

## Report of the Head of Planning & Enforcement Services

**Address** 121 COWLEY ROAD UXBRIDGE

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

**LBH Ref Nos:** 7008/APP/2010/2758

**Drawing Nos:** 1921 01 L  
1921 02 E  
1921 03 D  
1060  
Design and Access Statement  
Location Plan  
Retail Assessment  
Transport Assessment - Volume 1  
Transport Assessment - Volume 2 (Appendices)  
Travel Plan  
Planning Statement  
Ground Investigation Report  
Flood Risk Assessment  
Attachments to Flood Risk Assessments  
Energy Statement  
Extended Phase 1 Habitat Survey Report  
Daylight and Sunlight Study  
Air Quality Assessment  
Acoustic Assessment  
Arboricultural Impact Assessment Report  
01/0102/023  
Town Centre Health Check  
Supplimentary Retail Impact Assessment  
The Impact of Lidl Foodstores on Defined Retail Centres - A Case Study  
Technical note SG/10/0102/R2011-01-12 TN

**Date Plans Received:** 29/11/2010                      **Date(s) of Amendment(s):**

**Date Application Valid:** 29/11/2010

### 1. SUMMARY

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

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

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

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

Accordingly, the application is recommended for refusal.

## **2. RECOMMENDATION**

**That the application be refused for the following reasons:**

### **1 NON2 Principle**

The proposed out of centre supermarket would by reason of its distance from existing town centres fail to contribute to linked trips to town centre retailers and businesses and would have an overall negative impact on nearby town centres; in particular Yiewsley/West Drayton taking into account the health of this town centre at the time of determination of the application. Furthermore the proposal would fail to achieve a high level of public transport accessibility and as such would not minimise carbon dioxide emissions over its life or encourage the use of sustainable modes of transport. The proposal is therefore considered to be contrary to Planning Policy Statement 4: Planning for Sustainable Economic Growth, in particular Policies EC10, EC16 and EC17 and the objectives set out within PPS1, PPS: Planning & Climate Change.

### **2 NON2 Traffic Impact**

The application fails to demonstrate that it would not result in an unacceptable rise in traffic associated with the development, prejudicial to the free flow of traffic and operation of the highway network. The proposal is therefore contrary to Policies AM2 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **3 NON2 Planning Obligations**

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

## **INFORMATIVES**

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

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

## 2 I53 Compulsory Informative (2)

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

EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
EC5	Retention of ecological features and creation of new habitats
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE34	Proposals for development adjacent to or having a visual effect on rivers
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
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
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

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

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

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

### **3.2 Proposed Scheme**

Full planning permission is sought for the demolition of the existing building and the erection of a Lidl foodstore of approximately 1570 sq metres gross internal floor space, with a sales area of 1286 sq metres together with car parking and associated works. The proposed building would be single storey in height and set back into the site from Cowley Road, with the front portion of the site laid out as a car park accommodating 78 car parking spaces, including 4 disabled spaces, 10 cycle parking spaces and landscaping.

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

Vehicular access would be from a single point onto Cowley Road at the southern end of the site and would result in the permanent closure of the existing access point to the north.

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

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

#### **\* Design and Access Statement**

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

#### **\* Planning Statement**

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

#### **\* Extended Phase 1 Habitat Survey Report**

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

Since the withdrawal of the previous scheme the applicant has undertaken additional ecological surveys and these have been provided in support of the current application.

\* Air Quality Assessment

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

\* Flood Risk Assessment

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

\* Arboricultural Impact Assessment Report

This report provides an arboricultural impact assessment of the proposal reviewing any conflicts between the scheme and material tree constraints identified in the survey accompanying the assessment. It concludes that the trees to be retained are generally in good health and capable of withstanding root disturbance or crown reduction whilst the development takes place. It considers that those trees recommended for felling are of little significance and concludes that their loss will not affect the character of the area. It is considered that any losses can be mitigated by the replacement trees and landscaping associated with the proposed development.

