



# HILLINGDON

LONDON

# A

## Central & South Planning Committee

**Date:** MONDAY,  
14 NOVEMBER 2011

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 5  
CIVIC CENTRE,  
HIGH STREET,  
UXBRIDGE  
UB8 1UW

**Meeting Details:** Members of the Public and Press are welcome to attend this meeting

### To Councillors on the Committee

John Hensley (Chairman)  
Judith Cooper (Vice-Chairman)  
Wayne Bridges  
Janet Duncan  
Dominic Gilham  
Robin Sansarpuri  
Brian Stead  
Allan Kauffman

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**Published:** Thursday, 3 November 2011

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<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?Cld=123&Year=2011>

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# Useful information

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# A useful guide for those attending Planning Committee meetings

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## Petitions and Councillors

**Petitions** - Those who have organised a petition of 20 or more borough residents can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council 48 hours before the meeting date. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes.

**Ward Councillors** - There is a right for local councillors to speak at Planning Committees about applications in their Ward.

**Committee Members** - The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

## How the Committee meeting works

The Planning Committees consider the most complex and controversial proposals for development or enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

1. The Chairman will announce the report;
2. The Planning Officer will introduce it; with a presentation of plans and photographs;
3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant

followed by any Ward Councillors;

4. The Committee may ask questions of the petition organiser or of the agent/applicant;
5. The Committee debate the item and may seek clarification from officers;
6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

## About the Committee's decision

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority - under 'The London Plan' and Hillingdon's own planning policies as contained in the 'Unitary Development Plan 1998' and supporting guidance. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal.

There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

## Agenda

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### Chairman's Announcements

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 Matters that have been notified in advance or urgent
- 4 To confirm that the items of business marked Part 1 will be considered in Public and that the items marked Part 2 will be considered in private

### Reports - Part 1 - Members, Public and the Press

Items are normally marked in the order that they will be considered, though the Chairman may vary this. Reports are split into 'major' and 'minor' applications. The name of the local ward area is also given in addition to the address of the premises or land concerned.

### Major Applications with a Petition

	<b>Address</b>	<b>Ward</b>	<b>Description &amp; Recommendation</b>	<b>Page</b>
5	Unit 3, Millington Road, Hayes  32157/APP/2011/872	Pinkwell	Mixed use development comprising 7,310 sq.m (gea) industrial/warehousing unit (Use Classes B1c, B2, B8); 7998 sq. m (gea) retail store (use class A1) and petrol filling station, together with associated car parking, landscaping and alterations to adjacent highway.  <b>Recommendation : Refusal</b>	1 - 30

## Non Major Application with a Petition

	<b>Address</b>	<b>Ward</b>	<b>Description &amp; Recommendation</b>	<b>Page</b>
6	132 Ryefield Avenue, Hillingdon  1728/APP/2011/1565	Hillingdon East	Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.  <b>Recommendation : Approval</b>	31 - 50
7	132 Ryefield Avenue, Hayes  1728/APP/2011/1513	Hillingdon East	Installation of chiller units to rear.  <b>Recommendation : Approval</b>	51 - 60
8	132 Ryefield Avenue, Hillingdon  1728/ADV/2011/31	Hillingdon East	Installation of 3 externally illuminated fascia signs to front, a portrait shape advertisement to the left of the shop entrance and an externally illuminated pole sign to front.  <b>Recommendation : Approval</b>	61 - 68

## PART II - MEMBERS ONLY

The reports listed below are not made public because they contain confidential or exempt information under paragraph 6 of Part 1 of Schedule 12 A to the Local Government (Access to Information) Act 1985 as amended.

## 9 Enforcement Report

Pages 69 - 78

### **Any Items transferred from Part 1**

## **Any Other Business in Part 2**

## Plans for Central and South Planning Committee

Pages 79 - 114

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# Agenda Item 5

## Report of the Head of Planning & Enforcement Services

<b>Address</b>	UNIT 3 MILLINGTON ROAD HAYES
<b>Development:</b>	Mixed use development comprising 7,310 sqm (gea) industrial/warehousing unit (Use Classes B1c, B2, B8); 7998 sqm (gea) retail store (use class A1) and petrol filling station, together with associated car parking, landscaping and alterations to adjacent highway.
<b>LBH Ref Nos:</b>	32157/APP/2011/872
<b>Drawing Nos:</b>	<ul style="list-style-type: none"><li>10.034.A(00)_01 rev:C - Location &amp; Existing Site Plan</li><li>10.034.A(00)_02 rev:B - Topographical Survey</li><li>10.034.A(00)_03 rev:B - Existing Site Sections</li><li>10.034.A(00)_04 rev:E - Site Plan</li><li>10.034.A(00)_05 rev:E - Street Elevations 1</li><li>10.034.A(00)_06 rev:E - Site Sections Sheet 1 of 2</li><li>10.034.A(00)_07 rev:E - Site Sections Sheet 2 of 2</li><li>10.034.A(00)_08 rev:F - ASDA Ground Floor</li><li>10.034.A(00)_09 rev:D - ASDA First Floor</li><li>10.034.A(00)_10 rev:D - ASDA Second Floor</li><li>10.034.A(00)_11 rev:D - ASDA NE &amp; SE Elevations</li><li>10.034.A(00)_12 rev:D - ASDA NW &amp; SW Elevations</li><li>10.034.A(00)_13 rev:C - ASDA Sections</li><li>10.034.A(00)_14 rev:D - Industrial / Warehouse Ground Floor</li><li>10.034.A(00)_15 rev:D - Industrial / Warehouse First Floor</li><li>10.034.A(00)_16 rev:C - Industrial / Warehouse NE &amp; SE Elevations</li><li>10.034.A(00)_17 rev:C - Industrial / Warehouse NW &amp; SW Elevations</li><li>10.034.A(00)_18 rev:C - Industrial / Warehouse Sections</li><li>10.034.A(00)_19 rev:D - ASDA Roof Plan</li><li>10.034.A(00)_20 rev:B - Industrial / Warehouse Roof Plan</li><li>10.034.A(00)_21 rev:D - Planning Boundary</li><li>10.034.A(00)_22 rev:E - ASDA NE &amp; SE Elevations - Colour</li><li>10.034.A(00)_23 rev:D - ASDA NW &amp; SW Elevations - Colour</li><li>10.034.A(00)_24 rev:C - Industrial /Warehouse NE &amp; SE Elevations - Colour</li><li>10.034.A(00)_25 rev:C - Industrial /Warehouse NW &amp; SW Elevations - Colour</li><li>10.034.A(00)_26 rev:E - Site Plan - Colour</li><li>1309- SK009 - Terra firma Indicative Sections Through Landscape for Station Road</li><li>9V5694-SK-04 rev:I - Proposed Site Layout</li><li>9V5694-SK-07 rev:A - Proposed Layout - Visibility Splay (Transport Assessment Appendix DW9)</li><li>9V5694-SK-16, rev:A - Proposed Extended Highway Network Highway Arrangements in context of</li><li>10.034.A(00)_27 rev:D - Hidden Elevations</li><li>10.034.A(00)_28 rev:B - Petrol Filling Station</li><li>10.034.A(00)_29 rev:C - Street Elevations 2</li><li>1309-001 rev:PO4 - Terra firma Landscape Proposals 2 of 2</li><li>1309-002 rev:PO2 - Terra firma Landscape Proposals 1 of 2</li><li>1309- SK005 - Terra firma Street Scape for Station Road</li></ul>

