- Although the tunnel ventilation shaft and access compound is excluded from the application boundary, access to the compound from Victoria Road will be required. This access will pass over land that is subject to this planning application.

Interaction with sub-surface features:

Along the southern boundary of the site, areas of this development are contained within an area where HS2 Ltd has a sub-surface interest. Therefore HS2 Ltd would be interested in the depth and design of any foundations and hard paved areas in the southern area of the site. HS2 Ltd believes conditions could be placed on the decision notice to suitably allow us to comment on detailed designs of the scheme that are within a location that could be affected by the HS2 tunnel ventilation and access shaft & tunnel construction.

Interaction with site access:

The application proposes an improved access from Victoria Road to the non-residential elements of this application; the access will be straightened and widened with an internal distribution roundabout also being proposed approximately 50 metres to the South of Victoria Road entrance. This roundabout will however maintain a connection to the existing access road which continues to the Victoria Road tunnel ventilation and access shaft compound. HS2 Ltd presently shows in the Draft Environmental Statement that an access will be required from the compound to Victoria road. HS2 may therefore utilise powers in the future to alter or use the improved access described above for the purposes of constructing and operating HS2. Any changes HS2 would need to make to the access could be done under powers that are proposed as a part of the Hybrid Bill.

Considering the above, HS2 Ltd raises No Objection to the grant of planning permission, but would request that the following conditions and informative is placed on the decision notice:

1. None of the development hereby permitted shall be commenced on:

- The Petrol Filling Station in the South West Corner of the site
- Any of the Food Store and the Cinema building that lies within a distance of 20 metres of the 'land subject to consultation (safeguarding limits)' as shown on drawing 2013-056/G103 Revision T Titled 'Proposed Master Plan'
- Any of the Access Ramps to the service area or sub-station, as shown on drawing 2013-056/G103 Revision T Titled 'Proposed Master Plan'
- Any other development within the 'commercial site boundary' as shown on drawing 2013-056/G103 Revision T Titled 'Proposed Master Plan' that is also within 20 metres of the 'land subject to consultation (safeguarding limits)' as shown on drawing 2013-056/G103 Revision T Titled 'Proposed Master Plan' until detailed design and method statements for all of the ground floor structures, foundations and basements and for any structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority which:
 - (a) Accommodate the proposed location of the HS2 structures and tunnels.
 - (b) Accommodate ground movement and associated effects arising from the construction thereof, and
 - (c) Mitigate the effects of noise and vibration arising from the construction and operation of the HS2 railway within the tunnels, ventilation shaft and associated below & above ground structures.

2. The method statements to be submitted under condition 1 shall include arrangements to secure that, during any period when concurrent construction is taking place of both the development hereby permitted and of the HS2 structures and tunnels in or adjacent to the site of that development, the construction of the HS2 structures and tunnels is not impeded. The development shall be carried out in all respects in accordance with the approved design and method statement, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs (a) to (c) of condition 1 shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

3. No works below ground level comprised within the development hereby permitted

Reasons:

To ensure the proposed development does not impede the delivery of High Speed 2, a project of national importance.

Informatives

(1) The applicant is advised that the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed 2. Powers to construct and operate High Speed 2 are to be sought by promoting a hybrid Bill which is to be deposited by the end of 2013. As a result the application site, or part of it, may be compulsorily purchased. More information can be found at www.hs2.org.uk

(2) With regard to conditions 1-3. The applicant is advised to liaise with HS2 Ltd.

PLANNING OFFICER COMMENT:

The Council does not consider the imposition of the conditions suggested by HS2 meet the relevant tests as set out in the NPPG, and as such these are not recommended for inclusion on any permission. As such, the application will need to be referred to the Secretary of State on this basis.

LONDON UNDERGROUND:

I can confirm that London Underground Infrastructure protection has no comment to make on this planning application.

MINISTRY OF DEFENCE/RAF NORTHOLT:

No comments received.

BAA:

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition/s detailed below:

Submission of a Bird Hazard Management Plan:

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason:

It is necessary to manage the flat roofs in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

Information:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting; roosting or loafing must be dispersed by the owner/occupier when detected or when requested by BAA Airside Operations staff. In some instances it may be necessary to contact BAA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Natural England before the removal of nests and eggs.

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above condition is applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Heathrow Airport Ltd, or not to attach conditions which Heathrow Airport Ltd has advised, it shall notify Heathrow Airport Ltd, and the Civil Aviation Authority as specified in the Town & Country Planning

(Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Officer Comment:

Conditions are recommended on any grant of planning permission with respect to the above advice.

NATS:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

THAMES WATER:

No objections.

LONDON FIRE SERVICE:

Provided information on fire regulations.

Internal Consultees

HIGHWAYS:

The application was referred to the Council's Highway Engineer who has consistently worked with the developer to try and ensure traffic and highway impacts were fully understood through modelling.

However at the time of writing the report the developer has been unable to produce a traffic assessment which is calibrated in a manner which would alleviate any concerns. As such the Council's Highway Engineer has advised that should the application be approved, then the maximum possible off site enhancements to the highway network will be required.

The Highway Engineer has stated that subject to the possible off site capacity enhancements being secured in a legal agreement, then impacts would be minimised to the extent that they should not be severe in the context of the NPPF.

ENVIRONMENTAL PROTECTION UNIT:

Noise:

I have considered the noise report prepared by Sharps Redmore Partnership dated 29th April 2014 (ref. 1213125). The SRP report considers the development covered by (i) detailed application 66819/APP/2014/1600 including the main foodstore. My comments on noise issues on detailed application 66819/APP/2014/1600 are given below:

The noise assessment in the SRP noise assessment is based on the Government's National Planning Policy Framework (NPPF) of March 2012, which cancelled PPG24 "Planning and noise" giving the Government's previous guidance on noise issues. NPPF paragraph 123 states that planning decisions should (i) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and (ii) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions. According to the Government's Noise Policy Statement for England (NPSE) of March 2010, these aims should be achieved within the context of Government policy on sustainable development.

I accept that the policy requirements of the NPPF and NPSE can be met for the various noise issues by the imposition of appropriate planning conditions controlling noise impacts as below:

Condition (insulation and ventilation):

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed residential development from road traffic, rail traffic, air traffic and other noise has been submitted to and approved in writing by the Local Planning Authority. The scheme should ensure that internal LAeq, Tand LMax noise levels meet appropriate noise criteria. All works which form part of the scheme shall be fully implemented before the residential development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

Reason:

To ensure that the amenity of the occupiers of the proposed residential development is not adversely affected by road traffic, air traffic and other noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.15

Condition (delivery noise management plan):

The development shall not begin until a delivery noise management plan which specifies the provisions to be made for the control of noise from night-time delivery and service yard operation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of physical, administrative measures, noise limits and other measures as may be approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

Reason:

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Condition (mechanical plant):

The rating level of noise emitted from plant and/or machinery at the development shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

Reason:

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Condition (air extraction system noise and odour)

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

Reason:

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

The following informative is also recommended:

Control of environmental nuisance from construction work

Nuisance from demolition and construction work is subject to control under the Control of Pollution

Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

Demolition Strategy and Construction Management Plan:

The application includes a detailed demolition and construction management plan. The proposed environmental mitigation measures contained within these two documents are satisfactory and I have no further comments on these.

Air Quality:

We do not have any specific objections to the development on air quality grounds, as long as adequate clarification is provided for the queries below with regard to NO_x emissions at the site from the energy provision, which can be done to satisfy the energy condition. Mitigation measures to reduce the impact from and on the development are required as the development is likely to worsen air quality. The applicant should work to make sure the development will be at least 'air quality neutral' by aiming to meet the Building Emissions Benchmark (BEB) and work towards improving the Transport Emissions Benchmark (TEB) for the different types of development on site.

The proposed development is adjacent to the declared AQMA and in an area which currently appears to be a little under the European Union limit value for annual mean nitrogen dioxide (NO₂) based on CERC modelling for 2011.

A measured background level of 27.7 mg/m³ (HD75) was used in the air quality assessment for NO₂ from 2011. It should be noted, the NO_x tube HD75 did go up slightly in 2012 and 2013, however the value used is considered to be conservative compared to DEFRA background mapping for 2011. The air quality assessment indicates it is being conservative with regard to the CHP emissions as well (assuming the CHP unit with two boilers each are running all the time). There appears to have been a reduction in the energy demand at the site, even though the residential element appears to have increased in size, and super market is slightly reduced. Further clarification of all emissions and emission sources will be required for the energy generation on site. The energy centre is indicated to be located in block D to the north west of the site with a 13.5 metre flue (not much higher than the roof height?). It was indicated the flue height was limited due to the RAF Northolt. A taller flue would better aid dispersal of pollutants. The flue locations should be as far away from openable windows as possible. In spite of this the assessment output indicates

road transport is making the main contribution to emissions as a result of the development.

The assessment did not consider diesel trains on the adjacent railway line as the criteria requiring assessment was not met (did not clarify where they got the information from). The assessment does specifically state cumulative impacts from the expansion of Sainsbury's, and the revised Asda development, including the petrol station have been considered in the assessment. Car park emissions from the development have also been considered (not fully clarified).