\* Acoustic Report

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

\* Daylight and Sunlight Study

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

\* Energy Statement

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

\* Retail Report

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

It should be recognised that additional analysis has been submitted by the applicant since the withdrawal of the previous scheme to demonstrate the likely impact of the proposal and in particular upon Yiewsley Town Centre, including specific analysis of the likely trade draw from the Aldi store in Yiewsley. In addition the applicant has undertaken further surveys/health checks of Uxbridge and Yiewsley Town Centres.

\* Transport Assessment and Travel Plan

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

Considerable additional traffic surveys and modelling has been undertaken by the applicant looking at the impact of the proposal on near by junctions.

\* Ground Investigation Report

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

### 3.3 Relevant Planning History

7008/APP/2003/1286      Charters Of Uxbridge 121 Cowley Road Uxbridge  
CONTINUED USE OF PREMISES FOR M O T TESTING (APPLICATION FOR A  
CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY)

**Decision:** 27-06-2003      GPD

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

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

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

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

7008/APP/2010/913      121 Cowley Road Uxbridge

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

**Decision:** 03-11-2010 Withdrawn

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

This is a resubmission of application ref: 7008/APP/2010/913 which was withdrawn at the request of the applicant prior to a decision being made.

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

Planning Policy Statement 1 (Delivering Sustainable Development)

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

Planning Policy Statement 4 (Planning for Sustainable Economic Growth)

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance 24: Planning and Noise

The London Plan (February 2008)

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

Planning Obligations Supplementary Planning Document (July 2008)

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

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

Part 1 Policies:

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

Part 2 Policies:

EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves
EC3	Potential effects of development on sites of nature conservation importance
EC5	Retention of ecological features and creation of new habitats
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
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R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **28th December 2010**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

The application was advertised as major development under Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 and 435 neighbours were consulted. 28 replies, including 2 petitions and a letter from John Randall MP have been received objecting to the proposal on the following grounds:

1. Additional traffic resulting in an increase in noise, congestion, accidents and rat running in neighbouring roads.
2. Nuisance caused by construction traffic.



3. Already enough supermarkets and discount stores in Uxbridge and West Drayton.
4. Adverse impact on local businesses.
5. Additional noise and disturbance and a loss of privacy to neighbouring properties as a result of siting of delivery area and increased pedestrian activity at the rear of the site.
6. Existing boundary wall is inadequate to safeguard the amenities of neighbouring properties.
7. Loss of security to neighbouring properties and an increase in crime and anti social behaviour.
8. Increase in rubbish.
9. A residential development would be more appropriate on the site.
10. Proposed store should be sited closer to Cowley Road and a visual and audible barrier should be provided to safeguard properties in Hogarth Close.
11. Deliveries at anti social hours would cause a nuisance to local residents.
12. Opening hours of proposed store would affect quality of life of existing residents.
13. Proposed store would result in a loss of privacy and outlook to properties in Hogarth Close.
14. Lighting of proposed building and car park would cause a nuisance to neighbouring properties.
15. Proposed landscaping scheme lacks detail.
16. Existing brick wall should be extended for the full length of properties in Hogarth Close and a line of trees provided on the boundary with these properties.
17. Adverse impact on property prices.
18. Increase in on-street car parking.
19. Adverse impact on pedestrian safety.
20. Increase in pollution.
21. More trees and quality children's play space required instead of proposed supermarket.
22. Inappropriate in a residential area.
23. Nearby bus stop facilities should be improved.
24. Development would involve the demolition of a listed wall.
25. Sale of cheap alcohol would cause problems of anti social behaviour in the area.
26. Access to the store would be car dominated.
27. Proposed vehicular access to Cowley Road would be dangerous.
28. Proposed store would present a fire risk.
29. Adverse impact on ecology.
30. Insufficient turning space for delivery vehicles on site.
31. The proposal fails to comply with the advice in PPS4 as there are sites sequentially preferable to application site and the impact on nearby shopping centres has been underestimated as the available capacity has been over estimated.

A letter was also received from Wm Morrison Supermarkets plc objecting to the proposal on the grounds that it would have a significant adverse impact of the proposal on the vitality and viability of nearby centres, namely Uxbridge and Yiewsley.

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

#### APPLICANT CONSULTATION

It should be recognised at this point that the applicant has undertaken an extensive community consultation exercise, which in summary involved consultation with 13,784 households, from which 1,513 responses were received, and some 83% of the responses received were in support of the application.

