

## Report of the Head of Planning & Enforcement Services

**Address** FORMER KINGS ARMS GARAGE SITE RICKMANSWORTH ROAD  
HAREFIELD

**Development:** Conversion of existing listed building incorporating two storey extension with habitable roofspace comprising 3 one-bedroom flats and part use as Class A1 (Retail) for use as convenience goods store, to include associated parking, involving demolition of existing single storey detached building and extension to listed building.

**LBH Ref Nos:** 3877/APP/2010/2200

**Drawing Nos:** Geo-Environmental Assessment, April 2008  
Un-numbered West Elevation  
Un-numbered East Elevation  
Un-numbered North Elevation  
Un-numbered South Elevation  
3308 (P)200  
3308 (P)201 App.(B)  
3308 (P)501 App.re[ix]  
3308 (P)505 App.(B)  
GC.21575.001 (Tree Survey)  
GC.21575.002 Rev.G (Tree Constraints and Protection Plan)  
44707X/1 (Topographical and Building Survey)  
Transport Statement, September 2010  
Renewable Energy Feasibility Study, September 2008 (4th Issue)  
Archaeological Desk Based Assessment, dated May 2008 (updated September 2010)  
Arboricultural Method Statement, dated 23/08/10 Rev. D  
Planning, Design and Access Statement, September 2010  
Report on the Arboricultural Impact of the Proposed Developmwent, dated 23/08/10 Rev. E  
1:1250 Location Plan  
Noise Impact Assessment, Version V1.1, dated 11th July 2010  
Economic Development Assessment, dated August 2010

**Date Plans Received:** 14/09/2010

**Date(s) of Amendment(s):**

**Date Application Valid:** 15/09/2010

### 1. SUMMARY

Members may recall previous applications on this site for a similar scheme, the latest of which was refused at the North committee meeting on the 1st June 2010 (Application refs. 3877/APP/2442, 2443 and 2444).

This proposal is a fourth submission involving the restoration, conversion and extension of the Grade II listed garage building and redevelopment of the site to provide for a mixed use scheme comprising a ground floor retail unit (convenience goods store) with residential above. The proposed building is identical to that proposed in the latest previous applications (refs. 3877/APP/2008/3159, 3160 and 3161 and 3877/2009/2442, 2443 and 2444) with 262m<sup>2</sup>, (including ancillary areas) of retail floor space (206.5m<sup>2</sup> gross internal floor area, excluding circulation space) on the ground floor and the rear

part of the first floor (ancillary retail storage and office space) with the remainder of the first floor comprising two one-bedroom residential flats and the third one-bedroom flat in the roof of the building. Only the parking/servicing arrangements have been revised.

The site is prominently located within the Harefield Village Conservation Area and incorporates part of the nineteenth century Grade II listed stables formerly associated with the Kings Arms public house.

There are no objections to the demolition of the modern flat roofed garage building and the mono-pitched extension to the listed stable building.

The loss of the garage/workshop and provision of a retail unit and flats on this site was also considered acceptable in policy terms.

The previous schemes were not considered to raise any specific design concerns and this assessment remains the same on this application. If the applications had not been recommended for refusal, conditions would have been sought to address minor outstanding design issues, but otherwise, the scheme is not considered to detrimentally impact upon the setting of the Harefield Village Conservation Area or the Grade II listed stables.

The applicant has revised the parking and servicing arrangements on site, so that with the exception of a disabled parking space, no customer parking would be provided, a central vehicular crossover would replace the two existing crossovers, a designated service bay is provided, deliveries would be restricted to an 8m rigid vehicle, two pedestrian routes from Rickmansworth Road would be provided and the hardstanding would be removed from the protected London Plane tree on site.

Although the amendments have overcome the second reason for refusal of the previous scheme which related to tree issues, the Council's Highway Engineer objects to this scheme on highway grounds. The proposed servicing arrangements would still involve the need for a high level of management intervention for the scheme to operate which was criticised by a previous Inspector. It is therefore recommended that planning permission be refused.

## **2. RECOMMENDATION**

**REFUSAL for the following reasons:**

### **1 NON2 Non Standard reason for refusal**

The delivery vehicle operations at the site would involve the need for a high and consistent level of management intervention throughout the life of the development which would not be sufficiently robust in the long term to ensure the safe operation of the site. The development is likely to result in delivery vehicles waiting and/or loading/unloading on the adjoining highway. The development is therefore considered to be detrimental to highway and pedestrian safety and prejudicial to the free flow of traffic on the adjoining highway, including access by emergency vehicles to and from the adjoining Harefield Hospital, contrary to Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **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.

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning and Noise
LP	London Plan (February 2008)
BE1	Development within archaeological priority areas
BE3	Investigation of sites of archaeological interest and protection of archaeological remains
BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
BE9	Listed building consent applications for alterations or extensions
BE10	Proposals detrimental to the setting of a listed building
BE11	Proposals for the demolition of statutory listed buildings
BE12	Proposals for alternative use (to original historic use) of statutorily listed buildings
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
H4	Mix of housing units
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
HDAS	Residential Layouts Accessible Hillingdon
SPG	Planning Obligations Supplementary Planning Guidance (July 2008)
R16	Accessibility for elderly people, people with disabilities, women and children

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is a plot of land approximately 0.073 hectares in area, formerly known as The Kings Arms Garage and is situated on the western side of Rickmansworth Road, to the north of its roundabout junction with Park Lane, Breakspear Road North and High Street, Harefield. The southern boundary of the site abuts The Kings Arms Public House, a Grade II Listed Building. To the north of the site is the main entrance to Harefield Hospital, with a small wooded area on the immediate boundary. To the west is the beer garden of The Kings Arms Public House. The site is currently vacant and somewhat derelict, and has been partially fenced off. The western part of the site is occupied by a single storey ridged roof building with accommodation in the roof with a front dormer which was used as the garage/petrol sales/workshop. This building was formerly an outbuilding to The Kings Arms Public House and extends southwards across the site, linking with the public house. It has been added to with a mono-pitched extension on its northern side. The northern part of the site is currently occupied by a single storey flat roofed detached building previously used as a car wash facility. To the east of the site on the other side of Rickmansworth Road is the village green. A pedestrian crossing is situated immediately outside the Public House.

The former garage/workshop building is Grade II listed, as is the adjoining Kings Arms Public House. The site is located within the Harefield Local Centre and forms part of the Harefield Village Conservation Area. It is also an archaeological priority area as identified in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007). A London Plane tree on the eastern boundary of the site has a Tree Preservation Order.

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

#### 3.2 Proposed Scheme

The proposal involves the restoration of the Grade II listed building and redevelopment of the remainder of the site to provide for a mixed use scheme accommodating 262m<sup>2</sup> of gross external floor area of a convenience goods store (206.5m<sup>2</sup> gross internal sales area) on the ground floor and ancillary retail storage and office space and residential

above. The residential element would comprise 3, one-bedroom flats, two at first floor level and one in the roof space. A small mono-pitched roof extension to the listed building and the flat roofed car wash building would be demolished.

The overall building footprint would be L-shaped and the extension would have an overall width of 15.25m taken from the side wall of the original former garage/workshop building, which would extend so that at its nearest point, the building would be set off from the north boundary by 2.4m. The building would abut the western boundary and have an overall depth of 17.0m. The main building would be two storeys with various gabled ended ridged roofs incorporating accommodation in the roofspace, with 2 front dormers, a side dormer and rooflight on the northern elevation and two rooflights at the rear. The overall height of the ridged roof would be 8.9m. A single storey extension with a ridged roof and front rooflight would link the main two storey building with the retained garage/workshop building, replacing the flat roof extension to the former outbuilding.

The scheme proposes 4 car parking spaces, 3 for the residential units and 1 disabled customer space and 8 cycle parking spaces (4 for the flats and 4 for the convenience goods store).

The development would not be served by any communal or private amenity space.

Access to the parking spaces would be via a new central vehicular crossover on Rickmansworth Road. Service/delivery vehicle standing will be located in front of the customer disabled parking space. Pedestrian access to the store would be taken from each end of the frontage with a separate entrance to the residential units located to the side of the store, on the northern elevation of the building. The goods entrance to the store would be sited behind the residential entrance with separate commercial and residential refuse stores proposed, adjacent to the respective entrances.

As part of the proposal, various supporting statements have been submitted:

Planning, Design and Access Statement:

This describes the more recent planning history that has led to the submission of this revised scheme, and in particular focuses upon the reasons for refusal of the latest scheme. It highlights the key changes made to the scheme, namely:

- \* On-site parking has been amended with the removal of on-site customer parking except for one disabled space;
- \* A designated loading area has been provided which will not block the resident or disabled parking bays;
- \* Delivery vehicle size is to be restricted to an 8m rigid vehicle;
- \* Two existing vehicular crossovers will be removed and replaced with a central access point;
- \* The site layout has been revised to incorporate 2 pedestrian routes from Rickmansworth Road to the store entrance;
- \* Sufficient space has been provided between the hardstanding and the protected London Plan Tree to remove the likelihood of damage

The background to the proposed development is provided, and a commentary on how the scheme has evolved. Reference is made to the three previous Tesco schemes, and the previous officers' reports to the 8th October 2008, 17th March 2009 and 1st June 2010 committees when officers considered that the retail element was consistent with policy,

which was agreed by Members and the appeal Inspector. It goes on to highlight that although a significant number of residents objected to the presence of Tesco on the site on the planning consultation with the previous schemes, this has to be contrasted with the questionnaire sent to 2,500 residents within a 1 kilometre catchment of the site on the 10th April 2008. Of the 462 respondents, 231 (50%) were in support of a Tesco Express on the site as opposed to 44% against.

It goes on to provide a description of the application site and the surrounding area, together with a planning history of the site. A detailed history of the evolution of the scheme is provided, together with details of the various officer discussions that took place and changes made to the scheme. The statement then goes on to assess the planning policy framework and provides an appraisal of the development. In terms of land use mix, the document refers to the updated Economic Development Assessment that shows the proposed store would have a positive impact on the vitality and viability of the Harefield Local Centre and that no other suitable or viable sites are available. The development would regenerate the site, bringing environmental enhancement, provide new residential units and stimulate investment in the local centre. The statement stresses that the scheme accords with PPS4 and that the acceptability of the land uses, including residential, have been agreed by the Council. The statement refers to the updated Heritage Assessment and assesses the impacts of the development upon the former stable building, the setting of the King's Arms Public House and the Harefield Village Conservation Area. The statement refers to a separate Archaeology Desk Based Assessment and acknowledges that the development could have an archaeological impact which would need to be evaluated at site. The statement goes on to confirm that the form, scale and layout of the proposed building has not changed. The layout, scale, appearance and landscaping of the development is then described and the quality of the residential accommodation assessed. Although the units would have no amenity space, a suggestion that balconies be provided has previously been rejected by the Conservation Officer on design grounds and the site is immediately opposite the village green. Again, the Council has accepted the lack of provision. The statement then assesses the impact of the development on surrounding properties, both in terms of its built form and potential for noise generation. In respect of the latter, reference is made to the findings of an updated Noise Report. The Statement then highlights how the scheme overcomes the two reasons for refusal of the previous scheme and then looks at traffic generation, car parking and cycle parking, mainly re-iterating the findings of the revised Transport Statement. The statement then discusses sustainable development, sustainable design and construction, store recycling and land contamination.

#### Transport Statement:

This describes the planning background to this application, focusing on the third application to be refused (ref. 3877/APP/2009/2442) and briefly describes the changes made to the current application in order to overcome the reasons for refusal. It goes on to provide a detailed description of the proposed development. It states that delivery vehicles will now be restricted to 8m long rigid vehicles which will suit the revised layout. This size of vehicle is used at other Tesco stores with restricted space/access and examples are given. Vehicle access is then described, and the report advises that service vehicles will enter the site via the new access and then reverse toward the northern boundary, aided by a trained member of staff. A wheel stop will prevent encroachment of the pedestrian footway. The revised site layout provides additional space for delivery vehicles to safely access and manoeuvre within the site. With the removal of parking spaces, delivery vehicles can unload whilst allowing pedestrians to safely access the site. Swept path analysis shows that delivery vehicles will be able to manoeuvre so that they are clear of

the carriageway and footway and can exit in a forward gear. Residential spaces would also be fully accessible during deliveries. Should a car access the site and no parking is available, there is sufficient space for the vehicle to turn within the site. If a second service vehicle arrives on site, the layout does allow sufficient space for the first delivery vehicle to egress the site unimpeded. However, delivery drivers are to be made aware that should they arrive at the site and not be able to park, they are to continue past and legally stop at the Tesco superstore in Rickmansworth via Breakspear Road North, Northwood Road/White Hill and the A404 London Road, before returning along Harefield/Rickmansworth Road once advised that it is safe to do so. This is not expected to occur on a regular basis as deliveries will be carefully scheduled to ensure peak traffic and trading times are avoided and long 'blocks' of time would be allocated for each delivery to take account of possible delays, congestion or other anomalies.