BH.01/02 - Tree Survey & Constraints Plan  
Design and Access Statement Issue 05 by HGP Architects  
Planning Summary Statement by CgMs  
Retail Statement by Planning Potential  
Supplementary Retail Statement by Planning Potential  
Case for Loss of Employment Land by CgMs  
Transport Assessment by Royal Haskoning/Denis Wilson  
Travel Plan - ASDA (Complete Document) FINAL rev A  
Travel Plan - Industrial Unit (Complete Document) FINAL rev A  
Technical Note 1 by Royal Haskoning/Denis Wilson  
Technical Note 2 by Royal Haskoning/Denis Wilson  
Stage 1 Road Safety Audit by Royal Haskoning/Denis Wilson  
Statement of Community Involvement (SCI) by Bircham Dyson Bell  
Ecology report by Scott Wilson  
Air Quality Assessment by Environ  
Revised Zone 1 Flood Risk Assessment 84351\_R1\_04 dated October 2011  
by Fairhurst  
Supplementary Report on SUDS by Fairhurst  
Letter from CgMs to EA, Re introduction od Green Roof(s) element  
Arboriculture Report by Bernie Harverson  
Noise Analysis by WSP  
Sustainable Energy Statement by Silcock Dawson  
Contaminated Land Phase 1 report by Fairhurst  
Counsel's Opinion  
External Buildings Materials Schedule

<b>Date Plans Received:</b>	05/04/2011	<b>Date(s) of Amendment(s):</b>	05/04/2011
<b>Date Application Valid:</b>	06/04/2011		18/04/2011
			15/06/2011
			01/07/2011
			06/07/2011
			19/07/2011
			01/08/2011
			22/08/2011
			05/09/2011
			07/10/2011
			11/10/2011
			17/10/2011
			19/10/2011

## 1. SUMMARY

The application proposes a development consisting of:

- (a) a retail store within use class A1 with 7,998 sq.m. gross external area (4,111 sq.m. net sales area) and a petrol filling station located on the north-eastern portion of the site; and
- (b) an industrial/warehousing unit for uses within classes B1(c), B2 or B8 with 7,310 sq.m. gross external area including ancillary first floor office space.

It is considered that the development would have an adverse impact on the vitality or viability of Hayes Town Centre and the development would attain an appropriate

appearance within the street scene.

In addition the development would incorporate adequate parking and including off-site highways works and contributions towards public transport improvements. The Council's Highways Officer is satisfied that the development would be served by adequate car parking and would not have any adverse impacts on the free flow of the highway network or on highway or pedestrian safety.

The development would integrate an appropriate level of inclusive design, measures to reduce energy use and other sustainable design features. Subject to appropriate conditions and obligations the development would not have any unacceptable impacts on Air Quality.

Further, subject to appropriate conditions the development would not have any adverse impacts on the amenity of residential occupiers by way of noise. In particular the Council's Environmental Protection Unit consider that 24 hour opening would be acceptable in this instance.

At present there remains an objection from the Environment Agency, however the applicant is working towards addressing this and it is considered likely that a resolution can be found to this issue. Final comments from the Environment Agency will be reported at the Committee Meeting.

Notwithstanding the above, the development would result in the loss of designated employment land (both within the local and regional development plan). Insufficient information has been submitted to demonstrate that there is no demand for industrial/warehousing uses on the site and it is not considered that the retail superstore would better meet the requirements of the development plan.

Further, officers have failed to reach agreement with the applicant with regard to the level of contributions required to mitigate the development in key areas, in particular with respect of Town Centre/Public Realm Improvements and project management and monitoring. Officers are of the view that these matters are essential, in particular to ensure that impacts on the Town Centre are in line with those that have been assessed, and in the absence of a S106 agreement to secure the full amount required, and other essential contributions the development is unacceptable.

Accordingly, it is recommended that the application be refused.

## **2. RECOMMENDATION**

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

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

The proposal would result in the loss of designated industrial and employment land (Designated with an Industrial and Business Area within the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) and a Strategic Industrial Location within the London Plan (July 2011). The application has failed to demonstrate that there is no demand or need for the retention of the site for industrial purposes and the proposed retail store is not considered to better meet the objectives of the development than the redevelopment of the site for an appropriate use. Accordingly, the application is contrary to Policy LE2 of the London Borough of Hillingdon Unitary Development Plan Saved Policies, Policy 4.4 of the London Plan (July 2011) and the Mayor's Industrial Capacity Supplementary Planning guidance.

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

The application has failed to make provision for necessary planning obligations to secure:

- (i) Off-Site Highways Works
- (ii) Bus Stop Improvements
- (iii) Travel Plans
- (iv) Construction Logistics and Delivery and Servicing Plans
- (v) Crossrail contribution
- (vi) Construction Training
- (vii) Hospitality Training
- (viii) Town Centre/Public Realm improvements
- (ix) Air Quality Monitoring; and
- (x) Project Management and Monitoring Fee.

