

Report of the Head of Planning & Enforcement Services

Address SAINSBURY'S STORE YORK ROAD UXBRIDGE

Development: Application for a new planning permission to replace extant planning permission ref: 39439/APP/2004/ 2402 dated 05/09/2005: Erection of decked car park, single storey store extension and proposed unrestricted trading hours.

LBH Ref Nos: 39439/APP/2010/1799

Drawing Nos: P_110 REV E
P_111 REV D
P_112 REV B
P_113 REV B
09042/ASK004
Design and Access Statement
Renewable Energy & Energy Efficiency Assessment Issue 5 - Dated 20 October 2010
Draft Travel Plan
Noise Impact Report
Transport Assessment Report
472.100A
472.101A

Date Plans Received: 02/08/2010 **Date(s) of Amendment(s):**
Date Application Valid: 24/08/2010

1. SUMMARY

Planning permission is sought to extend the time frame of a previous permission by up to a further three years. The application proposes full planning permission for the erection of a decked car park, single storey store extension and proposed unrestricted trading hours.

The previous planning permission was approved on 5 September 2005, with a time frame of five years, which expired on 5 September 2010. Although the previous planning permission has now expired the application was submitted as an extension of time to the previous permission and was submitted prior to the previous permission lapsing. The previous planning permission is a substantive material consideration for this application, particularly in light of changes to procedures introduced in October 2009 concerning applications to extend planning permissions.

The proposal is considered to make efficient use of an existing site within the Town Centre and in close proximity to public transport facilities. The development will provide additional landscaping along Belmont Road and within the site and result in an improved pedestrian and car parking environment. The proposed unrestricted trading hours will improve the vitality of the Town Centre, and provide greater employment opportunities.

All details are identical to those previously approved. Changes to London Plan policy require that a 20% saving from decentralised and renewable or low-carbon sources be applied across the site. The applicant proposes that this target be met by way of improvements in the energy efficiency of the building through design and construction

measures and applying low and zero carbon technology.

A Section 106 agreement has already been signed to provide various planning obligations, however this existing agreement will need to be varied by way of a Deed of Variation tied to this permission to ensure that the obligations of the legal agreement are linked to this permission.

The proposal complies with current London Plan and UDP policies. Accordingly, approval is recommended.

2. RECOMMENDATION

a. That the application be determined by the Head of Planning, Trading Standards and Environmental Protection under delegated powers, subject to the completion of a deed of variation to the Section 106 Agreement dated 6 September 2005 accompanying planning permission ref. 39439/APP/2004/2402 to provide for the following obligations:

(i) A financial contribution of £35,000 towards Town Centre/Public Realm improvements.

(ii) A financial contribution of £14,000 towards CCTV equipment to improve pedestrian safety between the Town Centre and the Sainsbury's store.

(iii) A financial contribution of £4,000 towards the provision of refuse bins on the pedestrian routes between the Town Centre and the Sainsbury's store.

(iv) A financial contribution of £10,000 towards street planting along Belmont Road, immediately adjacent to the site.

(v) A financial contribution equivalent to 5% of the total cash contributions towards project management/administration costs relating to the agreement.

b. That the applicant meets the Council's reasonable costs in the preparation of the deed of variation to the Section 106 agreement and any abortive work as a result of the deed not being completed.

c. That the officers be authorised to negotiate and agree detailed terms of the proposed deed of variation.

d. That the application is reported back to the Planning Committee, if the Section 106 agreement is not completed within a period of 6 months from the date of Committee consideration.

e. That if the application is approved, the following conditions be attached:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

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

3 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 M5 Means of Enclosure - details

Before the development is commenced, details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The plans are to include details of the proposed fences/gates at the side of the proposed building. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

REASON

To prevent access to the rear and safeguard privacy to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 MCD9 No External Storage

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings.

REASON

In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

6 MCD10 Refuse Facilities

No development shall take place until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of refuse and recycling at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

7 MCD13 Extraction Vent or Chimney

No development shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 4B.1 and 4A.19.

8 MCD14 Ventilation System - details

No development shall take place until details of the air ventilation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the ventilation system has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON

To protect the amenities of the occupiers of residential accommodation in the vicinity in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 4B.1 and 4A.19.

9 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

10 OM11 Floodlighting

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 Saved Policies (September 2007) and London

Plan (February 2008) Policy 4B.1.

11 RCU4 Internal Floorspace

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policy AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

12 H1 Traffic Arrangements - submission of details

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan . (February 2008).

13 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work

shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

14 TL3 Protection of trees during site clearance and development

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated

structures),

· Retained historic landscape features and proposals for their restoration where relevant.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

16 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

17 TL7 Maintenance of Landscaped Areas

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

18 N5 Control of noise emission from the site

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the site remains in use.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the

Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

19 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

20 DIS2 Access to Buildings for People with Disabilities

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

21 DIS3 Parking for Wheelchair Disabled People

Notwithstanding the details shown on the approved drawings, development shall not commence until details of the provision of 21 car parking spaces for wheelchair users, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until all the approved details have been implemented and thereafter these facilities shall be permanently retained.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy AM5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Note: wheelchair users are not the only category of people who require a 'disabled' parking space. A Blue Badge parking space can also be used by people who have a mobility impairment (full-time wheelchair users account for only a small percentage of this category) including elderly people, visually impaired people having a sighted driver, children having bulky equipment such as oxygen cylinders that have to be transported with them, etc.