All identified receptors are indicated to be below the EU limit value of 40 mg/m³ at all locations based on the revised application when the site is operational in 2015. It should be noted the operational NO₂ levels at the proposed receptors were not included in the report, although it was indicated these were assessed. It would be useful to have this information. The assessment does indicate as a consequence of the development 'small and 'medium' change in air quality for the worse at existing receptors, with the impact being 'moderately adverse' at one receptor, 'slight adverse' at 16 receptor locations and 'negligible' at 26 receptor locations.

There is a possibility, given the location that these areas are close to the EU limit value, however as there is no monitoring information in this locality, it is difficult to say if they will be above the limit value as a consequence of the development. As the site is located outside the AQMA but adjacent to it, there may be potential implications for reviewing the AQMA, when considered alongside future developments.

As the development is adjacent to the AQMA and will cause increases in an area already suffering poor air quality the following is requested:

Section 106 obligation of £25,000 should be sought for contribution to the air quality monitoring network in the area OR an amount calculated based on floor space/car parking, if this is applicable.

Energy Proposals:

The BREEAM pre-assessment indicates 1.5 points will be picked up for NO_x emissions, for the retail development, with the residential element picking up 2 points as indicated in the CFSH pre-assessment. As indicated above, further clarification is required for the CHP/boiler emissions, especially as it does not appear it can be adequately mitigated against by increasing the flue height. They need to reconsider the location of the CHP/boilers and the flue to minimise impact on future residents. Clarification is also required on if ASHP (air source heat pumps) only are being used for the houses. Will these properties have gas boilers? The development should work towards being 'air quality neutral' by ensuring the Building Emissions Benchmark (BEB) is met for the proposed development types. The GLA SPG on Design and Construction has more information on this and emission standards for CHPs. There is no reason why these points cannot be picked up for reduced NO_x emissions.

Air Quality Condition 1 - Details of Energy Provision (Mixed Use and residential):

Before the development is commenced details of any plant, machinery and fuel burnt, as part of the energy provision and the location of the flue(s) for the development shall be submitted to the LPA for approval. This shall include pollutant emission rates at the flue(s) with or without mitigation technologies and needs to be considered as part of a wider air quality assessment, as set out in the EPUK CHP Guidance 2012, if applicable. The use of ultra low NO_x emission gas CHPs and boilers is recommended. The development should as a minimum be 'air quality neutral' and demonstrably below the relevant building emissions benchmarks.

Reason:

To safeguard the amenity of neighbouring properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Fleet Management/Travel Plan:

The Transport Statement indicates travel plans, delivery and servicing plan and car park management plan for the site. The application appears to include a total of 506 parking spaces for the commercial elements and 120 (?) parking spaces for the residential element. Draft travel plans have been submitted for the application. This needs to be given due consideration to ensure sustainable modes of transport are available to workers, customers and residents to provide some mitigation. It may be advisable to include an onsite 'no idling' policy in the plans with regard to air quality.

A suitable travel plan condition is advised. It is recommended the travel plan condition takes into consideration the Transport Emissions Benchmark (TEB) for the development types and considers it against the TEB for the developments and uses this to identify the effectiveness in reducing the TEB by the proposed plans. It seems likely the TEB for the proposed development is unlikely to be met without significant mitigation. Provision should be made within the plans to continually improve/minimise road transport emissions.

This development is within the boundaries of the London Low Emission Zone (LEZ) which sets strict pollutant emissions criteria for entry of certain types of diesel vehicles into the area within the M25. However, as this development is also on the boundary of a declared AQMA a detailed environmental management plan aimed at reducing emissions from the fleet is required for the operational phase of the development. This should include, for example, selecting a low emission vehicle fleet and delivery companies who can demonstrate their commitment to following best practice such as the Freight Operator Recognition Scheme (FORS). This would need to be submitted for approval prior to the operational phase of the development commencing.

Contamination:

Please consider the following comments with regard to land contamination. The report, although a desk study, does include some ground investigation information from previous investigations. Ground conditions information includes demolition rubble on site and other made ground, olfactory evidence of soil contamination within the made ground (recorded as a diesel odour in BH1 in the south east of the site and hydrocarbon odour in BH13 and BH18 in the south west of the site BH13 also recorded a hydrocarbon odour in the natural clay from 0.80 to 0.81m bgl).

Olfactory evidence of contamination was indicated in the water samples from BH1 and BH16 comprising a diesel odour. No soil or water samples were observed to have visible discolouration associated with hydrocarbons. Elevated concentrations of TPH were recorded within groundwater across the site, along with marginally elevated concentrations of ground gas (carbon dioxide) were present across the site and the site has been classified as Characteristic Situation 2 based on the approach detailed within CIRIA C665 and Amber 1 classification based on NHBC guidance. Further gas investigation has been recommended. With regard to groundwater and the proposed petrol filling station, it may be worth consulting the Environment Agency, although this may be a low risk area with regard to controlled waters.

There are a number of former fuel tanks which remain on site and WSP has prepared a draft 'WSP Specification for the Removal of Former Tanks' for the removal of the tanks and validation of these works. This also indicates a watching brief will be maintained during these works. A watching brief is recommended when undertaking all groundworks with regard to unidentified contamination.

The report also refers to a raised area to the west of the site, potentially comprising a backfilled former basement, which requires further assessment to confirm its composition.

The area of future residential properties with private gardens are indicated to have elevated concentrations of benzo(a)pyrene (identified in BH1). It is also noted that elevated TPH (total

petroleum hydrocarbons) concentrations were present in this area. Elevated concentrations of TPH in the C21-C35 Aromatic range and PAHs (polycyclic aromatic hydrocarbons) are recorded in this area.

Where the residential flats are located (residential without plant uptake land use scenario) elevated concentrations of Lead (BH5 and BH8) and Nickel (BH8) was present.

The report recommends supplementary intrusive investigation following the demolition works and removal of the existing structures to delineate contamination of the ground beneath existing floor slabs, in addition to the above works. It is understood that parts of the commercial development will include basement levels, therefore these soils may be removed from the site. No significant contamination was identified in the future commercial areas. Mainly hydrocarbon contamination has been identified in the residential areas. (It appears works are going on on site, but no new site investigation report has been submitted with the application.)

The standard contaminated land condition is advised for any permission that may be given alongside a separate soil contamination condition for landscaped areas (for any reused and imported soils). The condition would apply to ground gas as well.

Contaminated Land Condition:

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance Document on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

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

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, along with details of a watching brief to address undiscovered contamination.

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

(iii) All works which form part of the remediation scheme shall be completed and a comprehensive verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Condition to minimise risk of contamination from garden and landscaped areas:

Before any part of the development is occupied, site derived soils and imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

Reason:

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

URBAN DESIGN:

The application was referred to the Council's Urban Design Officer, who raised some concerns with the proposal. In summary, the comments made by the Urban Design Officer are set out below:

Background:

This site was formally the Express Dairies depot which has been vacant since 2006. The existing buildings on the site have no heritage merit and are mainly large warehouse buildings. It is not a designated heritage asset. The site is located adjacent Victoria Road, South Ruislip, which is predominantly residential including inter-War and post-War housing of two and three storeys, traditional in design. The area is typical suburban-residential in nature and associated landscaping.

On the edge of the site, St Gregory Catholic Church is a Locally Listed Building and has been identified for statutory designation Grade II. At the intersection with Long Drive it has a more commercial appearance with retail and upper level flats 3-storeys and pitched roof. There is also a large supermarket building. To the South and West of the site it is bounded by South Ruislip Station (Central Line) and the Chiltern Line - the site all very visible.

Considerations:

The Proposal includes a mixed-use scheme for redevelopment of the site. It specifically includes an Asda Foodstore, an 11-screen cinema (for Cineworld) restaurants, shops, petrol station and residential development.

Existing character:

The existing character has been described in the background above. It would be useful to have access into the site to see the boundaries and to consider the potential relationship of the new blocks with existing structures beyond the site. Currently, the scheme has little relationship with the existing spatial environment, but there is actually little real existing local distinctiveness other than the history of the dairy.

Layout:

There is a narrow linkage between the site and the existing commercial frontage along Long Lane. This is the main pedestrian thoroughfare from the station and making this a visible gateway is important. The single access from Victoria Road is also narrow. It is a shame that better access to the site could not be achieved in these locations.

There is no design objection in mixing the uses on the site. However there are concerns in the way the various uses adjoin one another, and more landscaping could help to lessen the impact.

Legibility:

In terms of legibility through the site, I note the central residential access road which dictates routes through the site and connectivity.

Height/Scale/Bulk:

Residential - The overall height of the housing blocks is larger than any of the existing residential

housing in the area. The new blocks will be visible over the roof pitches of the 3-storey buildings on Victoria Road.

Commercial - this is a large commercial unit and there are concerns with its bulk and appearance.

The applicants are trying to provide a scheme which provides a 'focus' for South Ruislip, would 'identify a centre for the town' and point out that the 'quality of the place where you live has a powerful impact on your quality of life'. There is concern this has not entirely been achieved.

Design/Appearance/materials:

The main elevations to the food store, cinema and restaurants are to be 'clad in black metallic aluminium panels set on a metal carrier system of an insulated composite panel system.' The concept is supposed to be similar to The Public, West Bromwich (illustrated with the Design and Access Statement, but it would be difficult to argue that this building will have comparable quality appearance. The building will be wrapped in aluminium triangles, but the nature of the design does not create a top-quality design or finish illustrated on other buildings that have used this technique.