The applicant provided the responses to the Council, which has enabled the verification of the accuracy of these figures.

#### ENVIRONMENT AGENCY

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

#### Condition 1

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - i) all previous uses
  - ii) potential contaminants associated with those uses
  - iii) a conceptual model of the site indicating sources, pathways and receptors
  - iv) potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason 1

The information submitted indicates that soil and groundwater contamination is present at the site. This condition is required to ensure that the contamination is dealt with appropriately so that the groundwater and the adjacent river are protected from pollution.

#### Condition 2

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

#### Reason 2

To confirm that any remediation is completed to an acceptable standard in order to ensure that the groundwater and the adjacent river are protected from pollution.

#### Condition 3

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set

out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

#### Reason 3

Contamination is present at the site which requires remediation. Monitoring may be required to demonstrate the effectiveness of the remediation and to confirm that the site is not degrading groundwater quality or the water quality in the adjacent river.

#### Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

#### Reason 4

To ensure that any contamination that is not identified during site investigation is dealt with appropriately.

#### Condition 5

Piling, installation of Ground Source Heat Pumps or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

#### Reason 5

To ensure that any deep drilling that is undertaken does not pollute the groundwater below the site.

#### Condition 6

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### Reason 6

Sustainable drainage systems (SuDS) are proposed as a means of disposing of surface water at the site. Some forms of SuDS (primarily infiltration techniques) can result in pollution of the groundwater. Therefore, details of the proposed drainage scheme are required to ensure that the groundwater and the adjacent river are protected from pollution.

#### Condition 7

Before the development begins a scheme for the provision and management of a 5 metres wide buffer zone alongside the River Frays shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- i) plans showing the extent and layout of the buffer zone
- ii) details of the planting scheme if any.
- iii) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- iv) details of any footpaths, fencing, lighting etc.

#### Reason 7

Development that encroaches on watercourses has a potentially severe impact on its ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

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

The buffer zone needs to be 5 metres wide measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal land levels / the edge of the wetland as designated on a site plan. This zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character and planted with locally native shrubs and grasses, of UK genetic provenance / left to colonise and regenerate naturally / left as a natural area for wildlife.

#### NATURAL ENGLAND

This consultation represents an amendment to that previously submitted, and the main area of interest for Natural England would be any potential impacts on the adjacent Fray's River Site of Interest for nature Conservation (SINC) running along the western boundary of the proposed application.

The Design and Access Statement now indicates that the developer is prepared to provide a 5 (five) metre buffer zone, incorporating a 4 (four) metre planting strip as part of the proposal, effectively moving the build footprint back by 5 (five) meters. This buffer zone, with planting would be acceptable and welcomed by Natural England, subject to the use of native planting. The applicant should discuss the provision of planting with the Borough's Ecology Officer and the Environment Agency with regards to the buffer zone and flood implications.

Subject to the above Natural England has no further comments to make in respect of this application. I trust that this is sufficient for your purposes, but should you have any questions please do not hesitate to contact us at the address below.

#### BAA AIRPORTS

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

Development shall not begin until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the management of any flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached.

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

#### REASON

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

## NATS

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

## BRITISH WATERWAYS

No Objection.

## SOUTH BUCKS

No objections.

### **Internal Consultees**

#### HIGHWAYS OFFICER

Traffic surveys were carried out at the following junctions:

- A 408 Cowley Road / Cowley Mill Road / Chiltern View Road
- A 408 Cowley Road / Proposed Site Access
- A 408 Cowley Road / High Road / Cowley Business Park
- A 408 High Street / Station Road and
- A 408 High Street / Iver Lane

Full manual turning counts were carried out at the above locations, as well as automatic traffic counts on Cowley Road.

The maximum highway impact is during the Friday evening peak, when the 2011 two way flows in Cowley Road, without the development, are 2421 passenger car units (PCU's).

As a result of the development highway mitigation works would be required at the Cowley Road/ Cowley Mill Road junction and the site access junction.

