

## Report of the Head of Planning & Enforcement Services

**Address** HAYES GATE HOUSE, 27 UXBRIDGE ROAD HAYES

**Development:** Change of use of ground floor from office to wholesale cash and carry with ancillary restaurant/canteen.

**LBH Ref Nos:** 2385/APP/2010/1434

**Drawing Nos:** 02A  
01A  
Planning Use, Sequential Test & Retail Impact Assessment  
Transport & Air Quality Assessment

**Date Plans Received:** 21/06/2010      **Date(s) of Amendment(s):**

**Date Application Valid:** 25/08/2010

### 1. SUMMARY

This application seeks full planning permission for the change of use of the ground floor of Hayes Gate House, which currently comprises vacant B1 offices, to a wholesale cash and carry with an ancillary restaurant/canteen.

It is considered that insufficient information has been provided to determine how the proposed cash and carry would operate and, therefore its likely impacts on the surrounding area. The applicant has failed to demonstrate that there are not other sites that are sequentially preferable for the proposed use to locate. The application also fails to demonstrate that it would not result in harm to the vitality and viability of nearby town centres. Accordingly, based on the information provided, the principle of development cannot be supported.

Significant concern has been raised over the potential traffic impacts associated with the use and the delivery and servicing arrangements. In addition concern is raised over the potential noise impacts on re-use of the rest of the building.

The proposal fails to comply with relevant UDP and London Plan policies, and guidance with Planning Policy Statement 4. Accordingly refusal is recommended.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1      NON2      Principle of Development

The application site falls within the Springfield Road Industrial and Business Area. Policy LE2 of the Hillingdon Unitary Development Plan Saved Policies states that such areas are designated for business, industrial and warehousing purposes (use class B1-B8) and for appropriate sui generis uses. The application has failed to demonstrate that the proposed alternative use does not conflict with the policies and objectives of the development plan and therefore fails to justify the proposed alternative use of the site contrary to policies Pt1.24 and LE2 of the adopted Hillingdon Unitary Development Plan Saved Polices (September 2007).

#### 2      NON2      Town Centre Use outside Town Centre

Insufficient information has been provided to demonstrate that the proposal could not be located on a sequentially preferable site and would not have a significant adverse impact on the vitality and viability of nearby town centres and the surrounding area. Accordingly, the application is considered to be contrary to Policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

### **3 NON2 Highways**

The applicant has failed to demonstrate that the combined traffic generated by the proposed development and the extant permissions would not have an adverse impact on the surrounding highway network, prejudicial to the free flow of traffic and detrimental to highway and pedestrian safety. The proposal also fails to demonstrate that it would adequately provide for and accommodate service delivery vehicles on site. The proposal therefore fails to comply with policies AM2 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **4 NON2 Planning Obligations**

The applicant has failed to provide a contribution towards the improvement of services and facilities as a consequence of demands created by the proposed development, including contributions towards highway improvements, air quality and project management and monitoring. The applicant has also failed to commit to the provision of a Green Travel Plan. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Hillingdon Planning Obligations Supplementary Planning Document (July 2008).

## **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.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area

OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE3	Provision of small units in designated Industrial and Business Areas
LE7	Provision of planning benefits from industry, warehousing and business development
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 2A.10	London Plan Policy 2A.10 - Strategic Industrial Locations

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site comprises an approximately 0.5 hectare plot located on the south east corner of the junction of Uxbridge Road and Springfield Road in Hayes. It currently accommodates a 13-storey vacant B1 office building with ancillary parking for 107 cars. The site benefits from extant planning permission for the change of use of the existing office building to a 182 bedroom hotel with ancillary conference facilities and meeting rooms, and a media centre. This application specifically relates to the ground floor of the building which has a floor area of approximately 1,704m<sup>2</sup>.