PLANNING OFFICER COMMENT:

The concerns are noted, however it is important to remember that the site is not easily able to be viewed from the street, and as such the appearance of the store etc would not cause harm to the street scheme.

The existing state of the site must also be taken into account, the proposals represent a significant improvement. Taking account of the regenerative benefits of the scheme, on balance officers do not consider that the scheme should be refused on urban design grounds.

TREES/LANDSCAPING:

In general, the landscaping scheme and strategy is well-written, comprehensive and reflects comments previously made. To help enhance the scheme further, I make the following comments:

There is a line of semi-mature Lombardy Poplars at the proposed main entrance to the site. The trees are due to be removed and replaced to facilitate. The replacement trees should be large, well-planted / maintained and create a significant new landscape feature. This should be echoed in the next set of new trees shown on the plan (situated about 100m south-west of the entrance). This matter can be dealt with by condition.

Four new trees have been shown within the main / outside car parking area of the proposed commercial centre. Given only four trees have been proposed, they should be large-growing trees (such as London Plane) and well-planted to allow them to thrive. This matter can be dealt with by condition.

Rear garden trees have been proposed and this will have a positive and screening effect for new residents. Further details should be provided of the species / size and numbers of trees etc. This matter can be dealt with by condition.

Very narrow strips of planting / grass have been shown to the front of much of the proposed blocks. Details should be provided to show how these spaces will be made 'defend-able'.

A Section 106 agreement, that will provide funding to provide off-site planting around the local area, should be agreed.

Conclusion:

As it stands, this scheme is acceptable subject to condition RES9.

FLOODWATER MANAGEMENT:

Although in principle the proposals meet the application of the London Plan, there is detailed contained within the FRA and Drainage Strategy which requires clarification and improvement.

The Site:

The site lies in Flood Zone 1. However the sites lies in a Critical Drainage Area identified within the Surface Water Management Plan for Hillingdon and has area identified where water is likely to pond on site.

The access along station approach/ long drive is also at risk from flooding of significant depths and velocities.

Assessment of Flood Risks:

A site specific Flood Risk Assessment (FRA) has been undertaken by Ward Cole Consulting Engineers, dated April 2014 Ref.10/4313.

The FRA acknowledges that the southern part of the site is considered to be at risk from surface water flooding with up to 700mm flood depth, and partly within the Critical Drainage Area.

The site itself is predominantly hard standing, and the applicant proposes a surface water strategy to control surface water to green field run off rates from the site which will improve the current situation.

The Council is a Lead Local Flood Authority and has a duty to ensure that new development does not increase the risk of flooding, and helps contribute to solutions. Although the development is currently mainly hardstanding, and in theory this is not going to be changed, it is in a CDA and therefore the Council must seek to improve the current situation. Flood risk is considered likely to increase as a result of the changing climate. The NPPF supports requires Councils to take account of the changing climate, particularly with regard to flood risk by 'using opportunities offered by new development to reduce the causes and impacts of flooding (para 100, NPPF)'.

The development is situated in an area considered to be at a high risk of surface water flooding and it also contributes to the risk to others.

The Flood Risk Assessment has improved considerably to address the risks to and from the site and proposes to reduce the surface water run off from the site by 96%. Despite the references to the run off rate being increased if Thames Water agree, this would not be acceptable in flood risk terms to the local authority and detailed designs must adhere to the rate of 23.5l/s across the whole site. For the Commercial and residential elements of 15.8 l/s & 7.7 l/s respectively.

Commercial development of Foodstore/ Cinema and Restaurants:

There are limited Sustainable Drainage methods proposed on this element of the application.

A 'living roof' of sedum is proposed for the restaurants, however not for the foodstore and cinema because of restrictions on height imposed by Northolt.

Rainwater harvesting is included but only for irrigation and not grey water uses such as toilets which should be considered. This a key part of the consideration for Hillingdon as the development

is in an over abstracted area and the water as a resources should be valued and use mimimised as much as possible.

There is reference to the infiltration rates and contamination precluding infiltration methods.

According to the National Standards Surface water should be managed on the surface where it is reasonable practicable to do so, and although the proximity of Northolt may preclude basins there is no reference to the exploration of swales within the site.

Proposals are simply for storm water cells underground which are considered the last resort: '...the open texture associated with permeable tarmac and the manufactured joints forming the basis of systems like Marshall's Piora permeable block paving are judged to provide an avoidable health and safety risk to pedestrians in the car park areas serving the store, restaurants and cinema'.

This is not an acceptable justification as there are numerous examples where ASDA has used permeable paving in the car parks of their stores across the country and ASDA have also contributed to research in how they can utilise Sustainable Drainage Techniques within their developments which support the need to intercept water (capturing and retaining the first 5mm of any rainfall event). This promotes the use of rainwater harvesting, swales and permeable paving all being critical to ensure a sustainable approach for both quantity and quality.

Residential development:

It is acknowledged that proposals include rainwater harvesting through the provision of water butts within each housing unit however just for grass. However this provision is not substantial enough. For block housing there are significant opportunities to utilise rainwater harvesting or recycling for the whole building and is much more cost effective than for the development of detached housing.

It is noted that the 'lightly trafficked parking bays to the residential site will be constructed as permeable paving'. The importance of these in contributing to the management of water must be promoted to residents and retained in for the life time of the development.

Public space should be used and integrated with the drainage system - for example the pavements and children's play areas appear hard paved, and do not explored the provision for these areas to have dual purposes.

Residential and commercial is a defined by the national SuDs Standards as medium hazard rating and therefore should be subject to two stages of treatment prior to discharge. It is not clear that two stages have been applied across the whole site.

Any sites within the Critical Drainage Areas should also contribute to the management of flood risk in the wider area through off site improvements.

Recommendations:

The sustainable drainage options should be explored further to provide the most sustainable option, providing dual purposes of reducing the consumption of water and the need for quality control as well as quantity within the proposed drainage proposals to meet National Standards.

It is clear that the Commercial and residential parts of the development may be separated for development independently. However the drainage proposed across part of the residential site would have to be constructed in order to develop the Commercial site in accordance with these designs. Therefore an appropriate S106 agreement should be in place to ensure that this can and will be constructed as proposed.

SUSTAINABILITY:

I have no objections to the proposed development subject to the following.

Energy:

The submitted energy strategy is broadly acceptable and outlines the methods by which the development can achieve a 40% reduction in CO₂ in line with London Plan Policy 5.2. The strategy does not contain sufficient details for the Council to properly understand how the final design and therefore more information will be needed at design stage and through the discharge of the following condition:

Condition

Prior to the commencement of development a detailed energy assessment shall be submitted showing how the development will reduce carbon emissions by 40% from a 2010 Building Regulations compliant development. The assessment shall clearly show:

- 1) the baseline energy demand (kwhr and kgCO₂) for each element of the regulated energy use (e.g. space heating, hot water and electricity) for all the relevant uses (e.g. residential, commercial etc...).
- 2) the methods to improve the energy efficiency of the development and how this impacts on the baseline emissions and where they will be included within the development.
- 3) full details of CHP units that will service the residential uses including the specification of the technology to be used, the inputs and outputs (in kwhr and associated kgCO₂) of the CHP unit and the impacts on the baseline emissions as well as the impacts on air quality. Full details of maintenance, monitoring and management shall also be included.
- 4) full details, specification and location of the renewable energy technology to be used across the site. This should include relevant roof plans and elevations of the proposed solar thermal and photovoltaics for the commercial units.
- 5) how all the technology will be maintained, monitored and managed throughout the lifetime of the development. The development must proceed in accordance with the approved details.

Reason

To ensure appropriate carbon savings are delivered in accordance with London Plan Policy 5.2.

Living Walls and Roofs:

The development is within an air quality management area and needs to improve opportunities for wildlife. Living walls and roofs can improve air quality, operate as carbon sinks and also be of importance for nature conservation. The following condition is therefore necessary:

Condition

Prior to commencement of development a scheme for the inclusion of living walls, roofs and screens shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the types of living material to be used and the locations and methods of maintenance where necessary. The development should proceed in accordance with the approved plans.

Reason

To ensure the development contributes to a number of objectives in compliance with Policy 5.11 of the London Plan and Policy EM1 of the Local Plan.

Water Efficiency:

The Council is in a severely water stressed area and is therefore mindful of the additional burdens placed on water consumption by new development. The proposed development will increase the water demand significantly and the following condition is therefore necessary:

Condition

Prior to the commencement of development a scheme for the reduction in water use including the harvesting and recycling of grey water and rain water shall be submitted to and approved in writing by Local Planning Authority. The scheme shall clearly set out how collected water will be reused in areas where potable water is not required, i.e. toilet flushing and irrigation of landscaped areas. The development must proceed in accordance with the approved scheme.

Reason

To ensure the development reduces the pressure on potable water in accordance with Policy 5.15 of the London Plan.

PLANNING OFFICER COMMENTS:

The energy condition is recommended for inclusion on any permission, and the details of the other conditions are covered by other conditions already recommended.

ACCESS OFFICER:

This application is a resubmission for planning permission to develop the former dairy site on Victoria Road, South Ruislip. The proposal is for a mixed-use scheme comprising an Asda Foodstore (including a fuel filling station), a multi-screen cinema, five restaurants units, and 132 dwellings, including affordable units.