In the absence of these contributions the development would fail to appropriately mitigate its impacts on matters of key importance contrary to Policies OE1, R17, AM7, AM8, AM9 and AM11 of the Hillingdon Unitary Development Plan Saved Policies, the Council's Planning Obligations SPD, the Council's Air Quality SPG, the London Plan (July 2011), the Mayor's Supplementary Planning Guidance (SPG) 'Use of planning obligations in the funding of Crossrail' (July 2010) and Planning Policy Statement 4.

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

The proposed development, in the absence of any provision for the enhancement of the Public Realm linking the proposal site to Hayes Town Centre, would fail to encourage the provision of linked trips between the proposal site and Hayes Town Centre, resulting in the diversion of retail trade from Hayes Town Centre, which would unacceptably impact on the viability and vitality of Hayes Town Centre, contrary to Policies 2.15, 4.7 and 4.8 of the London Plan 2011, and Planning Policy Statement 4.

## **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 (July 2011) and national guidance.

- BE13            New development must harmonise with the existing street scene.
- BE18            Design considerations - pedestrian security and safety
- 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.
BE25	Modernisation and improvement of industrial and business areas
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
OE12	Energy conservation and new development
OE5	Siting of noise-sensitive developments
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LE2	Development in designated Industrial and Business Areas
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

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is a 3.46 hectare site on the eastern side of an industrial area known as the Westlands Industrial Estate. The site is located approximately 325m to the southeast of Hayes & Harlington railway station and the Hayes Town Centre boundary, being approximately 650m from its primary shopping zone.

The site forms part of the wider Millington Road Industrial Estate, which extends approximately 10.5 hectares and is identified as a designated Industrial and Business Area within the Saved Policies UDP and Strategic Industrial Land within the London Plan.

The application site is currently vacant having been cleared in late 2010, but previously housed a storage and distribution warehouse.

The application site is located within walking distance of Hayes and Harlington railway station and is served by a number of buses. Currently the site has a mixed public transport accessibility level (PTAL) of between 4 and 5, however it is noted that Hayes and Harlington Station will be served by Crossrail from 2017.

Vehicular access to the site, and the estate at large, is from North Hyde Road and Station Road via Millington Road. The latter forms a loop around the south, west and north of the estate.

The site is bounded to the south and west by industrial buildings within the Millington Road Industrial Estate and to the north and east by residential area consisting primarily of 2 storey semi-detached. The character of the area is a mixture of these contexts.

### **3.2 Proposed Scheme**

Planning permission is sought for the erection of:

- (a) a retail store within use class A1 with 7,998 sq.m. gross external area (4,111 sq.m. net sales area) and a petrol filling station located on the north-eastern portion of the site; and
- (b) an industrial/warehousing unit for uses within classes B1(c), B2 or B8 with 7,310 sq.m. gross external area including ancillary first floor office space located on the western portion.

The retail store is proposed to be served by a car parking area accommodating 420 spaces (37 allocated for disabled users and 23 parent & toddler spaces) accessed from Millington Road, an elevated service yard accessed from North Hyde Road and associated landscaping. The car parking spaces would be located at surface level with the store being raised above them. The petrol station would be automated and also accessed from Millington Road.

The industrial unit is proposed to be served by 65 car spaces (including 7 allocated for disabled users) accessed from Millington Road, a surface level service yard accessed from North Hyde Road and associated landscaping.

The proposal also incorporates amendments to the layout of the highway network and the provision of new vehicular accesses to facilitate the development. It is proposed to secure improvements to the pedestrian/cycle link to the town centre and the public realm by way of planning obligations.

### **3.3 Relevant Planning History**

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

None.

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

National Policy:

PPS1 - Planning Policy Statement 1: Delivering Sustainable Development

PPS1 supplement - Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1

PPS3 - Planning Policy Statement 3: Housing

PPS4 - Planning Policy Statement 4: Planning for Sustainable Economic Growth

PPG13 - Planning Policy Guidance 13: Transport

PPS22 - Planning Policy Statement 22: Renewable Energy

PPS23 - Planning Policy Statement 23: Planning and Pollution Control

PPG24 - Planning Policy Guidance 24: Planning and Noise

Planning Policy Statement 25: Development and Flood Risk

Planning and Access for Disabled People: a good practice guide (ODPM)

Also considered relevant is the draft National Planning Policy Framework.

Regional Policy:

The London Plan 2011

Mayor's Industrial Capacity SPG

The Mayor's Transport Strategy

Land for Transport Functions

Accessible London: achieving an inclusive environment SPG

Planning for Equality and Diversity in Meeting the spatial needs of London's diverse

communities SPG  
The Mayor's Energy Strategy  
Mayor's draft Climate Change Mitigation and Adaptation Strategies  
Mayor's draft Water Strategy  
Sustainable Design and Construction SPG  
The Mayor's Ambient Noise Strategy  
The Mayor's Air Quality Strategy  
Draft Replacement Air Quality Strategy

Local Policy:  
Accessible Hillingdon SPD  
Planning Obligations SPD  
Air Quality SPD  
Noise SPG

The following are also relevant material considerations:

- Hillingdon pre-submission Core Strategy, published in February 2011 for consultation.
- Hillingdon Employment Land Study, July 2009 (LDF Background Technical Report).
- Position Statement: Hillingdon's employment land and comparison retail floorspace, June 2010 (LDF Background Report).
- Hillingdon Town Centre and Retail Study, 2006 (LDF Background Technical Report).

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

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

Part 1 Policies:

PT1.18 To maintain, enhance and promote town centres as the principle centres for shopping, employment and community and cultural activities in the Borough.

PT1.19 To maintain a hierarchy of shopping centres which maximises accessibility to shops and to encourage retail development in existing centres or local parades which is appropriate to their scale and function and not likely to harm the viability and vitality of Town or Local Centres.

PT1.23 To encourage industry and warehousing to located within existing Industrial and Business Areas and offices and other business uses, shops and public buildings employing or attracting large numbers of people to located within Town Centres or other areas identified for such purposes.

PT1.24 To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing.

PT1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations.

PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.

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

Part 2 Policies:

**Central & South Planning Committee - 14th November 2011**  
**PART 1 - MEMBERS, PUBLIC & PRESS**

- BE13 New development must harmonise with the existing street scene.
- BE18 Design considerations - pedestrian security and safety
- 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.
- BE25 Modernisation and improvement of industrial and business areas
- 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
- OE12 Energy conservation and new development
- OE5 Siting of noise-sensitive developments
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- LE2 Development in designated Industrial and Business Areas
- 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

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

**5.1 Advertisement Expiry Date:- 6th May 2011**

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

## 6. **Consultations**

### **External Consultees**

The application was advertised in a local paper, site notices posted and 370 nearby owner/occupiers including relevant residents groups were consulted.