The site is bounded to the north by Uxbridge Road, beyond which are two-three storey office buildings with retail at ground floor level and offices and/or residential above; to the east by an industrial unit used by Hayes Autos; to the south by a Scottish and Southern Energy Depot; and to the west by Springfield Road, beyond which is Uxbridge Road Retail Park, comprising units such as Wickes and Carpet Right. The site falls within the Springfield Road Industrial and Business Area as shown on the Hillingdon Unitary Development Plan Proposals Map. Uxbridge Road is designated as a London Distributor Road.

#### 3.2 Proposed Scheme

This application seeks full planning permission for the change of use of the existing ground floor B1 offices, into a wholesale cash and carry with ancillary restaurant/canteen facilities. This is a resubmission of planning application 2385/APP/2009/2613 which was refused on 11/06/2010.

The applicant has advised that the facility would require membership and would be used for the sale and distribution of goods to the trade. No external works are proposed to the building and only minor alterations are proposed to the existing car parking provision, to better serve disabled users.

The building is currently undergoing refurbishment works, which have significantly improved the external appearance of the building. The supporting documentation submitted with the application advises that the applicant intends to implement an extant planning permission for a hotel in the long-term. However, given the current economic situation this is not considered wise at this time. Accordingly, the applicant seeks to occupy three floors of the building as B1 offices, within its existing use class, and to market the other floors to large and small companies, with the ground floor to be used as a cash and carry.

### **3.3 Relevant Planning History**

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

The most relevant planning history can be summarised as follows:

2385/APP/2001/99 - Change of use from offices and redevelopment of petrol filling station to provide an hotel, including alterations to external appearance and erection of an entrance canopy - Approved 17/12/02

2385/APP/2004/3309 - Change of use of Hayes Gate House (offices) to an hotel and conference facility, alterations to building, erection of a freestanding three-storey media centre, ancillary car parking and landscaping - Refused 01/03/05

2385/APP/2005/3477 - Change of use of Hayes Gate House from office to hotel and conference facility, alterations to building, erection of a freestanding three-storey media centre, ancillary car parking and landscaping - Approved 12/06/08

2385/APP/2009/2613 - Change of use of ground floor from Class B1 (offices/light industry) to wholesale cash and carry with ancillary restaurant/canteen. Refused 11/06/2010.

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

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

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

Part 1 Policies:

- |        |  |
|--------|--|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area.  |
| PT1.18 | To maintain, enhance and promote town centres as the principle centres for shopping, employment and community and cultural activities in the Borough.  |
| PT1.23 | To encourage industry and warehousing to located within existing Industrial and Business Areas and offices and other business uses, shops and public buildings employing or attracting large numbers of people to located within Town Centres or other areas identified for such purposes. |

- PT1.24 To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing.
- PT1.25 To encourage the provision of small industrial, warehousing and business units within designated Industrial and Business Areas.
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- 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:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- LE1 Proposals for industry, warehousing and business development
- LE2 Development in designated Industrial and Business Areas
- LE3 Provision of small units in designated Industrial and Business Areas
- LE7 Provision of planning benefits from industry, warehousing and business development
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  
 (i) Dial-a-ride and mobility bus services  
 (ii) Shopmobility schemes  
 (iii) Convenient parking spaces  
 (iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- LPP 3D.1 London Plan Policy 3D.1 - Supporting Town Centres.
- LPP 3D.3 London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
- LPP 2A.10 London Plan Policy 2A.10 - Strategic Industrial Locations

**5. Advertisement and Site Notice**

- 5.1** Advertisement Expiry Date:- **1st October 2010**
- 5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Consultation letters were sent to 127 local owner occupiers, Townfield Residents' Association, Hayes Town Centre Residents' Association, Hayes Town Partnership and Hayes Chamber of Commerce. The application was also advertised by way of press notice. A total of 7 letters of objection have been received which raise the following concerns:

- i) Traffic generation
- ii) No need for a restaurant/canteen.
- iii) Impact on amenities of adjoining neighbouring occupiers from noise
- iv) Impact on highway safety.
- v) No need for a cash and carry as there is one 90m away and planning permission has been granted for another on the former B&Q site to the north of Hayes Gate House.