Deliveries of fresh food and other goods would be undertaken using an 8.0m rigid vehicle making 2-4 deliveries to the store per day, with each delivery duration varying from 10 to 30 minutes. Tesco's site appraisal process includes a delivery risk assessment which is undertaken for each new site and passed to Tesco distribution centres, store staff and to third party suppliers, who are bound by contract to follow the instructions. These include all delivery information, including routing information, maximum vehicle size and time restrictions and provides the mechanism which allows deliveries to Express stores to be carefully controlled and planning conditions/delivery management plans to be adhered to. Delivery vehicles also collect 90% of the stores refuse which is taken back to the distribution centres for sorting, then recycling/disposal as appropriate.

Pedestrian and cyclist access will be from Rickmansworth Road, with two new pedestrian footpaths provided each side of the car park. The car park would be constructed as a shared surface, with different materials to denote pedestrian routes.

The statement then goes on to discuss parking provision. It stresses that both the UDP and the London Plan set maximum standards with no minimum level of provision as car parking restraint is recognised as one of the most effective methods of reducing use of the private car and encouraging more sustainable methods of travel. The maximum level of provision for A1 floorspace is 1 space per 30m<sup>2</sup> GFA which would give a maximum number of 9 spaces. The proposals include 1 disabled customer space, so that the provision complies with appropriate guidance. The residential units would each have 1 space, provided with droppable bollards, so that their use can be restricted to residents only. Again, this complies with maximum levels and is considered acceptable. Secure and covered cycle parking of 4 spaces for customers and 4 for residents would be provided which exceeds local guidance and is intended to promote the use of more sustainable modes of transport.

Vehicular movements into and out of the residential spaces would be infrequent with data from TRICS database suggesting the three residential units would generate 4 vehicular movements per day.

The report also makes note that on the previous appeal, the Inspector at paragraph 8 of the appeal decision quotes the Council's highway witness as stating that on-site retail parking provision would not be essential.

On-street parking surveys were undertaken by an independent company on Friday 13th and Saturday 14th March 2009. These took a 150m radius around the site, split into 75m and 75m - 150m areas, where all legal and possible on-street and public parking was counted on an hourly basis. This showed that on the Friday, between the hours of 08:00

to 18:00, peak occupancy occurred at 15:00, with 53% of the spaces occupied within a 75m distance, reducing to 51% in the 75m to 150m zone, leaving 27 spaces available within 150m of the site. On the Saturday, between the hours recorded of 09:00 and 16:00, peak occupancy occurred at 11:00, with 59% of the spaces filled within the 75m distance and 53% of spaces occupied in the 75m to 150m zone beyond, leaving 27 spaces available. There is therefore reserve parking capacity in the vicinity of the site to accommodate additional vehicles which may be attracted to the area during exceptional peaks.

The statement then looks at sustainability issues and considers pedestrian infrastructure within the vicinity of the site to be good and that the site is readily accessible to surrounding residential areas and the wider Harefield local centre for the convenience store to offer opportunities for linked pedestrian shopping trips. Cyclists will also be catered for and the site is close to three bus routes.

Traffic attraction is then analysed. This uses TRICS database 2010(a) and calculates the potential traffic attraction of the site based upon similar sites in terms of land use and location. With an existing site area of 726m<sup>2</sup>, a PM peak traffic flow would be 13 arrivals and 11 departures, 24 two-way traffic trips in total.

The report goes on to advise that stand alone convenience stores are less of a destination in their own right due to the reduced range of goods, but act more of a location for 'top-up' shopping, used principally by those passing the store on existing journeys, particularly on the journey home from work. Given a typical dwell time of a customer using the disabled space of 20 minutes, the store would generate 3 arrivals and 3 departures or 6 two-way trips per hour assuming a worse case scenario of the space being occupied as soon as it was vacated. TRIPS database 2010(a) calculates a PM peak traffic flow of 1 arrival and 1 departure or 2 two-way trips per hour from the residential element. The site would therefore generate a PM peak traffic flow of 8 two-way movements per hour, as compared to the 24 trips associated with the existing use of the site.

The statement goes on to advise that recent research demonstrates that a significant proportion of traffic attracted to a retail development will already exist on the public highway network. This suggests that vehicular trips to new facilities will consist of an element of existing shopping trips diverting from previous destinations and therefore not all trips can be described as new traffic on the highway.

#### Economic Development Assessment

This provides an introduction and describes the site. The report then describes recent planning history on site, focusing on the three Tesco schemes. Relevant retail planning policy guidance is identified, namely PPS4 (December 2009), the Consolidated London Plan (February 2008) and the Hillingdon UDP. The report highlights the relevant sections of PPS4, the Consolidated London Plan and the UDP and provides a detailed assessment of the development against them. This is covered in Section 7.01 of this report.

#### Archaeological Desk Based Assessment:

This establishes the scope of the study and the planning policy background. The geology and topography of the site is described. The archaeological and historical background is assessed, and defines the time periods used in the study. It goes on to document the archaeological finds and features within a 750m radius of the application site. Given the scatter of finds, the possibility for the site producing finds from the prehistoric or Roman



periods is low, whereas as the site has been used in connection with the Kings Head public house, which is thought to have fifteenth century antecedents and the site appears to have been within a historic core of a Late Medieval village, there is a moderate potential for Medieval finds at the application site. As regards the Post Medieval period (AD 1486 - 1749), there is documentary evidence of buildings on the site of the Kings Head public house and in the seventeenth century, it was recorded as an inn called The Butts. A survey of Middlesex in 1754 shows Harefield as a linear settlement along roads which become Rickmansworth Road, running north-south, and Park Lane/Breakspear Road, which run east-west. Buildings are shown in the vicinity of the site which lies at the junction of these roads. A map of 1813 shows the study site occupied by buildings and open areas associated with the rear of the Kings Arms public house. Various demolitions and extensions to the public house buildings are shown on the Ordinance Survey maps after this date, with one of the buildings labelled a smithy on the Ordinance Survey map of 1896 and stabling and a motor garage are advertised at the public house in a photograph of 1908. The smithy and stables appear to have been demolished in the early twentieth century. The study site is labelled a garage on the 1960 map. The potential of the study site for the Post Medieval and Modern periods can be defined as moderate.

Any agricultural or horticultural use of the site prior to development, together with the various stages of building construction and demolition, together with associated cutting of foundations, services, levelling and landforming would have had a severe negative archaeological impact on the study site. However, in view of the site's archaeological potential, the redevelopment proposals are considered to have a potential archaeological impact. A rapid programme of archaeological evaluation is recommended and dependent upon the results, further work may be required.

#### Geo-Environmental Assessment:

This provides a preliminary assessment of the chemical and physical properties of the underlying soil and was primarily designed to identify whether any soil or groundwater contamination is present. The assessment identifies the scope of the study and possible limitations. The site location and use is described, as are the general underlying conditions of the soil and possible threats posed to the re-development of the site which is briefly described. A historical and regulatory review is then provided, together with a summary of potential sources of contamination. The various processes of site investigation are described, and the results of the laboratory analysis, observed ground conditions, geotechnical and environmental results are assessed. In particular, associated with the past use of the site as a petrol filling station, the presence of underground storage tanks is identified and the site lies on an aquifer. A summary of the site investigation and a contaminated land risk assessment is provided and given the sensitivity of the site, conclusions and recommendations are made.

#### Renewable Energy Feasibility Study:

This report identifies that a 10% reduction in CO2 emissions is required to satisfy policy. Baseline energy consumption is calculated from the various energy demands made by the development. Various technologies are assessed, namely solar thermal, solar photovoltaic, biomass heating, combined heat and power, wind turbine and ground source heat pumps and evaluates their potential to deliver carbon footprint reductions on site. Financial considerations are factored in, such as maintenance and service costs and payback periods. It concludes that a ground source heat pump would be the most suitable system in terms of delivering the 10% reduction of CO2 emissions, but if the Council could not support this solution due to the sensitive nature of the site, a wind turbine or a

biomass boiler system could also satisfy the 10% reduction requirement. The report concludes by exploring the feasibility of a 20% reduction and considers this impractical on this site, as the technologies identified could not be easily scaled up due to the site constraints limiting the area from which renewables could be harvested.

#### Arboricultural Impact Statement:

This provides an existing site and development overview. An arboricultural impact is provided, and details of recommended tree works. This includes removal of a dead tree trunk and crown lifting of other trees.

#### Arboricultural Method Statement:

This details the measures to be employed to ensure that retained trees will be protected during the construction process, including details of protective fencing and general site operations.

#### Noise Impact Assessment:

This describes the methodology used and the proposed plant. It concludes that the proposed development would be acceptable, both in terms of the noise level from the proposed plant and the ambient noise levels of the proposed flats.

### **3.3 Relevant Planning History**

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

The application site has had a very long history of being used in connection with the adjoining Kings Head Public House. A smithy and stabling used in connection with the public house appears to have given way to garaging activities with the advent of the car at the beginning of the twentieth century. This use evolved throughout the twentieth century and becomes distinct from the use of the public house and continues until the site is vacated.

The application site has an extensive planning history and includes the following more recent applications:

3877/APP/2006/3040 - Erection of a two storey building and conversion of existing workshop building to provide a ground floor restaurant and 4, one-bedroom self-contained flats at first floor (involving demolition of the existing single storey building). Refused on 25/01/2007 due to inadequate car parking giving rise to conditions prejudicial to highway and pedestrian safety and failure to demonstrate that existing trees on or close to the site would be retained in the longer term.

3877/APP/2006/3036 - The application for the associated Listed building consent for the above scheme was also refused at the same time as insufficient information had been submitted as regards the demolition and as the planning application had been refused, the proposed demolition was detrimental to the character and appearance of the listed building.

#### FIRST SCHEME INVOLVING A CONVENIENCE GOODS STORE

3877/APP/2008/2565 - Erection of a two storey building and conversion of the existing listed workshop building providing a Class A1 (retail) use at ground floor to be used as a convenience goods store, with ancillary storage on part of the first floor and second floor

(involving the part demolition of the existing single storey workshop building, which is not listed) (Full Planning Application). Refused 17/10/2008 for the following reasons:

1. Insufficient information has been submitted to enable the Council to determine the impact on the listed coach house from the proposed partial demolition of this building and the erection of an extension on the eastern elevation of the building. In particular there are concerns about whether there are changes to floor levels and roof structures and whether existing doors and windows (including the attic window) are retained. Furthermore the height of the linking structure is not considered to be sufficiently subservient to the remaining coach house building, in this respect it would appear dominating and visually intrusive in the streetscene. This is to the detriment of the character and appearance of the Harefield Conservation Area and the curtilage listed building. Accordingly the proposal does not comply with policies BE4, BE8, BE10, BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. The proposed layout provides insufficient manoeuvring space for the proposed residential parking, retail parking and delivery vehicle parking. The parking layout is considered to be cramped and likely to result in vehicle and pedestrian conflicts within the application site to the detriment of vehicular and pedestrian safety. The proposals are therefore contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

3. It is considered that the restricted delivery space will not allow safe and satisfactory manoeuvring of delivery vehicles from the public highway. It is furthermore noted that the layout appears to rely on one of the residential parking bays being vacant during delivery times. It is considered that the proposals will result in delivery vehicles interfering with the safe and efficient operation of both the public footway and public highway in front of the application site, and that this would be to the detriment of highway and pedestrian safety. The proposals are therefore contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

3877/APP/2008/2566 - Conversion of part of the two-storey garage/workshop and involving part demolition of the existing single storey workshop building (adjoining the listed coach house)(Application for Listed Building Consent). Refused 17/10/2008 for the following reasons:

1. Insufficient information has been submitted to enable the Council to determine the impact on the listed coach house from the proposed partial demolition of the workshop building and the erection of an extension on the eastern elevation of the building. In particular there are concerns about whether there are changes to floor levels and roof structures and whether existing doors and windows (including the attic window) are retained. Furthermore the height of the linking structure is not considered to be sufficiently subservient to the remaining coach house building, to the detriment of the character and appearance of the listed building. The proposal is therefore considered to be detrimental to the character and appearance of the grade II listed building. The proposal therefore does not comply with policies BE8 and BE10 of the adopted Hillingdon Unitary Development Plan, Saved Policies (September 2007).