A 192 signature petition has been received in support of the application has been received. The petition indicates that the proposal will benefit Hayes by boosting employment opportunities with the creation of 500 jobs and help regenerate a site which has remained unused for the past two years. In addition the petitioners consider the proposals will benefit the local businesses by bringing shoppers to Hayes Town Centre.

A 34 signature petition has been received objecting to the application raising concerns regarding extra traffic at the junction of Albert road and North Hyde Road due to the development.

10 letters have been received in support of the application:

- (i) The proposal will help to regenerate south Hayes and tidy up a disused site.
- (ii) The proposal will create jobs
- (iii) The proposed operator (Asda) will provide challenge and competition to the many Tesco supermarkets that dominate this type of retail in the borough.
- (iv) Do not believe the proposal would have adverse impact on traffic congestion and believe the proposal will free up traffic in a congested North Hyde Road, as those of us who currently have to travel to Bulls Bridge tesco will be able to shop nearer to home.
- (v) There is currently no other Asda store in this borough.
- (vi) The plans look like they are creating good use of the space on the site and the building appear of an appropriate scale
- (vii) In general, Hayes, needs regeneration, and a new development such as this will add to the freshness of the new current flats and retail units adjacent to Hayes station.
- (viii) Do not consider the proposal will have an adverse impact on local businesses.

1 letter of objection has been received raising the following concern:

- (a) The proposal will increase traffic on the roads in and around the area.
- (b) No need for an ASDA as there are other superstores nearby.
- (c) The proposal will have an adverse impact on small business and Hayes itself.

An objection has also been received from John McDonnell MP which is included in full below:

I wish to object to this application on the grounds that it will generate a significant increase in traffic in this area resulting in increased congestion and further deterioration in air quality standards. This area already suffers from air pollution caused by heavy traffic on local roads, often producing near gridlock on North Hyde Road. Any further increase in traffic will result in a considerable deterioration in local air quality and have a deleterious impact on the health of local residents. There are over 500 vehicle parking spaces planned on the new development, indicating that the number of vehicle movements associated with the proposed superstore, both shoppers' cars and delivery vehicles, will be on a considerable scale. The proposed siting of a new superstore outside of the main town centre will inevitably undermine further the viability of Hayes Town centre, threatening the closure of smaller retailers within the town centre. This development can be viewed in effect as a any other out of town shopping centre, drawing consumers away from the local small retailers within the town centre and contributing to the further deterioration and decline of the town centre. The proposal flies in the face of all the efforts made over the last decade to regenerate Hayes Town Centre. I urge that the application be rejected. If the development is to proceed I would urge that the local authority seek agreement to a significant contribution from the applicant to contribute to the investment in measures to counteract as far as possible the impact of this development on the local environment and on the viability of the town centre.

ENGLISH HERITAGE ARCHAEOLOGY  
No objection

MOD  
No objection.

BAA  
No objection, subject to conditions.

NATS  
No objection.

## **GREATER LONDON AUTHORITY**

London Plan policies on strategic industrial locations, employment, town centres and retail development; design, inclusive access, equalities, transport, energy, sustainability, ambient noise and air quality are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- (a) Land use: The inclusion of a retail superstore as part of the proposal conflicts with the strategic and local land use aspiration to retain the site as part of London's reservoir of land for industrial/warehouse purposes, as described in policies 2A.10, 3B.4 and Annex 2 of the London Plan; policies 2.17, 4.4 and Annex 3 of the draft replacement London Plan; and the Hillingdon UDP. A compelling case has not been made to demonstrate that there are no realistic prospects of the land being used for industrial or warehousing purposes in the future.
- (b) Retail/town centre: The proposed superstore would undermine the long-term national (PPS4), London-wide (London Plan policies 3D.1 and 3D.2) and local strategy to promote sustainable economic growth in town centres, such as Hayes, by investing in and directing traditional town centre uses into centre or edge-of-centre locations and discouraging them outside town centres.
- (c) Transport: Inadequate information has been provided to ensure full compliance with the transport policies of the London Plan.
- (d) Inclusive access: Further details would be required to ensure full compliance with policy 4B.5 of the London Plan (and policies 7.2 and 3.8 of the draft replacement London Plan).

Officer Comment - Additional information has been received which is considered to address issues b - d, however officers do not consider that issue (a) has been addressed.

## **CROSSRAIL**

No objection to the development.

## **LONDON FIRE BRIGADE**

No objection, subject to the relocation of two existing fire hydrants and the provision of two additional fire hydrants.

Officer Comment: This matter would normally be dealt with under the building regulations, however it is considered that the provision of fire hydrants on-site could be secured through condition and any off-site hydrants could be required within the detailed drafting of the Head of Term for Highways improvements within any legal agreement if necessary were the development to be approved.

## **TRANSPORT FOR LONDON**

Comments from Transport for London initially indicated that further information in relation to the transport assessment and to justify parking numbers was required. However, this information has subsequently been received and addresses these issues.

It is noted that the applicant is willing to upgrade the off-site bus stop on Station Road and provide a bus stop on site to address aspects of TfL's comments. These matters could be secured by condition and a legal agreement were the application to be approved.

Transport for London's comments also raised a number of matters which would need to be secured by way of a legal agreement in order to make the development acceptable. These matters are detailed within the Planning Obligations Section of this report.

## **ENVIRONMENT AGENCY**

We currently maintain our objection to the proposal as outlined in our letter dated 13 July.

As you are aware we have been in conversation with CGMS regarding the provision of green roofs. If the scheme is amended so green roofs are provided on the Petrol Filling Station canopy and the canopy over the travelator of the Asda store we will be closer to removing our objection.

I understand that due to time constraints the applicant will not be able to confirm that green roofs will definitely be able to be provided over these areas. As a compromise we may be willing to remove our objection CGMS submit a letter confirming the details below:

a) That the applicant would accept a condition/conditions requiring:

- the provision of 805 sqm of green roofs across the development with final details to be submitted to and agreed by the LPA;
- the provision of all other measures set out within the various drainage documents submitted including but not limited to tanked attenuation, rainwater harvesting and bio-retention pits for all of the trees.