### **Internal Consultees**

#### **Landscape**

As indicated on the application form there are no trees on, or close to, the site. The two groups of Flowering Cherry trees protected by tree preservation order number 306 no longer exist on the site. Whilst in 2008, there was no objection to the loss of the poor quality trees lining Uxbridge Road as part of the approved hotel scheme, which made provision for new tree planting, there is no record of their removal.

If possible, this application should, in relation to the proposed change of use and the associated use of, and/or any changes to, the external space/parking area, make provision for tree planting in narrow strips close to the road frontages to form new linear features.

If permission is granted and it is possible to require such tree planting in accordance with Saved Policy BE38 of the UDP, it should be required by the imposition of appropriate conditions (TL5 - modified to require tree and shrub planting in the strips on the road frontages of the site, TL6 and TL7).

#### **Access**

The proposed facility will be subject to the Disability Discrimination Act 1995 because it will provide a service to the public. It should be noted that reasonable adjustments to practices, policies and procedures, auxiliary aids, and physical features will need introducing to ensure that disabled people receive an equitable service that is on par with non-disabled people.

The following observations are provided:

1. Suitable car parking provision should be provided for use by disabled motorists within 40m of the principal entrance, in accordance with the Council's Supplementary Planning Document 'Accessible Hillingdon' (adopted January 2010). Parking bays should be signed, marked and otherwise designed in accordance with BS8300: 2009.
2. The proposed Cash and Carry appears not to include any WC provision for disabled people. At least one fully accessible unisex toilet facility should be provided in accordance with BS8300: 2009.
3. 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.
4. Consideration must be given to ensure that arrangements exist to provide adequate means of escape for all, including wheelchair users. Fire exits should incorporate a suitably level threshold and should open onto a suitably level area.

5. Adequate circulation should be provided within the proposed development to ensure ease of movement by all customers, including those with wheelchairs, pushchairs and similar mobility equipment.

To support the above observations, I would recommend that a suitable planning condition(s) is/are applied to any grant of planning permission.

#### Access Panel

- a) Not 10% of parking spaces disabled.
- b) No information on provision of brown badge parking spaces.
- c) No reference to Part M and BS8300.
- d) No reference of disabled toilets.
- e) Wholly Inadequate Design & Access Statement.
- f) Need 2 fully part M compliant (minimum 1.2 to 1.5m of corridor width)
- g) Diagrams of lorry movements (sweep analysis).
- h) Checkouts should be 1metre apart minimum. Induction loops required.
- f) 950mm high check out desks.
- g) Signage Audit.
- h) No indication of low level element to customer service desk.
- i) No dimensions of lifts.
- j) No dimensions of stair widths.
- k) Clarification of door widths.
- l) Inadequate toilet provision.

#### EPU

##### Noise

The closest residential amenity is situated in considerable distance away on the opposite side of Uxbridge Road approximately 51 meters. It is believed that the proposed change of uses will unlikely result in increased perceptible noise given the traffic noise background generated from Uxbridge Road with adequate time restriction for outdoor activities on the ground floor cash and carry warehouse. However concerns may likely arise in relation to noise from the ground floor cash and carry warehouse on the ground floor, including vehicle movements, deliveries/collections including loading and unloading in the outdoor areas which is likely to increase as a result of the proposed change of uses. Furthermore, the supporting letter from Mann Associates dated 29 July 2010, states that the banqueting hall is proposed to run predominantly over the weekends including Sundays. There are concerns in relation to noise from activities given significant reduction in background noise levels on Sundays.

Should the approval be considered EPU have reason to believe that it will be prudent to determine appropriate noise mitigating conditions to restrict warehouse activities from the outdoor area of the site and the use of the banquette hall on Sundays.

##### Air Quality and Pollution

The main concern with these proposals is the likely increase in traffic generation potentially causing increased pollution. The applicant has submitted with this proposal a transport and air quality assessment written by The Cunningham Consultancy Limited, dated August 2010. It has been stated within the assessment that customers will be arriving throughout the day, and this would inevitably result to increased trip generation.