The proposed improvements to the Cowley Road/ Cowley Mill Road signals comprise a timing Review, PROM (programmable read only memory) change and installation of a MOVA system in the signal controller. TfL's budget figure for this work is around £ 35,000. This junction is already saturated. The traffic modelling has been checked by TfL and they accept that with the proposed improvements the overall junction performance would improve from the base situation. To report junction performance TfL use PRC (practical reserve capacity) as the main indicator. However an analysis of the model summary reveals that improvements to the Cowley Road flows in terms of reducing saturation levels and queue lengths is partially attributed to the worsening of saturation levels and increase in queue lengths on Cowley Mill Road.

The model as presented for year 2011 shows saturation levels increasing from 100 to 128 and queues increasing from 21 to 85 pcus. The length of Cowley Mill Road from the new signals at the site access to Kier Park to Cowley Road can accommodate only 56 cars. Whilst the model represents a worst case scenario it would lead to blocking back of Cowley Road. The situation in Cowley Mill Road for the design year 2016, assuming the predicted growth materialises, would be much worse with a queues increasing from 51 to 118 pcus.

The existing two way flows (Friday PM) serving the site are 30 pcus. The proposed two way flows

(2016 Friday PM) would be 138. Right turning traffic to the development could be around 25 to 30 pcus per hour. A dedicated right turn lane of an acceptable width cannot be provided. There would be only 1.5 m width available after reducing the two through lanes to 3.0 m each. With smaller cars there would not be a significant problem (family saloons are 1.7 m wide). There would inevitably be some delay to the free flow of traffic but this has not been quantified.

The Transport Assessment has demonstrated that the proposed level of on site parking can meet the demand.

The proposal as currently presented cannot be supported on highway grounds.

#### TREES & LANDSCAPE OFFICER

##### Background:

The site is currently occupied by a car sales showroom with associated car parking and workshops.

The western boundary abuts the wooded River Frays corridor, a designated Nature Conservation Area of Metropolitan or Borough Grade 1 Importance. The site lies outside, and to the west of, the Greenway Conservation Area.

There are no significant landscape features on the site which constitute a constraint on development and no Tree Preservation Orders on, or close to, the site.

A tree survey has been submitted by Landmark Trees, which assesses the condition and value of 15No. individual trees or groups on, or close to, the west end site. The report concludes that there are no A grade (good) trees, 2No. B grade (fair), with the remainder C (poor) or R (justifying removal).

##### Proposal:

The proposal is to demolish the car showroom and build a supermarket which will occupy the rear half of the site, with the front half laid out for car parking and access.

The site has been the subject of pre-application discussions and has been amended to reflect officer advice.

##### Landscape Considerations:

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

Saved policy OL26 seeks to protect and preserve trees and woodlands and encourage their preservation.

- The tree survey concludes that the potential impacts of development are relatively low and can be mitigated by precautionary measures. At 6.3.1 the report recommends that mitigation should include the retention of the existing sub-base beneath the hard-standing and minor tree surgery/crown lifting, with appropriate protection for tree stems during construction. These details should be conditioned.

- The proposal includes some supplementary planting within the woodland/scrub area between the building and the River Frays, to mitigate concerns about the impact of the proximity of the rear elevation of the building to the wildlife corridor.

- In terms of landscape enhancement, the scheme will result in a soft landscaped frontage to the site, including shrub/hedge planting and 5No. trees, with a further 4No. trees planted in front of the building, within the car park. This will benefit both the site and its users, as well as the streetscape beyond.

- The successful establishment and future health of the new planting will depend on appropriate maintenance. To this end a management / maintenance plan is required to ensure that the landscape is maintained in accordance with the designed landscape proposals.

##### Recommendations:

No objection subject to the above comments and conditions TL2, TL3, TL5, TL6, TL7 and TL21.

## **7. MAIN PLANNING ISSUES**

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

Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) sets out at policy EC10 the considerations against which all planning applications for economic development (such as that proposed under this application). Sub Policy EC10.2 sets out that:

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

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

It should be noted that in order to provide a full and appropriate response to climate change as required by 10.2(a) developments need to not only minimise emissions of carbon dioxide arising from the built form itself but also deliver sustainable patterns of growth which encourage the use of sustainable transport and reduce the need to travel, especially by car; and conserve and enhance biodiversity.