(b) That the applicant accepts that these conditions would be valid and meet all of the tests set out within circular 11/95, in particular that they would be:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

We are still in the process of reviewing the revised FRA submitted by Fairhurst on behalf of CGMS. If the FRA does not wholly address our concerns that we raised in our last letter we will maintain our objection regardless of the provision of the green roofs.

We are particularly concerned with the proposed pumping of the surface water from the proposed attenuation tanks to the sewer. This will only be acceptable if it has been demonstrated that connecting via gravity is not practical.

#### **Internal Consultees**

##### **ENVIRONMENTAL PROTECTION UNIT - NOISE**

The Council's Environmental Protection Unit have reviewed the applicants submission in detail, in particular with respect to noise arising from:

24 hour opening of the retail store;  
Servicing of the retail store; and  
The industrial and warehousing unit.

No objections are raised to the development, which would not have adverse impacts on the amenity of nearby residential occupiers subject to conditions. In particular, it is noted that noise associated with 24 hour trading would not have any adverse impacts on the amenity of neighbouring properties.

##### **ENVIRONMENTAL PROTECTION UNIT - AIR QUALITY**

The Environmental Protection Unit have reviewed the submitted air quality assessment and raise no objection to the development. This would be subject to a contribution towards air quality monitoring and compliance with the green travel plans being secured by way of a legal agreement and detailed matters being controlled by conditions.

## **S106 OFFICER**

The Council's Section 106 Officer has reviewed the proposal with respect to the Council's adopted policy and the responses received from other statutory consultees and advised that a suite of planning obligations would be necessary to mitigate the impacts of the development.

Officer Comment: These matters are detailed in full within the relevant section of the report, however the Council and applicant have failed to reach agreement with regard to the level of contributions.

## **TREES & LANDSCAPING**

No objection, subject to additional tree planting being provided within the retail store car park and conditions to ensure implementation and maintenance of the landscaping scheme.

Officer Comment: The submission has been amended to include the necessary landscaping within the retail store car park.

## **ACCESS OFFICER**

No objection, subject to various detailed matters being secured as part of the application or by condition.

Officer Comment: Updated information has been received in respect of a number of detailed matters raised by the Council's Access Officer and it is considered that outstanding matters can be secured by way of condition.

## **URBAN DESIGN**

No objection.

This scheme has been subject to much pre-application discussion in regard to design, materials, setting and improvements to the approach.

It is considered that previous concerns regarding the dominance of the entrance feature and the colours of the materials have now been overcome.

The improvements to the approach road still include mention of a sculpture on the pavement outside the store, which it was agreed would be relocated. However this whole element will be part of the S106 Agreement, and the details of the improvements can be finalised then.

## **HIGHWAYS OFFICER**

No objection subject to conditions and an appropriate legal agreement.

The site has a PTAL of 5 at the store entrance but other parts of the site further away from Hayes and Harlington have a PTAL of 4.

### **Traffic Surveys:**

Traffic surveys were carried out at the following junction: Station Road/North Hyde Road signal junction, Station Road/ High Street, North Hyde/ North Hyde Gardens, Station Road/ Millington Road

, Station Road/ Clayton Road Roundabout, Station Road/ Dawley Road Roundabout and Dawley Road/ Bourne Avenue/ North Hyde Road Roundabout

To supplement these surveys, automatic traffic counters were also installed on Millington Road, Station Road and North Hyde Road site frontages.

The following committed developments have been considered in the traffic assessments: Southall

Gas works, Hayes Goods Yard, London Gate and Hyde Park Hayes( Maccess Site).

In addition to the accident data for the site frontage accident records at key junctions have also been reviewed.

The Station Road/ North Hyde Road junction experiences around 7 personal injury accidents in the course of a 12 month period. 69 % involved a vehicle turning right at the junction.

The proposed highway mitigation works at the junction, in addition to the carriageway widening, will include changes to the operation of the junction such that right turning traffic from North Hyde Road, both east and west directions, will no longer be required to give-way to oncoming traffic, reducing the risk of right turners being involved in a collision.

**Public Transport:**

A bus stand is to be provided on the northern side on Millington Road to extend the U5 bus service to the site. Millington Road is not an adopted public highway and a licence would have to be granted to TfL for the lifetime of the development or such other period to be agreed with TfL.

TfL would require funding for nearby bus stops to be upgraded to DDA access standards and for the installation of real time information using countdown on the 2 bus stops outside the store in Station Road.

**Parking:**

The provision of all types of parking spaces (including disabled and parent & child), motorcycle parking and cycle parking are considered acceptable. As is the level of provision of electric charging points. The layout of the parking areas is also considered satisfactory.

**Trip Generation and Traffic Impact Assessment:**

The sample sites chosen from the TRICS data base with a Petrol Filling Station are all in Outer London with lower PTAL and higher parking ratios than the proposed development and as such the assessment of traffic attraction based on these sites is considered to be robust.

An independent retail assessment informs that 94 percent of main food shopping expenditure from Hayes is lost to out of centre destinations with 69 percent of this taken by 3 stores. The accuracy of the traffic assessment hinges on the reliability of the retail assessment which envisages a claw back of trade that is currently purported to leak out of Hayes, principally to the Tesco store at Bullsbridge and other stores along the A312 corridor.

On this basis the developer has demonstrated that the traffic impact of the development has been satisfactorily mitigated by the proposed highway mitigation works. Detailed traffic modelling has been verified and accepted by TfL subject to approval of detail designs.

**Section 106 Highway Works to be delivered under a Section 278 agreement and include:**

Junction improvements including traffic signals and carriageway widening at and between Station Road / North Hyde Road and new signal junction at Station Road/ Millington Road/ Bedwell Gardens generally in accordance with the indicative Drawings Numbers 9V/694/SVK-04 Rev. I and Drg No 9V5694-SK Rev A

Both signal junctions are to be linked so that the cycle times of the co-ordinated traffic signal control is compatible with UTC / Scoot control. The detailed design is to include speed activated Signs in North Hyde Road west of its junction with Station Road and consideration of a bus priority Selective Vehicle Detection system to aid buses through the Station Road/North Hyde Road junction.

