

## Report of the Head of Planning & Enforcement Services

**Address** 121 COWLEY ROAD UXBRIDGE

**Development:** Change of use from car sales and repair (mixed use sui generis and Class B2) to supermarket (Class A1), involving demolition of existing building and erection of single storey supermarket building, associated car parking and landscaping.

**LBH Ref Nos:** 7008/APP/2010/913

**Drawing Nos:** Location Plan  
190210 01 E  
190210 02 B  
190210 03 A  
1060 Landscaping  
1060 Landscaping Scheme - outline & tree pit specification  
Design and Access Statement  
Planning Statement  
Extended Phase 1 Habitat Survey Report  
Air Quality Assessment  
Flood Risk Assessment  
Acoustic Report  
Daylight and Sunlight Study  
Energy Statement  
Retail Report  
Transport Assessment  
Transport Assessment Volume 2 - Appendices  
Travel Plan  
Ground Investigation Report  
Arboricultural Impact Assessment (Ref: LDL/CWL/AIA/01d)

**Date Plans Received:** 21/04/2010      **Date(s) of Amendment(s):** 21/04/2010  
**Date Application Valid:** 03/06/2010      03/06/2010  
21/10/2010

### 1. SUMMARY

Full planning permission is sought for the demolition of the existing building and the erection of a Lidl foodstore of approximately 1640 sq metres gross internal floor space, with a sales area of 1286 sq metres together with car parking and associated works. The proposed building would be single storey in height and set back into the site from Cowley Road, with the front portion of the site laid out as a car park accommodating 78 car parking spaces, including 4 disabled spaces, 10 cycle parking spaces and landscaping.

The proposal would lead to significant adverse impacts on matters of material concern set out within Policies EC10.2 and EC16.1 of PPS4, including adverse impacts on the vitality and viability of town centres. Accordingly, the proposal is contrary to the requirements of PPS4 and should be refused for this reason.

The proposed development would result in vehicular manouvres prejudicial to the free flow of traffic, highway and pedestrian safety; in addition to additional traffic generation which would prejudice the free flow of traffic and operation of the highway network contrary to Policies AM2 and AM7 of the Saved Policies UDP.

The location and type of development, which is poorly located in terms of walking distance and public transport from a significant proportion of its catchment area, would encourage trips by non-sustainable means and be contrary to Policy AM1 of the Saved Policies UDP, Policy 3C.1 of the London Plan and the objectives set out within PPS1 and PPG13.

The ecological assessment fails to demonstrate that the proposed development would not have unacceptable ecological effects and the proposed development fails to provide for adequate enhancement of the habitat value of the neighbouring River Frays; which forms a Nature Conservation Area of Metropolitan Importance, part of a designated Green Chain and part of the designated Blue Ribbon Network. The proposal is therefore contrary to Policies EC1, EC3, EC5, OL11 and BE24 of the Saved Policies UDP and Policies 3D.14, 4C.3 and 4C.22 of the London Plan.

The proposed development fails to accommodate enhancement of the wildlife corridor and River Frays and is considered to be contrary to EC5, OL11 and BE24 of the Saved Policies UDP Policies 3D.14, 4C.3, 4A.11 and 4C.22 of the London Plan

The development does not make adequate provision by way of planning obligations to mitigate its impacts.

Accordingly, the application is recommended for refusal.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Principle of Development**

The proposed out of centre retail development would by reason of its location, use, siting, design and layout have a significant adverse impact on the vitality and viability of existing centres; fail to minimise carbon dioxide emissions over its life or minimise impacts & vulnerability to, or provide resilience to climate change; fail to encourage the use of sustainable modes of travel; and have significant impacts on local traffic levels and congestion. The proposal is therefore contrary to Planning Policy Statement 4: Planning for Sustainable Economic Growth, in particular Policies EC10, EC16 and EC17 and the objectives set out within PPS1, PPS: Planning & Climate Change and PPS9 and PPG13.

#### **2 NON2 Traffic Impact & Highway/Pedestrian Safety**

The proposed development would result in vehicular movements which would be prejudicial to highway and pedestrian safety and would result in additional traffic generation which would prejudice the free flow of traffic and operation of the highway network. The proposal is therefore contrary to Policies AM2 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **3 NON2 Failure to Encourage Sustainable Transport**

The proposed out of centre retail development, which is poorly located in terms of walking distance and public transport from a significant proportion of its catchment area, would encourage trips by non-sustainable means. The proposal is therefore contrary to Policy AM1 of the Saved Policies UDP, Policy 3C.1 of the London Plan and the objectives set out within PPS1 and PPG13.

#### **4 NON2 Ecology**

The ecological assessment fails to demonstrate that the proposed development would

not have unacceptable ecological effects and the proposed development fails to provide for adequate enhancement of the habitat value of the neighbouring River Frays; which forms a Nature Conservation Area of Metropolitan Importance, part of a designated Green Chain and part of the designated Blue Ribbon Network. The proposal is therefore contrary to Policies EC1, EC3, EC5, OL11 and BE34 of the Saved Policies UDP and Policies 3D.14, 4C.3 and 4C.22 of the London Plan.

## **5 NON2 Planning Obligations**

The proposal has failed to secure by way of an appropriate legal agreement contributions towards air quality monitoring, construction training and project monitoring & management; or to secure the implementation of a green travel plan or off-site highways works. The proposal is therefore contrary to Policies R17, AM1, AM2, and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 6A.4 and 6A.5 of the London Plan and the Planning Obligations Supplementary Planning Document.

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

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

### **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
EC5	Retention of ecological features and creation of new habitats
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE34	Proposals for development adjacent to or having a visual effect on rivers
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures

LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
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.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site currently forms the Peugeot car dealership (Charters) which fronts the western side of Cowley Road (A408), a major approach to Uxbridge Town Centre from the south. The Peugeot car dealership is a sui generis use and the current part single storey, part two storey building has a floor space of approximately 1,640 sq metres gross. The property currently provides car retailing, MOT, vehicle repair and servicing.

The application site extends to approximately 0.53 ha and is roughly 'L' shaped. To the north are three storey terraced houses and flats which front Hogarth Close. To the south is another car dealership, the Ford SMC garage and the rear gardens of dwellings in Ferndale Crescent. To the west is the Frays River and a small wooded area, beyond which lies a designated industrial area and the Grand Union Canal. The wooded area to the west of the site is designated as an area forming a link in a green chain and a Nature Conservation Site of Metropolitan or Borough Grade I Importance.

The site has a Public Transport Accessibility Level (PTAL) score of 1b on a scale of 1 to 6 where 1 represents the lowest level of accessibility.

#### **3.2 Proposed Scheme**

Full planning permission is sought for the demolition of the existing building and the erection of a Lidl foodstore of approximately 1640 sq metres gross internal floor space, with a sales area of 1286 sq metres together with car parking and associated works. The proposed building would be single storey in height and set back into the site from Cowley Road, with the front portion of the site laid out as a car park accommodating 78 car parking spaces, including 4 disabled spaces, 10 cycle parking spaces and landscaping.

The proposed building would measure approximately 54 metres in length by 24 metres in depth with a maximum height of 7 metres to the mono pitched roof. It would be constructed from a palette of modern materials including rendered panels, glazing and aluminium.

Vehicular access would be from a single point onto Cowley Road at the southern end of

the site and would result in the permanent closure of the existing access point to the north.

The application states that 15 full-time staff and 15 part-time staff would be employed as a result of the proposal. The proposed opening hours of the store are 8am to 10pm Monday to Saturday and 10am to 5pm on Sundays.

The applicant has submitted various technical papers that describe the development and assess the impact of the proposal. These are summarised below.

\* Design and Access Statement

This statement sets out the design philosophy of the scheme taking into consideration access, sustainability and energy implications.

\* Planning Statement

This statement sets out the background to the proposal, identifies the planning policy context and provides an analysis of the scheme.

\* Extended Phase 1 Habitat Survey Report

This report describes and evaluates the habitats present within the site and assesses the potential for the site to support protected and notable species. The report also discusses the likely impacts of the development on the ecology of the site and makes recommendations for appropriate mitigation measures and further survey effort in this regard.

\* Air Quality Assessment

This report considers the air quality impacts of the proposed development during the construction phase and once the development is fully operational. It concludes that there are no significant air quality constraints to the proposed development and that it does not conflict with the Council's Air Quality Action Plan nor any of the relevant strategies and policies set out in the national, regional and London Council's Air Quality Planning Guidance.

\* Flood Risk Assessment

This report provides a flood risk assessment of the proposal. It finds that the site is within Flood Risk Zone 1 as identified by the Environment Agency indicative Flood Zone Maps as being land least likely at risk of flooding. The report also finds that the site is outside the floodplain of the Frays River and there are no records of flooding at the site. It concludes that the development of a foodstore is categorised as a 'less vulnerable' use and is wholly acceptable in flood zone 1.

\* Arboricultural Impact Assessment Report

This report provides an arboricultural impact assessment of the proposal reviewing any conflicts between the scheme and material tree constraints identified in the survey accompanying the assessment. It concludes that the trees to be retained are generally in good health and capable of withstanding root disturbance or crown reduction whilst the development takes place. It considers that those trees recommended for felling are of little

significance and concludes that their loss will not affect the character of the area. It is considered that any losses can be mitigated by the replacement trees and landscaping associated with the proposed development.

\* Acoustic Report

This report assesses the noise issues in relation to condenser plant noise, delivery noise and car park noise associated with the proposed development. It concludes that the impact of noise levels will not be significant when compared to the existing noise climate.