22 DIS4 Signposting for People with Disabilities

Signplates, incorporating a representation of the Universal Wheelchair Symbol, should be displayed to indicate the location of convenient facilities to meet the needs of people with disabilities. Such signplates should identify or advertise accessible entrances to

buildings, reserved parking spaces, accessible lifts and lavatory accommodation, manageable routes through buildings and availability of additional services. Signs for direction and location should have large characters or numerals and clearly contrast with the background colour.

REASON

To ensure that people with disabilities are aware of the location of convenient facilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

23 NONSC Safer Car Park Standards

The proposed decked car park shall be built to 'Safer Car Park Standards'.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

24 OM14 CCTV infrastructure

No development shall take place until details of the proposed CCTV infrastructure at the entrance to the decked car park, proposed building and stairwell entrance/exits have been submitted to and approved in writing by the Local Planning Authority. The approved CCTV cameras and associated infrastructure shall be provided before use of the development commences and thereafter shall be maintained in good working order for the life of the development.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

25 NONSC Fleet Management Plan

Prior to commencement of use of the development details of a Fleet Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include proposals for controlling emissions from vehicles to be used in connection with the use and operation of the development hereby approved.

REASON

To minimise vehicle emissions associated with the use and operation of the development in accordance with Policy 4A.2 of the London Plan (February 2008).

26 SUS6 Green Travel Plan

Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements for a 10 year period;
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with Policies 3C.1, 3C.2 and 3C.3 of the London Plan (February 2008).

27 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative 9 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

28 NONSC Variable Message Display System

Prior to commencement of use of the decked car park details of a variable message display system near the entrance to the site shall be submitted to and approved in writing

by the Local Planning Authority. The approved variable message display system shall be installed before use of the decked car park commences and shall thereafter be maintained in good working order for the life of the development.

REASON

To advise approaching motorists of the availability of on-site parking spaces in the interest of the free flow of traffic at the site access and adjoining highways in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

29 NONSC Restriction on use of decked car park

The upper deck of the car park shall only be used for customer parking during the hours of 07:00 to 23:00 (Monday to Saturday) and during store opening times on Sundays and Public Holidays. Details of the restricted parking arrangements, including ways and means of preventing cars parking on the upper level of the car park outside these times, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Thereafter, the arrangements shall be complied with as approved.

REASON

In order to safeguard the amenities of the area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

30 NONSC Litter Management Plan

No development shall take place until a litter management plan has been submitted to, and approved in writing by, the Local Planning Authority. The litter management plan shall focus on ensuring that all litter associated with the development is permanently removed from the banks and trees on the northern and eastern side of the store extension and decked car park. The litter management plan shall be complied with as approved.

REASON

In order to safeguard the visual amenities of the area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

31 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), polices 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

32 SUS2 Energy Efficiency Major Applications

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The energy efficiency report shall demonstrate how the Mayors Energy Hierarchy will be integrated into the development, including a full assessment of the site's energy demand and carbon dioxide emissions, measures to reduce this demand and the provision of 20% of the sites energy needs through on site renewable energy generation. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained. Should the choice of renewable energy source include biomass or biofuel technology, an Air Quality Assessment would be required.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

33 NONSC Rainwater Recycling

Prior to commencement of the development hereby approved details demonstrating the incorporation of rainwater recycling facilities into the building shall be submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall thereafter be installed, maintained and retained for the lifetime of the building.

REASON

In order to provide a sustainable form of development and promote water conservation in compliance with Policies 4A.3 and 4A.16 of the London Plan (February 2008).

34 NONSC Existing retaining walls - structural details

No development shall commence until details, including engineering drawings, to demonstrate that the proposed works would not adversely impact upon the structural integrity of the existing retaining walls along the northern and eastern boundaries of the site have been submitted to, and approved in writing by, the Local Planning Authority.

REASON

To ensure the structural integrity of the existing retaining walls in the interests of the stability of adjoining properties, pedestrian safety on the adjoining highway and the appearance of the area in accordance with in accordance with Policies BE13 and BE18 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

35 NONSC Existing retaining walls - design and check certificate

No development shall commence until an Approval in Principle (A.I.P) plus a design and check certificate, confirming that the proposed works would not adversely impact on the existing retaining walls along the northern and eastern boundaries of the site. Thereafter, the construction works shall only be carried out in accordance with the approved details.