In assessing this application, particular reference has been made to London Plan (July 2011) Policies 3.8 and 7.2, in addition to the Council's Supplementary Planning Document "Accessible Hillingdon" adopted May 2013.

Page 100 of the Design & Access Statement provides an explanatory note on the equality legislation underpinning the requirement to address accessibility and inclusion, and further explains some key principles. However, the document doesn't indicate how these principles have shaped the development.

The proposal would result in a new pedestrian access route from Long Drive and through the site, linking South Ruislip local centre with the proposed multiuse development. The main pedestrian entrance would lead from Long Drive to a Piazza. A further entrance would be created for vehicles and pedestrians from Victoria Road, which would be shared by this proposed development and the existing Aviva site. 506 car parking spaces are proposed for the Asda foodstore, and customers of the cinema and restaurants, some of which would be undercroft.

There are some concerns which I set out below:

1. No details have been submitted to demonstrate how the proposed design would cater for high sided vehicles privately owned by disabled people, and the provision of a suitable drop-off area for Dial-a-Ride and similar large minibus services.

PLANNING OFFICER COMMENT: This can be dealt with via a condition on any consent.

2. There would be a significant rise between the Piazza and the restaurant levels. This raises concerns from an accessibility standpoint due to the slopes which would traverse the steps. No details have been provided to demonstrate that this design would be in line with best practice as specified in BS 8300:2009+A1:2010.

PLANNING OFFICER COMMENT: This can be dealt with via a condition on any consent.

3. There is little evidence on plan to demonstrate that the specifications of accessible housing have been incorporated into the design of the proposed dwellings. Compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan. In particular, a minimum of one bathroom in each Lifetime Home flat should concur with the specifications detailed on page 27 of the SPD referred to above. Plans should be submitted which clearly show a lifetime home standards layout for every flat. Drawing 02-5001 does not demonstrate a first floor bathroom layout which is compatible with the Lifetime Home Standards. Likewise, drawing 02-5002 does not meet the said standards.

PLANNING OFFICER COMMENT: This can be dealt with via a condition on any consent.

4. A minimum of 13 dwellings should be designed to Wheelchair Home Standards. An updated Design & Access Statement should detail how each of the 18 standards are included, and plans should clearly identify the location of each wheelchair standard home.

PLANNING OFFICER COMMENT: This can be dealt with via a condition on any consent.

5. In line with the 'Accessible Hillingdon' SPD, blocks comprising five flats or more should feature one passenger lift. Blocks consisting of 15 flats or more should incorporate two passenger lifts designed to meet Approved Document M to the Building Regulations 2010 (2004 edition, incorporating 2010/13 amendments). Due to the omission of lifts throughout the development, a large proportion of the proposed new housing would be inaccessible to older and disabled people wishing to visit or reside in the development.

PLANNING OFFICER COMMENT: The wheel chair units are to be located at ground level, and as such lifts have not been provided, although space within the buildings exists to install lifts at a latter date if required. While the concerns are noted, it is not considered that (bearing in mind the regenerative benefits of the scheme) on balance the scheme should be refused for this reason.

6. It is noted that an amenity/play area forms part of the proposed development. However, no details have been submitted to demonstrate that the provision has been designed as an inclusive facility to allow disabled and non-disabled children to play together. Details of the accessible play equipment to be provided should be submitted.

PLANNING OFFICER COMMENT: This can be dealt with via a condition on any consent.

7. No specific details have been submitted to demonstrate that the paving materials would be suitable from an accessibility point of view. The type and colour of paving materials is critical to ensure an inclusive environment that meets the needs of wheelchair users and visually impaired people.

PLANNING OFFICER COMMENT: This can be dealt with via a condition on any consent.

S106 OFFICER:

Following further consultation, the following Heads of Terms are sought:

1. Transport: A s278 and/or s38 agreement will be required to be entered into to address highways matters arising from the proposal. There will also be a requirement for travel plans to be provided and adhered to for the commercial and residential elements.
2. Affordable Housing: Provision of 10% affordable housing subject to verification of FVA.
3. Affordable Housing Review Mechanism: Council will review the Affordable Housing provision at set times to be agreed and seek an uplift where applicable.
4. Public Realm: The provision of a new pedestrian link into the site from Long Drive.
5. Construction Training: A contribution or in-kind scheme delivered will be required to address training during the construction phase of the development. If the contribution is to be delivered as a financial contribution then it should be in line with the formula which is £2,500 for every £1m build cost + $132/160 \times £71,675$ = total contribution.
6. Employment Training: For the store operation an employment training initiative will be required to address employment training matters as a result of the proposal if approved. It is our preference to deliver in-kind employment training schemes over a financial contribution.
7. Air Quality: in line with the SPD a contribution of £50,000 is sought as a result of this proposal.
8. Public Transport: A contribution of £135,000 towards enhancements (including enhanced waiting accommodation, and enhanced Customer Information Screens) at South Ruislip Railway Station.
9. Project Management and Monitoring Fee: in line with the SPD a contribution equal to 5% of the total cash contributions will be sought to enable the management and monitoring of the resulting agreement.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

RETAIL AND LEISURE - POLICY CONTEXT:

NATIONAL PLANNING POLICY FRAMEWORK:

The National Planning Policy Framework (NPPF) provides guidance to local planning authorities in determining applications. It is a material consideration in planning decisions.

It contains a strong presumption in favour of 'sustainable development.' This is described as "the golden thread" that runs through both plan making and decision taking.

Paragraph 19 of the NPPF states:

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

Guidance on the policy approach to applications for retail development is set out in paragraphs 24-27 of the NPPF, under the aegis of 'Ensuring the Vitality of Town Centres.'

The relevant paragraphs make it clear that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

When assessing applications for retail, leisure development outside of town centres, local planning authorities should require an impact assessment if and this should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

These are the key tests when assessing applications for retail and leisure development outside of town centres.

LONDON PLAN 2011:

The London Plan was adopted in July 2011 and is currently under review. There are no proposed changes to the Mayor's policies relating to retail and leisure. Policy 2.15 deals with Town Centres and sets out London's hierarchy of centres.

The policy has two key themes, firstly, that deficiencies in the network of town centres can be addressed by promoting centres to function at a higher level in the hierarchy or by designating new centres where necessary, giving particular priority to areas with particular needs for regeneration and better access to services, facilities and employment. Centres with persistent problems of decline may be reclassified at a lower level.

The second key theme to policy 2.15 is that in taking 'planning decisions' there are a number of criteria that development should conform with, including being in scale with the centre.

Policy 4.7 considers retail and town centre development and states that the scale of retail and leisure development should 'be related to the size, role and function of a town centre and its catchment'.

Policy 4.8 seeks to support a successful and diverse retail sector. It encourages 'a successful and competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need...'

HILLINGDON LOCAL PLAN:

Tables 8.1 and 8.2 of the Hillingdon Local Plan Part 2 define the retail hierarchy with South Ruislip being identified as a Local Centre in table 8.2. Table 8.1 defines a Local Centre as:

"As well as providing local shops and services for people within walking distance, these centres provide a full range and choice of essential shop uses and other local services for people who do not live or work near a town centre. Accordingly, they are, in principle,

appropriate locations for supermarkets to serve people who would otherwise make longer trips to their nearest town centre or to a large free-standing store outside the Borough."

EMERGING POLICY:

The site is identified in the Hillingdon Draft Site Allocations DPD under policy SA3 which promotes it for mixed use development including residential, commercial, and retail uses.

Policy E5 sets out the emerging policy for Town and Local Centres. It states that planning decisions will be taken in accordance with national guidance, particularly the sequential and impact tests.

ASSESSMENT OF RETAIL AND LEISURE IMPACTS:

The NPPF sets out two tests that should be applied to planning applications for town centre uses that are not within an existing centre: the sequential test and the impacts test.

The applicant's Retail and Leisure Report (RLR) explains that the Cineworld requires the restaurants to make it a viable cinema operation. Consequently they have not disaggregated these. It is considered that they both promote the night-time economy and are complementary uses. No objection is raised to this approach.

The RLR notes that Cineworld have expressed a need for both the retail and leisure use in this location. Combining these uses makes efficient use of the site, with the development being raised allowing the sharing of the car park. In addition the uses complement each other in this respect because the peak times of each use are at different times of the day.

SEQUENTIAL TEST:

In terms of sequential testing, the RLR identifies 23 potential alternative sites. The applicants have assessed the availability, suitability and viability of the sites identified. They have considered sites within and at the edge of higher order centres. The Council engaged an appropriately qualified independent Retail and Leisure expert to examine the sequential test and the expert has concluded that it is robust. Officers from the London Borough of Hillingdon and London Borough of Harrow have also considered the sequential test and consider it to be acceptable. In summary, there has not been another site identified which would be sequentially preferable to the application site.

RETAIL IMPACT:

The NPPF recognises that the purpose of the 'impact test' is to ensure that out of centre and edge of centre proposals in existing town centres is not significantly adverse.

The impact test produced by the applicant has used comparable baseline data to that used by Sainsbury's in their retail assessment for a new 12,253sqm replacement foodstore (planning application ref: 33667/APP/2012/3214). This includes the size and shape of the catchment area, assumptions made and population and expenditure data.

In the Sainsbury's assessment it was recognised that that the existing store is 'trading well above company average levels' and that this 'overtrading' has a detrimental impact on the customers shopping experience including congestion within the store and car park, stock replenishment and product lines. These qualitative deficiencies are important to the current retail impact case and in particular the potential level of impact that has been projected to fall on existing stores and centres.