The detailed design and modelling of the above signal junctions to be submitted and approved by LB Hillingdon and TfL prior to commencement of the development and the works to be completed and operational prior to the occupation of the development.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The application site is located in an out of centre location as defined within PPS4 and within and Industrial and Business Area as defined within the Saved Policies UDP. The site is part of the Hayes Industrial Area and is identified in the London Plan and draft replacement London Plan as a Strategic Industrial Location (SIL).

Accordingly, there are two key issues with regard to the principle of the development which need to be considered:

- (a) Impact on Town Centres; and
- (b) The loss of strategic employment land.

It should be noted that the application is of strategic importance and referable to the Greater London Authority, in addition were approval to be recommended it would be necessary to refer the application to the Department of Communities and Local Government due to the out of centre retail aspect of the proposal.

#### (a) IMPACT ON TOWN CENTRES

The application site is located approximately 650m from the Primary Shopping Centre of Hayes Town Centre, and therefore seeks permission for an out-of-centre retail development. PPS4 seeks to ensure that Town Centre uses, such as retail, are located within or as close to Town Centres as possible and accordingly resists out of centre developments unless such sites are not available.

The applicant has submitted a retail assessment and additional information following receipt of comments from the Council and Greater London Authority in respect of retail issues.

The applicants retail assessment includes a sequential test, based on a catchment area of a 5-minute drive time for the proposed store in order to satisfy policy requirements. The applicant has provided details of 10 alternative sites which were examined and has provided justification for why a retail development is not viable in these locations.

The justification provided is considered appropriate and at the time of writing this report officers are not aware of any sequentially preferable site, within or closer to Hayes Town Centre, which has not been considered by the applicant. Accordingly, the findings of the applicants sequential assessment are accepted.

Policy EC16 of PPS4 also requires that proposals for town centre uses not located in such a centre should be assessed against the following impacts:

- 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.
- 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.
- The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan.
- In the context of retail proposals, the impact 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.

- 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.
- Any locally important impacts on centres (as defined in the Development Plan).

The applicants submitted retail statement assesses the impact of the development against these criteria, and the introduction of an out-of-centre retail store could have potential impacts on nearby centres as a result of trade draw, however the applicant has submitted a detailed retail assessment which indicates that the store is more likely to compete with other stores of a similar size and character, a principle which is accepted. The majority of the stores trade would be diverted from existing out of centre retail stores including Tesco stores at Bulls Bridge & Glencoe Road and the Sainsburys at Lombardy Retail Park, with the over trading at these stores and trade diversion being sufficient to sustain the proposed store.

It is also noted that Hayes Town Centre is heavily reliant on comparison shopping, with no large retail store (eg. Sainsburys, Tesco, ASDA etc.) and the majority of convenience retailers being specialist or ethnic stores. The retail assessment has provided a robust assessment of likely impact on trading within the Town Centre, including on key stores such as the Iceland and this indicates that the proposed store would not result in such significant trade diversion as to have a significant impact on the vitality and viability of Hayes Town Centre.

The retail statement also indicates that the proposal would claw back trade being lost to existing out of centre locations and introduce the potential for linked trips to the Hayes Town Centre, which could generate trade. The distance between the store and the Town Centre is not insignificant and officers consider that the level of linked trips which have been assessed by the applicant would only have the ability to arise if there were substantial improvements to the public realm, including pedestrian and cycling routes to the town centre, in order to enable easy travel by sustainable means and encourage such behaviour in the consumers.

The level of improvements to the public realm is key to this issue and the Local Planning Authority and applicant have failed to reach agreement on the appropriate level of contribution. Accordingly, refusal is recommended on the grounds of insufficient planning obligations and on the grounds of impact on vitality and viability of the Town Centre, on the basis that public realm works are considered to be necessary to encourage linked trips between the store and the Town Centre.

#### (b) THE LOSS OF STRATEGIC EMPLOYMENT LAND

The application site is located within the Millington Road Industrial and Business Area as designated within the Saved Policies UDP, it is also located within a Strategic Industrial Location as identified within the London Plan.

Policy LE2 of the Saved Policies UDP and Policy 4.4 of the London Plan seek to protect such locations for appropriate industrial development and resist its loss to other uses. In this respect it should be noted that the proposed industrial and warehouse unit is appropriate within the IBA and the assessment is focused on the proposed retail store.

The proposed retail store would represent a loss of 2.03ha (58.7%) of designated industrial land on the site. The applicant's supporting documentation puts forward the case for release of this land for the following reasons:

- The Westlands Estate is relatively small in strategic policy terms and physically remote

from the bulk of employment land north of the railway line.

- The application site is surrounded by residential land, with vehicle access through a residential area.
- The site has good (and with the emergence of Crossrail), soon to be excellent, public transport accessibility, which a more intensive land use would make better use of.
- Its close proximity to Hayes town centre and train station makes it ideally suited for complementary uses and its gateway location means an Asda superstore would improve the townscape to an extent which a continuing employment designation is unlikely to achieve.
- There would be a significant increase in employment (from zero to 500) compared to an industrial/warehouse use.
- There is a longstanding need for a major new food store to serve Hayes and provide a better choice to residents.
- The application premises had been on the market for two years, with serious interest from only one party.
- The retention of an industrial warehouse development on the site represented partial compliance with the policy relating to SILs/IBAs.

It is important in assessing such requirements that both local requirements for employment land and regional requirements are taken into account, with the regional requirements falling within the remit of the Greater London Authority. It is also important to take into account that the relevant Planning Authorities and Regional Bodies are, as set out in PPS4, responsible for assessing in broad terms, the overall need for the land or floorspace for economic development over the plan period and the inclusion of sites within the development plan should be based on a critical examination of site allocations.

Policy LE2 of the Saved Policies UDP indicates that only B1- B8 or appropriate sui generis uses should be permitted within IBA's unless the Local Planning Authority is satisfied that: (i) there is no realistic prospect of the land being used for these purposes in the future; and (ii) the proposed use does not conflict with the policies and objectives of the plan; (iii) the proposal better meets the plans objectives particularly in relation to affordable housing and economic regeneration.

London Plan policy 4.4 also requires boroughs to identify the potential for surplus land to help meet the strategic and local requirements for a mix of other uses, such as housing and social infrastructure and where appropriate, contribute to town centre renewal. The criteria for release of land in SIL's and IBA's are set out in detail in the Mayor's Industrial Capacity SPG 2008 (paragraphs 4.11- 4.13) and policy LE2 of the UDP.