REASON

To ensure the structural integrity of the existing retaining walls in the interests of the stability of adjoining properties, pedestrian safety on the adjoining highway and the appearance of the area in accordance with in accordance with Policies BE13 and BE18 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

36 NONSC Existing retaining walls - method statement

No development shall commence until a method statement detailing how the construction works are to be undertaken so that they do not adversely impact upon the existing retaining walls along the northern and eastern boundaries of the site. Thereafter, the construction works shall only be carried out in accordance with the approved method statement.

REASON

To ensure the structural integrity of the existing retaining walls in the interests of the stability of adjoining properties, pedestrian safety on the adjoining highway and the appearance of the area in accordance with Policies BE13 and BE18 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The proposal is considered to make efficient use of an existing underutilised site within the Town Centre and in close proximity to public transport facilities. The development will provide additional landscaping along Belmont Road and within the site and result in an improved pedestrian and car parking environment. The proposed unrestricted trading hours will improve the viability of the Town Centre, and provide greater employment opportunities.

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE21	Siting, bulk and proximity of new buildings/extensions.
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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
S1	New retail development within the shopping hierarchy
S3	Increasing the attractiveness of town centres
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LPP 3A.17	London Plan Policy 3A.17 - Addressing the needs of London's diverse population
LPP 3C	Chapter 3C of the London Plan - Connecting London, improving travel in London
LPP 3C.22	Improving conditions for cycling
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 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4A.7	London Plan Policy 4A.7 - Renewable Energy
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LPP 4B.6	

3 I1 Building to Approved Drawing

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

4 I11 The Construction (Design and Management) Regulations 1994

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

5 I12 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

6 I13 **Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

7 I14 **Installation of Plant and Machinery**

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

8 I14C **Compliance with Building Regulations Access to and use of**

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

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

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

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

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

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive

environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.

· Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6 and 8.

9 115 Control of Environmental Nuisance from Construction Work

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

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

10 118 Storage and Collection of Refuse

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

11 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

12 I2 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

13 I24 **Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

14 I25 **Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

15 I28 **Food Hygiene**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

16 I34 **Building Regulations 'Access to and use of buildings'**

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

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

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

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

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

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

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

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

17 I45 Discharge of Conditions

Your attention is drawn to conditions 2, 4, 6, 7, 8, 12, 14, 15, 17, 18, 20, 21, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35 & 36 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of these conditions. The Council may consider taking enforcement action to rectify the breach of these conditions. For further information and advice contact - Planning, Environment & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

3. CONSIDERATIONS

3.1 Site and Locality

The site is located adjacent to York Road and Belmont Road, Uxbridge and is designated as 'Town Centre' on the Proposals Map of the Hillingdon Unitary Development Plan Saved Policies (September 2007). It contains an existing Sainsbury's supermarket building having a gross floor area of 6269 sq m, with associated parking for 412 vehicles. Access to the site is off York Road.

The site sits below the level of Belmont Road and contains a large retaining wall ranging in height from 2-5 m along the north and east boundaries.

3.2 Proposed Scheme

The application seeks to extend the expiry date of planning permission ref: 39439/APP/2004/2402 for a further three years. Under the new procedures for extensions to the time limits for implementing existing planning permissions, introduced in October 2009, applicants can apply to the Local Planning Authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

All details are identical to those previously approved. Changes to London Plan policy

require that a 20% saving from decentralised and renewable or low-carbon sources be applied across the site. The applicant proposes that this target be met by way of improvements in the energy efficiency of the building through design and construction measures and applying low and zero carbon technology in the form of air source heat pumps and sun-pipes.

3.3 Relevant Planning History

39439/APP/2004/2402 Sainsbury Supermarket York Road Uxbridge

ERECTION OF A DECKED CAR PARK, SINGLE STOREY STORE EXTENSION AND PROPOSED UNRESTRICTED TRADING HOURS

Decision: 05-09-2005 Approved

39439/APP/2004/364 Sainsbury Supermarket York Road Uxbridge

REMOVAL OF CONDITION 14 (RESTRICTION OF FLOOR SPACE) OF PLANNING PERMISSION REFERENCE 35059/84/1233 DATED 1/4/1985: ERECTION OF A RETAIL STORE OF NOT MORE THAN 65,000 SQ FT TOGETHER WITH AN OFFICE BUILDING OF NOT MORE THAN 29,950 SQ FT AND ASSOCIATED CAR PARKING

Decision: 24-06-2004 Approved

39439/APP/2004/387 Sainsbury'S Store York Road Uxbridge

ERECTION OF A TWO STOREY REAR EXTENSION FOR STORAGE/LOADING AND STAFF FACILITIES.

Decision: 26-05-2004 Approved

39439/APP/2009/2380 Sainsbury'S Store York Road Uxbridge

Minor re-configuration of existing car park to include entry and exit barriers.