The current application has a net sales area of 3,717sqm, which is similar to the existing

Sainsbury's store (3,555sqm). It is accepted that when considering impact that this is more often on a like-for-like basis. The applicants make the point that there is only one other ASDA in the catchment and therefore the proposals would provide choice in the market and competition, as promoted in the NPPF.

With regard to the quantitative assessment, no objection is made to the inputs, assumptions, or methodology used.

The proposed ASDA is 7,131sqm (GIA) with a net sales area of 3,717sqm. The applicants state that the split between convenience and comparison goods will be 59%:41% (2,193sqm:1,524sqm). It is on this basis that the impact assessment has been undertaken and as such, a condition should be imposed on any consent granted to ensure the actual split in goods reflects this. The reason for this is that the impact from a different split has not been tested, and may be unacceptable.

The applicant's study indicates the anticipated trade draw of the ASDA store, which shows that it is expected to fall on the larger stores within the catchment:

- Sainsbury's, South Ruislip (45% - £12.6m - ie. 45% of ASDA's trade, will come from Sainsbury's);
- Sainsbury's, Pinner (4% - £1.12m);
- Tesco, Pinner (5.2% - £1.46m);
- Sainsbury's, South Harrow (3.5% - £0.98m);
- Asda, South Harrow (4% - £1.12m).

The Council engaged an appropriately qualified independent retail and Leisure expert to examine the impact test and the consultant concluded that it is robust.

The highest impact arising from the proposed ASDA is on the Sainsbury's, South Ruislip (45%). It is recognised that the Sainsbury's is significantly overtrading by 56% (£19m) and that the store has trading difficulties as a consequence. Sainsbury's have recently submitted an application for a temporary store to facilitate the redevelopment of the main store.

The key concern is whether the proposal would result in unacceptable impacts on the viability of the existing or approved (committed) Sainsbury's store. It is considered by officers that the existing store would continue to be viable and trade (albeit at a lower overall turnover than the currently achieves) at a level consistent with the national average for Sainsbury's stores.

The analysis shows that the proposals on the Arla Foods site would not necessarily prevent the committed development (expanded Sainsbury's) from coming forward. It is noted that Sainsbury's have lodged an application for a temporary store, which (if approved and implemented) will enable them to decant from the existing store whilst it is redeveloped.

Notwithstanding this, officers consider that there would be significant costs to Sainsbury's from building the expanded store and given the amount of trade draw to ASDA, officers consider that there is a risk that Sainsbury's find that it is not viable to build the expanded store. In such a scenario, the benefits of the Sainsbury's expansion (one time construction jobs and spending and ongoing jobs in the store etc) would not accrue.

Officers have had to make a balanced decision, taking account of the regenerative benefits of redeveloping the Arla Foods site, the jobs in the commercial aspects of the

scheme as well as bringing forward housing, it is the officers view that there are very real material considerations to be taken into account which indicate that even if the committed development (i.e. the expanded Sainsbury's) does not come forward as a result of the current application (i.e. the Arla development), the benefits from the Arla scheme would outweigh the disbenefits (in terms of impact on committed in centre development).

The highest impacts on other centres (from ASDA and Sainsbury's) are identified to be in Ruislip (8.4%), Pinner (7.4%) South Harrow (7.6%) and South Ruislip (15.3%).

The applicant undertook a series of health checks of town centres in November 2012, August 2013 and April 2014. These provide the most up-to-date review of centres within the catchment. The health checks identified that the centres have a strong convenience retail offer with the larger centres containing the largest foodstores (with the exception of South Ruislip). Most centres are described as healthy although it is recognised that some display a greater range and mix of uses. Except for Northolt, there are vacancies in most centres although these are below the national average (circa 14%).

Ruislip is a large centre with a strong range of national and independent retailers. The number of vacancies is under the national average. A check of the centre indicated that some of the units were vacant but under refurbishment. Both the Sainsbury's and the applicant's assessments recognise that it is in general a healthy and viable centre. Consequently it is considered that the level of impact identified would not result in a significantly adverse impact on its future.

The level of impact on South Ruislip is high, however this would be as a consequence of the trade draw from the Sainsbury's. The applicants have assessed the potential trade draw from the store and demonstrated that it would not undermine its ability to continue to perform at company levels.

With regard South Ruislip it is recognised that the centre is anchored by the Sainsbury's. It is a dated centre supported by parades of shops. There is a train station in the centre and next to this are a Ramada hotel and a public house. These together with the Sainsbury's, located on the opposite side of Long Drive, establish a core to the centre. It benefits from good public transport links. A condition should be imposed on any consent to require (as is proposed in the application) 3 hours free car parking at the site. This will enable linked trips to take place within the centre.

The RLR provides a detailed assessment of all town centres in the catchment and analysis shows them to be healthy and demonstrating good indicators of their vitality and viability. The applicants have presented a comprehensive assessment of projected trade diversion from centres/stores within the catchment and officers (together with the independent retail consultant appointed by the Council to verify the study) are satisfied that there would be no significant adverse impacts arising from the retail element of the scheme. Nor is it considered that the proposals would undermine the commitments identified.

SCALE AND HIERARCHY:

The London Plan requires development proposals to 'be in scale with the centre' (policy 2.15). This is further required under policy 4.7 'Retail Development and Town Centre Development' which states in making planning decisions:

"...on proposed retail and town centre development, the following principles should be applied:

the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment"

The issue is that in allowing the level of floorspace proposed at the application site would result in the centre being elevated in the retail hierarchy. The London Plan classifies neighbourhood and more local centres as being typically up to around 500sqm.

The centre currently has 6,883sqm floorspace and an additional 6,000sqm has been consented (12,883sqm total). The proposals comprise 14,792sqm commercial floorspace (main town centre uses). In addition to existing and committed the total could be 27,675sqm which would be within the thresholds of the above definition for a district centre (10,000sqm to 50,000sqm).

Paragraph 2.74 of the London Plan states that:

"The current role of town centres should be tested through regular town centre 'health checks'. This process should ensure that the network is sufficiently flexible to accommodate change in the role of centres and their relationships to one another. Centres can be reclassified and, where appropriate, new centres designated, in the light of these through subsequent reviews or alterations to this plan and DPDs."

This recognises that there needs to be flexibility to accommodate change within centres and that it needs to be regularly checked. The South Ruislip centre is obviously already 'punching above its weight' and has the potential to develop as a district centre if Sainsbury's implement their permission. It is noted that in emerging policy the Arla Foods site is to be allocated for commercial/retail/residential uses. Policy 2.15 of the London Plan notes both that development should be in keeping with the scale of a centre, and at the same time that centres should be reviewed regularly and those performing well should be promoted. The introduction of the Site Allocations DPD is sometime away (adoption likely in 2015), changing the centre hierarchy would require alterations to the London Plan (which would take considerable time to pass through the policy adoption process). Delaying any approval of the scheme, until such time as policy has been adjusted to change the scale of the centre and designation of the site does not sit comfortably with Government Direction.

In the appeal against the decision by the Council to refuse planning permission for an ASDA store in Hayes (on a strategic industrial location), the Inspector stated:

"Such delays do not sit comfortably alongside the thrust of the Planning for Growth - Ministerial Statement which states, amongst other things, that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. It goes on to say that the Government's top priority is to promote sustainable economic growth and jobs, and that in determining planning applications appropriate weight should be given to the need to support economic recovery."

In terms of an overall planning balance, the planning case officer has been mindful of the points set out above, and had regard to the need to consider the proposal in the light of the guidance within the NPPF, a key strand of which is that development that is sustainable should go ahead, without delay.

Despite the potential of the proposal to alter the hierarchy of town centres and on in centre committed development, on the basis of the submitted evidence officers are of the view that the proposal would give rise to strong economic benefits for the local area. Significant economic benefits would flow from this proposal, and that these would

outweigh any disbenefits arising from the limited conflict with the development plan.

LEISURE:

Representations were made by LB Harrow via email on 15 August 2014. The main concern is in respect of the leisure element (cinema and restaurants) and the likely impacts on Harrow and in particular on the Vue cinema located within the metropolitan centre.

The issue of impact on Harrow which may result from the proposed cinema has considered by an independent appropriately qualified third party consultant (engaged by the Council). The leisure offer was assessed through the number of cinema seats within a catchment against the population. This shows that there is capacity in the area for the 11 proposed screens.

An assessment of available expenditure for food and drink (use classes A3 - A5) was made, and this established that taking account available expenditure and the projected turnover of the proposed restaurants there is sufficient expenditure within the study area to support them.

The household survey results indicate that cinema attendance is not on a regular basis for residents in suburbs and wards near the site. Results suggest that as a leisure activity it is for 'an occasion' rather than a regular pursuit. The concern that there would be a reduction in linked trips (and therefore adverse impacts on Harrow metropolitan centre) is considered unjustified.

The survey did highlight that when people were asked what improvements could be made to make designated centres more attractive, both Eastcote and Ruislip scored the highest for 'more/better entertainment facilities (e.g. cinema)'. It is considered that there is an identified need for additional facilities in these areas which neighbour South Ruislip.

The household survey suggests that the actual level of leisure trade draw from the proposals on Harrow would be low. Consequently it is not considered that the leisure element would undermine the vitality and viability of Harrow metropolitan centre.