In this case the site is beyond a reasonable walking distance from nearby town centres and this mean there would not be linked trips between shops in the Town Centre and the site. The location of the site is such that access to it would be highly reliant on motor vehicles. Overall, the scheme is considered to have a detrimental impact on the material considerations set out under 10.2(b).

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

Policy EC10.2(d) relates to economic regeneration & EC10.2(e) employment generation. In terms of employment generation the applicant notes that at present 20 full time staff are employed at the site, this would be be increased to 30 full time equivalent. While this would represent a net increase of 10 employees it is not considered to represent such a significant increase as to outweigh the adverse impacts associated with the development.

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

The government guidance in relation to PPS4 makes it clear that refusal of applications

on the basis of the sequential approach must be on the basis that there is a reasonable prospect of a sequentially preferable site coming forward. Sites have to be, suitable, available and viable. In this case the applicant has provided a robust analysis of 35 sites in Uxbridge, Yiewsley & West Drayton and Hillingdon Heath. The applicant concludes that there are no suitable, viable and available sites. At the time of writing this report, Planning Officers are not aware of any sites with a reasonable prospect of coming forward and meeting relevant criteria. Accordingly, it is considered that at the current time the sequential test has been satisfied. However, regardless of the indications of the sequential assessment the proposal must also be acceptable in accordance with Policies EC10, EC16 and EC17 of PPS4.

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

- a. the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- b. the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
- c. the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan;
- d. in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy;
- e. if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres; and
- f. any locally important impacts on centres under policy EC3.1.e.

The applicant has submitted a Retail Impact Assessment which addresses the above. The Government guidance in relation to PPS4 states that in judging impact, it is important to take into account the following:

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

While the application site is closer to Uxbridge Town Centre than to Yiewsley Town Centre, in terms of pricing and merchandise, Lidl offer a limited range of merchandise at low prices. This is different from retailers in Uxbridge Town Centre (Sainsbury's and Marks and Spencer typically offer goods at a higher price point than Lidl). It is considered that there would be a limited competitive relationship between the proposed Lidl store and shops in Uxbridge Town Centre.

Conversely, given the comparability between Aldi and Lidl, it is considered that there would be a competitive relationship between the new Lidl and the Aldi located in Yiewsley Town Centre.

To understand what level of trade diversion would be likely to occur from Aldi to the new Lidl the applicant undertook a series of analyses looking at the likely catchment of both stores and in particular the likely area of overlap. These areas are based on drive time as well as known transport constraints, statistics and other retail concentrations. Council Officers have considered the catchment areas and overlap, and these are considered to be reasonable.



The applicant's analysis considers the residential population within the area of overlap between the catchment areas of Aldi and Lidl stores and the relative distance of residents to each store. It is assumed that residents are more likely to shop at the store which is closer to where they live. Based on this approach, the applicant's analysis indicates that approximately 4 percent of residents currently shopping at Aldi would simply be living closer to the Lidl store (and therefore more likely to change their shopping habits to make purchases at Lidl).

It is not considered that this level of trade diversion would be so high as to result in the closure of the Aldi store in Yiewsley. Notwithstanding this, there is still concern that the proposal would not encourage linked trips to other in centre stores, and that the effects of trade diversion on in-centre stores and in-centre trade/turnover generally, would adversely impact upon the vitality and viability of near by town centres (specifically Yiewsley/West Drayton) and parades. The application is not considered to accord with policy EC16.1.

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

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

The applicant has undertaken health checks of Uxbridge Town Centre and Yiewsley/West Drayton, as well as the various parades. These have been examined by the Council and the range shops considered and methodology are not comparable with the retail centre health checks undertaken by the Council.

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

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

Policy EC17(a) of PPS4 indicates that:

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

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

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

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

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

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

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

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

The application site does adjoin a Listed Building at 91a and 91b Cowley Road. However given the distance of the proposed structure from the Listed Building it is considered not to have a detrimental impact and as such no objection is raised in this regard.

#### **7.04 Airport safeguarding**

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

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

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

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

It is not considered that the proposal would be visible or conspicuous from this area of Green Belt land and accordingly the proposal would not conflict with Policy OL5 of the Saved Policies UDP.