Decision: 08-01-2010 Approved

39439/Z/99/0896 Sainsbury Supermarket York Road Uxbridge

Erection of front and side extensions to accommodate a 120-seat restaurant (involving loss of 116 car parking spaces) and creation of a pedestrian access to Belmont Road

Decision: 29-01-2001 Approved

Comment on Relevant Planning History

In 1985, planning permission was granted for the existing store, comprising a gross external floor area of 6,269 sq m, incorporating a sales area of 3,344 sq m. A total of 412 parking spaces were provided (Ref. 35059/84/1233).

In 2001, planning permission was granted for an extension to the store (in the same position as the current proposal) to provide a 120-seat restaurant and an increased sales area of 743 sq m. A reduction of 116 parking spaces was proposed (Ref. 39439/Z/99/0896). This consent was not implemented.

Two further planning applications were submitted in February 2004. The first sought an extension to the rear of the supermarket to provide additional storage space on the ground and first floors. Permission was granted on 26 May 2004 (Ref. 39439/APP/2004/387).

The second application sought deletion of condition 14 of the original 1985 planning permission, which imposed a restriction on the net sales area of the store (to 3,345 sq m). Rather than remove the condition entirely, officers determined to impose a new condition, whereby the sales area was limited to 4,273 sq m. Consent was granted on 24 June 2004 (Ref. 39439/APP/2004/364). Neither of the 2004 permissions were implemented.

In 2005, planning permission was granted for the erection of a decked car park, single storey store extension and proposed unrestricted trading hours (Ref. 39439/APP/2004/2402). This consent has not been implemented.

In 2010, planning permission was granted for the minor re-configuration of the existing car park to include entry and exit barriers (Ref. 39439/APP/2009/2380). This involved the loss of 7 parking spaces within the car park and has been implemented.

4. Planning Policies and Standards

Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)
Planning Policy Statement 4 (Planning for Sustainable Economic Growth) (December 2009)
Planning Policy Guidance Note 13 (Transport) (April 2001)
The London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement - Accessible Hillingdon (July 2006)
Planning Obligations Supplementary Planning Document (July 2008)

The relevant policies of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) are referenced in the relevant section below.

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. |
| PT1.19 | 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.

PT1.32 To encourage development for uses other than those providing local services to locate in places which are accessible by public transport.

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.

BE15 Alterations and extensions to existing buildings

BE18 Design considerations - pedestrian security and safety

BE21 Siting, bulk and proximity of new buildings/extensions.

BE26 Town centres - design, layout and landscaping of new buildings

BE28 Shop fronts - design and materials

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

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

S1 New retail development within the shopping hierarchy

S3 Increasing the attractiveness of town centres

R2 Provision of recreation, entertainment and leisure facilities in Town Centres

R16 Accessibility for elderly people, people with disabilities, women and children

R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

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.

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

LPP 3A.17 London Plan Policy 3A.17 - Addressing the needs of London's diverse population

LPP 3C Chapter 3C of the London Plan - Connecting London, improving travel in London

LPP 3C.22 Improving conditions for cycling

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 4A.20 London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes

LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4A.7 London Plan Policy 4A.7 - Renewable Energy
LPP 4B.5 London Plan Policy 4B.5 - Creating an inclusive environment.
LPP 4B.6

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **15th September 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 27 neighbours, including the North Uxbridge Residents' Association, were consulted. 5 replies have been received. 3 raise no objection in principle, subject to the following:

1. There should be 24 hour security of the car park, to avoid anti-social behaviour, and construction and future maintenance work should take place during normal working hours to avoid disturbance to neighbouring residential occupiers.
2. Consideration should be given to landscaping the upper deck car parking in particular with the provision of tree cover and hedges.
3. The Council should be satisfied that the development does not have an adverse impact on the local highway network or conflict with the existing operation of the adjoining office building.

The other 2 object on the following grounds:

1. Proposed car deck would have a detrimental impact on the pupils at the adjoining school as a result of pollution.
2. Increase in traffic in the area.

LONDON UNDERGROUND LIMITED

No objection.

METROPOLITAN POLICE CRIME PREVENTION OFFICER

Secure gates/fences should be provided at the side of the building to prevent access to the rear.

CCTV should be provided to the car park, building and stairwell entrances.

The car park is to be constructed to 'Safer Car Park Standards', as outlined in the Council's Supplementary Planning Guidance 'Community Safety by Design'.

Internal Consultees

TREES AND LANDSCAPE OFFICER

BACKGROUND:

The site is the car park of the existing Sainsbury Store, below Belmont Road. The car park features trees in tree pits which are now of variable quality. No tree survey or arboricultural

implications assessment has been submitted with this application, although an extant permission did consider the trees within the site and the highway trees along Belmont Road which influence the site (and views in and out). There is a strip of planting along the front boundary which is typical in this residential street and contributes to the character of the area.

There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

PROPOSAL:

The application is for a new planning permission to replace the extant permission ref. 39439/APP/2004/2402.

The proposal involves the erection of a decked landscaped car park which will abut the high retaining wall below Belmont Road on the north-west boundary. A single-storey store extension is proposed in the space between the existing store and Belmont Road.