The road network in the area close to the site is the main contributor to the poor air quality in the area due to heavy traffic and can become very congested. All the results from the air quality and transport assessment are dependent on whether the traffic assessment submitted has been approved by the Transportation Department.

As stated in the air quality SPG, the London Borough of Hillingdon will consider any increase in pollutants to be significant. This area already exceeds the objectives set by the Government without the development. The introduction of the warehouse cash and carry of this size will influence pollutant concentration in the area,

The Council's SPG on Air Quality (May 2002) states that the London Borough of Hillingdon is determined to improve the quality of air in those areas where the air quality objectives are likely to be exceeded. Consequently development will be restricted or otherwise be discouraged in those areas, if the development impedes the overriding objective to improve air quality in such areas. It goes on to say that the air quality impacts will be considered to be significant where the air quality objectives are likely to be breached and the acceptability of the development shall depend on the scale of the emissions, whether significant public exposure occurs as a result of ground level concentrations.

In conclusion, the report suggests that the new development will generate fewer vehicle movements than the previous intended use, this will however be dependent on approval of the transport data.

#### Waste

There does not appear to be a space allocated for waste storage. If the premises was to change in use to a wholesale warehouse there would be a large amount of packaging type waste produced. It would be better for the operators of the warehouse to separate a proportion of this for recycling, which would require recycling containers in addition to waste containers.

#### Planning Obligations

Given the nature of this proposal I consider that the only likely planning obligation arising could be to deal with any air quality and all highways matters.

## **7. MAIN PLANNING ISSUES**

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

The application site falls within the Springfield Road Industrial and Business Area in Hayes. It also forms part of the strategic Hayes Industrial Area which is designated as a Preferred Industrial Location in the London Plan. UDP Policy LE2 states that Industrial and Business Areas (IBAs) are designated for business, industrial and warehousing purposes (use classes B1-B8) and for sui generis uses appropriate in an industrial area. Other uses will not be permitted unless it can be demonstrated that there is no realistic prospect of the land being used for industrial or warehousing purposes in the future; the proposed alternative use does not conflict with the policies and objectives of the plan; the proposal better meets the plan's objectives particularly in relation to affordable housing and economic regeneration.

However, it is acknowledged that the principle of a hotel and conferencing facility has been established on this site.

With regard to the previous applications for an hotel on this site, this use was determined by the Council as being acceptable in principle as:

There was no realistic prospect of the site being used for industrial and warehousing purposes as this would require the demolition of a large office building and a resultant significant reduction in floor space.

Continuation of the existing use would not make full and effective use of the site since the existing office building was only partially occupied since 1996, despite being continuously marketed.

The hotel was consistent with UDP Policy T4 which provides criteria for the location of



hotels.

The hotel facilitated the economic regeneration of the site, resulting in employment of around 125 jobs.

In terms of the proposed use of the site as a wholesale cash and carry warehouse, the applicant suggests this would be regarded as a B8 (storage or distribution) use. However, the applicant also states that the operation would require membership and would be to trade custom only. If this is the case then it is accordingly considered that the proposal would be regarded as a 'retail warehouse club.' The Town and Country Planning (Use Classes) (Amendment) Order 2005 defines a retail warehouse club as "a retail club where goods are sold, or displayed for sale, only to persons who are members of that club." On this basis, the proposal would be regarded as a sui generis use. Notably, well known cash and carries such as Costco and Makro appear to be regarded as businesses falling within a sui generis use.

Nevertheless, the provision of an ancillary restaurant/canteen, presumably for use by customers, several checkouts, and the provision of members' and public entrances as indicated on the plans, suggests the operation could be comparable to a retail use or supermarket falling within an A1 use.

Whilst referred to as a cash and carry, which would normally be associated with the sale of food, the Transport Assessment compares the site to DIY uses. It is considered that the information provided is unclear and despite requests for further details of the proposed use, none have been provided. As such, it is difficult to establish which use class the proposal would fall in to. However, it would not appear to fall within a B8 use.