2. Planning application ref: 3877/APP/2008/2565 has been refused for the erection of a two storey building and conversion of the existing listed workshop building to provide a Class A1 use on the ground floor with ancillary storage on part of the first floor and 3, 1 bedroom flats on part of the first floor and second floor. As such there are no acceptable and detailed plans for any redevelopment. The proposal therefore does not comply with

policies BE8 and BE10 of the adopted Hillingdon Unitary Development Plan, Saved Policies (September 2007).

3877/APP/2008/2584 - Demolition of the existing detached car wash facility building (application for Conservation Area Consent). Refused 17/10/2008 for the following reason:

1. Planning applications ref: 3877/APP/2008/2565 and 2566 to extend the listed building have been refused. As such, there are no acceptable and detailed plans for any redevelopment. In this instance the Local Planning Authority do not have full information about what is proposed for the site after demolition. In the absence of further information the proposed works are considered to be detrimental to the character and appearance of the listed building and the Harefield Conservation Area. The proposal is therefore considered contrary to Policies BE4, BE8 and BE9 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007)".

## SECOND SCHEME INVOLVING A CONVENIENCE GOODS STORE

3877/APP/2008/3161 - Erection of a two storey building and conversion of the existing listed workshop building providing a Class A1 (Retail) use at ground floor to be used as a convenience goods store, with ancillary storage on part of the first floor and 3 one-bedroom flats on part of the first floor and second floor, with six customer (including one disabled) and three residents parking spaces, and new crossover to Rickmansworth Road - Refused on 20/03/09 for following reasons:

1. The proposed layout provides insufficient manoeuvring space for the proposed retail parking and delivery vehicle. The parking layout is considered to be cramped and likely to result in vehicle and pedestrian conflicts within the application site to the detriment of vehicular and pedestrian safety. The proposals are therefore contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

2. It is considered that the restricted delivery space, together with the two wide crossovers will not allow safe and satisfactory manoeuvring of delivery vehicles from the public highway. It is furthermore noted that the layout appears to rely on some of the retail parking bays being vacant during delivery times. It is considered that the proposals will result in delivery vehicles interfering with the safe and efficient operation of both the public footway and public highway in front of the application site, and that this would be to the detriment of highway and pedestrian safety. The proposals are therefore contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

3. The applicant has failed to provide, through an appropriate legal agreement a means of ensuring delivery of the Servicing Management Plan (dated December 2008). It is considered that without a legal agreement controlling the future management of service deliveries to this site the scheme will have significant impacts upon the adjoining highways network. The scheme therefore conflicts with Policy AM7, of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007 and Hillingdon's Planning Obligations Supplementary Planning Document July 2008.

3877/APP/2008/3159 - Demolition of the existing detached car wash facility building (Application for Conservation Area Consent) - Refused 20/03/09 for the following reason:

Planning applications ref: 3877/APP/2008/3161 and 3160 to extend the listed building have been refused. As such, there are no acceptable and detailed plans for any

redevelopment. In this instance the Local Planning Authority do not have full information about what is proposed for the site after demolition. In the absence of further information the proposed works are considered to be detrimental to the character and appearance of the listed building and the Harefield Conservation Area. The proposal is therefore considered contrary to Policies BE4, BE8 and BE9 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

3877/APP/2008/3160 - Conversion of part of the two storey garage/workshop and involving part demolition of the existing single storey workshop building (adjoining the listed Coach House) (Application for Listed Building Consent) - Refused on 20/03/09 for the following reason:

Whilst there are no objections to the proposed alterations to the listed building as they would relate to the development proposals, planning application ref: 3877/APP/2008/3161 for these development proposals has been refused. In the event that the works were undertaken in isolation, it is considered that they would have a detrimental impact on this Grade II listed building. The proposal is therefore considered contrary to Policies BE8 and BE9 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

Appeals on the three applications relating to the latest scheme were subsequently dismissed on the 11/06/09.

### THIRD SCHEME INVOLVING A CONVENIENCE GOODS STORE

3877/APP/2009/2442 - Conversion of existing listed building incorporating new two storey extension with habitable roofspace comprising 3 one-bedroom flats and part use as Class A1 (retail) for use as a convenience goods store, to include associated parking, involving demolition of existing single storey detached building and extension to listed building - Refused on 08/06/10 for following reasons:

1. The delivery vehicle operations at the site would involve the need for a high and consistent level of management intervention throughout the life of the development which would not be sufficiently robust in the long term to ensure the safe operation of the site. The development is likely to result in delivery vehicles waiting and/or loading/unloading on the adjoining highway. The delivery operation would block the one way system resulting in cars exiting the site via an entry only access and entering via an exit only access, which would result in driver confusion and unexpected vehicle movements for other highway users. The development is therefore considered to be detrimental to highway and pedestrian safety and prejudicial to the free flow of traffic on the adjoining highway, including access by emergency vehicles to and from the adjoining Harefield Hospital, contrary to Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. The development involves hardstanding which will enable delivery and servicing of the store by delivery vehicles so close to a protected London Plane Tree (T11 of TPO 3) that in the opinion of the Local Planning Authority there is a high likelihood of damage to the branches of the tree. This is re-enforced by the concerns the Local Planning Authority has over control of servicing and delivery vehicles.

The proposal is therefore considered to be detrimental to the character and appearance of the Harefield Village Conservation Area, contrary to policies BE4, BE13 and BE38 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3877/APP/2010/2443 - Conversion of existing listed building incorporating new two storey extension with habitable roofspace comprising 3 one-bedroom flats and part use as Class A1 (retail) for use convenience goods store, to include associated parking, involving demolition of existing single storey building (Application for Listed Building Consent) - Refused 08/06/10 for the following reason:

Whilst there are no objections to the proposed alterations to the listed building as they would relate to the development proposals, planning application ref: 3877/APP/2009/2442 for these development proposals has been refused. In the event that the works were undertaken in isolation, it is considered that they would have a detrimental impact on this Grade II listed building. The proposal is therefore considered contrary to Policies BE8 and BE9 of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

3877/APP/2009/2444 - Demolition of existing detached car wash building (Application for Conservation Area Consent) - Refused on 08/06/10 for the following reason:

Planning and listed building consent applications refs: 3877/APP/2009/2442 and 2443 to extend the listed building have been refused. As such, there are no acceptable and detailed plans for any redevelopment. In this instance the Local Planning Authority does not have full information about what is proposed for the site after demolition. In the absence of this information the proposed works are considered to be detrimental to the character and appearance of the listed building and the Harefield Village Conservation Area. The proposal is therefore contrary to Policies BE4, BE8 and BE9 of the adopted Hillingdon Unitary Development Plan, Saved Policies (September 2007).

Appeals regarding the refusal of the three applications relating to the latest scheme have been lodged.

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

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

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

Part 1 Policies:

- |        |   |
|--------|---|
| PT1.7  | To promote the conservation, protection and enhancement of the archaeological heritage of the Borough.  |
| PT1.8  | To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities.   |
| PT1.9  | To seek to preserve statutory Listed Buildings and buildings on the Local List.   |
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area.   |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.  |
| 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.

PT1.20 To give priority to retail uses at ground floor level in the Borough's shopping areas.

PT1.31 To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps.

PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS4 Planning for Sustainable Economic Growth

PPS5 Planning for the Historic Environment

PPG13 Transport

PPS22 Renewable Energy

PPG24 Planning and Noise

LP London Plan (February 2008)

BE1 Development within archaeological priority areas

BE3 Investigation of sites of archaeological interest and protection of archaeological remains

BE4 New development within or on the fringes of conservation areas

BE8 Planning applications for alteration or extension of listed buildings

BE9 Listed building consent applications for alterations or extensions

BE10 Proposals detrimental to the setting of a listed building

BE11 Proposals for the demolition of statutory listed buildings

BE12 Proposals for alternative use (to original historic use) of statutorily listed buildings

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE18 Design considerations - pedestrian security and safety

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

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

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

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
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
H4	Mix of housing units
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
HDAS	Residential Layouts Accessible Hillingdon
SPG	Planning Obligations Supplementary Planning Guidance (July 2008)
R16	Accessibility for elderly people, people with disabilities, women and children

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **27th October 2010**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

168 surrounding properties have been consulted and the application has been advertised in the local press and a notice has been displayed on site. Two petitions have been received and 15 individual responses objecting to the proposal and 2 responses in general support have been received.

The first petition has 618 signatories and states:

'We have objected

1. The site is of paramount importance to the conservation area and in particular as it impacts on the setting of the historic buildings;
2. The location of the site and access to it also has not been understood with regard to traffic generation and the delivery problems that it will cause.'

The second petition on behalf of the Harefield Retailers and Residents Group has 74 signatories and states:

'We have objected to the size of the store, its impact on the historic village setting, its traffic



generation, retail impact and lack of participatory consultation with the community'.

The individual responses of objection make the following comments:

- (i) Number of times Tesco has applied is excessive. This application does not overcome previous concerns;
- (ii) The proposal would detract from the setting of listed buildings and is not in keeping with Harefield village, one of the last in London and would spoil the conservation area. It would detract from the village green opposite;
- (iii) Harefield is already grid locked with through traffic and another store, close to busy roundabout would make this worse, with 4 deliveries on weekdays and deliveries on Saturdays and Sundays. Further congestion and manoeuvring of 8m long lorries would be dangerous on Rickmansworth Road, which is already reduced to one lane with parked cars and this is main route to Harefield Hospital (which has added to the problem by charging to park on its grounds). Children's safety at nearby children's play area and school would also be threatened. No customer parking would make congestion on roads worse. Already difficult to get out of private drives;
- (iv) The safe and acceptable day to day running of the store would depend on proper, accountable management by Tesco. All statements of intent would have to be vigorously adhered to. Unfortunately, their record of delivery violations within Hillingdon and elsewhere does not inspire confidence and with the best will in the world, the planning authority would not be able to regulate the inevitable breaches that would occur, much to Harefield's demise;
- (v) Additional deliveries needed by smaller lorries would make pollution worse;
- (vi) Recent work by National Grid has caused traffic chaos;
- (vii) 8m long delivery vehicles on Rickmansworth Road is not practical and unsafe;
- (viii) Already many Tesco stores with 5 miles, 1 being less than 3 miles away;
- (ix) Village already has convenience stores selling same stock and Tesco not needed and would be enormous as compared to size of village, resulting in unfair competition, forcing local stores out of business. Unlikely new independent enterprises would try to compete;
- (x) Harefield traditionally has independently owned stores which also provide advice, knowledge and personal service. Some also buy produce from local farms, unlike Tesco;
- (xi) Block of flats would be more beneficial or bank;
- (xii) Staff are being made redundant from Tescos' Rickmansworth store so impact of new jobs would be limited;
- (xiii) Harefield would be turned into a through road, with no character;
- (xiv) Tesco would have unsightly neon sign;
- (xv) Has the Council for British Archaeology/London and Middlesex Archaeological Service been informed?
- (xvi) A bat survey should be carried out;
- (xvii) Concerned about trees so close to development;
- (xviii) No replacement for what was originally the village smithy;
- (xix) Future use of site needs to be resolved before work commences;
- (xx) Pedestrians would still access site by central delivery entrance, which will be a hazard;
- (xxi) Delivery vehicles leaving the site would be impeded if vehicles were legally parked on Rickmansworth Road next to zebra crossing markings. The exit swept path analysis assumes an empty parking space which would frequently be occupied forcing vehicles onto pavement, presenting a danger to pedestrians;
- (xxii) Delivery arrangements allow enough space for second delivery vehicle to park. Considering the huge inconvenience of diverting to Rickmansworth store, vehicles would just park here, blocking residential parking spaces and disabled space and would be a danger to pedestrians;
- (xxiii) Delivery area will undoubtedly attract opportunist car parking by shoppers and non-shoppers alike, when no deliveries are taking place. Any vehicles thus parked would cause mayhem when delivery vehicles arrived;
- (xxiv) Application includes delivery times table, some of which coincidence with peak hours for nearby primary schools;

(xxv) Parking tables are very misleading and give no indication of the amount of parking supposedly available in each of the 0-75m and 75-150m zones. Definition of 'legal and possible' parking is used in a cavalier way, for instance, Kings Arms and public library car parks have been included and doubt whether either would be happy for non-patrons to use them. Parking in Park Lane (except outside the shops) and Vernon Drive is also totally impractical due to road widths and bus stops;

(xxvi) If Tesco really cared about our community and the environment, they would provide a bus to take customers to Rickmansworth store;

(xxvii) The views of the community and their rights to decide the future shape of their environment, as ensconced by PPS1 should be recognised and acted upon.