No landscape details have been submitted in support of this application, although the extant approval made provision for replacement tree planting and other landscape enhancements, through conditions and a S.106 agreement for off-site tree planting.

LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

* The application involves the removal of trees from within the existing car park. The extant approval made provision for landscape enhancement, including tree replacement within the car park. Landscape enhancement, including the provision of green walls to screen the new decked car park.

* The extant permission also involved a S.106 agreement to review the highway trees within the Belmont Road footway with a view to providing replacement /supplementary tree planting on the north-west boundary.

RECOMMENDATIONS:

No objection subject to the above considerations which should be addressed through conditions TL1, TL2, TL3, TL5, TL6, TL7 and a S.106 legal agreement to secure offsite landscape enhancements.

HIGHWAYS ENGINEER

No objection.

ENVIRONMENTAL PROTECTION UNIT

NOISE

I refer to the memo dated 25th August 2010 concerning the proposal for erection of a decked car park, single storey store extension and unrestricted trading hours.

The letter from Turley Associates dated 30th July 2010 states that the present application seeks to extend the time limit of previous planning permission 3439/APP/2004/2402. The letter also states that there should be a strong presumption in favour of such a time extension where circumstances have not changed materially since the original grant.

I have also considered the noise report prepared by Cole Jarman dated 24th August 2010, that updates an earlier noise report relating to the previous planning permission.

The updated noise report contains an assessment of the impact of noise associated with the proposed development. Noise from new mechanical plant is considered, and suitable noise limits are proposed to protect residential amenity. Noise from use of the revised car park is considered.

The car park will have an upper car park deck located over a lower parking area. It is concluded that the screening effects of covering over a large area of the lower car park will result in a net reduction of car park noise levels at the closest residential properties. Noise from increased road traffic is assessed, taking account of updated road traffic flows. It is concluded that increases in road traffic noise with the development will be imperceptible.

The previous planning permission was granted subject to a number of conditions, with conditions 18, 26 and 33 relating to noise issues. Condition 18 requires submission of a scheme for controlling noise emanating from the site. This condition can be used to control noise from mechanical plant. Condition 26 requires submission of a scheme for protecting surrounding dwellings against noise and dust during construction. Condition 33 restricts hours for customer parking on the upper car park deck. This condition should prevent neighbouring residents from being disturbed at night by use of the upper car park deck.

I accept that the updated noise report demonstrates that there is no material change in noise issues since the original grant. It would consequently be unreasonable to impose different or additional conditions relating to noise, and the same conditions should be applied to the present application. Those conditions were previously considered adequate, and I therefore have no objection on noise grounds to the proposal.

AIR QUALITY

The site is located within an Air Quality Management Area. An air quality assessment was submitted with the original application to which the Environmental Protection Unit raised no objection subject to the imposition of conditions requiring details of a fleet management plan and green travel plan for the site. Subject to the re-imposition of these conditions on any fresh consent, no objection is raised to the proposed development on air quality grounds.

WASTE DEVELOPMENT MANAGER

No objection.

ACCESS OFFICER

The number of accessible parking bays should be increased from 11 to 21 in line with the guidance set out in the Council's SPD 'Accessible Hillingdon' (adopted January 2010). On the basis that these can be incorporated, no objection is raised.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within Uxbridge Town Centre. The proposed Core Strategy draft document highlights Uxbridge as a preferred location for retail development (policy E4) and goes on to state that there is capacity for 1,300 sq m of convenience retail floor space up to 2016. Paragraph 4.5 of the draft Core Strategy also states that the town centre currently supports 100,000 sq metres of retail floor space and the growth of retail, leisure and employment uses in Uxbridge town centre will be encouraged to support its Metropolitan status. The store extension would intensify the use of the site, thereby improving the vitality of the Town Centre. However, its modest scale means that it is unlikely to have a negative effect on the viability of neighbouring centres. Accordingly, no objections are raised to the principle of the use.

7.02 Density of the proposed development

Not applicable to the application.

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

Not applicable to the application.

7.04 Airport safeguarding

Not applicable to the application.

7.05 Impact on the green belt

Not applicable to the application.

7.07 Impact on the character & appearance of the area

Policies BE13, BE19 and BE21 of the Unitary Development Plan Saved Policies seek to ensure that new development will complement and improve the character and amenity of the area. The level of the site is up to 5 metres lower than Belmont Road and as such only the roof of the extension and the upper car deck would be visible in the street scene. The extension and car deck would be partially screened from views from York Road by the existing office building at Anixter House. The extension would be finished in materials to match the existing store and additional street planting is proposed along the Belmont Road frontage and within the car park. As such, it is considered that the development would complement and improve the character and amenity of the area in accordance with these policies.

7.08 Impact on neighbours

The nearest residential properties to the site are on the opposite side of Belmont Road. In view of the difference in levels between the site and these properties and the substantial street planting proposed on the Belmont Road frontage, it is not considered that the occupiers of these properties would suffer any undue loss of light, outlook or privacy as a result of the proposed extension and car deck. Similarly, the site is approximately 5 metres lower than the adjoining Hermitage Primary School and, as such, would not result in any undue loss of amenity to the occupiers of the school.