\* Daylight and Sunlight Study

This study assesses the impact of the proposed development on the light received by the neighbouring properties at 13 to 23 Hogarth Close which are located directly to the north of the site. It concludes that the development design satisfies all the requirements in the BRE Digest 209 and that the proposed development will have a low impact on the light received by neighbouring properties.

\* Energy Statement

This statement considers how the proposed development can reduce its energy demand and associated CO2 emissions and proposes renewable energy measures in the form of a Ground Source Heat Pump for the retail cooling mode.

\* Retail Report

This report explores in detail the capacity for a new deep discount foodstore on the application site and the qualitative benefits of the proposed development. It includes sequential and impact assessments in accordance with the requirements of PPS4 to firstly consider more centrally located sites in preference to the application site and to secondly consider the impact on existing retailers in the study area. It concludes that the proposed store is required to address a current deficiency of convenience retail provision within the study area and addresses all the PPS4 tests in accordance with national planning policy.

\* Transport Assessment and Travel Plan

This report assesses the transport implications of the proposed development. It concludes that the site is accessible by a choice of means of transport and that the development of the proposed store would reduce the number and length of car journeys. In addition it notes that the site enables access for delivery vehicles via the primary road network, therefore avoiding sensitive streets. In order to encourage sustainable modes of a Travel Plan aimed at employees and customers of the proposed store is proposed.

\* Ground Investigation Report

This report describes a geo-environmental ground investigation of the site and provides design recommendations to be incorporated into the scheme.

### 3.3 Relevant Planning History

7008/APP/2003/1286 Charters Of Uxbridge 121 Cowley Road Uxbridge

CONTINUED USE OF PREMISES FOR M O T TESTING (APPLICATION FOR A  
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY)

**Decision:** 27-06-2003 GPD

7008/APP/2005/2885 121 Cowley Road Uxbridge  
USE OF SITE FOR RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)

**Decision:** 12-10-2006 Withdrawn

7008/APP/2005/684 Charters Of Uxbridge 121 Cowley Road Uxbridge  
USE OF SITE FOR RESIDENTIAL DEVELOPMENT (OUTLINE APPLICATION)

**Decision:** 27-04-2005 Refused **Appeal:** 26-09-2006 Allowed

7008/APP/2010/981 121 Cowley Road Uxbridge  
Erection of A1 foodstore, associated parking and landscaping.

**Decision:** 16-06-2010 NFA

7008/P/91/3577 Grange Garage (121) Cowley Road Uxbridge  
Installation of an internally illuminated fascia sign and internally illuminated pole sign

**Decision:** 29-07-1991 Approved

7008/S/95/3129 Grange Uxbridge, 121 Cowley Road Uxbridge  
Installation of three internally illuminated fascia signs and a 6.5 metre high internally illuminated pole sign

**Decision:** 25-07-1995 Approved

7008/T/97/0756 Grange Uxbridge, 121 Cowley Road Uxbridge  
Installation of a 90cm satellite dish antenna

**Decision:** 23-07-1997 Approved

#### **Comment on Relevant Planning History**

None.

#### **4. Planning Policies and Standards**

Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1  
Planning Policy Statement 4 (Planning for Sustainable Economic Growth)  
Planning Policy Statement 9: Biodiversity and Geological Conservation  
Planning Policy Guidance Note 13 (Transport)  
Planning Policy Guidance 24: Planning and Noise

The London Plan (February 2008)

Local Development Framework Accessible Hillingdon Supplementary Planning Document  
(January 2010)

Planning Obligations Supplementary Planning Document (July 2008)

### **UDP / LDF Designation and London Plan**

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

#### Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.19 To maintain a hierarchy of shopping centres which maximises accessibility to shops and to encourage retail development in existing centres or local parades which is appropriate to their scale and function and not likely to harm the viability and vitality of Town or Local Centres.
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.31 To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

#### Part 2 Policies:

- EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves
- EC3 Potential effects of development on sites of nature conservation importance
- EC5 Retention of ecological features and creation of new habitats
- BE10 Proposals detrimental to the setting of a listed building
- BE13 New development must harmonise with the existing street scene.
- 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.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE34 Proposals for development adjacent to or having a visual effect on rivers
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures
- LE4 Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
- 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.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **7th July 2010**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

The application was advertised as major development under Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 and 435 neighbours were consulted. 50 replies, including 4 petitions signed by 27, 70, 259 and 162 persons respectively and a letter from John Randall MP have been received objecting to the proposal on the following grounds:

1. Additional traffic resulting in an increase in noise, congestion, accidents and rat running in neighbouring roads.
2. Nuisance caused by construction traffic.
3. Already enough supermarkets and discount stores in Uxbridge and West Drayton.
4. Adverse impact on local businesses.
5. Additional noise and disturbance and a loss of privacy to neighbouring properties as a result of siting of delivery area and increased pedestrian activity at the rear of the site.
6. Existing boundary wall is inadequate to safeguard the amenities of neighbouring properties.
7. Loss of security to neighbouring properties and an increase in crime and anti social behaviour.
8. Increase in rubbish.
9. A residential development would be more appropriate on the site.
10. Proposed store should be sited closer to Cowley Road and a visual and audible barrier should be provided to safeguard properties in Hogarth Close.
11. Deliveries at anti social hours would cause a nuisance to local residents.
12. Opening hours of proposed store would affect quality of life of existing residents.
13. Proposed store would result in a loss of privacy and outlook to properties in Hogarth Close.
14. Lighting of proposed building and car park would cause a nuisance to neighbouring properties.
15. Proposed landscaping scheme lacks detail.
16. Existing brick wall should be extended for the full length of properties in Hogarth Close and a line of trees provided on the boundary with these properties.
17. Adverse impact on property prices.
18. Increase in on-street car parking.
19. Adverse impact on pedestrian safety.
20. Increase in pollution.
21. More trees and quality children's play space required instead of proposed supermarket.
22. Inappropriate in a residential area.

23. Nearby bus stop facilities should be improved.
24. Development would involve the demolition of a listed wall.
25. Sale of cheap alcohol would cause problems of anti social behaviour in the area.
26. Access to the store would be car dominated.
27. Proposed vehicular access to Cowley Road would be dangerous.
28. Proposed store would present a fire risk.
29. Adverse impact on ecology.
30. Insufficient turning space for delivery vehicles on site.
31. The proposal fails to comply with the advice in PPS4 as there are sites sequentially preferable to application site and the impact on nearby shopping centres has been underestimated as the available capacity has been over estimated.

3 replies has been received in support of the application on the grounds that the proposed development would provide a local facility and that there are adequate car showrooms elsewhere in the area.

#### ENVIRONMENT AGENCY

The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

#### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2010, ref: X210055/DKP, Revision B and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off rate generated to a maximum of 62.23l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Providing clear access to Fray's River for maintenance purposes.

#### Reasons

1. To prevent the increase in flood risk by ensuring the satisfactory storage and disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

We ask to be consulted on all details submitted in compliance with these conditions.

#### BAA AIRPORTS

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 detailed below:

Development shall not begin 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 the 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' attached.

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 development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Heathrow Airport.

#### 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.

#### NATURAL ENGLAND

Thank you for your Council's recent correspondence in respect of the above planning application seeking the views and comments of Natural England, your request has been passed to me as a member of the Future London Team for response. I have now had the opportunity to look through the details submitted and in order to expedite the Council's decision process I have taken the liberty of issuing our response in the form of this e-mail.

After careful consideration of the information provided it is our opinion that this proposal does not affect any priority interest areas for Natural England, therefore we do not object to the proposal. However, if you are aware of any reason why Natural England should comment further on this application please let us know as soon as possible.

Natural England encourages the consideration of the Mitigation and Enhancement measures proposed in section 5.2 of the Ecological Survey by Windrush Ecology dated May 2010, and in particular the proposals to include dense planting of the Western Site boundary using native species.

Although we are unable to offer any further comments on the information submitted, we recommend that should your Council be minded to grant permission for this application you secure, as appropriate, measures to enhance the natural environment in accordance with the planning guidance referenced below.

#### Biodiversity

Paragraph 14 of PPS9: Biodiversity and Geological Conservation states that 'Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.'

As stated in London Plan Policy 3D.14, 'The planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Where appropriate, measures may include creating, enhancing and managing wildlife habitat and natural landscape and improving access to nature.'

#### SOUTH BUCKS DISTRICT COUNCIL

No objection.

#### **Internal Consultees**

URBAN DESIGN OFFICER

There are no objections from an urban design point of view to the redevelopment of the site with regards to the scale, position or character of the proposed building. The mono-pitched roof assists in reducing the visual impact, as does the position exposing the gable to the street frontage. The simple, contemporary design approach and the minimalist materials are supported from an urban design point of view.

The importance of proper boundary treatment along Cowley Road, a low robust wall has been proposed, as well as appropriate landscaping to soften the wall and to add volume and reduce the scale of the car park has been raised during pre-application discussions. A detailed hard and soft landscaping scheme of the open spaces should be required by condition, as the proposal does not go into sufficient detail on this point. However, the landscaping needs to be further strengthened along with previous advice as it gives a too vague and weak impression to provide any structural and visual benefit. There is for example no planting at all on the north or the south side, and only 4 trees in the centre of the site.

#### TREES AND LANDSCAPE OFFICER

I refer to the above application, the Design & Access Statement, Windrush Ecology's Phase 1 Habitat Survey, Landmark Trees Arboricultural Impact Assessment, Poole & Pattle drawing Nos. 1921.01E, 02.B, 03A, YGS drawing No. YGSWBLIDUX/1, HRH drawing No. 1060 (Landscape scheme, Outline tree pit spec.) and a recent site visit:

#### The site

The site is currently occupied by a car showroom and workshops and there are no significant landscape features within the site which constrain development. On the west boundary there is a belt of trees and shrubby vegetation which line the east bank of the River Frays. Trees on, and close to the site are not protected by TPO or Conservation Area designation.