The individual responses of support makes the following comments:

(i) Anyone who wants to invest in Harefield should be supported;

(ii) Council cannot object to proposal on conservation grounds as so much of the village has been allowed to fall into disrepair and have not actively promoted new development;

(iii) 1 London Plane tree is not significant and Tesco could spruce up the frontage and plant alternatives elsewhere;

(iv) Many objections previously were from traders and their vested interests. Their lorries too cause congestion but nothing is done to control their arrival times and no evidence of delivery schedules. The Co-op lorry particularly just parks where it can without any regard to rest of the traffic;

(v) Proposal will clean up this derelict site.

Harefield Tenants and Residents' Association:

Our members discussed this fourth planning application by Tesco at our last meeting and the majority of residents objected to the proposal. The major area of concern was the very likely negative traffic impact on our village roads.

We welcome the provision of a designated delivery vehicle parking space on the new application and trust it would be adequate for the size of the lorries visiting and manoeuvring on the site.

The statement that if the designated space was not available lorries would be directed to their store in Rickmansworth is still very questionable and dubious as to whether it would be workable.

Our Police SNT suggested a NO WAITING/LOADING restriction be implemented along the Western side of the Rickmansworth Road from the zebra zig-zags to Vernon Drive to prevent vehicles parking outside the proposed store and stopping the free flow of traffic. This is vitally important due to the proximity of the roundabout as it could very easily cause mayhem and impact on blue light emergency ambulances attending Harefield Hospital.

There would need to be improvements made to the footway and the kerb stones need to be higher in line with the eastern side of the road to deter drivers mounting the footway along this section of the road, which happens at the present time, and is a danger to pedestrians. More traffic in the area would obviously worsen this current problem.

The proposed closing hours are a concern and we would like to see these in keeping with the rest of the retail outlets in the village, which is 10pm, so as not to impact on the residential element of this application and the village as a whole.

We trust our comments will be taken on board by officers and members if they are minded to approve this application.

Harefield Village Conservation Panel:

Application for a two storey building and conversion of the existing listed stable/workshop building providing a Class A1 (retail) use at ground floor to be used as a convenience goods store, with ancillary storage on part of the first floor and three, one bedroom flats on part of the first floor and second floor.

The Panel has no objection to the three applications for the proposal which relates well architecturally to the existing historic listed buildings and others in the vicinity. It will also regenerate the visually important but derelict site in the centre of the village. The omission of all shopper car parking places with the exception one disabled parking place has improved the revised forecourt layout significantly and in particular has improved pedestrian shopper access and egress. However, the omission of on-site parking is likely to affect street parking in the vicinity which is already badly affected by hospital staff parking in the Rickmansworth Road all day.

To ameliorate the impact of deliveries on local traffic, particularly at the time of morning school arrivals, the Panel proposes that the 9.00-9.30am Fresh deliveries should instead be required between 8.00-8.30am by condition, should the proposal be approved. Concerns still remain about the impact that the new shop with the power of Tesco behind it is likely to have on the existing retail outlets in the village.

Ward Councillor (1): I am writing as Ward Councillor to object to the proposal to have a Tesco store in Harefield. I am very concerned over the following three issues:-

- \* Effect of the store on existing local shopping
- \* Urban Design and conservation issues
- \* Parking and highway matters

Ward Councillor (2): Objects to proposal on grounds that:

- \* This fourth application is an abuse of process and a demonstration of the applicants inability to recognise defeat, on planning grounds, to their proposal,
- \* Although each application has to be treated on its merits, reasons for objection, and I trust refusal, remain as they were for the previous three applications and current application does not demonstrate sufficient departure from previous proposals to warrant the planning committee reaching any other conclusion than that this application should also be refused,
- \* Harefield Retailers and Residents Group have objected and I support their arguments,
- \* Tesco Stores Ltd. have not carried out local consultation,
- \* Harefield is a relatively small village with a strong sense of identity in which small, independent local shops play a major role. In current economic climate, they are each vulnerable. Recent 'half closure' of High Street by National Grid resulted in traffic grid lock and sharp down turn in sales and laying off of staff in a number of businesses. Reduced turnover, margins cut to the bone, job losses and threat to shop viability was the consequence over just 8 week period,
- \* Tesco would so dilute trade that net affect would be the same and additional competition would be wholly negative impact on sustainability of village'
- \* Committee can only consider planning grounds,
- \* Parking and delivery provisions on site are inadequate. Parking along Rickmansworth Road is mainly taken by employees of Harefield Hospital and as with previous applications, turning circles within the site are not adequate to accommodate deliveries, a reduction in parking spaces is required and will lead to conflict between traffic, customers and pedestrians,
- \* Aware that Tescos have indicated they will use a reduced size of delivery vehicle. Would they consider making a community bond from which each time a large vehicle was used, a voluntary payment would be made to community activities in Harefield,
- \* This represents an over and unwanted development which neither meets economic nor social needs and is environmentally unsound.

English Heritage: This application should be determined in accordance with national and local policy

guidance, and on the basis of your specialist conservation advice.

#### English Heritage (Archaeology): Recommendation for Archaeological Condition

The site is situated within an Archaeological Priority Area as defined by the Council, due to the medieval centre of Harefield. Early maps, as provided in the accompanying documents, show that the site has been developed at least since the mid 18th century, and may well have been built upon earlier. The Kings Head public house to the immediate south is thought to have antecedents dating to the 15th century. The proposed development may, therefore, affect remains of archaeological importance.

I do not consider that any further work need be undertaken prior to determination of this planning application but that the archaeological position should be reserved by attaching a condition to any consent granted under this application.

The condition might read:

Condition: No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Informative: The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

Should significant archaeological remains be encountered in the course of the initial field evaluation, an appropriate mitigation strategy, which may include archaeological excavation, is likely to be necessary.

#### **Internal Consultees**

Urban Design/Conservation Officer:

BACKGROUND: The site is prominently located within the Harefield Village Conservation Area. It includes part of the nineteenth century grade II listed stables associated with the Kings Arms Public house. This building lies to the west of the site, it dates from seventeenth century and is also grade II listed. The site is archeologically sensitive.

RECOMENDATION: The design of both of the recently refused schemes was subject to pre-application discussions with officers. The appropriateness and contribution to the setting of the adjacent listed building and the wider conservation area of the proposals were considered by the Planning Inspectorate, appeals ref APP/R5510/A092100796, 800 & 802 and were found to be positive and to enhance both. The current applications include the proposed buildings as previously submitted, but address the issues relating to forecourt layout/servicing and trees as set out in the previous decision notice.

The supporting statement to the conservation area consent and listed building consent applications dated September 2010 has been noted and given the situation, conservation comments remain as previously forwarded:

There are no objections to the demolition of the modern garage and the brick structure adjoining the listed coach house. A condition linking the demolition works with the letting of a contract for demolition should be imposed on any CAC/PP approval.

In design terms, there are no objections in principle to the proposed scheme provided safeguarding conditions are attached, these should include:

Samples of all external materials to be agreed

Detailed design of shopfront and fascia to be agreed

Details of fenestration and roof light - window design, materials and construction to be submitted

Details of forecourt design, samples of hardsurfacing materials, marking out, bollards, lighting, railings and planting to be submitted- the forecourt areas would benefit from a more limited palette of natural materials

Details of the position and housing of the ground source heat pump to be provided

The archaeological aspects of the site should be addressed in accordance with the advice given by GLAAS (Greater London Archaeological Advisory Service)

A schedule of repairs to the coach house (both internal and external) and a repair methodology statement should be requested as part of any Listed Building Consent.

**CONCLUSION:** No objection in principle, subject to suitable conditions being attached to any approvals.

Highway Engineer:

Site: The site is located on the north-western side of Rickmansworth Road, which is a Classified Road and is a designated Local Distributor Road in the Council's Unitary Development Plan.

Previous application

Two planning applications on this site (Refs: 3877/APP/2008/2565 and 3877/APP/2009/2442) for a Tesco Express store have been previously refused by the Council. The highway related grounds of refusal relate to vehicle and pedestrian safety, vehicular access, car parking and delivery operations. The Council's decision to refuse the first planning application ref. 3877/APP/2008/2565 was upheld by the Planning Inspector and the planning appeal was dismissed. On the issues of car parking and delivery arrangements, the first application was shown to displace 4-5 of the 6 car parking spaces on the site. The inspector considered that there was availability of street parking in the surrounding area and therefore the reduction in car parking during loading/unloading would not have an unacceptable effect on highway safety. The second planning application was submitted with 3 car parking spaces including a disabled space (reduction of 3 car parking spaces than the previous application) and 3 one bedroom flats with 3 car parking spaces. The applicant proposed to utilise rigid delivery vehicles to service the store (overall vehicle length = 10.35m or less). The planning permission was refused by the Council due to unsatisfactory access, delivery, and parking arrangements.

New application

The revised proposals are for a Tesco Express store with 3 car parking spaces for the residential element of the site, one disabled car parking bay for the commercial element of the site, 8 cycle parking spaces, a designated delivery area and a centrally located vehicular access.

Delivery

Rickmansworth is a busy road. It is relatively narrow, its effective width being reduced by street parking. The application site is close to schools, hospital, shops, and a park, resulting in a considerable level of pedestrian movements on the footway in front of and in close proximity to the site. The site is close to a pedestrian crossing alongside a roundabout junction. The proposed Tesco store would also have additional pedestrian movements to/from the site.

The applicant has proposed to utilise rigid delivery vehicles to service the store (overall vehicle length = 8m). The submitted plans show adequate space for second delivery vehicle to wait within the forecourt area without blocking the first delivery vehicle to egress the site. This would however

block the car parking spaces. The applicant has suggested that delivery drivers would be made aware that should they arrive at the site and not be able to access the site they are to continue past and wait at Tesco superstore Rickmansworth. The text on figure 3.7 submitted with the application showing the delivery vehicle routing states 'Delivery vehicles will be required to stop at the Tesco superstore in Rickmansworth....and await for further instructions. Item-10 of the Planning Inspector's comments state '...the appellants indicate that the arriving lorry would be directed to a remote waiting location, before returning to the site. However, there is a likelihood of unsafe practices arising, including temporary stopping on the highway adjacent to the shop, and access or loading outside the specified parameters. Whilst the Council would have powers to require compliance with the Service Management Plan through the Section 106 Undertaking, the temporary nature of any breach would make enforcement difficult. In any event, however onerous the penalties, it would not be desirable to rely on a scheme which required a high and consistent level of management intervention throughout the life of the development, which might include changes of operators. It would not be a sufficiently robust system to ensure the long term road safety and free flow of traffic to accord with UDP Policy AM7'. The proposed delivery arrangements would clearly require strict adherence, and a high and consistent level of management intervention throughout the life of the development, which might include changes of operators and is not considered to be a sufficiently robust system to ensure the long term road safety and free flow of traffic.

Since the refusal of the first planning application and the dismissal of the subsequent appeal for a proposed Tesco Express store on this site, the Council has carried out further investigation into the issue of the delivery problems caused by Tesco delivery vehicles on other Tesco Express stores. This has been in response to the issues raised by the members of the public, ward councillors and council officers concerning highway safety, free flow of traffic and delivery drivers not respecting parking restrictions. In response to the additional enquiries raised by the Council on this application, the applicant has advised that the delivery vehicles servicing the Tesco Express stores in Ickenham and Ruislip areas are as below;

- \* Ickenham - 14.25m articulated vehicle
- \* Ruislip High Street - 12.6m articulated vehicle
- \* Ruislip Manor/Park Way - 16.5m articulated vehicle

Unannounced site visits have been carried out on the above three stores and articulated delivery vehicles of up to 14.25m have been found to service all of these stores. The delivery vehicles were also noted to go from one store to another and a second articulated delivery vehicle arriving at the site when a delivery was already underway by one articulated lorry on the highway, leading to conditions detrimental to highway safety and free flow of traffic. The delivery vehicles were also seen to park inappropriately near junctions, on bus stops where 24 hours clearway restrictions apply, and on double yellow lines for loading/unloading. The delivery durations were observed to be up to 45 minutes excluding indiscriminate waiting on the highway. Despite issuing parking tickets, the Council is continuing to have parking, traffic and safety problems caused by the delivery vehicles.