With regard to the proposed unrestricted trading hours, the current planning permissions, the current planning permissions allow trading between 7am and Midnight, Monday to Friday and 7am to 10pm Saturdays. Sunday opening hours are governed by the Sunday Trading Act. It is considered that any additional noise generated by the increased trading hours would be minimal, particularly given the location of the store entrance and the screening effects that the proposed decked car park and landscaping would have. The noise report submitted with the current application concludes that there will be 'an imperceptible increase' in noise associated with the current proposals, while the Council's Environmental Protection Unit raises no noise or disturbance objections, subject to the same conditions to restrain noise as were imposed on the original consent.

7.09 Living conditions for future occupiers

Not relevant to the application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The existing car park provides 412 parking spaces. The proposal results in a total parking provision of 428 spaces, representing an increase of 16 spaces.

Current parking standards for retail use are contained in the London Plan (February 2008) and permit the following maximum parking ratio for the development:

25 sq m to 38 sq m = 1 space

In addition the Local Development Framework Accessible Hillingdon Supplementary

Planning Document (January 2010) requires the provision of parking spaces for people with disabilities in accordance with the following ratio:

4 spaces plus 4% of total capacity.

The development proposes an increase in floor space of 1513 sq m. for which a maximum of 61 additional parking spaces would be permitted under the London Plan. The provision of 16 additional spaces therefore accords with the adopted standards. The applicant has submitted a Transport Assessment (which has been reviewed by the Council's Highway Engineer) which indicates that the reconfigured car park is projected to operate within capacity on weekdays, and close to or at capacity on Saturdays. In the light of this it is concluded that the proposed car parking provision is in accordance with national planning policy objectives set out in PPG 13 and is considered acceptable from a highway safety point of view.

The Transport Assessment demonstrates that there would be no significant growth in traffic on the adjoining highways.

In terms of parking for people with disabilities, the existing car park provides 13 spaces for people with disabilities. The proposal would require 8 additional spaces in accordance with the Council's minimum standards. These can be secured by an appropriate planning condition.

In terms of bicycle parking, the development provides 20 new bicycle spaces adjacent to the proposed store extension. This level of provision is in accordance with the Council's minimum standards and is considered acceptable for the proposed increase in floor space.

7.11 Urban design, access and security

Urban design is considered at section 7.07 and disabled access at section 7.12. With regard to security, the Metropolitan Police Crime Prevention Officer has advised that secure gates/fences should be provided at the side of the building to prevent access to the rear; CCTV should be provided to the car park, building and stairwell entrances; and the car park should be constructed to 'Safer Car Park Standards', as outlined in the Council's Supplementary Planning Guidance 'Community Safety by Design'. Appropriate conditions are recommended to secure these requirements.

7.12 Disabled access

The Access Officer has no objection to the scheme subject to the number of accessible parking bays being increased from 11 to 21 in line with the guidance set out in the Council's SPD 'Accessible Hillingdon' (adopted January 2010). This can be secured by an appropriate planning condition.

7.13 Provision of affordable & special needs housing

Not relevant to the application.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Unitary Development Plan Saved Policies (September 2007) requires new development to retain existing landscape features and provide new landscaping wherever possible.

The existing car park is sparsely landscaped with trees scattered between parking spaces in a fairly random manner. The proposal will result in the provision of 17 new trees to the

existing car park, arranged in rows to create a formal 'avenue' effect. These will help screen the decked car park when viewed from the railway line, and the existing at grade car park and approaches into the site. Planter boxes, designed to produce a 'cascading' effect, are also proposed along the southern elevation of the decked car park, further helping to soften the built form. Along the Belmont Road frontage, substantial street planting is proposed, secured via a Section 106 agreement, to reinforce the existing landscaping and provide a more formal entrance into the Town Centre.

The effect of these landscaping proposals is considered to create a more harmonious Town Centre environment, which will improve the existing street scene and character and appearance of the area.

7.15 Sustainable waste management

The existing refuse and recycling facilities for the store would be retained as part of the development. The retention of these could be secured by an appropriate condition in the event of planning permission being granted.

7.16 Renewable energy / Sustainability

In accordance with London Plan Policies 4A.3, 4A.4, 4A.6 and 4A.7, a 20% carbon reduction target using renewable energy from low carbon sources should to be incorporated into the scheme. Since the original application the London Plan carbon reduction target has changed from 10% to 20%.

As part of the extension application, the applicant has submitted an Energy Statement, outlining options as to how this 20% reduction could be met.