The river corridor is situated within the Uxbridge Moor of Borough Grade 1 Importance. The submission includes a Tree Survey and Phase 1 Habitat Survey which consider the impact of the development on these off-site landscape and ecological features.

#### The proposal

The proposal to demolish the car sales and repair buildings and erect a single-storey supermarket will result in the build development being set back to the rear (west) of the site, leaving the front half of the site as an open space (car park) fronting onto Cowley Road. Soft landscape enhancement includes robust ornamental shrub planting in the north-east corner of the site and around the site entrance, together with 4No. Lime trees along the back edge of Cowley Road. Within the centre of the car park a further 4No. Limes within tree pits will help to reduce the visual impact of the shoppers' car park. The backcloth of riverside trees will be visible from the road above the new single-storey building, as indicated on drawing No. 1921.02.B.

The landscape proposals to the east of the building will enhance views into the site and satisfy saved policy BE38.

#### Landscape and ecology issues (to be conditioned)

The supporting documents include information submitted as a result of pre-application advice.

#### Ecological Survey

The ecological survey concludes that no further surveys are considered necessary. It recommends that new planting of native species within the site should take place along the western boundary. This is not feasible due to the site layout and siting of the building. Further recommendations include the erection of a multi-chambered House Sparrow Nest Box high up on the building close to the west boundary, and the control of light spillage/pollution on the west boundary.

#### Tree Survey

In section 7.0 the Tree Survey concludes that the potential impacts of development on trees are all relatively low in terms of overall root protection percentage.

Nevertheless, the specific recommendations noted in section 8.0 suggest that the mitigation of impacts (listed in 6.3) should be controlled through a construction and arboricultural method statement - which should be conditioned.

#### Planting plans

Two different planting plans have been submitted. The YGS drawing, dated 15 April 2010 appears to have been superseded by HRH drawing No. 1060, dated 19 April 2010. The supporting comments are based on the HRH proposal. Conditions should be attached to ensure that an appropriate plan is implemented.

#### Landscape maintenance

In addition to the standard 12/24 month defects liability period, details of future landscape maintenance should be secured by condition.

#### Recommendation

No objection subject to conditions TL1, TL2, TL3, TL5, TL6, TL7 and TL21.

### ENVIRONMENTAL PROTECTION UNIT

#### NOISE AND AIR QUALITY

There are no objections to this proposal.

Should the proposal be recommended for approval, the following conditions should be added:

#### Condition 1 - operational hours

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food, between the hours of 2300 hours and 0700 hours on Mondays to Saturdays, and between the hours of 2300 hours and 0800 hrs on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of the occupiers of nearby properties.

#### Condition 2 - deliveries and collections

Deliveries to the premises and waste collections from the premises shall be restricted to the following hours:- 0700 hrs to 1900 hrs Monday to Saturdays and not at all on Sundays and Bank/Public Holidays.

Reason: To safeguard the amenity of surrounding areas.

#### Condition 3- General litter/waste

No development shall take place until a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

#### Reason:

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy S1 of the Hillingdon Unitary Development Plan.

#### Condition 4 - Noise affecting residential property

The rating level of noise emitted from the plant and/or machinery hereby approved 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 5 - Dust (Construction Air Quality)

Development shall not begin until a scheme for protecting surrounding dwellings from dust emitted from the construction works, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of dust control measures and other measures as may be approved by the Local Planning Authority.

Reason:

It is known that dust from construction works can cause nuisance by soiling surfaces and other articles in and about buildings. Dust can also cause irritation such as irritation to the eyes, nose, and throat. There is growing evidence and concern that dust, especially the very small and fine dust particles, can cause or exacerbate respiratory ill-health.

According to the Air Quality Assessment provided by RPS on behalf of Lidl UK GmbH, there are no significant air quality constraints to the proposed development. However, the background annual-mean concentrations used in the assessment were sourced from LBH Diffusion Tube - HD49. This may not be representative due to this tube being located in a different area and the concentrations recorded at diffusion tubes closer to the site, such as HD52 - 101 Cowley Mill Road, indicate higher concentrations which are close to the objective/limit value. The development site is within an Air Quality Management Area (AQMA) where there are areas of NO<sub>2</sub> exceedences. Where NO<sub>2</sub> levels are above 40ugm<sup>3</sup> then it is exceeding the National Air Quality Objective set by the Government. It should be highlighted that the measured levels of NO<sub>2</sub> within the AQMA are static (as also seen in a number of other London Councils) where the levels are showing no decrease in the future years. A precautionary approach should be taken to the improvements assumed. Therefore, the following condition is advised:-

Condition 6 - Section 106

Section 106 obligation for £25,000 should be sought for contribution to the air quality monitoring network in the area.

Reason:

The proposed development is within an Air Quality Management Area (AQMA) and will cause increases in an area already suffering poor air quality.

Condition 7 - External Lighting

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason:

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan and/or in the interests of highway safety.

Construction Site Informative:

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

(i) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of;

- 0800 and 1800 on Monday to Friday

- 0800 and 1300 on Saturday.

No such work must be carried out on Sundays and Bank Holidays. All noise generated during such works must be controlled in compliance with British Standard 5228;

(ii) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance - The control of dust and emissions from construction and demolition, Greater London Authority, November 2006);

(iii) No bonfires on the site shall be allowed to take place at any time.

## CONTAMINATED LAND

The ground investigation report accompanying the application provides a reasonable preliminary assessment of the site. There is a desk study followed by an environmental assessment using 13 window sampler boreholes to obtain ground information based on the desk study. The boreholes are sampled for soil and water contamination and some gas readings have been taken.

The desk study is pointing to a tank farm of 6 tanks with an interceptor system in the south east part of the site. Petroleum records do not identify petrol so this may have been diesel storage. Groundwater monitoring indicates hydrocarbon levels are elevated where the tanks should be found. Boreholes near the tank area were avoided to prevent pollution, and the next stage may be to dig out in the suspected area and remove the tanks and any surrounding contaminated soil. There is also evidence of a past overground tank and a high level heating oil tank presently on site. The garage seems to have been used at least since 1963 and there being a tank farm and interceptor system present. The potential costs of remediation are given as is the volume of expected contaminated soil at 670 m<sup>3</sup>.

The boreholes showed a made ground generally up to 1.8 metres of ash, concrete, brick etc with some organic matter. The made ground is deeper in the west but also deep where the tanks should be located (2.4 metres). Alluvial soils are present on site and the lower strata are river terrace gravels. Gas and groundwater issues may be present.

Soil analysis of made ground samples did not show contaminants above the standards for a commercial end use. This analysis involved the statistical consideration of 10 sample results. The water sampling did show elevated TPH and slight PAH, with some Nickel levels also being found. This may be related to the tanks. The survey was limited to outside of the buildings (still in use) and away from the suspected tank area. Gas was monitored on two return visits and the gas levels and flows were not a cause for concern. Considering the location of the boreholes it appears that more investigation is necessary after demolition to give a better coverage of the site (the site is still in use and the building looks inaccessible for investigation). There should be further soil sampling to clarify the level of contamination throughout the site and impact of the fuel tanks. Gas and water monitoring should also be carried out in the boreholes available over a longer term.

It would appear that further investigation is necessary to supplement the work by Opus consultants. The current Opus report includes a chapter on 'Recommended Remediation Strategy' (Chapter 8.5). This is schematic and a detailed remediation strategy will be needed following the completion of all necessary investigatory work. The information submitted is sufficient for the application to go

to committee as regards contaminated land issues. I would advise that a contaminated land condition is applied to any permission given for this development. I would apply a staged condition as below. Please contact me if you have any queries on the site.

The Environment Agency will most likely advise their contaminated land condition especially given the proximity of the river and shallow groundwater at this location.

Standard Contaminated Land Condition for use where land contamination is known or suspected based on former or adjacent use (refer to PPS23)

The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(i) 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;

(ii) 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;

(iii) (a) 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 and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA prior to its implementation. (b) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iv) Upon completion of the remedial works, this condition will not be discharged until a verification report has been submitted to and approved by the LPA. The report shall include details of the final remediation works and their verification to show that the works have been carried out in full and in accordance with the approved methodology.

Note: The Environmental Protection Unit (EPU) must be consulted at each stage for their advice when using this condition. The Environment Agency (EA) should be consulted when using this condition.

#### 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).

#### PRINCIPAL ACCESS OFFICER

As detailed in the Design & Access Statement accompanying the application, the proposed facility will be subject to the Disability Discrimination Act 1995. The applicant is, however, reminded of the duties set out in the Disability Discrimination Act 1995, with regard to service provision. The responsibility of service providers is to disabled people at large, and the duty is anticipatory.



The failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider, if/when challenged by a disabled person. It is therefore recommended that the applicant takes full advantage of the opportunity that this development offers, to improve the accessibility of the premises to people with mobility and sensory impairments.

The following observations are provided:

1. The presence of a glass door should be made apparent with permanent strips on the glass (manifestation), contrasting in colour and luminance with the background seen through the glass in all light conditions. The edges of a glass door should also be apparent when the door is open. If a glass door is adjacent to, or is incorporated within a fully glazed wall, the door and wall should be clearly differentiated from one another, with the door more prominent.
2. The proposed plans do not currently include any WC provision for disabled people and at least one accessible unisex toilet is required.
3. Toilets should be designed in accordance with the guidance given in Approved Document M to the Buildings Regulations 2004.
4. The accessible toilet should be signed either 'Accessible WC' or 'Unisex'. Alternatively, the use of the 'wheelchair' symbol and the words 'Ladies' and 'Gentlemen' or 'Unisex' would be acceptable.