This scheme, unlike the comprehensive redevelopment schemes for a hotel, would not facilitate the economic regeneration of the site or wider area, or result in significant increases in employment.

The proposal would not fall within a use class generally deemed as being acceptable within an IBA. The compelling reasons which were accepted by the Council to allow the hotel redevelopment do not form part of the current scheme. Accordingly, it is considered that the proposal fails to comply with UDP Policy LE2.

Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth, defines retail development, including warehouse clubs and factory outlet centres, as a town centre use. Policy EC14.3 states that "a sequential assessment is required for planning applications for main town centre uses that are not in an existing town centre and are not in accordance with an up to date development plan." This should ensure that there are no more appropriate town centre or edge of town centre locations available for the proposed development. The documentation supporting the scheme advises that sites in centres which could accommodate 3,000 - 5,000sq.m were examined & none found to be available or suitable. No details of exact site addresses or the reasons why individual sites were not appropriate has been provided. Additionally the application relates to a retail operation of approximately 1,700sq.m yet only sites of 3,000 - 5,000sq.m were examined for availability by the applicant. No examination of smaller sites, including those of circa 1,700sq.m, has been made. As it is easier to find smaller sites in town centres, there is concern as to the adequacy of the information submitted in relation to the sequential test.

Furthermore, PPS4 Policy EC16 suggests that an impact assessment, which looks at issues such as the impact of the proposal on town centre vitality and viability, existing and

committed developments, other out of town sites, etc, should be provided to justify town centre uses which are proposed outside a town centre and not in accordance with the development plan.

In this case an impact assessment has been submitted, however there are a number of concerns with regard to the methodology, inputs, assumptions and conclusions. The impact assessment is predicated on the proposed use being a warehouse club whereby turnover would approximate that of similar warehouse clubs such as Costco - on this basis the submitted impact assessment states expected turnover to be circa £4,000 per sq.m.

The range of goods proposed to be sold is stated as being "predominantly food and drink/general convenience goods. The business will sell some non-food goods including housewares & kitchen equipment/brown & white goods". The retail statement estimates sales of comparison goods to be 35% of the total sales.

No evidence has been presented as to what types of goods will be sold and it is not clear that the range of grocery and convenience goods would not represent more than 65% of the total sales. If this occurs, impact on 'in centre' grocery and convenience retailers would be greater.

The applicant also advises that 50% of sales will be to wholesalers. The proposed layout does not lend itself to use by wholesalers and in the absence of further evidence as to the range of goods and minimum quantities that can be purchased at any one time, there is concern that a greater portion of sales than 50% will be to individuals and that the business will operate more like a supermarket. If this occurs impacts on in centre grocery and convenience retailers will be greater than estimated by the applicant.

In terms of distribution of impact or diversion of trade from existing centres the applicant has assumed that a third of trade at the application site would come from each centre (Hayes, Uxbridge Road and Southall). This approach is considered overly simplistic as it does not take account of impact on individual stores and the role affected stores may have in acting as an anchor to other businesses in the centre.

The lack of clarity provided by the submission in respect of impacts weighs heavily against a favourable consideration of the planning application.

The information provided with the application is insufficient to fully assess the acceptability of the application in this location and its likely impacts on the surrounding area. Accordingly, the principle of development cannot be supported and the proposal is considered to be contrary to UDP Policy LE2, London Plan policies 2A.10 and 3B.4 and guidance within PPS4.

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

Not applicable to this application.

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

Not applicable. The site does not fall within an Archaeological Priority Area and there are no Conservation Areas, listed buildings or Areas of Special Character within the vicinity of the site.

#### **7.04 Airport safeguarding**

There is no requirement to consult any airport/aircraft safeguarding authorities on this proposal.

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

Not applicable. The nearest area of Green Belt, the Minet Country Park, is located approximately 125m to the west, beyond existing industrial units. The proposal would not result in any changes to the building which would be visible from here.