The applicants have provided additional commentary on the leisure element dated 18 August 2014. This recognises that the Vue cinema and the other A3-A5 uses appear to be trading well, that there have been no objections to either application from these operators, and that there is some cross over in the operators in the proposed scheme (Nandos and Frankie and Benny's).

In summary, there is no objection in principle to the retail and leisure elements of the proposal.

7.02 Density of the proposed development

London Plan Policy 3.4 seeks to maximise the potential of sites, compatible with local context and design principles in Policy 7.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in the Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

The London Plan requirements for the residential portion of the site (1.41ha), which is considered to be an suburban site with a PTAL of 3, would be 50-95 u/ha and 150-250 hr/ha. The scheme proposes 132 units with 380 habitable rooms. This equates to a

density of 93 u/ha and 270 hr/ha. As such the proposed density is within the guidelines of the London Plan for dwellings, and only marginally over for habitable rooms, and the proposed quantum of residential units is considered to be acceptable in this location. Accordingly, no objection is raised to the proposed density in this instance.

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

The site is not located within a Conservation Area, Area of Special Local Character or Archaeological Priority Area, and there are no Listed Buildings on the site. As such, it is considered that the scheme would not impact in the heritage of the borough.

7.04 Airport safeguarding

With regards to the height of the development proposed, BAA/Heathrow Safeguarding raises no concerns against the proposed development, subject to a number of conditions being imposed on any grant planning permission.

The MoD and RAF Northolt were consulted on the development and raised no objections.

7.05 Impact on the green belt

The site is not located within or near to the Green Belt. As such, it is considered that the scheme would not impact on the Green Belt.

7.07 Impact on the character & appearance of the area

POLICY CONTEXT

Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development makes a positive contribution to the character and amenity of the area in which it is proposed. Policy BE13 states that, in terms of the built environment, the design of new buildings should complement or improve the character and appearance of the surrounding area and should incorporate design elements which stimulate and sustain visual interest. Policy BE38 requires new development proposals to incorporate appropriate landscaping proposals. Policy BE26 states that within town centres the design, layout and landscaping of new buildings will be expected to reflect the role, overall scale and character of the town centres as a focus of shopping and employment activity.

The design should take account of the need to ensure that windows overlook pedestrian spaces to enhance pedestrian safety (Policy BE18). In addition, Saved Policy OE1 prohibits proposals that are to the detriment of the character and appearance of the surrounding properties or area.

Policy BE19 seeks to ensure that proposals compliment or improve the amenity and character of the area. Policy BE20 furthers that residential layout should facilitate adequate daylight and sunlight penetration into and between them.

Policy BE26 relates to town centres, stating that the design; layout and landscaping of new buildings will be expected to reflect the role, overall scale and character of the town centres as a focus of shopping and employment activity.

DESIGN

In relation to the design of the development itself, this has been designed having regard to the constraints of the site. The applicant states that South Ruislip currently lacks any focus, with many local people citing the Sainsbury's and the tube station as the only landmarks in the area.

The applicant identifies key design areas within the site to try and building on existing landmarks - comprising "Dairy Avenue", "The Piazza", "The Square", with a series of active frontage and integrated landscaped features.

These comprise a hard landscaped pedestrian entrance area alongside The Middlesex Arms from Long Drive leading to 'The Square' with residential buildings which will provide a degree of passive surveillance. The pedestrian route 'Dairy Avenue' then leads past a children's play space and residential apartments to 'The Piazza' which comprises a hard landscaped area with outside seating and a wall of water providing a focus within the space. Family restaurants enclose 'The Piazza' providing a focal point for local residents and a space for social interaction; the creation of a centre for South Ruislip.

The existing surrounding blocks are up to 3-storeys in height, with traditional pitched roof forms. The Council's Urban Design Officer considers the overall height of the housing blocks is larger than any of the existing residential housing in the area. The Urban Design officer also has concern over accesses to the site and the scale/bulk of the commercial elements.

Given that the site is set behind the existing buildings fronting Victoria Road and Long Drive, the commercial portion of the scheme is acceptable in design terms. The external appearance of the residential element could be controlled via a condition, should permission be granted. It is important to recognise the existing state of the site is dilapidated, and prior to this the form of development had been industrial in character, with no architectural merit. Structures tended to be functional (large vats, pipes etc) and it is considered that the current scheme represents an improvement on the existing and historical appearance of the site.

There is a significant investment proposed by this development. The application site currently makes no contribution to the local economy, and the site is currently unattractive. The proposed mixed use scheme will result in a significant number of local employment opportunities, including full and part time jobs within the foodstore, cinema and restaurants. The scheme will create in the order of 536 full and part time jobs through the retail and leisure uses and that many of these jobs will be made available to local people.

The regenerative benefits of the scheme must be balanced against any perceived weakness in design terms. Having regard to all of the above, it is not considered that it would be reasonable to refuse the scheme on design grounds.

7.08 Impact on neighbours

Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to prevent developments which would be detrimental to the amenity of nearby occupiers by way of their siting, bulk, proximity or loss of light.

The nearest residential properties are in Victoria Road adjacent to the site. The development would be separated from these residential properties by the rear gardens to the rear of the properties. Restaurant units 1-3 would be 15 metres from the rear of these properties, and the residential blocks would be 21 metres from the rear of these properties. This separation is adequate to ensure the development does not have adverse impacts on the amenity of residential occupiers in respect of dominance or loss of light. It should be noted that the existing buildings on the site are closer to the rear of the neighbouring properties than those proposed.

Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new developments do not have adverse impacts on the amenity of existing residential properties due to loss of privacy.

The proposed residential buildings would be over 21m from the nearest residential property in Victoria Road and would be separated by rear gardens. This is sufficient to ensure no harm to the residential occupiers by loss of privacy. Accordingly, the proposal would comply with policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

Accordingly, the proposal would comply with policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

NOISE AND DISTURBANCE

The layout of the site is such that restaurant units 1-3 are located in close proximity to residential Block D. Given the likely late night usage that would occur at a restaurant, and in addition to this the servicing of the premises which would usually occur out of hours, the previous application was refused as it was considered that noise and disturbance resulting from the restaurant use would unduly impact upon the residential amenity of the occupiers of this block.

The applicant has redesigned this area of the site, and the frontages of the commercial properties, which would direct people away from the flatted blocks. This, combined with enhanced planting and screening is considered to mitigate the impacts of this uses on the residential properties. The proposal is therefore not considered to be contrary to policies OE1 and OE3 of the Hillingdon Local Plan Part 2, and policy 7.15 of the London Plan (2011).

AMENITY SPACE

Policy BE23 of the UDP requires the provision of external amenity space, sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The Council's SPD Residential Layouts specifies amenity space standards for flats.

Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential layouts, suggests that the following shared amenity space for residential units is provided:

- 1 bedroom flat - 20sqm
- 2 bedroom flat - 25sqm
- 3+ bedroom flat - 30sqm
- 2/3 bedroom house - 60sqm
- 4+ bedroom house - 100sqm

Based on the current accommodation schedule the required amenity space provision for 132 dwellings would be as follows:

- 34 x 1-bed flat x 20 = 680sqm
- 86 x 2-bed flat x 25 = 2150sqm
- 10 x 3-bed house x 60 = 600sqm

2 x 4-bed house x 100 = 200sqm

The current development proposal provides 4,841sqm of amenity space in the form of private gardens at ground floor level, shared amenity space at ground floor and roof level, together with private balconies for flats on upper floors. This is broken down per block as follows:

Block A (flats) - 511sqm
Block B (flats) - 481sqm
Block C (flats) - 477sqm
Block D (flats) - 525sqm
Block E (flats) - 421sqm
Block F (houses) - 497sqm
Block G (houses) - 426sqm
Block F & G (flats) - 585sqm
Block H (flats) - 346sqm
Block J (flats) - 567sqm

The amenity space provided is considered acceptable, in compliance with the Hillingdon Design and Accessibility Statement (HDAS) Residential Layouts and Saved Policy BE23 of the Local Plan.

Each of the proposed houses will have their own private rear garden whilst residents of the flats will have access to a private balcony, as well as an area of shared amenity. All gardens are in line with the requirements of the HDAS, therefore achieving an appropriate form of development.

The proposals seek to positively respond to the site characteristics by proposing amenity in a variety of forms, both shared and private space that will fulfil a number of functions. In addition, an area of doorstep play space and local play area would also be provided.

Overall, it is considered that the scheme would provide for sufficient amenity space of a satisfactory quality. As such the provision of amenity space is considered to accord with Policy BE23 (which requires sufficient provision of amenity space for future occupiers in the interest of residential amenity).

INTERNAL LAYOUT

In terms of internal space standards and the quality of accommodation provided, the Hillingdon Design and Accessibility Statement (HDAS) 'Residential Layouts' requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided in the London Housing SPG on floor space standards for new residential development to ensure sound environmental conditions are provided on site. As a guide, the recommended minimum standards for residential units are:

1-bed 2-person flat - 50sqm
2-bed 3-person flat - 61sqm
2-bed 4-person flat - 70sqm
3-bed 5-person house - 102sqm
4-bed 6-person house - 113sqm

The floor space within the development exceeds the London Housing SPG recommended

floor space standards.

The applicant has confirmed that Lifetime Home standards will be met for all the units, and this could be secured via a condition on any grant of permission.