The Energy Statement has considered a range of options, including:

- (1) Air Source Heat Pumps
- (2) Biomass Heating
- (3) Wind Turbines
- (4) Photo-Voltaic Panels
- (5) Solar Thermal
- (6) Ground Source Heating and Cooling
- (7) Combined Heat & Power CHP
- (8) Biomass CHP
- (9) Hydrogen Fuel Cells
- (10) Sun Pipes

As this Energy Statement is only a preliminary assessment of options, further detailed assessment and chosen options would be required. A condition is recommended to secure this. If Biomass were to be considered the choice of renewable energy source, an air quality assessment would need to be submitted along side the detailed information. Provision of these details can be secured by an appropriate condition in the event of planning permission being granted.

7.17 Flooding or Drainage Issues

No issues identified.

7.18 Noise or Air Quality Issues

NOISE

The updated noise report accompanying the application contains an assessment of the impact of noise associated with the proposed development. Noise from new mechanical plant is considered, and suitable noise limits are proposed to protect residential amenity. Noise from use of the revised car park is considered. The car park will have an upper car park deck located over a lower parking area. It is concluded that the screening effects of

covering over a large area of the lower car park will result in a net reduction of car park noise levels at the closest residential properties. Noise from increased road traffic is assessed, taking account of updated road traffic flows. It is concluded that increases in road traffic noise with the development will be imperceptible.

The previous planning permission was granted subject to a number of conditions, with conditions 18, 26 and 33 relating to noise issues. Condition 18 required submission of a scheme for controlling noise emanating from the site. This condition can be used to control noise from mechanical plant. Condition 26 required submission of a scheme for protecting surrounding dwellings against noise and dust during construction. Condition 33 restricted hours for customer parking on the upper car park deck. This condition should prevent neighbouring residents from being disturbed at night by use of the upper car park deck. Subject to the re-imposition of these conditions, it is not considered that the proposed development would adversely affect the amenities of the occupiers of neighbouring properties as a result of noise.

AIR QUALITY

The site is located within an Air Quality Management Area. An air quality assessment was submitted with the original application to which the Environmental Protection Unit raised no objection subject to the imposition of conditions requiring details of a fleet management plan and green travel plan for the site. Subject to the re-imposition of these conditions on any fresh consent, no objection is raised to the proposed development on air quality grounds.

7.19 Comments on Public Consultations

The majority of issues raised are dealt with in the body of the report.

With regard to security of the car park, conditions are recommended to ensure that the proposed decked car park is built to 'Safer Car Park Standards' in accordance with the guidance contained in the Council's SPG on Community Safety By Design and requiring details of the proposed CCTV infrastructure to be submitted to and approved by the Local Planning Authority.

The Council's Highways Engineer is satisfied that the proposed development would not have an adverse impact on the local highway network or conflict with the existing operation of the adjoining office building.

The Environmental Protection Unit is satisfied that the proposed development would not result in any air quality issues in relation to the adjoining school, subject to the imposition of conditions requiring details of a fleet management plan and green travel plan for the site.

7.20 Planning obligations

The previous planning permission ref. 39439/APP/2004/2402 was accompanied by a Section 106 Agreement dated 6 September 2005 which made provision for the following:

1. A financial contribution of £25,000 towards the Uxbridge Town Centre Initiative.
2. A financial contribution of £14,000 towards CCTV equipment to improve pedestrian safety between the Town Centre and the Sainsbury's store.
3. A financial contribution of £4,000 towards the provision of refuse bins on the pedestrian routes between the Town Centre and the Sainsbury's store.
4. A financial contribution of £10,000 towards a feasibility study to improve pedestrian links between the Town Centre and the Sainsbury's store.

5. A financial contribution of £10,000 towards street planting along Belmont Road, immediately adjacent to the site.
6. A financial contribution of £3,150 towards project management/administration costs relating to this agreement.

The applicant has agreed to provide the same level of contributions in relation to the current application which will comprise the following:

1. A financial contribution of £35,000 towards Town Centre/Public Realm improvements.
2. A financial contribution of £14,000 towards CCTV equipment to improve pedestrian safety between the Town Centre and the Sainsbury's store.
3. A financial contribution of £4,000 towards the provision of refuse bins on the pedestrian routes between the Town Centre and the Sainsbury's store.
4. A financial contribution of £10,000 towards street planting along Belmont Road, immediately adjacent to the site.
5. A financial contribution equivalent to 5% of the total cash contributions towards project management/administration costs relating to the agreement.

The existing agreement will need to be varied by way of a Deed of Variation tied to this permission to ensure that the obligations of the legal agreement are linked to this permission.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

RETAINING WALLS

The site contains existing concrete and brick retaining walls along the northern and eastern perimeters of the car park, varying in height between 2 and 5 metres. The decked car park is to be constructed flush with the retaining wall fronting Belmont Road while the store extension is to be offset 2m from the eastern boundary wall, adjacent to Hermitage Primary School.

The previous application included a structural engineer's report concluding that both walls were in structurally sound condition, and that any future piling/foundation works would be carried out in a manner so as to not affect the structural integrity of the existing retaining walls. Appropriate conditions are recommended requiring full engineering details to be submitted for approval prior to the commencement of work to ensure the satisfactory retention of these walls.