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

The applicant has confirmed that no alterations are proposed to the external appearance of the building. The Transport Assessment confirms that no alterations would be made to the existing car parking layout, except for better provision for disabled drivers. It is assumed that this merely comprises allocating additional spaces for disabled users. Accordingly, it is not considered that the proposed development would have any visual impact on the character or appearance of the surrounding area.

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

The nearest residential properties are located approximately 35m away on the opposite side of Uxbridge Road. Accordingly, concern is raised over potential noise impacts from HGV and other vehicle movements and loading/unloading activities, especially if such activities were carried out in the evenings, nights and at weekends. Officers in the Council's Environmental Protection Unit have advised that opening times could be restricted through the imposition of suitable conditions, to ensure there were no impacts on residential amenity.

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

Officers in the Council's Environmental Protection Unit have raised concerns over the potential noise impacts of a wholesale warehouse use at ground floor level, and its associated noise disturbance from sales activities, loading/unloading and HGV movements on occupiers of the existing offices on the upper floors. It would be possible to provide internal insulation to the building, which could be conditioned in the event of an approval.

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

The application form submitted in support of the file states that there are 142 existing car parking spaces at the site. The applicant's supporting letter states that there are 108 existing spaces with six disability standard spaces. The plans indicate that there are 107 spaces, including six disability standard spaces. Nevertheless, the applicant's Transport Assessment states that there would be no alterations to the existing car parking layout. It is considered that 107 spaces would be more than sufficient to serve the proposed use. Transport for London have suggested that a car parking management strategy should be provided to ensure that these spaces are not used other than by people visiting the application site. This would be required by way of condition should approval be granted.

The applicant states that 20 bicycle parking spaces would be provided. This is considered acceptable and further details would be required by way of condition should approval be granted.

The Transport Assessment refers to trip rates associated with DIY stores. It is not clear from the information provided whether this is a realistic comparison, and both the Council's Highway Engineer and Transport for London have raised concerns over this as DIY stores would generally be expected to generate less traffic than a cash and carry. The Council's Highway Engineer notes that the Springfield Road/Uxbridge Road junction is at capacity and significant concern is raised that the proposed use, when combined with the extant planning permission for a hotel use on this site, could generate additional traffic which would impact negatively on the surrounding highway network.

Notably the Transport Assessment also fails to provide information relating to trip generation during weekend peak trading times.

The plans indicate that two access points exist into the site from both Uxbridge Road and Springfield Road. The Transport Assessment indicates that service and customer access would be via the southern most access. However, the Council's Highway Engineer has raised concerns over the delivery arrangements as there would not appear to be sufficient space to manoeuvre HGV vehicles within the site.

Transport for London suggest a Delivery and Servicing Plan should be provided. This would be required by way of condition should approval be granted.

Overall, it is considered that insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact on the surrounding highway network, and that deliveries by large HGV vehicles can be appropriately accommodated for on site. Concerns have been raised by both the Council's Highway Engineer and Transport for London and it is considered that the proposal fails to comply with UDP policies AM2 and AM7. A reason for refusal is recommended on these grounds.

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

The applicant has confirmed that no alterations would be made to the external appearance of the building or to the existing car parking layout. No landscaping appears to be proposed, and no mention is given to this subject in the supporting documents. Advertisements would require separate advertisement consent. Therefore, whilst it is acknowledged that the submission of elevational drawings to confirm this would be useful, it is not considered that the development would have any impact on the visual amenities of the surrounding area and, no objections can be raised on urban design grounds.

#### **7.12 Disabled access**

The applicant has confirmed that all access points would have level access and appropriate door widths would be provided. Existing lifts within the building provide access to upper floors. Six disability standard parking spaces would be provided which would be located close to the main building entrances.

The plans indicate that all disability standard spaces would be located in positions where this could be easily achieved and accordingly this could be addressed by way of condition should approval be granted. The Council's Access Officer has raised no objections to the details submitted subject to appropriate conditions. The concerns raised by the Access Panel, although quite numerous, could also be covered by condition.