Overall, it is considered that the proposals meet with the aims and objectives of the Council's policies and guidance and the London Plan.

OUTLOOK

Policies BE20, BE21, BE22, BE23 and BE24 seek to protect the amenity of new residents by requiring adequate daylight, access, external amenity space and the protection of resident's privacy. In terms of outlook for future residents, Policy BE21 of the Unitary Development Plan Saved Policies seek to ensure that new development would not have a significant loss of residential amenity, by reason of the siting, bulk and proximity of new buildings.

Restaurant block 1-3 is of a size, design and position which results in a 6.3m high wall very close to the boundary of the garden of the adjoining property on Block D to the southeast for a depth of 8m. The previous application was refused due to the intersection of this wall with a 45-degree line from the rear of Block D. The rear corner of Restaurant 3 has been chamfered to avoid the 45 degree line of outlook from the rear of the residential units in Block D, which would result in minimal impact on the outlook of these properties. As such, this reason is considered to be overcome.

The majority of the other blocks on the site are laid out in a way that would provide a high standard of amenity for the majority of future occupiers. The layout will result in a satisfactory outlook from the most proposed units in the buildings and reduce the potential for nuisance and disturbance to the future occupiers. As such the development is considered to be consistent with relevant design guidance and policies BE20, BE21, BE22 and OE1 of the UDP.

PRIVACY

The Council's HDAS provides further guidance in respect of privacy, in particular, that the distance between habitable room windows should not be less than 21m. In this regard, the proposed unit windows are separated from existing dwelling windows by more than 21 metres, which is consistent with the Council's Supplementary Planning Guidance.

Whilst the scheme has been designed to ensure separation distances of at least 21m to existing neighbouring properties, there are some minor concerns about separation distances between units within the proposed scheme with regard to the 45 degree outlook from windows.

Some windows the rear of Block F and G are closer than 21m within a line of 45 degrees. However, it is considered that there is only a small number of windows that would be affected, it is considered that any issues could be overcome using measures such as privacy fins and screens, to prevent overlooking between the affected units. In this regard, this could be dealt with sufficiently via conditions (which are recommended) that could be imposed on any grant of planning permission. As such, officers are satisfied that there would be no detrimental overlooking as to justify a refusal within the proposal.

DAYLIGHT/SUNLIGHT

The applicant has submitted a daylight/sunlight assessment which indicates that the proposed development would receive appropriate levels of sunlight. Officers have considered the layout of the development in detail and consider that all of the proposed residential accommodation would receive appropriate levels of light. All of the units would benefit from an acceptable level of privacy and light, in compliance with the Council's standards given in The Hillingdon Design and Accessibility Statement (HDAS) 'Residential Layouts'.

As such the development is considered to provide an acceptable level of accommodation in accordance with Policies BE20, BE23 and BE24 of the Local Plan Part 2.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application was referred to the Council's Highway Engineer who has consistently worked with the developer to try and ensure traffic and highway impacts were fully understood through modelling.

However at the time of writing this report the developer has still not been able to produce a traffic assessment which is calibrated in a manner which would alleviate any concerns about accuracy of modelling. As such the Council's Highway Engineer has advised that should the application be approved, then the maximum possible off site enhancements to the highway network will be required.

The relevant works are set out in the Heads of Terms. In essence, officers have had to balance the uncertainty around highway impacts against the regenerative benefits of the scheme, and subject to securing off site capacity enhancements, the Highway Engineer has stated that subject to the possible off site capacity enhancements being secured in a legal agreement, then impacts would be minimised to the extent that they should not be severe in the context of the NPPF.

7.11 Urban design, access and security

Issues of design and accessibility are addressed elsewhere within the body of the report.

In respect of security, the submitted design and access statement details various areas where security has been taken into account in the design of the proposals including:

- (i) Natural Surveillance;
- (ii) Appropriate Levels of Lighting;
- (iii) Provision of internal and external CCTV;
- (iv) Provision of appropriate boundary treatments.

It is considered that the submitted documentation demonstrates that security and safety considerations have formed a fundamental part of the design process and have been appropriately integrated into the scheme. The implementation of specific measures such as lighting, boundary treatments and CCTV could be secured by way of appropriate conditions in the event the application was approved.

7.12 Disabled access

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

Policies 7.2 and 3.8 of the London Plan provide that developments should seek to provide the highest standards of inclusive design and this advice is supported by the Council's Supplementary Planning Document - Accessible Hillingdon.

The application was referred to the Council's Access Officer who raised several matters, and it is considered that should the application be approved, detailed matters could be dealt with by way of suitably worded conditions and an informative. Subject to such conditions to ensure the provision of facilities designed for people with disabilities are provided prior to commencement of use, the scheme is considered to comply with Policy R16 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan policies 7.1 and 7.2 and the Council's Supplementary Planning Document 'Accessible Hillingdon'.

7.13 Provision of affordable & special needs housing

The Council requires 10.82 percent of the units proposed to be affordable housing, which is not in line with the policy requirement of 35 percent. However, officers consider that with the financial constraints on the site, including CIL, 10.82 percent affordable housing is considered to be acceptable in this instance. With regard to the mix of units, some scope should be retained to allow for the provision of affordable units to be adjusted to suit the requirements of an RSL.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

The Council's Tree and Landscape Officer considers the proposed landscaping scheme and strategy is well-written, comprehensive and reflects comments previously made in relation to the refused application.

There is a line of semi-mature Lombardy Poplars at the proposed main entrance to the site. The trees are due to be removed and replaced. The replacement trees should be large, well-planted / maintained and create a significant new landscape feature. This should be echoed in the next set of new trees shown on the plan (situated about 100m south-west of the entrance). This matter can be dealt with by a condition on any permission.

Four new trees have been shown within the main / outside car parking area of the proposed commercial centre. Given only four trees have been proposed, they should be large-growing trees (such as London Plane) and well-planted to allow them to thrive. This matter can be dealt with by condition.

Rear garden trees have been proposed and this will have a positive and screening effect for new residents. Further details should be provided of the species / size and numbers of trees etc. This matter can be dealt with by condition.

Conditions are recommended to ensure future landscaping arrangements are acceptable. Subject to these conditions, it is considered that the proposal which would achieve appropriate outcomes in terms of policy BE38.

7.15 Sustainable waste management

The plans indicate that refuse storage facilities will be provided for the commercial properties and the residential properties at ground floor level. The proposed facilities are considered to be acceptable in this instance, and would be controlled via a condition if permission were granted.

7.16 Renewable energy / Sustainability

Policies within Chapter 5 of the London Plan require developments to provide for reductions in carbon emissions, including a reduction of 40% in carbon emissions, in line

with Code for Sustainable Homes Level 4.

The application is accompanied by both an Energy Strategy and Sustainability Statement. These confirm that the development will be achieving a 40% reduction in annual CO2.

The Council's Energy Officer has reviewed the submission is satisfied with the stated amount of carbon reduction, However, green roofs/walls, and water efficiency measures on the site need to be further investigated on the site. However, it is considered that these issues could be dealt with satisfactorily via to the provision of conditions on any grant of planning permission to ensure further details are submitted and the details contained within these being secured. As such the application is considered acceptable in this regard.

7.17 Flooding or Drainage Issues

The site does not fall within a flood zone and no issues relating to flooding have been identified.

London Plan policy 5.13 states that development proposals should use sustainable urban drainage systems (SUDS) unless there are good reasons for not doing so. In addition, given the scale of the development, it is considered that additional water efficiency measures should be incorporated into the scheme, in accordance with London Plan policy. These would be required by way of a condition, should permission be granted.

7.18 Noise or Air Quality Issues

NOISE

A Noise Assessment Report has been submitted by the applicant. The Council's Environmental Protection Unit has reviewed the submission and raises no objections to the proposal, subject to conditions on any grant of permission.

AIR QUALITY

An Air Quality Impact Assessment Report has been submitted as part of the application. The Report has been considered by the Council's EPU. They state that the proposed development is outside the declared AQMA, however, there is a possibility, given the location, that these areas are close to the EU limit value, however as there is no monitoring information in this locality, it is difficult to say if they will be above the limit value as a consequence of the development. As the site is located outside the AQMA but adjacent to it, there may be potential implications for reviewing the AQMA, when considered alongside future developments.

The Council's EPU state that they do not have any specific objections to the development on air quality grounds, as long as adequate clarification is provided with regard to NOx emissions at the site from the energy provision. Mitigation measures to reduce the impact from and on the development are required as the development is likely to worsen air quality. A number of mitigation measures are proposed to reduce the air quality impact of the scheme, including traffic management, travel planning, fleet management, and air quality mitigation measures. The Council's EPU states that as the development is in and will cause increases in an area already suffering poor air quality, and a number of mitigation measures are not sufficiently detailed, a number of conditions relating to air quality are recommended for inclusion should permission be granted.

A contribution towards air quality monitoring is also recommended as part of any S106 Legal Agreement to ensure the scheme does not cause unacceptable increases to

pollutant levels in the surrounding AQMA.

7.19 Comments on Public Consultations

The issues and concerns raised during the public consultation have either been addressed in the body of the report, by way of planning obligation or condition, or are not material planning considerations.

7.20 Planning obligations

Should the application be approved, a range of planning obligations would be sought to mitigate the impact of the development, in line with saved policy R17 of the Council's Unitary Development Plan.