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

The proposed building would measure approximately 54 metres in depth by 29 metres in width with a maximum height of 7 metres to the mono pitched roof. It would have two mono-pitched roofs and be constructed from a palette of modern materials including rendered panels, glazing and aluminium.

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

In relation to the setback of the building from Cowley Road, it is noted that the existing building on the application site and the neighbouring site do not match the predominant building line of residential properties on Cowley Road. While the proposal would be set further back than the residential building line it would, being a commercial retail development, have a different character and subject to an appropriate level of soft landscaping being secured within the car parking area there is no objection to the siting of the building in this case.

In terms of the building design the mono-pitched roof is considered to assist in reducing the visual impact, as does the proposed gable to the street frontage. The simple, contemporary design approach and the minimalist materials are considered appropriate

having regard to the type of development and surrounding area, including the neighbouring site.

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

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

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

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

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

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

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

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

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

The report indicates that only the gardens of Nos. 16 and 17 Hogarth Close will suffer additional loss of sunlight availability on the 21st March as a result of the development. The BRE guidelines indicate that sunlight availability will be adversely affected if there is a reduction of 20% in sunlight availability. The proposal would result in a reduction in sunlight availability of circa 8% from the existing situation, which is significantly below the level at which sunlight availability would be adversely affected.

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

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

Policy BE21 of the UDP and guidance within HDAS - Residential Layouts requires that proposals for new buildings would not result in a significant loss of residential amenity by reason of their, siting, bulk or proximity. The HDAS - Residential Layouts clarifies that in

general circumstances a minimum separation of 15m should be provided where a building of two or more storeys is proposed in order to avoid overdominance.

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

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

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

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

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

The application was referred to the Council's Highway Engineer who has advised that the Transport Assessment accompanying the application includes results of Traffic Surveys at the following junctions:

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

The surveys indicate that highway mitigation works would be required at the Cowley Road/Cowley Mill Road junction. These are set out in detail in the comments made by the Highways Officer. Funding for the works could be secured by way of a planning obligation.

Analysis of the modelling indicates that while the works would improve traffic flow along Cowley Road, it would result in a worsening of saturation levels and increase queue lengths on Cowley Mill Road.

This situation is not considered acceptable and objection to the scheme raised in this regard.

There is also concern with regard to traffic entering and leaving the site, which would increase significantly. There is considerable concern that the proposal would lead to some delay to the free flow of traffic on Cowley Road as vehicles enter and leave the site. As such the scheme would be prejudicial to the free flow of traffic contrary to Policy AM7 of the Saved Policies UDP.

In terms of parking levels these are considered acceptable.

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

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

It is not considered that the proposal presents any significant concerns with regard to security, and the integration of security into the details design of aspects of the scheme, including specification of boundary treatments and monitoring of publicly accessible

spaces, could be secured by way of an appropriate condition.

#### **7.12 Disabled access**

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

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

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

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

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

##### **TREES AND LANDSCAPING**

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

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

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

The application has been amended from that previously withdrawn, with the current proposal providing appropriate space for the provision of soft landscaping on the Cowley Road frontage and a 4m - 4.5m wide planting zone (which would need to be natively planted) adjacent to the River Frays.

It would be preferable to have some additional landscaping on the northern site boundary which is closest to nos. 91 & 91B Cowley Road Uxbridge which are grade II listed, however it is considered that there is adequate scope for some additional tree planting to be provided within grilles along this boundary. This could be secured by way of an appropriate landscaping condition.

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

## ECOLOGY

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

Frays Island located just beyond the river also represents a Nature Conservation Site of Borough Grade 1 Importance (identified as 'River Colne, Canal and River Frays at Uxbridge Moor') (otherwise defined as a SINC) and forms part of the designated Green Chain. Previous planning applications for redevelopment of this adjoining site and site visits by officers have identified that the island, river and its banks provide habitat for a significant number of species including priority species and protected species.

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

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

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

The application has been amended from that which was previously withdrawn with the current proposals demonstrating a greater setback between the rear facade of the building and the River Frays. The current proposal maintains a distance of approximately 5.9m between the rear facade of the building and the edge of the application site, with there being a further 2.3m and 4.4m between the site and the watercourse itself. The application proposes the provision of a 4m wide planting zone within this buffer area, which would be planted with native species to enhance and protect the ecological value of the watercourse.