NB: The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. Whilst an employer's duty to make reasonable adjustment is owed to an individual employee or job applicant, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. The failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider, if/when challenged by a disabled person. It is therefore recommended that the applicant takes full advantage of the opportunity that this development offers, to improve the accessibility of the premises to people with mobility and sensory impairments.

Conclusion:

On the understanding that the above observations can be incorporated into revised or additional plans, I would have no objection to the proposed development.

#### ACCESS PANEL

Objects on the following grounds:

- \* Brown/Blue Badge spaces insufficient/non existent. Should be 10%.
- \* Lorry/delivery manoeuvring safety concerns - conflicts with disabled spaces/pedestrian movement.
- \* Disabled WC not shown on the plan (but identified in the access statement).
- \* Toilets: unisex disabled toilet - refers to out of date legislation - 2009 legislation supersedes 2001 legislation. Fixed shut toilet seat. Radar lock suggested (otherwise free for all/nappy changing will occur etc).
- \* No waste storage point shown (so how accessible this is could not be considered).
- \* Access statement refers to matters not shown on the plan (re: no accessibility measures actually shown on the plans).
- \* Doorway access crucial - photo in access statement makes entrance door arrangement look too narrow.

Access statement should also consider:

- \* Is there a hearing loop system for checkouts? (Sainsbury's, Tesco and Asda do this).
- \* Are there going to be trolleys that clip on to wheelchairs?

## WASTE DEVELOPMENT MANAGER

I would make the following comments on the above application regarding waste management.

a) The best estimate for the volume of waste arising from a shopping centre can be made based on the square metres of sales area. This information does not appear to be present. However, based on experience, the development could be expected to generate 10 litres of waste per square metre of floor area.

Bulk bins would be required to safely and hygienically contain the non recycled waste, until it is collected by a licensed waste carrier. The 1,100 litre type of bulk bin is the smallest type of bulk bin I would recommend which have a height of 1.37m, depth of 0.99m and width of 1.26m. However, larger bulk bins are available that can be emptied / exchanged by different collection vehicles.

b) Lidl have stated they wish to capture cardboard waste for recycling and vegetable waste for composting. This is good practice.

c) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard).

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

e) The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

## HIGHWAYS ENGINEER

### Trip Generation

Linked trips were estimated on the basis of one sample survey and it is not considered reasonable to surmise that 40 % of Friday trips are already using the local highway network. Moreover not all of the 40 % trips would be on Cowley Road.

### Junction Assessment

The following 5 junctions were surveyed and assessed :

1. A408 Cowley Road/Cowley Mill Road/Chiltern View Road traffic signals
2. A408 Cowley Road/ existing site access.
3. A408 Cowley Road/ Cowley Business Park roundabout.
4. A408 High Street / Station Road signals
5. A408/Iver Lane signals.

Of greatest concern is the performance of the Cowley Road/Cowley Mill Road junction. The applicant's position is that the increase at this junction, resulting from their development, is within 1% and should therefore be regarded as non -material.

The Lidl development traffic inevitably increases junction over-saturation. This would happen as early as year 2011. A delay based signal optimiser, if installed, ( the applicant is willing to provide funding up to £ 10,000 for any mitigation works) would give priority to high demand flows on Cowley Road, resulting in queues and delays on Cowley Mill Road. In year 2011 the saturation levels reaching an unacceptable 124% with queues of 103 vehicles backing almost to the new signal junction at the site entrance to the former British Gas site. Junction improvements including an advanced system of signal control at the Cowley Mill Road/Cowley Road junction is required. The applicant has not shown any willingness to fully fund this work.

#### Access and Car Park Layout

Auto tracks show delivery vehicles entering and leaving the site fully occupying the opposing lane on Cowley Road during both these manoeuvres.

The car park layout ought to be improved by reducing the isle widths ( currently 7 metres, minimum 6 metres required ) in order to provide additional landscaping along the front and southern boundaries.

The pedestrian footway through the car park adjoining the parking spaces should be raised and not be level with the car parking surface.

The application as it currently stands cannot be supported on highway grounds.

#### SUSTAINABILITY OFFICER

##### Proposal:

Change of use from car sales and repair (mixed use sui generis and Class B2) to supermarket (Class A1), involving demolition of existing building and erection of single storey supermarket building, associated car parking and landscaping.

##### Comments:

I object to the proposed development as submitted for the following reasons:

- 1 The development does not sufficiently consider the boundary with the Fray's River SINC and is therefore contrary to policies 4C.3, 4C.4 and 3D.14 of the London Plan
- 2 The proposals do not adequately represent the works being undertaken to the west of the site, making it difficult to properly assess the impacts.

##### (A) Relationship with Fray's River SINC

The existing building on the site is set back approximately 40metres providing a suitable stand off distance to allow the flora and fauna along the western boundary to develop. The new development is proposed within 5 metres, overshadowing the SINC, as well as increasing impacts from light.

Policy 3D.14 requires the planning of new development to:

Have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development.

In addition 4C.3 should protect and enhance blue corridors by:

- Resisting development that results in a net loss of biodiversity
- Designing new waterside developments in ways that increase habitat value

There is no evidence that the proposals will accord with either of these policies. The development

could have an adverse impact on an urban area with excellent wildlife value.

- The applicant should consider the site layout so as to minimise the impacts on SINC, and to allow opportunities to enhance it.
- The ecological assessment needs to consider the above policies and demonstrate how they have been complied with.

#### (B) Inaccurate and Conflicting Information

The development abuts the Frays River Borough Grade 1 Site of Important Nature Conservation (SINC). This provides a corridor of excellent natural habitat for a variety of flora and fauna.

The second paragraph of 4.4.1 of the supporting ecological assessment states

The Fray's River SINC lies adjacent to the site boundary. However, direct impacts on this habitat are considered unlikely as there will be no removal of woodland beyond the western site boundary. The area of hard-standing currently runs right up to the site boundary and so the new development will not result in any significant change to the nature of habitats which bound the Fray's River.

The arboricultural impact assessment submitted with the application shows works to trees beyond the red line boundary which is contradictory the statement made in the ecological assessment. This assessment also identifies an area of extensive vegetation that appears to overhang the rear of the site. It is not clear from the plans provided how much landscaping works will take place beyond the perimeter of the new development.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

PPS4: Planning for Sustainable Economic Growth sets out at policy EC10 the considerations against which all planning applications for economic development (such as that proposed under this application). Sub Policy EC10.2 sets out that:

'All planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives e. the impact on local employment'

It should be noted that in order to provide a full and appropriate response to climate change as required by 10.2(a) developments need to not only minimise emissions of carbon dioxide arising from the built form itself but also deliver sustainable patterns of growth which encourage the use of sustainable transport and reduce the need to travel, especially by car; and conserve and enhance biodiversity. These issues are discussed in detail elsewhere in this report, however overall it is not considered that the proposal would adequately mitigate or minimise the impacts of climate change over its lifetime.

The proposed development is also considered to be poorly located in terms of walking

distance and public transport links to a significant proportion of the catchment area it would serve and is beyond a reasonable walking distance from nearby town centres in terms of linked trips. The scheme would result in a high level of trip generation and would serve to significantly increase local congestion. No adequate measures are proposed to mitigate these material impacts which are discussed elsewhere in this report. Overall, the scheme would have a detrimental impact on the material considerations set out under 10.2(b).

Policy EC10.2(c) relates to ensuring a high quality and inclusive design. It is considered that the proposal would provide an appropriate response in terms of this consideration, subject to conditions.

Policy EC10.2(d) relates to economic regeneration & EC10.2(e) employment generation. In this case as discussed later in this section of the report the proposal would have adverse economic impacts. In terms of employment generation the applicant notes that at present 20 full time staff are employed at the site, this would be increased to 30 full time equivalent. While this would represent a net increase of 10 employees it is not considered to represent such a significant increase as to outweigh the adverse impacts associated with the development in terms of its poor response to climate change, inadequate access by sustainable forms of transport or adverse economic impact (including failure to reinforce the vitality and viability of centres).

Policy EC15 of PPS4 requires that developers proposing retail uses outside of existing centres undertake a sequential test, to show that there are no alternative sites either in a centre or at the edge of a centre where the proposal could locate.

The government guidance in relation to PPS4 makes it clear that refusal of applications on the basis of the sequential approach must be on the basis that there is a reasonable prospect of a sequentially preferable site coming forward. Sites have to be, suitable, available and viable. In this case the applicant has provided a robust analysis of 35 sites in Uxbridge, Yiewsley & West Drayton and Hillingdon Heath. The applicant concludes that there are no suitable, viable and available sites.

While there is some uncertainty as to whether the store could be located within a smaller amount of floorspace (eg. operating under a circa 600sq.m format rather than a circa 1640sq.m format) at the time of writing this report officers are not aware of any sites with a reasonable prospect of coming forward and meeting either criteria. Accordingly, it is considered that at the current time the sequential test has been satisfied. However, regardless of the indications of the sequential assessment the proposal must also be acceptable in accordance with Policies EC10, EC16 and EC17 of PPS4.

Policy EC16 of PPS4 sets out the criteria against which out of centre retail proposals should be assessed in terms of impact, including the following impacts on centres:

- a. 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;
- b. the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
- c. the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
- d. in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;

- e. if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres; and
- f. any locally important impacts on centres under policy EC3.1.e.

The applicant has submitted a Retail Impact Assessment to address the above. The analysis firstly provides an assessment of capacity, i.e. whether expenditure exceeds sales in stores, concluding there is a significant surplus of expenditure.