In the case of SIL's, the SPG sets out a list of economic, land use and demand based criteria for the retention or release of industrial land and identifies Hillingdon as a borough in which a limited transfer of industrial/warehousing sites to other uses should be allowed to take place. Within the limited transfer category, boroughs are encouraged to reconfigure their industrial land, safeguarding the best quality sites and phasing any release to reduce vacancy rates. In particular, release should be focused on smaller sites outside SIL's.

On a regional basis it is important that the Industrial Capacity SPG identified a capacity to release 52ha of industrial land within the West London sub-region between 2006 and 2026. Subsequent studies undertaken in 2010 indicate that 72 ha (excluding non-implemented permissions) had already been lost within the sub-region. Although much of this loss (37 ha) took place in the London Borough of Brent, the rate and extent of the loss weakens the strategic case for releasing employment sites unless there are compelling

reasons to do so and a robust case can be made to justify an exception.

At a local level, the London Borough of Hillingdon prepared a study of employment land in 2009, looking at a plan period up to 2026 as part of the evidence base for its emerging Local Development Framework. This was subsequently updated by a Position Statement issued in June 2010. Whilst the latter suggests a capacity for the release of 17.3 ha in the borough between 2009 and 2027, it specifically proposed the retention of the industrial/warehouse allocation of Westlands Estate, and a re-designation of the adjoining Hyde Park Hayes (also in Millington Road) to a more general business (office) category. Both were designated as sites of local significance and this report is considered to be recent and up to date.

It is not considered that there are any particular site constraints or attributes which would prevent its continued or future use/development for purposes appropriate within the IBA. As such, in order to justify that there is no realistic prospect of land being used for these purposes marketing evidence has been submitted. However, both the case officer and the Greater London Authority have concerns regarding the adequacy of this submission, in particular:

- (i) Over the marketing period 13 prospective occupiers were identified and the reasons for leases not being signed appear to relate more to the poor quality of the industrial premises on site at the time, rather than a lack of genuine demand for industrial or warehousing premises. Other interested parties failed to emerge due to loss of enabling contracts or failure to reach favourable terms, again neither of these are indicative of a genuine lack of need.
- (ii) The marketing data indicates that marketing was only undertaken for a period of 18 months prior to demolition of the previous building (less than the 2 years recommended by the Industrial Capacity SPG), further it indicates that for approximately 8 months of this period no advertising activity took place.
- (iii) The decision to market the premises appears to have been on the basis that industrial/warehouse interest was unlikely to emerge, and initial instructions appear to have been to explore interests for food retail in addition to industrial pre-let interest before any marketing of the premises had commenced.

The site is designated for industrial and employment purposes within the Saved Policies UDP, which was saved in 2007, and as a strategic employment location in the London Plan, adopted in 2011, nor is the site proposed to be removed from this designation within the upcoming LDF and this position is on the basis of up to date employment land studies.

The marketing data is considered inadequate and is not considered to demonstrate that there is a genuine lack of demand or need for the site and the most recent development plan and evidence base indicate that the site should be retained in this designation.

In considering this issue it is also important to understand whether the proposed development would better meet the economic objectives of the development plan, or indeed the current governments position towards economic development.

In this respect the applicant has submitted a Counsel's opinion on the matter which places specific weight on:

The site being close to the Town Centre and could provide a complimentary use;

The site is soon to achieve enhance public transport accessibility

The site would provide a significant enhancement in employment profile by providing over

500 jobs (including 130 on the industrial and business element) - many more than a solely B class development.

A new major foodstore for which there is an established need will be provided.

In respect of these points, the site is not located in close proximity to the Town Centre, indeed it is located in an out-of-centre location as defined within PPS4. The accessibility of the site is noted, as is the fact that other food stores in the vicinity are over trading, however no evidence has been submitted to indicate that these factors would have any substantial positive impact on the economy or better meet the needs of the development plan. It is anticipated that an industrial redevelopment of the site would generate circa 300 employees (based on the applicants figures for their industrial component) which is not substantially less. Industrial Jobs relating to primary industry generate more for national economy than retail jobs and a person involved in a job relating to supply chains would generally generate more benefit to the economy. It is therefore considered that a view based on employee numbers alone is considered an overly simplistic way to assess economic impacts.

PPS4 focuses on facilitating growth and economic recovery through planning decisions wherever it is possible to do so without compromising sustainable development principles and where the development is otherwise in accordance with PPS4. In addition the opinion highlights the emphasis in the draft NPPF that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system." and "At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.".

These points are noted, however regard needs to be had to the fact that the government's definition of sustainable development is that which complies with an up to date development plan. There is no evidence that the site cannot be successfully redeveloped for appropriate uses, or that the development proposed would have a more beneficial impact on the economy than such a redevelopment. Nor does the development comply with the requirements of the development plan, which is formed of the Saved Policies UDP (2007) and the London Plan (2011), the saving/adoption of both documents being recent. The stance of these documents is also supported by the Council's 2009 Employment Land Study, which is also up to date.

Accordingly, it is not considered that there are any overriding factors or that the proposed development would better meet the requirements of the up to date development plan in force. The proposal would result in the loss of land within a designated employment location and accordingly would be contrary to Policy LE2 of the Saved Policies UDP and Policy 4.4 of the London Plan. Refusal is therefore recommended.

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

Residential density is not relevant to this application.

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

English Heritage Archaeology have been consulted on the application and have advised that the present proposals are not considered to have an affect on any significant archaeological remains.

The application site is not located within or in proximity to any Conservation Areas, Listed Buildings or Areas of Special Local Character.

**7.04 Airport safeguarding**

MOD, BAA and NATs Safeguarding have been consulted on the application and raise no objection subject to appropriate conditions.

**7.05 Impact on the green belt**

The application site is not located in proximity to the designated Green Belt.

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

Policy BE13 of the Saved Policies UDP seeks to ensure that new development are appropriate with regard to their context whereas policy BE25 seeks that new developments within Industrial and Business Areas seek to enhance and modernise their appearance.

In considering the impact of the proposal in terms of character and appearance it is important to consider that the development site is located within a designated Industrial and Business Area which includes buildings of an industrial nature such as sheds and warehouses, and where this scale and character of development is appropriate. In addition regard has to be had to the character of the residential areas located in proximity to the application site on the opposite side of Station Road and North Hyde Road.