The application is supported by an ecological assessment, which has been updated since the withdrawal of the previous application. The updated ecological assessment submitted in support of the application is considered to fully assess the potential impacts of the development on protected or priority species, the potential impact of the development on the neighbouring SINC and all habitats available on the site and the impact of the development. The report also includes assessment of the impact of the loss of trees recommended by the arboricultural implications report.

The report also proposes a number of measures to protect and enhance the habitat value of the neighbouring Nature Conservation Site, the Blue Ribbon Network and the site itself, including:

- (i) Enhancement of the SINC boundary through the planting of a native tree and shrub thicket along the western boundary, as shown on the submitted plans;
- (ii) The positioning of a House Sparrow nest box in an undisturbed location on the retail unit;
- (iii) The provision of log pile features along the western site boundary; and
- (iv) Careful specification of lighting to avoid light spill into the river corridor.

The report indicates that the development, which is now further removed from the SINC boundary than the previously withdrawn scheme would not through either its construction or operation have a detrimental impact on protected or priority species or the SINC. Further it proposes measures which would serve to enhance the habitat value of the neighbouring SINC.

Both Natural England and the Environment Agency have reviewed the application and raised no objection, subject to conditions being imposed to secure the protection and enhancement of the SINC in accordance with the submitted document.

Subject to the imposition of appropriate conditions it is considered that the proposal would adequately protect and enhance the habitat value of the River Frays and SINC in accordance with Policies EC1, EC3, OL11 and BE24 of the Saved Policies UDP, Policies 3D.14, 4C.3, 4A.11 and 4C.22 of the London Plan and PPS9.

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

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

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

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

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

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

The applicant has submitted a detailed energy statement in relation to the proposal. The statement assesses the baseline carbon dioxide emissions of the building and proposes

the incorporation of efficiency measures and the use of on site renewables (in particular ground source heat pumps) in order to reduce the developments carbon footprint.

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

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

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

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

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

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

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

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

The Environment Agency have reviewed the proposal and raise no objection, subject to the imposition of conditions.

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

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

##### **NOISE**

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

The Council's Environmental Protection Unit have reviewed the proposal in detail, including the accompanying acoustic report, and consider that subject to a suite of conditions the proposal would not result in any impacts which would be detrimental to



neighbouring occupiers by way of noise, vibration, light etc. Accordingly, no objection is raised to the proposal in his respect.

#### AIR QUALITY

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

The development site is within an Air Quality Management Area (AQMA) where there are areas of NO<sub>2</sub> exceedences.

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

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

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

### **7.20 Planning obligations**

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

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

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

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

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

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

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

**Project Management and Monitoring fee:** 5% of the total contributions to ensure

appropriate management and monitoring of the obligations mentioned above.

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

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

#### **7.22 Other Issues**

##### **CONTAMINATION**

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

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

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

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

#### **10. CONCLUSION**

Full planning permission is sought for the demolition of the existing building and the erection of a Lidl foodstore of approximately 1640 sq metres gross internal floor space,

with a sales area of 1286 sq metres together with car parking and associated works. The proposed building would be single storey in height and set back into the site from Cowley Road, with the front portion of the site laid out as a car park accommodating 78 car parking spaces, including 4 disabled spaces, 10 cycle parking spaces and landscaping.

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

The proposed development, including vehicular access to and from the site, would result in vehicular movements which would be prejudicial to the free flow of traffic and operation of the highway network. The proposal is therefore contrary to Policies AM2 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

Accordingly, the application is recommended for refusal.