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

Not applicable to this type of development.

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

There is currently no landscaping of merit on site. No additional landscaping is proposed as part of the scheme.

The Council's Trees/Landscape Officer has noted that two groups of cherry trees, protected by Tree Preservation Orders, have been removed, although there is no record of their removal. In addition, the application for a hotel at the site, approved in 2008, included new tree planting. Accordingly, it is considered that some form of landscaping should be provided as part of the proposed scheme, should approval be granted.

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

Policy 4A.22 of the London Plan requires that new developments make adequate

provision for the storage of waste and recycling on site.

No details of refuse or recycling facilities have been provided. The Council's Waste Development Manager has advised that a cash and carry or warehouse type use would be likely to generate a large amount of waste materials and, therefore, appropriate facilities should be provided. Nevertheless, it is considered that there is sufficient space to provide appropriate refuse and recycling facilities on site and, accordingly, this could be dealt with by way of condition should approval be granted.

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

Policy 4A.7 of the London Plan 2008 advises that boroughs should require major developments to show how they would reduce carbon dioxide emissions by 20% through addressing the site's electricity or heat needs from renewable sources, wherever feasible. The applicant has stated that the refurbishment of the building has resulted in a reduction in energy demand of 82%. Whilst the applicant has also stated that given the proposal is for a change of use and will not involve any major works that would enable renewable energy measures to be easily implemented. It is considered that some renewable energy measures could be incorporated into the development. This could be secured by way of an appropriate condition should permission be granted.

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

The site does not fall within a flood zone and the proposal would not increase the level of hard surfacing. No issues regarding flooding have been identified. However, building control regulations on this matter would need to be complied with.

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

- Noise

The nearest residential properties are located approximately 35m away on the opposite side of Uxbridge Road. Accordingly, concern is raised over potential noise impacts from HGV and other vehicle movements and loading/unloading activities, especially if such activities were carried out in the evenings, nights and at weekends. Officers in the Council's Environmental Protection Unit have advised that opening times could be restricted through the imposition of suitable conditions, to ensure there were no impacts on residential amenity.

- Air Quality

The site falls within an Air Quality Management Area. Officers in the Council's Environmental Protection Unit have advised that given the applicant has failed to fully demonstrate that traffic from the development would not have an adverse impact on the surrounding highway network, there could potentially be an impact on local air quality.

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

These have been addressed within the body of the report.

#### **7.20 Planning obligations**

Insufficient information has been provided to fully assess the likely impacts of the development on the surrounding highway network or on air quality. The Council's S106 Officer has advised that contributions towards transport and air quality could be required, subject to the provision of further information on these matters as noted by the Council's Highway Engineer and Air Quality Officer.

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

No applicable.

#### **7.22 Other Issues**

None.

## **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**

It is considered that insufficient information has been provided to determine the exact use of the site and its likely impacts on the surrounding area. The applicant has failed to demonstrate whether there are any more appropriate town centre sites available or to provide an impact assessment to justify the development in compliance with guidance within Planning Policy Statement 4. Accordingly, based on the information provided, the principle of development cannot be supported.

Significant concern has been raised over the potential traffic impacts associated with the use and the delivery and servicing arrangements.

The proposal fails to comply with relevant UDP and London Plan policies, and guidance with Planning Policy Statement 4. Accordingly refusal is recommended.