Although deliveries by 16.5m articulated vehicles did not take place at the time of site visits, but clearly vehicles of this size are also used for Tesco Express stores, as indicated by the applicant. In light of the site observations, it would be reasonable to assume that 16.5m articulated lorries would also travel from one store to another. It is important to note that none of the delivery vehicles observed on the above stores were of the size and type of the delivery vehicle proposed to be used for the proposed Tesco Express store. Whilst some deliveries to the proposed store may be by smaller vehicles, but no doubt, delivers by long lorries could also take place, which in the absence of a suitable delivery area would lead to delivery vehicles waiting/loading and unloading adjacent to the site that would be likely to produce significant congestion at the junction, and hazardous road conditions for passing vehicles, including access by ambulances to/from Harefield Hospital. The

site's forecourt area is restricted in size and therefore fails to provide a suitable delivery area for larger delivery lorries used on many of the other Tesco Express stores.

In response to the additional enquiries raised by the Council, the applicant submitted information with the second application on sample sites with delivery management plans. Only a few of the sample sites were considered to be partially compatible with the one proposed and some of which have not been built, therefore the operation and adherence to the delivery management plan of the stores not been built cannot be confirmed. Notwithstanding the above, the site visits have confirmed breaches of the delivery management plan and improper delivery lorry parking. The current application refers to three additional sites where delivery space/access is restricted, but no information has been provided on the delivery management plans for these sites and their compliance. The breaches of the delivery management plans, use of large delivery lorries, and improper delivery lorry parking seen during the Council's previous site visits of other Tesco Express stores is considered adequate to be used for this application.

Furthermore, although the applicant is proposing to service the store with a smaller delivery lorry (8m) than the one previously proposed (11.35m) it is not explained how the number of daily/weekly deliveries are proposed to remain the same as previously proposed.

#### Car Park

If a second delivery lorry arrives at the store when the first delivery lorry is on the forecourt (as seen on other similar Tesco Express stores), it would block the drivers wishing to enter/egress the car parking spaces. The drivers wishing to enter the car parking spaces would be forced to carry out additional back and forth movements and/or partially wait/overhang on the footway on this busy road with high volume of traffic and a considerable amount of pedestrian movements near a zebra crossing. The proposed arrangement is therefore unsatisfactory and has the potential to have a detrimental effect on highway safety and free flow of traffic. Delivery vehicles waiting/loading & unloading adjacent to the site would be likely to produce significant congestion at the junction, and hazardous road conditions for passing pedestrians and vehicles.

#### Conclusion

The scheme is therefore considered to be unsatisfactory in terms of delivery and parking arrangements, which is likely to be detrimental to highway safety and free flow of traffic. A scheme which heavily relies on strict accordance of a servicing management plan requiring a high and consistent level of management intervention throughout the life of the development is not considered to be acceptable. Hence the system is not considered to be sufficiently robust to ensure the long term road safety and free flow of traffic. The application is therefore recommended to be refused, as it is considered to be contrary to the Council's UDP Policy AM7.

#### Tree Officer:

There are several trees on and close to the site. The semi-mature London Plane tree on the road frontage is protected by Tree Preservation Order 3 (TPO 3) (T11). The trees forming part of a narrow belt of woodland on the adjacent land at Harefield Hospital (northern boundary of the site) are protected by virtue of their location in the Harefield Village Conservation Area. The trees are landscape features of merit in terms of Saved Policy BE38.

The scheme makes provision for the protection and long-term retention of the Plane tree (T11 on TPO 3), and will not affect the trees closest to the northern boundary of the site, which overhang the site by up to 3m. It will be necessary to prune some of the overhanging branches to facilitate the proposed development. A (Conservation Area trees) notification detailing these works was dealt with in late 2009, and the proposed pruning works will not harm these trees nor affect the integrity of the woodland and/or the visual amenity of the Conservation Area.

There is limited scope for landscaping, but the scheme reserves some space for and outlines hard and soft landscaping on the front half of the site (in front of the building).

On balance and subject to conditions TL1 (services), TL2, TL3 (modified to require the implementation of the tree protection measures detailed on the 'tree constraints and protection plan' - Drawing No. GC.21575.002 Rev. G), TL5, TL6, TL7 and TL21 (to require that the works are carried out in accordance with the approved arboricultural method statement), the application is acceptable in terms of Saved Policy BE38 of the Hillingdon UDP.

Environmental Protection Officer:

Noise

Use of retail premises

Mixed use developments require adequate protection be afforded to occupiers of the residential dwellings to ensure protection of amenity. Should planning permission be granted I would recommend the following conditions be applied to protect the amenity of the area:

Condition 1

The premises shall not be used outside the hours of 0700 and 2300, on any day.

REASON: To protect the amenity of the surrounding area.

I spoke with Nick Lawrence of CgMs regarding delivery days and times, with reference to the section of the Transport Statement under the heading of Service Access. The following hours were confirmed to be acceptable to the applicant in an email to me dated the 18th September 2008;

Condition 2

Deliveries and collection, including waste collections, shall be restricted to the following hours:

0800 hrs to 1800 hrs Monday to Saturday

1000 hrs to 1600 hrs on Bank/Public Holidays

and not at all on Sundays.

REASON: To protect the amenity of the surrounding area.

I note from the proposed floor plans that two of the three bedrooms are to the front of the building. The third has a party wall with the space labelled 'retail office/storage' and that this area includes the goods lift. I therefore recommend the following condition to address the potential for noise transmission from the commercial use to adjoining habitable room.

Condition 3

The development shall not begin until a sound insulation scheme that specifies the provisions to be made for the control of noise transmission from the commercial use hereby approved to adjoining dwellings, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA.

The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON: To protect the amenity of the surrounding area.

Plant

I have reviewed the document entitled 'Background Noise Survey', an acoustic assessment of proposed refrigeration and air-conditioning equipment undertaken by KR Associates (UK) Ltd dated 31st January 2008, report reference KR01240. This assesses the noise level of the following



installations at the nearest residential property; 1No. Searle refrigeration unit Model No. MGB124, 2No. Mitsubishi air-conditioning units to serve the sales floor, both Model No. FDCA 501 HESR and 1No. Mitsubishi air-conditioning unit to serve the cash office, Model No. SRC 28 CD-5. The BS:4142 assessment is acceptable and complies with the Borough's SPD on Noise. To ensure continued compliance I would recommend the following condition;

**Condition 4**

The rating level of the noise emitted from the plant and equipment hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises in accordance with British Standard 4142, 'Method for rating industrial noise affecting mixed residential and industrial areas'.

REASON: To protect the amenity of the surrounding area.

The noise projections from the proposed plant are subject to a barrier correction of 5dB provided by the timber fence to the north and west boundary; it is necessary to ensure that the area forming the goods entrance and housing the refrigeration and air-conditioning plant is enclosed by a barrier of sufficient height and mass. Drawing (P) 201 dated 22/02/08 shows the acoustic timber barrier on the north elevation measures 2.7m in height to ground level and on the west elevation measures 2.4m in height to the ground level.

I corresponded with Nick Lawrence of CgMs via email regarding the specification of the acoustic timber fence, and received the following confirmation; 'The acoustic timber fence on the north elevation measures 2.7m in height to ground level and on the west elevation measures 2.4m in height to the ground level, the ground levels are at different heights as can be seen on the proposed north elevation. The construction is close boarded timber fencing with upgraded boards for acoustic performance on a timber post frame'.

I would recommend the following condition;

**Condition 5**

The development shall not begin until a scheme which specifies the acoustic properties of the timber barrier to be installed along the western and northern site boundaries, as shown in drawing reference (P)201, has been submitted to, and approved in writing by the LPA. The barrier shall be fully installed before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building hereby approved remains in use.

REASON: To protect the amenity of the surrounding area.

Environmental Protection Officer (Land Contamination) (On previous application 3877/APP/2009/2442 which included same Geo-Environmental Assessment, April 2008):

With reference to the above applications and the Geo-Environmental Assessment report by Delta-Simons consultants submitted by Tesco Stores Ltd, the development is on the old garage site and the survey referred to did investigate the below ground conditions and history of the site. The report has been reviewed and as expected, there is contamination at the site in the ground and the groundwater. There are underground fuel storage tanks to be removed and associated garage infrastructure such as fuel lines, interceptors etc. There is soil and water testing provided and this confirms contamination in the soil and water will require remediation for the new use. Hydrocarbons as expected appear to be present in soil and water samples taken by the consultants. There is also some gas confirmed in the ground that will require the installation of some gas protection measures on the new buildings. On garage sites we generally advise gas and vapour protection as there are usually some residual vapours from hydrocarbons either in the soil or groundwater. No remediation has been undertaken at the site. There is much information to come on the decommissioning of the

site (tank removals) and clean up. There is also a need for a risk assessment to design the appropriate clean up targets.

I would advise attaching the four stage condition below to any permission. This will cover the further work following the initial report.

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

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

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

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

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

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

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

#### REASON

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

Also recommend the construction site Informative.

Access Officer:

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document 'Accessible Hillingdon' adopted January 2010.

The flats proposed within the proposed conversion are considered unsuitable for compliance with Lifetime Home standards and no further comments are offered in this regard.

The following access observations are provided for the proposed retail store:

1. The proposed accessible car-parking bays should be sited within 50m of the entrance. It should be a minimum of 4.8m x 2.4m and marked and signed in accordance with BS8300.
2. As the site is essentially level ground, level access is assumed. If this is not the case, level access should be provided and a minimum door width of 1000mm for a single door or 1800mm for a double door.
3. It is strongly recommended that consideration be given to the use of an automatic opening door device.
4. The principal entrance door should be provided with a glazed panel giving a zone of visibility from a height of 500mm to 1500mm from the finished floor level.
5. The presence of a glass door should be made apparent with permanent strips on the glass (manifestation) within a zone of 850mm to 1000mm and 1400mm to 1600mm from the floor, contrasting in colour and luminance with the background seen through the glass in all light conditions. The edges of a glass door should also be apparent when the door is open. If a glass door is adjacent to, or is incorporated within a fully glazed wall, the door and wall should be clearly differentiated from one another, with the door more prominent.
6. Any cashpoint machines should be fully accessible. The maximum reaching height of controls and card slots should not exceed 1200mm.
7. All signage for directions, services or facilities should be provided in a colour contrasting with the background. Signage and lighting levels should be consistent throughout the building and care taken to avoid sudden changes in levels.
8. Should customer toilets be provided, at least one facility accessible to disabled people should be required. It may be more efficient to provide one large cubicle that would be accessible to everybody, as opposed to separate facilities exclusive to disabled people.
9. Toilets should be designed in accordance with the guidance given in Approved Document M to the Buildings Regulations 2004.
10. 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.
11. Consideration should 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.

Conclusion: On the basis that the above recommendations are incorporated into revised/additional plans as a pre-requisite to any planning approval, there is no objection from an access viewpoint.

Education Services:

A S106 contribution of £3,451 is required (£335 - Nursery, £1,217 - Primary, £845 - Secondary and £1,053 - Post-16).

Waste Services:

Residential Properties

The waste arising from these would be collected by the Council. With only 3 flats, sacks would be a suitable containment system. The likely waste arising is as follows:

- \* Weekly residual (refuse) waste, using sacks purchased by the occupier (allow 1 x 70 litre sacks per 1 bedroom dwelling).
- \* Weekly dry recycling collection, using specially marked sacks provided by the Council (allow 1 x 70 litre sacks per 1 bedroom dwelling).

Commercial Waste: This is to be operated by Tesco's. Waste arising from this will be dealt with by arrangements made for Tesco nationally.

## **7. MAIN PLANNING ISSUES**

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

This current scheme has been revised in an attempt to overcome the reasons for refusal on the previous scheme (Ref. Nos. 3877/APP/2009/2442, 2443 and 2444). In this respect, the scheme has been amended in terms of the layout of the parking areas and servicing arrangements.

The proposal as previously reported is considered to raise four key policy issues, namely (i) the loss of a garage/workshop, (ii) the suitability of the retail component in a local centre, (iii) the impact on the Harefield Conservation area and setting of Listed Buildings and (iv) the suitability of the site for housing.

#### **(i) Loss of the garage/workshop**

Policy LE4 of the Unitary Development Plan (Saved Policies) provides the policy context for the loss of employment generating industrial floor space outside of designated industrial or business areas. Previously, it was noted that the site does not currently generate any employment, whereas the proposal would provide 20 to 25 equivalent full time jobs. Criteria (i) and (ii) of Policy LE4 are particularly pertinent due to the predominantly residential character of the surrounding area. Whilst the applicant has not provided a market assessment of the garage/workshop (criteria iii), it is evident that there are alternative sites in the locality. In addition, there is an established need for housing (criteria iv)). Therefore the criteria of policy LE4 are considered to have been met and there has been no change in circumstance to suggest that the proposal no longer complies with Policy LE4 of the saved UDP.