This is considered overly simplistic. The catchment area around the store represents the area where residents, workers and visitors who are likely to shop at the proposed Lidl, are located. This area does not extend as far as Yiewsley or Uxbridge, however it is clear that residents, workers and visitors in the catchment area currently shop in stores beyond it, e.g. those in Yiewsley.

Having regard to what residents within the catchment area spend within Uxbridge and Yiewsley centres it is not considered that the surplus shown by the applicant is an accurate reflection of real capacity.

The applicants Retail Impact Assessment acknowledges this. However, no attempt is made in the Retail Impact Assessment to quantify the capacity taking into account expenditure of the catchments area residents within the existing nearby centres. Bearing in mind the limited capacity identified in the Council's Town Centres Study, there is no certainty that the actual expenditure not being met in existing stores would support the additional out of centre store proposed.

The applicant's Retail Impact Assessment goes on to estimate turnover in the new store to be around £3.26 million in 2012, and estimates from which existing centres/stores it expects sales would be drawn, notably 77% is expected to come from Uxbridge Town Centre, 15% from Yiewsley/West Drayton and none from nearby parades.

The share of Lidl sales drawn from individual stores as predicted by the applicant's Retail Impact Assessment is set out below:

#### UXBRIDGE

Iceland:	13%
M&S:	15%
Sainbury's:	25%
Tesco Metro:	24%

#### YIEWSLEY

Aldi:	6%
Iceland:	3%
Morrisons:	16%
SPAR:	2.5%
Tesco Yiewlsey (Committed):	2%

There is concern with regard to the above apportionment. The Government guidance in relation to PPS4 states that in judging impact, it is important to take into account the following:

- i)Character of the development: There is a general presumption that like effects like.
- ii)Distance: It is assumed that generally consumers will seek to use the closest

comparable facility.

While the application site is closer to Uxbridge Town Centre than to Yiewsley, in terms of pricing Lidl offer a limited range of merchandise at low prices. It is worth noting that Sainsbury's and Marks and Spencer typically offer goods at a higher price point than Lidl.

Shoppers at Marks and Spencer include many day time workers, rather than just residents. Workers in Uxbridge Town Centre are unlikely to travel to Lidl in, for example, lunch hours to buy goods they normally purchase in M&S. Given the pricing differences and nature of Town Centre customers, it is considered that the assumed portion of Lidl sales to be drawn from sales currently occurring in Sainsbury's and Mark's and Spencer are overly high.

Conversely, given the comparability between Aldi and Lidl, it is considered that the assumed portion of Lidl sales to be drawn from these stores is low.

The applicant's analysis also assumes that no sales will be drawn from the shopping parades within the trade area. Given the advantages of the proposal in terms of car parking and that some residents would be closer to the Lidl than to local parades, and that the goods on offer in Lidl will overlap to some degree with merchandise sold in stores within the parades, an assumption that no trade at all will be diverted from Parades to the proposed Lidl is not convincing.

In this regard, there is significant concern that the proposal would impact on existing and committed stores in town centres and elsewhere in the catchment area. There is also concern that the proposal would not encourage linked trips to other in centre stores, and that the effects of trade diversion on in-centre stores and in-centre trade/turnover generally, would adversely impact upon the vitality and viability of near by town centres (specifically Yiewsley/West Drayton) and parades. The application is not considered to accord with policy EC16.1.

Policy EC17 of PPS4 notes that planning applications for main town centre uses, that are not in an existing centre and not in accordance with the development plan, should be refused where there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of the impacts set out in policies EC10.2 and EC16.1 of PPS4.

PPS4 makes it clear that judgements about the extent and significance of any impacts should be informed by the development plan and any recent local assessments of the health of town centres.

The applicant has undertaken health checks of Uxbridge Town Centre and Yiewlsey/West Drayton, as well as the various parades. These have been examined by the Council and concern is raised in relation to the health check undertaken for Yiewsley/West Drayton.

The applicant's Health Check for Yiewsley/West Drayton was undertaken in July 2007. This Health Check identified a vacancy rate of approximately 10.69%. Which is compared favourably to the national average vacancy rate of 12.3%.

A more recent study of the Health of Yiewsley/West Drayton was undertaken by the Council in July 2010. This study identified the vacancy rate was approximately 19.33%, which is well above the 12.3% national averages. Examination of the 'Health Checks' undertaken by the Council of Yiewsley/West Drayton over the last 5 years confirm that vacancy rates have been increasing.

There is concern that trade diversion from retailers in Yiewlsey and West Drayton, coupled with the loss of linked trips will mean that the proposal is likely to lead to significant adverse impacts on this centre, including in terms of its vitality and viability.

Policy EC17(a) of PPS4 indicates that:

'Planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:

- a. the applicant has not demonstrated compliance with the requirements the sequential approach (policy EC15); or
- b. there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.'

It is considered that the proposal would lead to significant adverse impacts to matters of material concern set out within Policies EC10.2 and EC16.1, accordingly the proposal is contrary to the requirements of PPS4 and should be refused for this reason.

#### **7.02 Density of the proposed development**

The application proposes the erection of a retail supermarket within Use Class A1, considerations relating to residential density are therefore not relevant.

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

The application site is previously developed and it is not considered that the proposed development is likely to result in any significant harm to archaeological remains.

The site does not lie within or in proximity to any Conservation Areas, Areas of Special Local Character or Conservation Areas.

#### **7.04 Airport safeguarding**

The application has been reviewed by NATS and BAA Safeguarding, who represent the relevant airport safeguarding authorities, and no objection is raised subject to the imposition of a condition to ensure that a Bird Hazard Management Plan is in place.

Subject to imposition of the recommended condition it is not considered that the proposal would be detrimental to the safe operation of aircraft and would comply with Policy A6 of the Saved Policies UDP.

#### **7.05 Impact on the green belt**

The closest area of Green Belt land to the application site lies within site 2 of Brunel University, approximately 60m away and to the rear of two storey properties on the eastern side of Cowley Mill Road.

It is no considered that the proposal would be visible or conspicuous from this area of Green Belt land and accordingly the proposal would not conflict with Policy OL5 of the Saved Policies UDP.

#### **7.07 Impact on the character & appearance of the area**

The proposed building would measure approximately 54 metres in length by 24 metres in depth with a maximum height of 7 metres to the mono pitched roof. It would have two mono-pitched roofs and be constructed from a palette of modern materials including rendered panels, glazing and aluminium.

The building would be set back approximately 58m from Cowley Road with the site frontage provided a car park with 78 spaces, which would be interspersed with tree



planting and landscaping.

In relation to the setback of the building from Cowley Road, it is noted that the existing building on the application site and the neighbouring site do not match the predominant building line of residential properties on Cowley Road. While the proposal would be set further back than the residential building line it would, being a commercial retail development, have a different character and subject to an appropriate level of soft landscaping being secured within the car parking area there is not objection to the siting of the building in this case.

In terms of the building design the mono-pitched roof is considered to assist in reducing the visual impact, as does the proposed gable to the street frontage. The simple, contemporary design approach and the minimalist materials are considered appropriate having regard to the type of development and surrounding area, including the neighbouring site.

No objections are raised from an urban design point of view to the redevelopment of the site with regards to the scale, position or character of the proposed building.

Subject to appropriate conditions a robust landscaping scheme appropriate to the scale and design of the building and the level of proposed hard standing could be secured in order to ensure that the impact of the development was softened and appropriate having regard to the character of the surrounding area.

Accordingly, no objection are raised in terms of policy BE13.

#### **7.08 Impact on neighbours**

Issues relating to the potential impact of noise on the neighbouring properties have been addressed in the Noise and Air Quality Issues section below.

Policy BE24 the Saved Policies UDP and guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts require that the design of new buildings protects the privacy of occupiers and their neighbours.

The proposed building would be only single storey in height and does not have any windows on the northern elevation facing Hogarth Close. It is therefore considered that the proposed development would not result in any detriment to neighbouring owners or occupiers as a result of overlooking and that the scheme complies with policy BE24 of the Saved Policies UDP.

The HDAS - Residential Layouts and Policy BE20 of the UDP seek to ensure that all new developments maintain appropriate provision of daylight and sunlight to neighbouring properties and avoid overshadowing.

The submission is accompanied by a Daylight and Sunlight Study which has been undertaken in accordance with Building Research Establishment (BRE) Guidance. The study indicates that all windows to existing residential properties neighbouring the development will continue to receive adequate amounts of daylight and and sunlight.

The report indicates that only the gardens of Nos. 16 and 17 Hogarth Close will suffer additional loss of sunlight availability on the 21st March as a result of the development. The BRE guidelines indicate that sunlight availability will be adversely affected if there is a reduction of 20% in sunlight availability. The proposal would result in a reduction in

sunlight availability of circa 8% from the existing situation, which is significantly below the level at which sunlight availability would be adversely affected.

It should also be noted that the proposals would result in an increase in the level of sunlight availability within the rear garden of No. 13 Hogarth Close.

Overall, the proposal would not result in a loss of light which would be adverse to the amenity of neighbouring residential occupiers and accordingly would comply with Policy BE20 of the Saved Policies UDP.

Policy BE21 of the UDP and guidance within HDAS - Residential Layouts requires that proposals for new buildings would not result in a significant loss of residential amenity by reason of their, siting, bulk or proximity. The HDAS - Residential Layouts clarifies that in general circumstances a minimum separation of 15m should be provided where a building of two or more storeys is proposed in order to avoid overdominance.

The proposed building is single storey with a mono-pitched roof, reducing from 7m to 4.5m in height at the closest point to the residential properties on Hogarth Close. The roof has a maximum height of 5.2m within 15m of the residential properties on Hogarth Close and it is not considered that a building of this height would have an unacceptably dominant impact on the occupiers of these properties. The proposal is therefore considered to comply with Policy BE21 of the Saved Policies UDP.