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

This application relates to the renewal of planning permission ref: 39439/APP/2010/2402 which expired on 05 September 2010. All details are identical to those previously approved. Changes to London Plan policy requires a 20% saving from decentralised and renewable or low-carbon sources be applied across the site. The applicant proposes that this target be met by way of improvements in the energy efficiency of the building through design and construction measures and applying low and zero carbon technology.

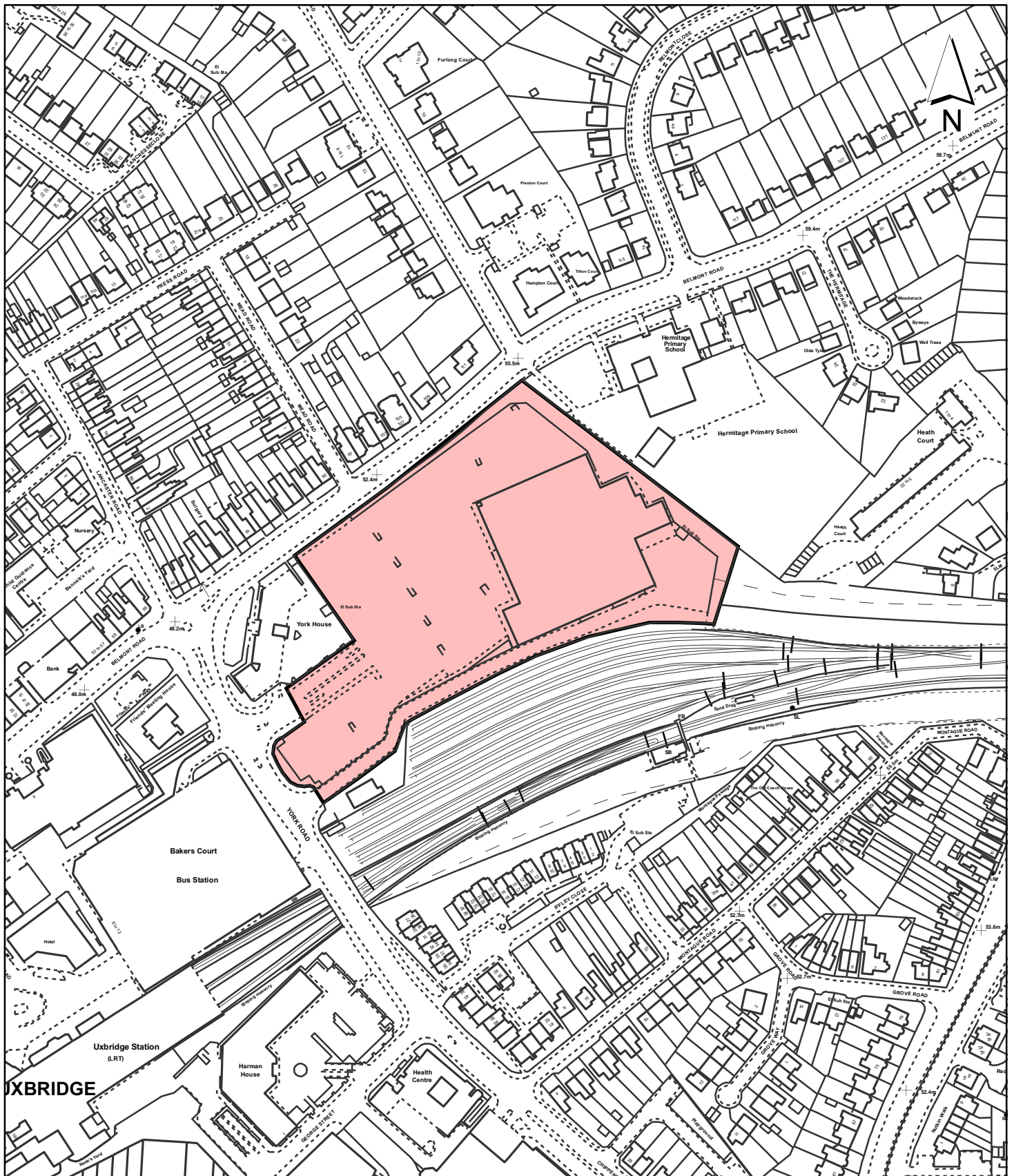
The proposal complies with current London Plan and UDP policies. Accordingly, approval is recommended.

11. Reference Documents


Planning Policy Statement 1 (Delivering Sustainable Development) (January 2005)
Planning Policy Statement 4 (Planning for Sustainable Economic Growth) (December 2009)
Planning Policy Guidance Note 13 (Transport) (April 2001)
The London Plan (February 2008)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement - Accessible Hillingdon (July 2006)
Planning Obligations Supplementary Planning Document (July 2008)

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Sainsbury's Store
York Road
Uxbridge**

Planning Application Ref:

39439/APP/2010/1799

Planning Committee

Central and South

Scale

1:2,500

Date

**November
2010**

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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