#### **(ii) Retail Development and the Impact upon the Town Centre Hierarchy**

PPS4: Planning for Sustainable Economic Growth (December 2009) confirms the government's commitment to sustainable economic growth. Planning can assist in achieving this by building prosperous communities by improving the economic performance of areas, reducing gaps in growth rates between regions and promoting regeneration, encouraging more sustainable patterns of development, promoting the vitality and viability of town and other centres as important places for the community by focusing growth in existing centres with the aim of offering a wide range of services, competition between retailers and enhanced consumer choice to meet the needs of the whole community and conservation of the historic, archaeological and architectural heritage to provide a sense of place.

To this end, Policy EC10.1 of PPS4 advises local planning authorities to take a positive and constructive approach towards applications for economic development and those that secure sustainable economic growth should be treated favourably. Policy EC10.2 advises that all applications for economic development should be assessed in terms of:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions and minimise the impact of climate change,
- b. ensuring proposal is accessible by a variety of means of transport, including walking, cycling, public transport and the car, the effect on local traffic levels and congestion,
- c. whether the development achieves a high quality and inclusive design which improves the character and quality of the area,
- d. the impact on the economic and physical regeneration of the area, and
- e. the impact on employment.

Policy EC13 states that when assessing applications that affect shops, leisure uses or services in local centres and villages, local planning authorities should:

- a. take into account the importance of the shop, facility or service to the local community or area if the proposal would result in its loss or change of use,
- b. refuse applications which fail to protect existing facilities which provide for people's day-to day needs,
- c. respond positively to applications for the conversion or extension of shops which are designed to improve their viability and
- d. respond positively to farm shops as long as they do not adversely affect easily accessible convenience shopping.

Policy EC14 dealing with applications for main town centre uses, including retail advises of the type and circumstances when applications should include supporting evidence, but the advice mainly applies to development outside of an existing centre. The only exception to this is EC14.6 which advises that an impact assessment will be required for applications in an existing centre which are not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent that the development could have an impact on other centres. Policy EC16 considers the types of impact that the impact assessment should consider and again, mainly relates to applications for town centre uses that are not in the centre. The only exception is found at EC16.1 e, which advises that if located in or on the edge of a town centre, the proposal should be of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres.

The applicants have submitted an Economic Development Assessment. This takes the various policy considerations provided by PPS4 and assesses the proposal against them.

The assessment goes on to advise that national and local planning policies require a sequential approach to site selection for retail purposes. The first preference is for sites in the primary shopping area, followed by edge of centre sites and then out of centre sites with good public transport accessibility. Although the entire site is within Harefield Centre, which is designated as a local centre, as it is not within the core shopping area, it has therefore been considered to be edge of centre for the purposes of PPS4. A sequential analysis has therefore been undertaken. Within the core shopping area, all the units are occupied apart from two vacant units at Nos.18 and the former fitness centre at No.34 High Street. No.18 has been discounted as too small for a Tesco Express, only capable of accommodating 8% of Tesco's minimum product line requirements to be viable. As regards No.34, this is currently under alteration, implementing planning permission for residential flats. It is also too small, only capable of accommodating 68% of Tesco's requirements. Access and deliveries would also be difficult. There are no other town centre sites and this edge of centre site adjoins the core shopping area and is very well linked to existing retail facilities.

Outside of the core shopping area, following permission granted in 2007, No. 7 High Street has been divided into two units to be occupied by a hot food takeaway and a dry cleaner. However, the two units combined would only accommodate 34% of Tesco's requirements. No. 25 High Street is under construction following a 2005 permission with a ground floor retail unit and flat above but this is too small for a Tesco Express. No. 3 School Parade is also currently being altered to a funeral directors and therefore not available and too small for a Tesco Express, with only 41% of the amount of required floorspace. Similarly, No. 19 High Street, Nos. 3 and 9 Park Lane are also vacant, but these are small units, none of which could accommodate more than 16% of Tesco's requirement. Therefore, in sequential terms, the application site is the most appropriate location for the new store to meet the need identified in the catchment area of Harefield.

The report goes on to consider the scheme against the criteria included at Policy EC10 of PPS4 and advises that the scheme could potentially achieve a reduction in CO2 emissions and includes sustainable development principles of sustainable design and construction and store recycling. The site is readily accessible by those travelling on foot with a good density of residential development within a short walking distance. The development would also promote bicycle use. The scheme has been carefully designed to fit with the wider surrounding context, especially the adjoining listed buildings. The development will also bring forward the conversion of a listed building and redevelopment of the remainder of the site that has lain vacant since 2006. Physical regeneration benefits will be realised throughout the area. The scheme will also bring forward new employment, equivalent to 20 to 25 full time jobs for those living in the area, which is significant in challenging economic times. The proposal will retain expenditure, with trade being clawed back which is currently leaking to other centres. The regeneration of this site will be mutually beneficial to other shops in the centre in terms of encouraging linked trips.

The assessment then goes on to deal with the retail impact of the proposed development. It advises that the new PPS4 removes the need test, but replaces it with a wider ranging test. Although this is intended for major out of centre retail and leisure schemes over 2,500m<sup>2</sup>, and this proposal is well below this threshold with 262m<sup>2</sup> of floor space, the guidance has nevertheless been followed.

As regards the effect on town centre investments (Policy EC16.1a) the Hillingdon Retail Study estimates that convenience stores in Harefield have a sales density of around £4,627 per sqm, whereas an optimum density would be £4,000 per sqm so that convenience stores are overtrading. Although the study states that this is not having a detrimental impact upon Harefield, it does demonstrate that convenience stores are trading well. There is currently no known committed or planned investment in the Harefield Local Centre that could be effected.

In terms of the impact upon town centre vitality and viability (Policy EC16.1.b) Harefield's convenience floor space provision is in line with the national average, although the number of units is well above the average, reflecting Harefield's role as a relatively isolated and rural local centre and the importance of convenience goods to meet the needs of the local community, a market dominated by small scale units. The applicant's survey of 2010 found few un-occupied units within the core shopping area. The proposed store would allow Harefield to retain a greater proportion of available spend in the 1 km study area, up to 35% of expenditure. The store would also anchor the northern end of the local centre, increasing footfall through the length of High Street and increase the range of fresh food available. The assessment goes on to note that the principle of the potential positive impact of Tesco Express stores on centres elsewhere has been accepted at appeal.

As regards the impact on allocated sites outside town centres (Policy EC16.1.c), no other sites have been allocated outside the centre for uses that the proposal would impact upon.

As regards the impact upon town centre turnover trade (Policy EC16.1.d), the statement advises that PPS4 states that an assessment of impact on turnover trade must be demonstrated for a 'town-centre' use in a non town centre location and re-iterates that although the proposal is within the local centre boundary, it is not within the core shopping area and therefore an assessment has been prepared.

The report then assesses the quantitative need for the development by using a standard methodology whereby expenditure in the catchment area is calculated at a future date. The turnover of existing/committed facilities is then subtracted to leave the residual expenditure capable of supporting additional floor space. In this instance, the primary catchment area of 1km has been taken which mainly takes in Harefield village. Population in the catchment area is estimated, as is convenience goods expenditure per head. This is adjusted to take account of 'non-store sales' such as market stalls, on-line shopping etc. Growth projections are then applied. The study calculates that in 2013, there will be £8.4m of expenditure available on convenience goods within the catchment area, which represents a growth of £0.26m from the base line figures for 2007. Of this, 65% is estimated to be spent in the surrounding larger supermarkets and town centres, leaving 35% to be spent for 'top-up' shopping in the catchment area. In addition, a store in this location would attract a considerable amount of pass by expenditure and also attract trade from the workers and visitors of Harefield Hospital and from South Harefield, which lies outside the catchment area. In total, it is estimated that 20% of convenience goods spending would come from outside the catchment area. In total, this gives £3.68m of available top-up expenditure in Harefield in 2013, rising to £3.82m in 2016. Turning to existing convenience stores in Harefield, taking into account their floor areas, changing floor space efficiencies/turnovers etc., their total turn over is calculated to be £2.06m in 2013, rising to 2.10m in 2016. The proposed Tesco store would be likely to generate £1.62m in 2013 of which £1.30m or 80% would be derived from the 1km primary catchment area, rising to £1.32m in 2016. Adding the projected turn over from the existing stores to the Tesco turnover from the catchment area leaves a residual turnover of £0.32m in 2013, increasing to £0.4m in 2016. The identified surplus would be more than sufficient to support the proposed Tesco and allow existing stores to grow their turnover in line with national projections. The Inspector's decision on 11 June 2009 also accepted that the proposed scheme would in fact bring positive impact to the centre as the convenience goods provision would recapture some of the lost expenditure.

As regards scale (Policy EC16.1.f), the statement advises that PPS4 clearly states that scale can be assessed directly to the role of the centre within the hierarchy that the centre serves. Harefield is a local centre and PPS4 advises that 'Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include hot-food takeaway and launderette'. The assessment considers a Tesco Express store entirely appropriate to the scale of need identified and to the size of centre so that it would not overly dominate Harefield.

Finally in terms of Policy EC16, as regards any other locally important impacts (Policy EC16.1.f), the assessment advises there are no other locally important impacts defined in the development plan that have not been considered in the application.

It is considered that the submitted Economic Development Assessment demonstrates that

the scheme would be compliant with the latest government guidance on retail development as contained with PPS4. Importantly, the Inspector on the previous appeal (App. 3877/APP/2008/3161) considered the retail impact of the proposal. The Inspector, having considered the previous objections raised to the scheme considered that there is sufficient convenience expenditure capacity to support the retail floor space proposed. The Inspector went on to say that there was a realistic likelihood of the store providing greater consumer choice and a reduction in reliance on the larger supermarkets elsewhere. The Inspector was also satisfied that there was not a more central site available for the proposal. The Inspector concluded that although the proposed store would be larger than other convenience stores, it is not disproportionate in relation to the centre as a whole. He went on 'From the evidence and my own observations, the town centre appears to be trading reasonably well and, whilst there would undoubtedly be a period of re-adjustment, there is no reason to believe that the appeal proposal would lead to its deterioration or decline. On the contrary I consider that the food store would be likely to add to the range of goods and generate linked trips through the good connectivity between the site and the Core Shopping Area. Taking all these matters together, I consider that the proposal would meet the objectives of PPS6 by maintaining the viability and vitality of the Harefield town centre.'

It is considered that there has been no significant change in policy, including the publication of PPS4 or local circumstances as suggested in the Economic Development Assessment to suggest that the Inspector's assessment is no longer appropriate as regards the retail element of the scheme.

The other main policy issues raised by this application are dealt with in other sections of this report and the related listed building and conservation area consent applications also being reported to this committee (refs. 3877/APP/2010/2201 and 2204).

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

London Plan Policy 3A.3 seeks to maximise the potential of sites for residential redevelopment. The site is within a suburban area with a PTAL of 1b. With a residential density of 47 units per hectare and 140 habitable rooms per hectare, the scheme would result in a residential density below the 50 - 75 u/ha and 150 - 200 hr/ha density guidance provided by the London Plan. However, the proposed scheme is a mixed use development with much of the ground floor providing a retail store with associated car parking and servicing facilities and it is important for any re-development on this site to respect the setting of the adjoining listed buildings and the character of the Harefield Conservation Area. As such, no objections are raised to the proposed residential density.

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

The site is prominently located within the Harefield Village Conservation Area. It includes part of the nineteenth century Grade II listed stable building associated with the adjoining Kings Arms public house, which dates from the seventeenth century and is also Grade II listed. Furthermore, the site is archeologically sensitive.

Policy BE4 advises that new development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities. Development should avoid the demolition or loss of such features and there will be a presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Applications for planning permission should also contain full details of the building works.

Policy BE8 states that planning permission to alter or extend applications for listed building consent will normally be permitted if no damage is caused to historic structures.



Any additions should be in keeping with other parts of the building and any new external or internal features should harmonise with their surroundings. Furthermore, Policy BE10 states that planning permission or listed building consent will not normally be granted for proposals, which are considered detrimental to the setting of a listed building.

The design of the proposals was originally subject to pre-application discussions. The approach adopted has been supported by the submitted statements that include a useful map regression, and consider both conservation and listed building issues. No objections were raised on design grounds to the previous similar schemes (refs. 3877/APP/2008/3159, 3160 and 3161 and 2009/2442, 2443 and 2444) and the Inspector did not raise any particular concerns regarding design issues. There has been no significant change in policy guidance or circumstances on site to suggest that the proposed buildings are no longer acceptable in the context of the application site.

The Council's Conservation and Urban Design officer raises no objections to the demolition of the modern garage and the brick structure adjoining the listed coach house, but suggests that a condition linking the demolition works with the letting of a contract for demolition should be imposed on any Conservation area Consent/planning permission approval.