In summary, it is considered that the proposed development would have a satisfactory relationship with, and maintain an appropriate level of residential amenity to, neighbouring residential properties.

#### **7.09 Living conditions for future occupiers**

The application proposes the erection of a retail supermarket within Use Class A1, there will therefore be no future residential occupiers.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

##### **TRAFFIC IMPACT & SUSTAINABLE TRANSPORT**

The applicant has submitted a transport assessment and a supplementary technical note in support of the application which contains an assessment of trip generation, parking requirements and assessment of the operation of the highway network, including junctions, based on a combination of primary and secondary data sources.

The transport assessment indicates that the proposed store would result in a significant increase in traffic generation above the existing use of the site as a car dealership, servicing and repair centre.

The following 5 junctions were surveyed and assessed :

1. A408 Cowley Road/Cowley Mill Road/Chiltern View Road traffic signals
2. A408 Cowley Road/ existing site access.
3. A408 Cowley Road/ Cowley Business Park roundabout.
4. A408 High Street / Station Road signals
5. A408/Iver Lane signals.

The assessment indicates that in 2011 (the modelled opening of the development) a number of junctions would be oversaturated and of particular concern is the performance of the Cowley Road/Cowley Mill Road Junction.

The applicant's position is that traffic generated by the proposed development would constitute less than 1% of the total traffic flow and should not be considered material. However, traffic from the development will inevitably increase junction over-saturation and the submitted information demonstrates that traffic from the proposed development would add significantly to junction oversaturation, delays and queue length at the Cowley Road/Cowley Mill Road Junction.

For example in year 2011 the modelling demonstrates that with the development the Cowley Mill Road branch of the junction would be at an unacceptable 124% saturation with a maximum queue length of 103 PCU's. This compares to a 102% saturation, and 32 PCU maximum queue length without the development.

Junction improvements including an advanced system of signal control at the Cowley Mill Road/Cowley Road junction is required and the applicant has not indicated a willingness to fully fund this work (It should be noted that partial funding would not allow the undertaking of the works or secure their delivery, meaning that mitigation of development impacts could not be secured).

It is therefore considered that the proposed development would result in additional traffic generation which would prejudice the free flow of traffic and operation of the highway network contrary to Policies AM2 and AM7 of the Saved Policies UDP.

In addition, policy AM1 of the Saved Policies UDP indicates that developments which serve or draw upon more than a walking distance based catchment area will only be permitted if;

- (i) it is or can be made accessible by public transport from the area which it is likely to draw the majority of its employees, potential customers or visitors, and
- (ii) the existing or proposed public transport system has sufficient capacity to absorb the additional journeys generated by people travelling to the completed development.

Policy 3C.1 of the London Plan, which represents a more up to date development plan policy, requires among other criteria that developments seeks to ensure the integration of transport and development by:

- \* encouraging patterns and forms of development that reduce the need to travel, especially by car; and
- \* in general, supporting high trip generating development only at locations with both high levels of public transport accessibility and capacity, sufficient to meet the transport requirements of the development.

The catchment area for the proposed development as demonstrated by the submitted retail report extends a distance of approximately 2.4km to the south east of the application site and a significant proportion of residential properties lie on the south eastern extremity of the catchment area. This distance significantly exceeds 2km, which is set out within PPG13 as the distance at which walking offers the greatest potential to replace short car trips identified, and this situation would be worsened when taking into account actual walking distances to the development and the reduced walking distance which would be feasible for users of this type of development.

Furthermore, the application site has a poor level of public transport accessibility of 1b and the submitted information only demonstrates bus routes servicing the application site running north to south along Cowley Road. There would also appear to be an especially poor link by public transport to the east and south east of the catchment area. There are no proposals to improve access to the site from these areas by public transport.

While a Travel Plan is proposed by the applicant it is considered that this has been taken into account within the transport assessment and that it would do little to encourage sustainable modes of transport having regard to the location, accessibility and type of development proposed.

The location and type of development proposed would therefore serve to encourage trips by non-sustainable means and be contrary to Policy AM1 of the Saved Policies UDP, Policy 3C.1 of the London Plan and the objectives set out within PPS1 and PPG13. This would also serve to increase carbon dioxide emissions which would be generated by the development over its lifetime.

It should be noted that considerations discussed in this section of the report such as 'whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions...' and 'the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured' also form key considerations in relation to determining planning applications for economic development under Policy EC10 of PPS4.

#### **SITE LAYOUT, VEHICULAR AND PEDESTRIAN SAFETY**

The existing car dealership/garage has two vehicular accesses from Cowley Road, although the northern access is generally blocked and utilised for the display of vehicles for sale.

The proposed site would have a car parking area accommodating 78 spaces to the site frontage and would be accessed for both customer and servicing purposes via the existing vehicular access to the south of the site off Cowley Road. The northern vehicular access would be permanently closed.

The submitted transport assessment contains tracking drawings at appendix I demonstrating the manoeuvres which would necessarily be undertaken by servicing and delivery vehicles in order to access and egress the site. In both instances the delivery vehicles would be required to fully occupy the opposing lane on Cowley Road and the Council's Highways Engineer considers that the need for such a manoeuvre would result in conditions prejudicial to both pedestrian & vehicular safety and the free flow of traffic contrary to Policy AM7 of the Saved Policies UDP.

In terms of the internal site layout the car parking layout is not optimal in terms of layout or highways safety and should be improved by further rationalisation of the vehicular and pedestrian routes in order to increase safety, reduce unnecessary hardstanding and increase opportunities for landscaping. However, refusal on these grounds is not recommended as it is considered that there would be adequate scope for these internal issues to be addressed by condition in the event the application were approved.

#### **7.11 Urban design, access and security**

Issues relating to design and access are addressed elsewhere in this report.

It is not considered that the proposal presents any significant concerns with regard to security, and the integration of security into the details design of aspects of the scheme, including specification of boundary treatments and monitoring of publicly accessible spaces, could be secured by way of an appropriate condition.

#### **7.12 Disabled access**

Policies 4B.1 and 4B.5 of the London Plan set out that developments should incorporate inclusive design and the Accessible Hillingdon SPD provides further supplementary guidance on these requirements.

Adequate disabled car parking spaces would be provided and the proposed building is capable of providing for inclusive design in accordance with adopted standards, the implementation of which could be secured by appropriate conditions. Accordingly, no objection is raised in respect of inclusive access.

#### **7.13 Provision of affordable & special needs housing**

The application proposes the erection of a retail supermarket within Use Class A1, considerations relating to affordable and special needs housing are therefore not relevant.

#### **7.14 Trees, landscaping and Ecology**

##### TREES AND LANDSCAPING

Policy BE38 of the Saved Policies UDP requires that development proposals retain and utilise existing landscape features of merit.

In terms of the retention of landscape features of merit, the application is accompanied by an updated arboricultural report which assesses the arboricultural quality and value of the individual trees or tree groups. The Council's Landscape Officer has reviewed the submission and raises no concerns with the proposed tree works/removal on the site in terms of Policy BE38. Although, it should be highlighted that this assessment is on the basis of the quality and value of individual trees and does not consider potential habitat value of wider tree groups.

The proposal to demolish the car sales and repair buildings and erect a single-storey supermarket will result in the built development being set back to the rear (west) of the site, leaving the front half of the site as an open space (car park) fronting onto Cowley Road. Proposed soft landscape enhancement includes ornamental shrub planting in the north-east corner of the site and around the site entrance, together with 4No. Lime trees along the back edge of Cowley Road. Within the centre of the car park a further 4No. Limes within tree pits would help to reduce the visual impact of the shoppers' car park. The backcloth of riverside trees would be visible from the road above the new single-storey building, as indicated on drawing No. 1921.02.B.

The space available for soft landscaping on the Cowley Road frontage to the east of the site is extremely limited, however as discussed elsewhere in this report the amount of circulation space within the proposed car park could be reduced and the car park would remain acceptable terms of pedestrian and highways safety which would allow for additional provision of landscaping on the eastern boundary.

The Council's Trees and Landscape Officer has reviewed the proposals and considers that; subject to conditions to secure the protection of retained trees, the implementation of updated landscaping proposals and their maintenance; the proposal would provide an appropriate landscape environment in terms of Policy BE38.

##### ECOLOGY

The western boundary of the application site abuts the River Frays which is designated as a Borough Grade 1 Site of Important Nature Conservation (SINC), forms part of a Green Chain as designated with the Saved Policies UDP and part of the Blue Ribbon Network as designated within the London Plan. This provides a corridor of excellent natural habitat for a variety of flora and fauna.

Frays Island located just beyond the river also represents a Nature Conservation Site of Borough Grade I Importance (identified as 'River Colne, Canal and River Frays at Uxbridge Moor') and forms part of the designated Green Chain. Previous planning applications for redevelopment of this adjoining site and site visits by officers have identified that the island, river and its banks provide habitat for a significant number of species including priority species and protected species.

Policies EC1 and EC3 of the Saved Policies UDP seek to resist development which would have an unacceptable affect on site of value to nature conservation. Policy 3D.14 of the London Plan requires that planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. It further states that 'Where development is proposed which would affect a site of importance for nature conservation or important species, the approach should be to seek to avoid adverse impact on the species or nature conservation value of the site, and if that is not possible, to minimise such impact and seek mitigation of any residual impacts.' Policy EC5 clarifies that in determining applications the Local Planning Authority may seek to enhance the nature conservation and ecological interest of sites or create new habitats.