The obligations sought would be as follows:

1. Transport: A s278 and/or s38 agreement will be required to be entered into to address any and all highways matters arising from the proposal.
2. The provision of Travel Plans for the commercial and residential aspects of the proposal.
3. Affordable Housing: Provision of 10.82% affordable housing.
4. Affordable Housing Review Mechanism: Council will review the Affordable Housing provision at set times and seek an uplift where viable.
5. Public Realm: The provision of a new landscaped, illuminated, and adequately signposted pedestrian link into the site from Long Drive.
6. Construction Training: A contribution or 'in-kind scheme' will be required to address training during the construction phase of the development. If the contribution is to be delivered as a financial contribution then it should be in line with the formula which is £2,500 for every £1m build cost + $132/160 \times £71,675 = \text{total contribution}$.
7. Employment Training: For the store operation - an employment training initiative will be required to address employment training needs as a result of the proposal.
8. Air Quality: A contribution of £50,000 is required as a result of air quality monitoring made necessary as a result of this proposal.
9. Public Transport: A contribution of £135,000 towards enhancements (including enhanced waiting accommodation, and enhanced Customer Information Screens) at South Ruislip Railway Station.
10. Project Management and Monitoring Fee: in line with the SPD a contribution equal to 5% of the total cash contributions will be sought to enable the management and monitoring of the resulting agreement.

Overall, it is considered that the level of planning benefits sought would be adequate and commensurate with the scale and nature of the proposed development. However, whilst the applicant has agreed to the Heads of Terms, the S106 has not been signed. It is recommended that the resolution provide for refusal of the scheme should the legal agreement not be finalised and impacts not be mitigated.

The Council has recently adopted its own Community Infrastructure Levy (CIL), which

requires a payment of £215 per square metre for out of centre retail developments, and £95 per square metre for residential developments.

In addition, the Mayor of London's CIL includes a charging system within Hillingdon of £35 per square metre of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail.

7.21 Expediency of enforcement action

Not applicable in this instance.

7.22 Other Issues

CONTAMINATION:

The applicant has submitted a contamination report in support of the application. This confirms that testing has been carried out and that some levels of contamination have been identified due to the previous use of the site. Officers in the Council's Environmental Protection Unit have recommended a condition be imposed on any permission, with regard to land contamination for the new development, that a full investigation be carried out with detailed steps for any remediation required.

In addition, it is considered that a condition should be imposed ensuring any imported soils are free from contamination. Whilst no objections have been raised, it is recommended that conditions should be attached, should approval be granted, to ensure these recommendations are carried out.

8. Observations of the Borough Solicitor

GENERAL

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in "Probity in Planning, 2009".

PLANNING CONDITIONS

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

PLANNING OBLIGATIONS

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The

obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

EQUALITIES AND HUMAN RIGHTS

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have "due regard" to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different "protected characteristics". The "protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have "due regard" to the above goals means that members should consider whether persons with particular "protected characteristics" would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances."

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

None.

10. CONCLUSION

The application seeks full planning permission for the redevelopment of the site to provide a foodstore with ancillary cafe (total floor area of 7,131sqm) (Class A1) and ancillary petrol filling station, cinema (floor area of 5,634sqm) (Class D2), 5 x restaurant units (total floor area of 2,027sqm) (Class A3), and residential development consisting of 132 units, together with new vehicle and pedestrian accesses, car parking, servicing areas, landscaping arrangements, and other associated works.

Despite the potential of the proposal to alter the hierarchy of town centres and on in centre committed development, on the basis of the submitted evidence officers are of the view that the proposal would give rise to strong economic benefits for the local area. Significant economic benefits would flow from this proposal, and that these would outweigh any disbenefits arising from the limited conflict with the development plan.

The application would not result in such an increase in traffic or parking demand such that it would have an unacceptable impact on the surrounding road network sufficient to justify refusal.

The proposed development is considered to be in keeping with the character and appearance of the site, and the town centre area, and would not have any significant detrimental impact on the visual amenities of the surrounding area. It would not have any significant detrimental impact on the amenity of the nearest residential occupants or on the wider areas.

The dwellings would be built in accordance with the London Plan floor space standards and Lifetime Homes Standards, ensuring a good standard of residential accommodation is being provided. The new dwellings would comply with the distance separation standards of HDAS Residential Layouts, ensuring no significant harm would occur to the residential amenity of the neighbouring occupiers.

The applicant has demonstrated that the proposal will achieve high levels of accessibility and London Plan standards relating to sustainability and carbon reductions have been achieved.

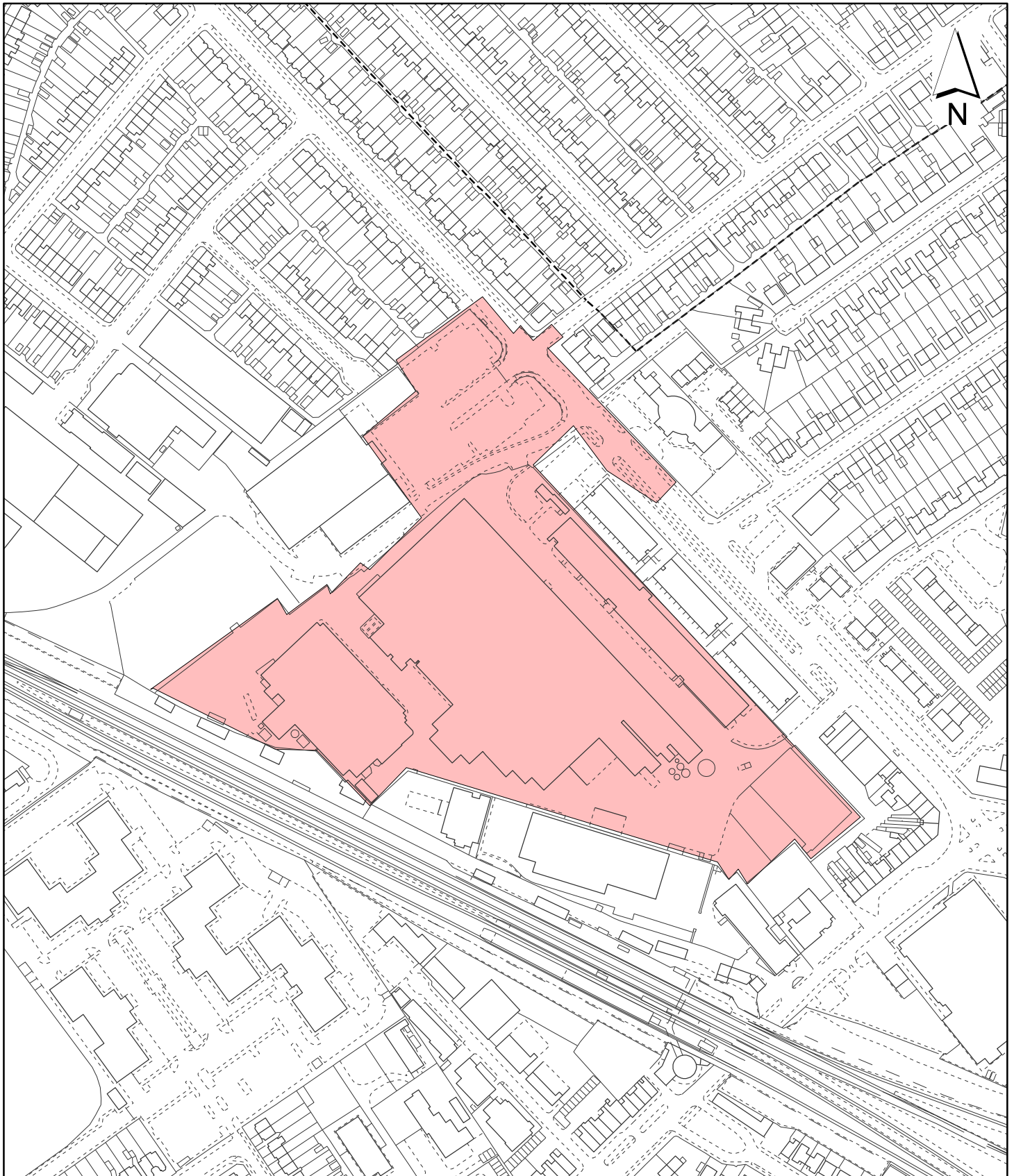
In view of the above, the proposal is considered to comply with relevant national, regional and local planning policy and, as such, approval is recommended, subject to the completion of a S106 Legal Agreement.

11. Reference Documents


Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (July 2011)
Revised Early Minor Alterations to the London Plan (October 2013)
National Planning Policy Framework
Hillingdon Supplementary Planning Document - Residential Layouts
Hillingdon Supplementary Planning Document - Residential Extensions
Hillingdon Supplementary Planning Document - Accessible Hillingdon
Hillingdon Supplementary Planning Document - Noise
Hillingdon Supplementary Planning Document - Planning Obligations July 2014
Hillingdon Supplementary Planning Guidance - Air Quality
Hillingdon Supplementary Planning Guidance - Community Safety by Design
Hillingdon Supplementary Planning Guidance - Land Contamination

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Notes

 Site boundary

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**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

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

Planning Application Ref:
66819/APP/2014/1600

Scale
1:3,000

Planning Committee
Major

Date
October 2014



HILLINGDON
 LONDON