In design terms, there is also no objection in principle to the proposed scheme. The Council's Conservation and Urban Design officer recommends that a number of matters are covered by conditions, but subject to these conditions raises no objection to the proposal.

In accordance with saved Policy BE4 of the UDP, the development is considered to preserve and enhance those features of special architectural and visual qualities which contribute to the Harefield Village Conservation Area. While the application for listed building consent is dealt with separately, the scheme is considered to accord with Policy BE8 as the scheme is not considered damage or harm the listed building.

#### **7.04 Airport safeguarding**

This scheme does not raise any safeguarding issues.

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

The scheme does not raise any issues associated with the Green Belt.

#### **7.06 Environmental Impact**

Policy OE11 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) advises that proposals which involve the use, storage, installation or processing of toxic or other harmful/hazardous substances or involve an increase in the use by the public of contaminated land will not be permitted unless appropriate amelioration measures are carried out.

The Geo-Environmental Assessment Report prepared by Delta-Simons (Environmental Consultants) submitted with the application has been previously reviewed by the Council's Environmental Protection Officer. Considering the report, the officer stated that 'as expected, there is contamination at the site in the ground and the groundwater. There are underground fuel storage tanks to be removed and associated garage infrastructure such as fuel lines, interceptors etc. There is soil and water testing provided and this confirms contamination in the soil and water will require remediation for the new use. Hydrocarbons as expected appear to be present in soil and water samples taken by the consultants. There is also some gas confirmed in the ground that will require the installation of some gas protection measures on the new buildings. On garage sites, we generally advise gas and vapour protection as there are usually some residual vapours from hydrocarbons

either in the soil or groundwater. No remediation has been undertaken at the site.'

The report was found to be sufficient by the Environment Protection Officer subject to a comprehensive land contamination condition to deal with de-commissioning the site and the need for a risk assessment to design appropriate clean up targets. The proposal is therefore considered to comply with Policy OE11 of the saved UDP.

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

Policy BE13 of the saved UDP requires new development to harmonise with the existing street scene or other features of the area that the Local Planning Authority considers desirable to retain or enhance. Policy BE26 states that within town centres, the design, layout and landscaping of new buildings should reflect the role, overall scale and character of the town centres as a focus of shopping and employment activity.

The supporting text to the latter policy states that the Local Planning Authority will use these and other appropriate policies of the Plan to influence new development so that the following objectives are achieved:

- the design of buildings and external spaces should increase the visual and functional attractiveness of town centres in order to attract people and investment;
- new buildings should maintain the feeling of bulk and scale of the town centres while creating variety and interest in themselves;
- where centres have prominent sites with development potential the opportunity to create distinctive new buildings that can act as landmarks or focal points of the centres should be taken, although buildings which exceed the height of their surroundings will only be permitted where it can be shown that they will make a positive and welcome contribution to the character of the centre;
- variety should be introduced into the street scene by the incorporation of townscape elements, including the use of recesses (the setting back of buildings to create small enclosures or public areas in front of them), raised beds, trees and shrubs and the opening up of views between buildings.

No objections were raised to the previous two schemes which were identical in terms of the proposed building and it was concluded that the scheme would reflect the scale and character of the Harefield Local Centre and would not compromise the setting of the adjoining listed buildings and the Harefield Village Conservation Area, as discussed above. The Inspector in considering the appeal also did not raise any concerns relating to the impact of the development upon the surrounding area.

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

Policies BE20, BE21 and BE24 of the saved UDP seek to safeguard the amenities of surrounding residential properties from new development through its potential impacts upon sunlight/daylight, excessive dominance and loss of privacy respectively.

The application site is adjoined by a Health Centre to the north, the village green on the opposite side of Rickmansworth Road, the Kings Arms public house to the south and its beer garden to the east. There are no side windows at the Kings Arms public house that serve habitable rooms in its residential elements that would be affected by a loss of sunlight/daylight or be dominated by the proposed development. Furthermore, the Council's HDAS 'Residential Layouts' advises that a minimum 21m distance is required between properties and their habitable room windows and private patio areas taken to be the 3m depth of rear garden adjoining the rear elevation of the property in order to minimise any potential overlooking. Although there are rear gardens beyond the beer garden to the west, the properties and their patio areas are more than 21m from the application site and the proposal does not include any habitable room windows on the rear

elevation.

Therefore, as previously considered, the siting and scale of the proposed building would not result in a loss of light/overshadowing or the direct overlooking of neighbouring properties, nor would it appear as an overdominant form of development as viewed from them. The proposal complies with policies BE20, BE21 and BE24 of the saved UDP.

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

The Council's HDAS 'Residential Layouts' requires that one-bedroom flats, in order to afford a suitable level of amenity for future occupiers, should have a minimum internal floor area of 50m<sup>2</sup>. In this instance, the flats would provide a minimum floor space of 50m<sup>2</sup> in accordance with the Council's minimum standards. The flats would also be self-contained and the habitable rooms would have adequate daylight and outlook.

The Council's HDAS 'Residential Layouts' requires that flats with one-bedroom should have a minimum shared amenity space of 20m<sup>2</sup> per flat. In this case, no shared amenity space has been provided and it is noted that the HDAS at paragraph 4.19 states that 'exceptions to garden area requirements will apply in special circumstances such as the provision of non-family housing, predominantly made up of one-bedroom units, in town centres or the provision of small non-family housing above shops'.

It was previously considered that as the proposal satisfied all three provisions, there should be no specific requirement for amenity space to be included as part of this scheme. It was also noted that the site is located directly opposite public amenity space on the village green and given that the units are not capable of being utilised as family dwellings, the lack of amenity space servicing three one-bedroom units in this town centre location was considered appropriate. There has been no change in circumstance to suggest that such an assessment is no longer appropriate.

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

Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) states that the Council will not grant planning permission for developments whose generation is likely to i) unacceptably increase demand along roads or through junctions, ii) prejudice the free flow of traffic or conditions of general or pedestrian safety, iii) diminish materially the environmental benefits brought about by new or improved roads, and iv) infiltrate streets classified as local roads, unless satisfactory calming measures can be installed.

Policy AM14 of the Unitary Development Plan Saved Policies September 2007 states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards.

This latest application follows three previous applications for a Tesco Express store on this site. The highway related grounds for refusal relate to vehicle and pedestrian safety, vehicular access, car parking and proposed delivery arrangements and planning application ref. 3877/APP/2008/2565 was upheld by the Planning Inspector and the planning appeal was dismissed. However, this previous proposal would have displaced four or five of the six car parking spaces proposed during the loading/unloading periods. In considering this loss, the Inspector noted that the car parking standards in the London Plan are maximum standards and sufficient on-street parking within 150m of the site as evidenced by the applicants submissions and during the Inspector's site visit was available so that the proposal would not result in a loss of road safety as a result of the reduction of on-site parking. Given the Planning Inspector assessment of this previous scheme, the Council's Highway Engineer does not raise objection to the lack of customer parking (with

the exception of a disabled space) now being proposed on this scheme.

Turning to issues of delivery and the proposed layout, Rickmansworth Road is a busy and relatively narrow, its effective width being reduced by street parking. The application site is close to schools, Harefield Hospital, shops, and a children's play area on the village green opposite, resulting in a considerable level of pedestrian movements on the footway in front of and in close proximity to the site. The site is also close to the pedestrian crossing on the adjoining roundabout junction. The proposed Tesco store would also generate additional pedestrian movements to and from the site.

The applicant is proposing to utilise rigid delivery vehicles to service the store with an overall vehicle length of 8m. The submitted plans make provision for a designated delivery vehicle bay and show that adequate space would be available for a second delivery vehicle to wait within the forecourt area without blocking the first delivery vehicle so that it would be capable of exiting the site. This would however block the resident's car parking spaces. The applicant has suggested that deliveries would be carefully scheduled and in the rare instances that a second delivery vehicle arrives at site, drivers would be made aware that they should not access the site but continue past and by a designated route, wait at the Tesco superstore in Rickmansworth for further instruction. The Planning Inspector also commented on this arrangement and stated 'the appellants indicate that the arriving lorry would be directed to a remote waiting location, before returning to the site. However, there is a likelihood of unsafe practices arising, including temporary stopping on the highway adjacent to the shop, and access or loading outside the specified parameters. Whilst the Council would have powers to require compliance with the Service Management Plan through the Section 106 Undertaking, the temporary nature of any breach would make enforcement difficult. In any event, however onerous the penalties, it would not be desirable to rely on a scheme which required a high and consistent level of management intervention throughout the life of the development, which might include changes of operators. It would not be a sufficiently robust system to ensure the long term road safety and free flow of traffic to accord with UDP Policy AM7'. The Council's Highway Engineer advises that the proposed delivery arrangements would still require strict adherence, and a high and consistent level of management intervention throughout the life of the development, which might include changes of operators and is not considered to be a sufficiently robust system to ensure the long term road safety and free flow of traffic.

As part of the Highway Engineer's assessment of the proposals, other Tesco Express stores have been analysed. At Tesco's stores in Ickenham, Ruislip High Street and Ruislip Manor/Park Way, the applicant has advised that articulated vehicles of 14.25m, 12.6m and 16.5m service these stores respectively but unannounced site visits revealed that articulated delivery lorries of up to 14.25m serviced all of the stores. They appeared to go from one store to another and a second delivery lorry was also seen to arrive, whilst a delivery was already underway, prejudicial to highway safety and the free flow of traffic. The delivery lorries were also seen to park inappropriately, near junctions and on bus stops, on parking and loading/unloading restrictions up to 45 minutes. The Council is continuing to have parking, traffic and safety problems caused by these delivery lorries, despite being issued with parking tickets. Although not witnessed at the time of the site visits, Tescos are known to use 16.5m articulated lorries to serve their Express stores and given existing practices, it would not be unreasonable to assume they also travel from one store to another. None of the delivery vehicles seen was of the size and type proposed to be used in Harefield. In the absence of an unrestricted delivery area and existing working practices, the possibility of delivery vehicles, including larger vehicles waiting and loading/unloading on the adjacent highway remains a high possibility and given the

Inspector's previous consideration, would be difficult to control. This would produce significant congestion at the junction and hazardous road conditions, including the possibility of restricted ambulance access to the adjoining Harefield Hospital.

In response to the additional enquiries raised by the Council, the applicant submitted information with the previous application on sample sites with delivery management plans. Only a few of the sample sites were considered to be partially compatible with the one proposed and some of which had not been built yet, therefore the operation and adherence to the delivery management plan of the stores not built could not be confirmed. Notwithstanding the above, the site visits have confirmed breaches of the delivery management plan and improper delivery lorry parking. The current application refers to three additional sites where delivery space/access is restricted, but no information has been provided on the delivery management plans for these sites and their compliance. The breaches of the delivery management plans, use of large delivery lorries, and improper delivery lorry parking seen during the Council's previous site visits of other Tesco Express stores is considered adequate to be used for this application.

Although the applicant is now proposing to service the store with a smaller delivery lorry (8m) than the one previously proposed (11.35m) it has not been adequately explained how the number of daily/weekly deliveries being proposed would be capable of servicing the store when a similar number of deliveries to that previously proposed.

Furthermore, if a second delivery lorry arrives at the store when the first delivery lorry is on the forecourt (as seen on other similar Tesco Express stores), given the inconvenience of diverting to Rickmansworth, the temptation would be to park on site, blocking drivers wishing to enter/egress the car parking spaces. The drivers wishing to enter the car parking spaces would be forced to carryout additional back and forth movements and/or partially wait/overhang the adjoining footway on this busy road with high volumes of traffic and a considerable amount of pedestrian movements near a zebra crossing. The proposed arrangement is therefore unsatisfactory and has the potential to have a detrimental effect on highway safety and the free flow of traffic. Delivery vehicles waiting/loading and unloading adjacent to the site would be likely to produce significant congestion at the junction, and hazardous road conditions for passing pedestrians and vehicles.

The Highway Engineer advises that the scheme is therefore unsatisfactory in terms of delivery and parking arrangements, which is likely to be detrimental to highway safety and the free flow of traffic. A scheme which heavily relies on strict adherence to a servicing management plan requiring a high and consistent level of management intervention throughout the life of the development is not considered to be acceptable. Hence the system is not considered to be sufficiently robust to ensure long term road safety and the free flow of traffic. It is therefore considered that the application has not adequately overcome refusal reason 1 of planning application ref. 3877/APP/2009/2442 and the Inspector's concerns in considering the appeal on 3877/APP/2008/2565 and is considered to be contrary to saved Policy AM7 of the UDP.