Designated Green Chain land forms part of a wider strategic network of wildlife corridors which serve an important function in facilitating the movement of wildlife through urban environments. Policy OL11 states that in respect of Green Chains the Local Planning Authority will seek to conserve and enhance the visual amenity and nature conservation value of the landscape among other objectives.

In respect of the relationship with the River Frays, which forms part of the London Plan Blue Ribbon Network, Policy BE34 of the Saved Policies UDP clarifies that the Local Planning Authority will, among other criteria, seeks to secure and where possible enhance the role of the river and its immediate surroundings as a wildlife corridor and where appropriate reserve a minimum of 6m of land reserved and landscaped alongside rivers and suitable for public access. Policy 4C.3 of the London Plan requires the protection and enhancement of the biodiversity of the Blue Ribbon Network through a number of measures including resisting development that would result in the net loss of biodiversity and designing new waterside developments in ways that increase habitat value. Policies 4C.1 and 4C.22 provide further comment on aspects of the Blue Ribbon Network with similar objectives.

The proposed building is located in close proximity to the sites western boundary with the River Frays being located only 3.2m off of the site boundary at its closest point (The plans do not clearly show the proposed building in relation to the actual water course, however the distance would appear to be as little as 5m in places). In addition the drawings provided with the arboricultural assessment indicate the building to encroach within the crowns of existing tree groups. It is considered that the proposed layout and form of the development has a high potential to have adverse impacts on habitat value of the neighbouring nature conservation area and wildlife corridor through way.

The ecological assessment submitted in support of the application is predicated on the assumption that there would be no works to the vegetation on the western boundary of the site, adjacent to the River Frays, however this is directly contrary to the arboricultural statement which indicates that there will be tree works or removals to a number of trees and tree groups on the boundary of the River Frays. Indeed the recommendation in the ecological assessment that 'there should be no removal of vegetation from along the western boundary' directly conflicts with other aspects of the proposal which is under

consideration. Further, the ecological assessment considers the potential impacts of the development only on a small number of species, significantly this list does not include consideration of a number of priority or protected species which officers know to use the habitat adjacent to the River Frays in this location.

The applicant has provided some additional information and comment on this matter, however this is not considered to outweigh the need for a proper assessment to be carried out and a robust assessment of the impacts to take place. The responsibility for the protection of locally or regionally designated sites of habitat lies with the Council.

It is considered that the proposals, both in terms of the location of the built form and the proposed incursions into the existing landscaping on the western boundary of the site would likely result in harm to the value of the nature conservation area and wildlife corridor contrary to Policies EC1, EC3, OL11 and BE24 of the Saved Policies UDP and Policies 3D.14, 4C.3 and 4C.22 of the London Plan.

Further it is clear that the policies require that the development seek to avoid harm to the habitat value of the neighbouring river corridor and nature conservation area, and that the layout and design of the development should seek to enhance its habitat value.

The submitted ecological assessment proposes only minimal enhancement measures which would be limited to the introduction of dense native planting along the western boundary, the installation of a house sparrow nest box and the installation of a log pile feature along the western boundary. However, the site layout provides such a minimal space between the building and the western boundary that additional dense planting is unlikely to be feasible and it is considered that the other features proposed would provide only limited benefit.

There is clearly adequate scope for a redevelopment of the site to incorporate enhancement of habitat, however the design and layout of the proposed development fails to provide adequate setback from the western boundary and fails to integrate any design solutions which might serve to enhance habitat value. The failure of the design to accommodate enhancement of the wildlife corridor and River Frays is considered to be contrary to OL11 and BE24 of the Saved Policies UDP Policies 3D.14, 4C.3, 4A.11 and 4C.22 of the London Plan.

#### **7.15 Sustainable waste management**

Policy 4A.21 of the London Plan seeks to ensure that all new developments provide adequate space for the storage of waste and recyclables.

The Council does not have set standards for the capacity of storage space which should be provided within commercial developments, however the application includes an area of 191sq.m for storage and deliveries and it is considered that this area would be capable of accommodating an appropriate level of waste/recycling storage for the development.

Accordingly, no objection is raised in terms of Policy 4A.21 of the London Plan.

#### **7.16 Renewable energy / Sustainability**

Policies 4A.1, 4A.3, 4A.4, 4A.6 and 4A.7 of the London Plan require all developments to make the fullest contribution to achieving sustainable design and reducing carbon dioxide emissions. Specifically with reference to Major Developments, developments are required to identify energy efficiency savings and the provision of 20% reduction in the buildings carbon dioxide emissions through renewable technology.

The applicant has submitted a detailed energy statement in relation to the proposal. The statement assesses the baseline carbon dioxide emissions of the building and proposes the incorporation of efficiency measures and the use of on site renewables (in particular ground source heat pumps) in order to reduce the developments carbon footprint.

The assessment is considered to demonstrate that subject to the incorporation of a suite of measure the development would be capable of achieving a reduction of carbon dioxide emissions in line with the Mayor's Energy Hierarchy. Subject to a condition to ensure the appropriate detailed design of these measures and there implementation, no objection is raised in this respect.

It is noted that Policy 4A.11 of the London Plan, expects major developments to incorporate living roofs and walls where feasible and that this planting will seek to achieve, accessible roof space, adapting to and mitigating climate change, sustainable urban drainage, enhancing biodiversity and improved appearance.

Officers consider that a retail development on the site could have potentially accommodated a living roof or wall and the applicant has provided no evidence to suggest that this would not be feasible. While this shortcoming is not considered sufficient to justify a reason for refusal in itself the failure of the applicant to address this potential opportunity does add to concerns expressed elsewhere in this report, particularly in relation to enhancement of biodiversity.

Comment on the sustainability of the development in terms of its location and accessibility is addressed elsewhere within the report.

#### **7.17 Flooding or Drainage Issues**

The application site does not lie within an area at risk of flooding, however the western portion of the site does lie within a 20m River Bank Protection Area and accordingly assessment of the proposal in terms of flood risk and impacts on water quality is required.

The application has been supported by a Flood Risk Assessment which concludes that the proposal is acceptable in terms of flood risk and impacts on water quality, subject to the incorporation various measures including:

- \* Sustainable Urban Drainage in the form of attenuation tanks;
- \* Run off from the hardstanding not being discharged to the watercourse; and
- \* Run off from the hardstanding being passed through a Class 1 Oil Interceptor.

The Environment Agency have reviewed the proposal and raise no objection, subject to the imposition of a condition to ensure the development is carried out in accordance with the flood risk assessment.

The comments of the Environment Agency are noted, however in order to provide increased clarity and protect the quality of the water environment it is considered that a condition to ensure run off from the hardstanding area is handled appropriately would also be necessary.

Subject to these conditions it is not considered that the development would increase the risk of flooding or have an adverse impact on water quality. Accordingly, the proposal would comply with Policy OE8 of the Saved Policies UDP, Policies

#### **7.18 Noise or Air Quality Issues**

NOISE



Policy OE1 of the UDP indicates that permission will not normally be granted for developments which are likely to give rise to environmental impacts detrimental to the character of amenities of the area. Policy OE3 resists developments which have the potential to cause noise annoyance.

The Council's Environmental Protection Unit have reviewed the proposal in detail, including the accompanying acoustic report, and consider that subject to a suite of conditions the proposal would not result in any impacts which would be detrimental to neighbouring occupiers by way of noise, vibration, light etc. Accordingly, no objection is raised to the proposal in his respect.

#### AIR QUALITY

According to the Air Quality Assessment submitted with the application there are no significant air quality constraints to the proposed development.

The development site is within an Air Quality Management Area (AQMA) where there are areas of NO2 exceedences.

In addition the submitted transport assessment indicates that development would generate a significantly higher number of trips than the existing use on site and would serve to increase congestion of the road network and delays in the vicinity.

Accordingly, it is considered that a contribution of £25,000 towards the air quality monitoring network in the area would be necessitated in order to ensure that the impacts of the development on air quality could be monitored and mitigated where necessary. At the current time no legal agreement is in place to secure the provision of such an obligation.

### **7.19 Comments on Public Consultations**

Issues 1, 3, 4, 5, 10, 11, 12, 13, 14, 15, 19, 20, 26, 27, 29 and 31 are addressed within the body of this report.

2. Nuisance caused by construction traffic. Officer Comment - Construction impacts on residential amenity could be adequately mitigated by means of an appropriate conditions. The impact of construction works on protected & priority species however has not been fully assessed and this forms part of the concerns leading to the recommendation for refusal.

6. Existing boundary wall is inadequate to safeguard the amenities of neighbouring properties. Officer comment - alternative boundary treatments could be secured by way of condition were approval to be recommended.

7. Loss of security to neighbouring properties and an increase in crime and anti social behaviour. Officer Comment - The proposed store would result in a higher level of activity and natural surveillance than the existing use and appropriate boundary treatments and surveillance out of hours could be secured by condition. Accordingly, it is not considered the design incorporates any inherent security concerns.

8. Increase in rubbish. Officer Comment - A condition could be imposed to ensure that refuse bins are provided for use by the public allowing for the proper disposal of waste and recycling by visitors to the store.

9. A residential development would be more appropriate on the site. Officer Comment -

Each application must be assessed on its own merits and in accordance with the development plan. The site is within the developed area and is not reserved for any particular development type or use class.

16. Existing brick wall should be extended for the full length of properties in Hogarth Close and a line of trees provided on the boundary with these properties. Officer Comment - alternative boundary treatments could be secured by way of conditions were approval to be recommended.

17. Adverse impact on property prices. Officer comment - impact on property prices is not a material planning consideration.

18. Increase in on-street car parking. Officer comment - The development is considered to be serviced by an adequate number of car parking spaces and as such it is not considered that it would lead to an increase in on-street parking.