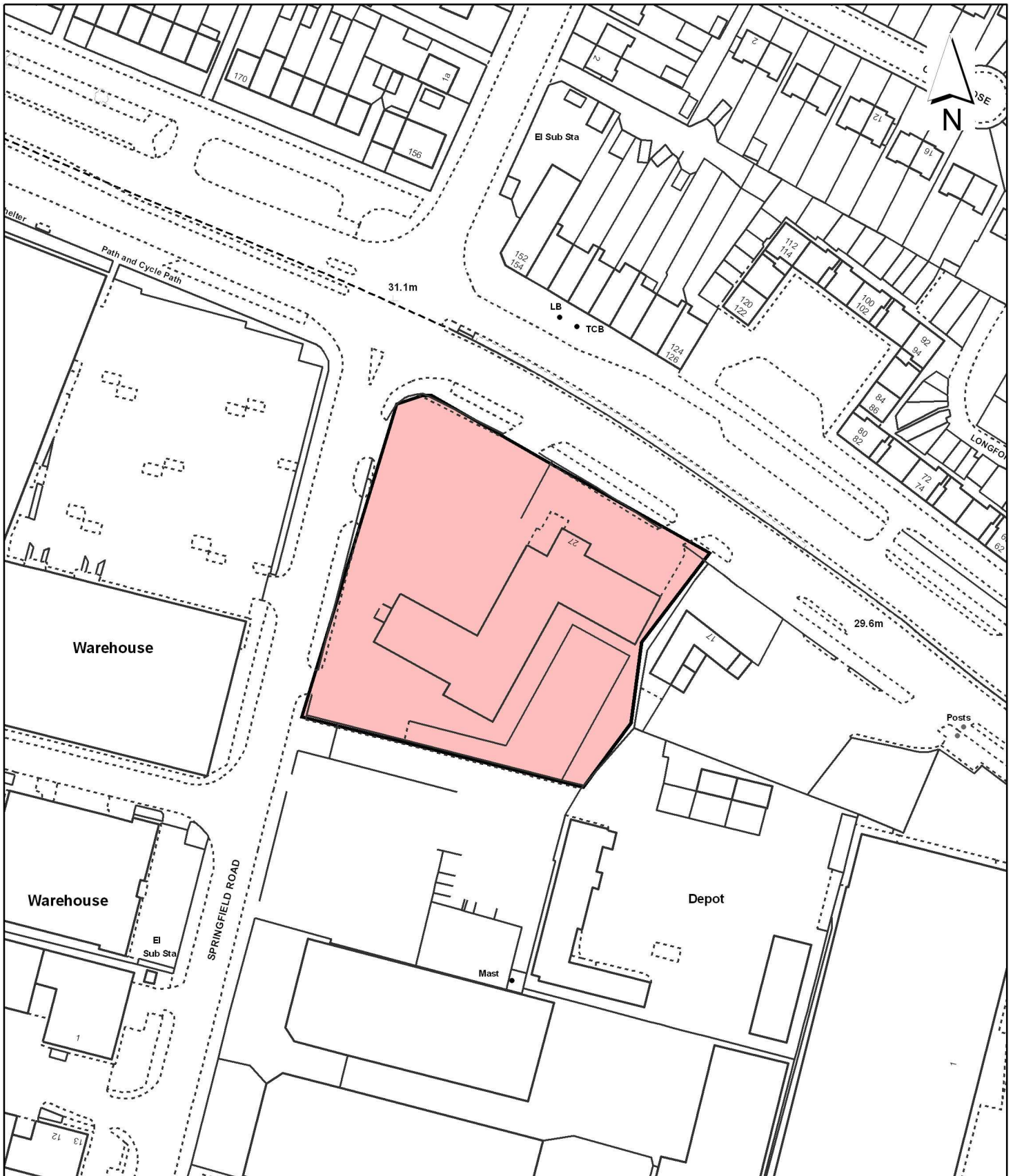
## **11. Reference Documents**



Hillingdon Unitary Development Plan Saved Policies (September 2007)  
London Plan (Consolidated with Alterations since 2004)

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 10: Planning for Sustainable Waste Management  
Planning Policy Statement 22: Renewable Energy  
Planning Policy Guidance 13: Transport  
Planning Policy Guidance 24: Planning and Noise  
Council's Supplementary Planning Guidance - Noise  
Council's Supplementary Planning Guidance - Air Quality  
Supplementary Planning Document - Accessible Hillingdon

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	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>2385/APP/2010/1434</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	 <p style="text-align: center;"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;"><b>Central and South</b></p>	<p>Date</p> <p style="text-align: center;"><b>October 2010</b></p>	