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

Previously, the Crime Prevention Officer raised a number of concerns with the proposal. In particular, no provision had been made for surveillance of the parking area and the building itself, which could lead to anti-social behaviour. Furthermore, the effect of anti-social behaviour on the residents above the store had not been considered. The recessed nature of the entrance to the flats and parking arrangement did not meet secured by design standards.

If the application had been recommended for approval, it is considered that security issues could be dealt with by a suitably worded condition.

#### **7.12 Disabled access**

The Council's Access Officer advises that due to their first and second floor siting, the flats within the proposed conversion would not be capable of achieving Lifetime Homes standards and no further comments are provided.

Comments related to detailed matters are provided in terms of improving the accessibility of the ground floor store. Further information and/or plan revisions would have been sought had the application not been recommended for refusal to accord with Policies R16 and AM15 of the saved UDP and the Council's HDAS: 'Accessible Hillingdon'.

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

The scheme does not increase the level of residential dwellings beyond the threshold which would require affordable housing to be provided for on site.

#### **7.14 Trees, Landscaping and Ecology**

The Council's Trees and Landscape Officer advises that there are several trees on and close to the site. The semi-mature London Plane tree on the road frontage is protected by Tree Preservation Order 3 (TPO 3) (T11). The trees forming part of a belt of woodland on the adjacent land at Harefield Hospital (northern boundary of the site) are protected by virtue of their location in the Harefield Village Conservation Area. The trees are landscape features of merit in terms of Saved Policy BE38.

The scheme retains the Plane tree (T11 on TPO 3) and will not affect the trees closest to the northern boundary of the site, which overhang the site by up to 3m. It is necessary to prune some of the overhanging branches and a (Conservation Area trees) notification was dealt with in late 2009. These pruning works will not harm these trees nor affect the integrity of the woodland and/or the visual amenity of the Conservation Area.

The plans have also been amended since the previous application (3877/2009/2009/2442) in order that the hardstanding would be kept a sufficient distance from the protected London Plan tree so that it would not be likely to be adversely affected by the proposal.

There is only limited scope for landscaping, but the scheme does include a Silver Birch in front of the stables building and some additional soft landscaping.

The Council's Tree Officer raises no objection to the scheme, subject to conditions and it is considered to have overcome the reason 2 of the previous application (ref. 3877/APP/2009/2442) and now complies with Saved Policy BE38.

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

London Plan Policies 4A.3 and HDAS 'Residential Layouts' Section 4.40-4.41 relates to the provision of satisfactory recycling and waste disposal provisions as part of new developments.

The applicant has indicated in their supporting statement that recycling will occur at the store. In this respect, all waste cardboard and plastic are separated from the general waste stream. The materials are stored separately in metal roll cages and these cages returned to the recycling service units used by the store.

The submitted plans indicate a dedicated refuse store and a commercial waste bin to the northern part of the site. This will be screened from view from the streetscape and would

be easily accessible by the future occupiers of the flats and the staff from the store.

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

Policy 4A.7 of the London Plan advises that boroughs should require developments to show how a development would achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation unless it can be demonstrated that such provision is not feasible.

The applicant has submitted a Renewable Energy Feasibility Study. This concludes that a ground source heat pump would be the most suitable system in terms of reducing CO2 emissions, but this is only likely to produce a 10% reduction. A 20% reduction would be difficult to achieve given the constraints of the site.

While this scheme would not be likely to meet the 20% requirement, it is considered that such a reduction would not be feasible in this instance, in light of the sites setting within the Harefield Village Conservation Area and the relationship with the Grade II listed building.

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

The site is not within a Flood Zone and therefore no flooding issues are raised by the development of this site.

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

With respect to noise, it is considered that the siting of the proposed store and number of flats would not give rise to additional noise and disturbance to the surrounding area or from the commercial use to the adjoining habitable room, subject to conditions as discussed below.

One of the proposed bedrooms (flat 1) has a party wall with a space labelled 'retail office/storage'. The Environment Protection Unit has recommended a condition be attached to any consent requiring sound insulation be provided. This would control the noise transmission from the commercial use.

With respect to opening hours (0700 to 2300 hours) and hours of deliveries and collections, these could be restricted by appropriate planning conditions attached to any consent. This would ensure that the amenity to the surrounding area is protected.

The Council's Environmental Protection Unit has reviewed an assessment of noise levels associated with plant equipment and considers that it complies with the Council's SPD on noise and raises no objections (subject to conditions) to the development on these grounds. It is noted that, the area forming the goods entrance and housing the refrigeration and air conditioning plant is enclosed by an acoustic timber fence, which provides a barrier protection from the noise. This along with the recommended conditions will ensure the amenity of the surrounding area is protected.

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

As regards, the two petitions, the points raised are dealt with in the main report.

As regards the individual responses objecting to the proposal, points (i), (vi), (vii), (viii), (x), (xi), (xii), (xviii), (xxiii), (xxiv) and (xxvi) are noted but do not raise substantial additional material planning considerations. Points (ii), (iii), (iv), (ix), (xiii), (xvii), (xix), (xxii) and (xxv) have been dealt with in the main reports. As regards point (v) any additional pollution attributable to additional deliveries by smaller lorries would be negligible/non-existent as compared to that produced by exiting traffic on the local highway network. As regards point (xiv), illuminated signage normally requires advertisement consent and any

application would be considered on its merits. As regards point (xv), the Greater London Archaeology Advisory Service were consulted and do not raise any objection, subject to a condition requiring further site investigation which would have been attached to any permission. As regards point (xvi), no evidence has come to light to suggest that bats are present on site. In terms of Point (xx), appropriate pedestrian access is provided to the store and would not be practicable to gate the vehicular access. As regards point (xxi), this is noted but if this were the only concern with the service arrangements, parking restrictions could be placed on the opposite side of the road. As regards point (xxvii) the views of residents are sought and considered, but the responsibility for the determination of planning application rests with the local planning authority.

The comments made in the letter of support are noted.

#### **7.20 Planning Obligations**

Education Services also advise of the requirement for a S106 contribution of £3,451 toward education space. This would have been dealt with by condition had the application not been recommended for refusal.

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

Not applicable to this site.

#### **7.22 Other Issues**

There are no other relevant planning issues raised by this proposal.

### **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**

The site is prominently located within the Harefield Village Conservation Area. It includes part of the nineteenth century Grade II listed stables associated with the adjoining Kings Arms public house.

The proposal is considered acceptable in policy terms. No objections are raised to the loss of the garage/workshop and it is considered that the retail element is of a size and of an appropriate siting that would not harm the overall vitality and viability of the Harefield Local Centre.

There are no objections to the demolition of the modern garage and the brick structure adjoining the listed coach house. In design terms, there is also no objection in principle to the proposed scheme. Subject to conditions to address minor design issues, the scheme is not considered to impact upon the setting of the Harefield Village Conservation Area, or the Grade II listed stables located on site. The residential accommodation proposed is acceptable and the scheme would not harm the amenities of surrounding occupiers.

However, although no objections are raised to the lack of customer car parking, objections are raised to the delivery arrangements. This proposal would still involve a significant amount of management and intervention and the Council's Highways Engineer objects to this scheme on this basis, particularly as working practices at other Tesco stores suggests that delivery arrangements often ignore highway restrictions and compromise highway safety. As such, the scheme would compromise highway safety.

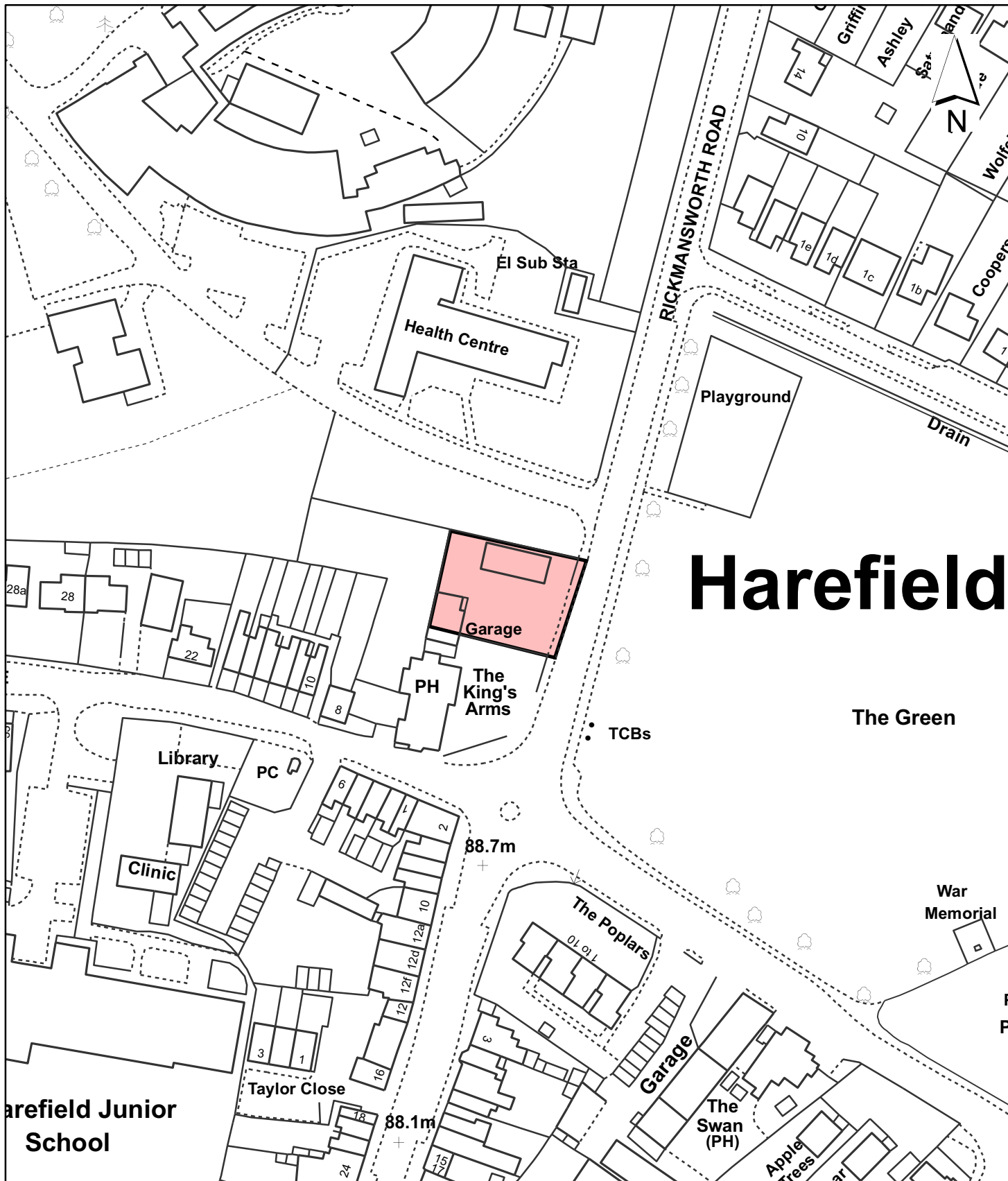
It is therefore recommended that planning permission be refused for the above reason.

## **11. Reference Documents**

The London Plan (February 2008)  
Adopted Affordable Housing Supplementary Planning Document (May 2006)  
Planning Policy Statement 1 - Delivering Sustainable Development  
Planning Policy Statement 3 - Housing  
Planning Policy Statement 4 - Planning for Sustainable Economic Growth  
Planning Policy Statement 6 - Planning for Town Centres (Now superseded by PPS4)  
Planning Policy Guidance 13 - Transport  
Planning Policy Guidance 15 - Planning and the historic environment  
Planning Policy Guidance 16 - Archaeology and Planning  
Planning Policy Guidance 24 - Planning and Noise  
Hillingdon Design and Accessibility Statement - Accessible Hillingdon  
Hillingdon Design and Accessibility Statement - Residential Layouts  
Supplementary Planning Guidance - Air Quality  
Supplementary Planning Guidance - Community Safety by Design  
The London Borough of Hillingdon's Planning Obligations Supplementary Planning Document (SPD), adopted 15 July 2008.  
English Heritage: Policy Statement/Practical guide to assessment: Enabling development and the conservation of heritage assets (2001)

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#### Notes



Site boundary

For identification purposes only.

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Site Address

**Former Kings Arms Garage Site  
Rickmansworth Road  
Harefield**

Planning Application Ref:

**3877/APP/2010/2200**

Planning Committee

**North**

Scale

**1:1,250**

Date

**November  
2010**

**LONDON BOROUGH  
OF HILLINGDON**

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& Community Services**

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