21. More trees and quality children's play space required instead of proposed supermarket. Officer Comment - Each application must be assessed on its own merits and in accordance with the development plan. The site is within the developed area and is not reserved for any particular development type or use class.

22. Inappropriate in a residential area. Officer Comment - Each application must be assessed on its own merits and in accordance with the development plan. The site is within the developed area and is not reserved for any particular development type or use class. The impacts of the development on residential amenity have been considered in the body of the report.

23. Nearby bus stop facilities should be improved. Officer Comment - The adequacy of the existing public transport facilities in relation to the catchment area for the development has been considered in the body of the report.

24. Development would involve the demolition of a listed wall. Officer Comment - There is no listed structure within or in proximity to the site.

25. Sale of cheap alcohol would cause problems of anti social behaviour in the area. Officer Comment - The sale of alcohol is restricted under legislation outside of the planning system, it is not considered that the proposed retail unit would result in any increase in anti-social behaviour.

28. Proposed store would present a fire risk. Officer Comment - The proposed store would need to comply with the building regulations and it is not considered that it would pose any more of a fire risk than the existing building or any other form of development.

30. Insufficient turning space for delivery vehicles on site. Officer Comment - The submitted vehicle tracking demonstrates adequate manoeuvring space inside the application site, but the access arrangements are considered unacceptable as addressed elsewhere within the report.

## **7.20 Planning obligations**

Policy R17 of the Council's Unitary Development Plan states that: 'The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other

development proposals.'

Policies 6A.4 and 6A.5 of the London Plan set out the regional approach to planning obligations within London and the Council's Planning Obligations SPD provides further guidance in relation to planning obligations.

The proposed development would give rise to the need for the following obligations to be secured by way of a Legal Agreement:

**Green Travel Plan:** A Green Travel Plan and associated bond would need to be secured to ensure that sustainable modes of travel were encouraged and reduce traffic generation in line with the submitted transport assessment.

**Off-Site Highways Works:** The development would necessitate off-site highways works, including works to junctions, in order to ensure that the traffic generated by the proposal did not have an adverse impact on the free flow of traffic as discussed elsewhere in this report. The applicant has indicated they are not willing to meet the full cost of undertaking these works.

**Air Quality:** A contribution of £25,000 towards the air quality monitoring network in the area would be necessitated in order to ensure that the impacts of the development on air quality could be monitored and mitigated where necessary.

**Construction training:** A contribution of £2,500 for every £1 million build cost to ensure training opportunities are provided for local people.

**Project Management and Monitoring fee:** 5% of the total contributions to ensure appropriate management and monitoring of the obligations mentioned above.

Agreement has not been obtained to the above planning obligations and no legal agreement is in place to secure their provision. Accordingly, the application should be refused.

#### **7.21 Expediency of enforcement action**

N/A

#### **7.22 Other Issues**

##### **CONTAMINATION**

The application is supported by a ground investigation report which seeks to establish existing levels of contamination. Both the Council's Environmental Protection Unit and the Environment Agency consider that issues of contamination could be appropriately addressed by way of conditions.

#### **8. Observations of the Borough Solicitor**

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The

specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

## **9. Observations of the Director of Finance**

## **10. CONCLUSION**

Full planning permission is sought for the demolition of the existing building and the erection of a Lidl foodstore of approximately 1640 sq metres gross internal floor space, with a sales area of 1286 sq metres together with car parking and associated works. The proposed building would be single storey in height and set back into the site from Cowley Road, with the front portion of the site laid out as a car park accommodating 78 car parking spaces, including 4 disabled spaces, 10 cycle parking spaces and landscaping.

The proposal would lead to significant adverse impacts to matters of material concern set out within Policies EC10.2 and EC16.1, including adverse impacts on the vitality and viability of centres, accordingly the proposal is contrary to the requirements of PPS4 and should be refused for this reason.

The proposed development would result in vehicular manouvres prejudicial to the free flow of traffic, highway and pedestrian safety; in addition to additional traffic generation which would prejudice the free floor of traffic and operation of the highway network contrary to Policies AM2 and AM7 of the Saved Policies UDP.

The location and type of development, which is poorly located in terms of walking distance and public transport from a significant proportion of its catchment area, would encourage trips by non-sustainable means and be contrary to Policy AM1 of the Saved Policies UDP, Policy 3C.1 of the London Plan and the objectives set out within PPS1 and PPG13.

The ecological assessment fails to demonstrate that the proposed development would not have unacceptable ecological effects and the proposed development fails to provide for adequate enhancement of the habitat value of the neighbouring River Frays; which forms a Nature Conservation Area of Metropolitan Importance, part of a designated Green Chain and part of the designated Blue Ribbon Network. The proposal is therefore contrary to Policies EC1, EC3, EC5, OL11 and BE24 of the Saved Policies UDP and Policies 3D.14, 4C.3 and 4C.22 of the London Plan.

The proposed development fails to accommodate enhancement of the wildlife corridor and River Frays is considered to be contrary to EC5, OL11 and BE24 of the Saved Policies UDP Policies 3D.14, 4C.3, 4A.11 and 4C.22 of the London Plan

The development does not make adequate provision by way of planning obligations to mitigate its impacts.

Accordingly, the application is recommended for refusal.

## **11. Reference Documents**

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1

Planning Policy Statement 4 (Planning for Sustainable Economic Growth)

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance 24: Planning and Noise

The London Plan (February 2008)

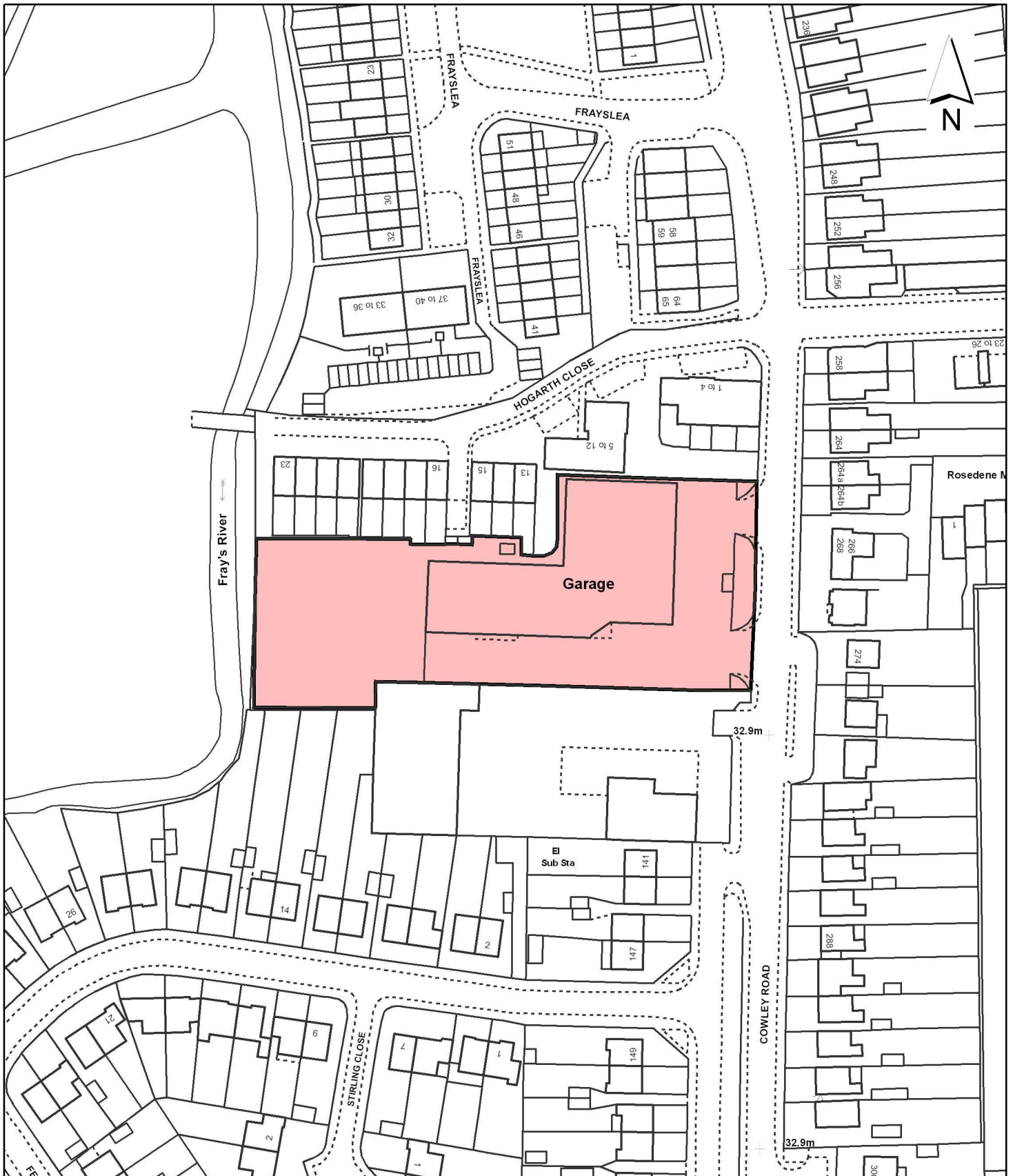
Hillingdon Unitary Development Plan Saved Policies (September 2007)

Local Development Framework Accessible Hillingdon Supplementary Planning Document (January 2010)

Planning Obligations Supplementary Planning Document (July 2008)

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**121 Cowley Road,  
Uxbridge**

Planning Application Ref:  
**7008/APP/2010/913**

Planning Committee  
**Central and South**

Scale  
**1:1,250**

Date  
**October 2010**

**LONDON BOROUGH  
OF HILLINGDON**  
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