## **11. Reference Documents**

Planning Policy Statement 1 (Delivering Sustainable Development)

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

Planning Policy Statement 4 (Planning for Sustainable Economic Growth)

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance 24: Planning and Noise

The London Plan (February 2008)

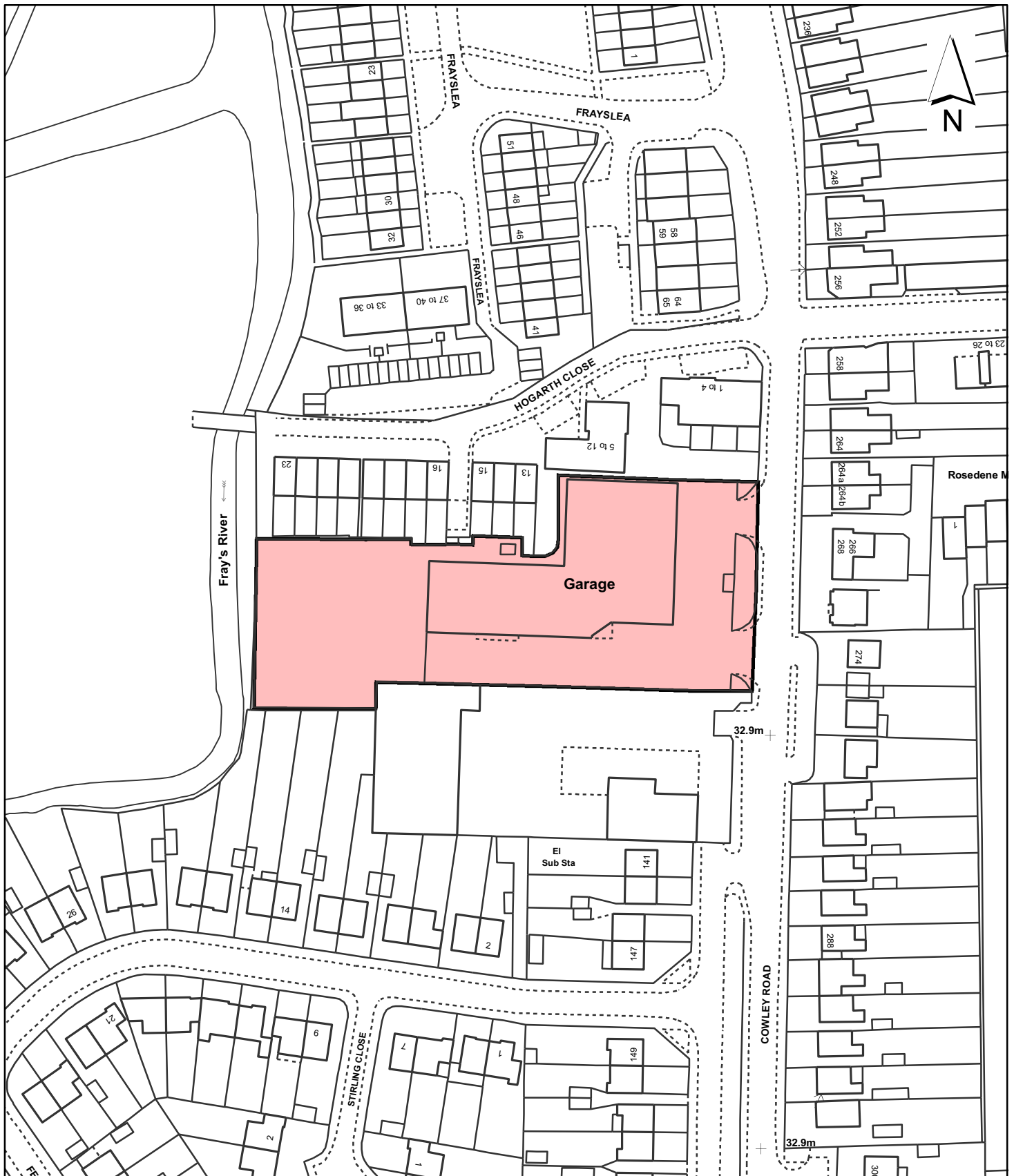
Hillingdon Unitary Development Plan Saved Policies (September 2007)



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

Planning Obligations Supplementary Planning Document (July 2008)

**Contact Officer:** Adrien Waite

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2011</p>	<p>Site Address</p> <p><b>121 Cowley Road Uxbridge</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning, Environment &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>  <p><b>HILLINGDON</b> LONDON</p>
	<p>Planning Application Ref:</p> <p><b>7008/APP/2010/2758</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p><b>Central and South</b></p>	<p>Date</p> <p><b>February 2011</b></p>	