The retail store would be located at the junction of Station Road and North Hyde Road, with a height increasing from approximately 10m to 14m along North Hyde Road. The store would have access from the car park to the south, but the main entrance from the public realm has been orientated towards the junction facing the main access route from North Hyde Road, where the store is of a curved design and a first floor café has been integrated into a projecting feature to provide increased visual interest and activity. The Station Road elevation would be largely glazed, serving the travelators, thereby providing activity adjacent to the road and articulated through the use of materials. The northern elevation would not benefit from glazing, but would be articulated through the use of materials.

The store would be completed in a modern palette of architectural panelling, stained timber cladding and anti-sun, green glazed curtain walling. A robust landscaping scheme, including tree planting along the principle road frontage is also proposed.

Overall, the proposed store is considered to be of an appropriate scale and massing and the design is considered to appropriately address the sites context and surroundings, in particular the relationship with Station Road and the principle elevation facing toward Hayes Town Centre and the Station Road/North Hyde Road junction.

The industrial unit would be set back from North Hyde Road and sit well within the context of the surrounding industrial and business area. It would be approximately 15m in height and would be in the form of a simple frame industrial building clad with steel panels. The south west facing elevation would be completed in blue cladding and glazed behind brise soleil.

Overall, the industrial unit is considered to be of an appropriate design and the overall simple and functional design of the unit is appropriate for its context within an industrial and business area.

The applicant has also confirmed a commitment to the provision of areas of green roof within the development, however the precise location of these areas would be determined

at detailed design stage and would be the subject of a condition.

The proposals also include enhancements to the public realm, however the Local Planning Authority and applicant have not reached agreement with regard to the costs or requirements of these provision which would need to be secured by way of a legal agreement. This is addressed in more detail within the relevant section of the report.

The Council's Design Officer raises no objection to the scheme which is considered to be of an appropriate massing and design in accordance with Policies BE13 and BE25 of the Council's Saved Policies UDP.

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

Policies BE20 and BE21 seek to prevent developments which would be detrimental to the amenity of nearby occupiers by way of their siting, bulk, proximity or loss of light.

The development which is located within an existing industrial estate would be separated from residential properties by roads on all sides, the buildings which have a maximum height of 14m would be separated from the residential properties by 36m at their closest point. This separation is adequate to ensure the development does not have adverse impacts on the amenity of residential occupiers in respect of dominance or loss of light.

Policy BE24 seeks to ensure that new developments do not have adverse impacts on the amenity of existing residential properties due to loss of privacy.

The industrial unit is located well within the industrial and business area, over 100m from the nearest residential property, and would not have any adverse impacts by way of loss of privacy.

The proposed retail store would only have glazing on the eastern elevation, serving the travelator and first floor cafe, and southern elevation facing the car park. The eastern elevation is separated from residential properties by a minimum distance of 35.7m across Station Road and this is sufficient to ensure no harm to the residential occupiers by loss of privacy.

Accordingly, the proposal would comply with policies BE20, BE21 and BE24 of the Saved Policies UDP.

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

This consideration is not relevant to this application.

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

##### **TRAFFIC IMPACT**

The application is supported by a detailed transport assessment, which is based on sample sites contained within the TRICS data base which are commensurate, the assessment of traffic generation based on these sites is considered to be robust.

The Traffic assessment is linked to the findings of the submitted retail assessment, which indicates the majority of the new stores trade will be 'clawed back' from other retail stores (Bulls Bridge, Glencoe Road and Lombardy Retail Park) in the locality which are currently over trading and drawing trade significant trade from Hayes Town Centre. The retail assessment is considered generally robust, in particular with regard to the fact that the majority of trade to the new store will be derived from these existing out of centre stores.

The proposed development would include highway mitigation works at the junction, in

addition to the carriageway widening, will include changes to the operation of the junction such that right turning traffic from North Hyde Road, both east and west directions, will no longer be required to give-way to oncoming traffic, reducing the risk of right turners being involved in a collision.

A bus stand is also to be provided on the northern side on Millington Road to extend their U5 service to the site. Millington Road is not an adopted public highway and a licence would have to be granted to TfL for the lifetime of the development or such other period to be agreed with TfL.

Funding for enhancements to nearby bus stops, enhancements to the public realm (linking the site to Hayes Town Centre, the provision of the off-site highways improvements and compliance with Green Travel Plans for each aspect of the development would need to be secured by way of a legal agreement. This issues is addressed within the relevant section of this report.

Detailed traffic modelling has been undertaken by the applicant and reviewed by both the Council's Highways Officer and Transport for London, who consider that the development will be acceptable in terms of traffic impacts. No objection is therefore raised in respect of traffic generation.

#### CAR/CYCLE PARKING AND HIGHWAY/PEDESTRIAN SAFETY

The retail store would be served by 360 standard parking bays, 36 disabled bays, 23 parent and child bays, 12 motorcycle spaces and 60 cycle spaces. In addition 10 percent of the car parking spaces would have access to electric charging points with a further 10% being provided with infrastructure to allow future installation.

The industrial/warehouse unit would be served by 58 standard parking bays, 7 disabled bays, 4 motorcycle spaces and 48 cycle spaces. In addition 20 percent of the car parking spaces will have access to electric charging points with a further 10% being provided with infrastructure to allow future installation.

It is noted that the Greater London Authority and Transport for London initially raised objection that the level of parking provision for the retail store was too high and should be reduced. However, additional information has been provided by the applicant which is considered to adequately demonstrate the need for this level of car parking.

The Council's Highways Officer has reviewed the proposals and considers the level of provision for all types of spaces is acceptable as is the layout of the car parking area. In addition the provision of electric charging points complies with the London Plan requirements for the retail superstore and exceeds them for the industrial/warehouse unit.

The Council's Highways Officer has also reviewed all of the internal layouts and off-site highways works and raises no objections with regard to pedestrian safety.

Accordingly, no objection are raised to the proposal on highways grounds.

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

Issues of design and accessibility are addressed elsewhere within the body of the report.

In respect of security the submitted design and access statement details various areas where security has been taken into account in the design of the proposals including:

- (i) Natural Surveillance;

- (ii) Appropriate Levels of Lighting;
- (iii) Provision of internal and external CCTV (including dedicated CCTV for cash machines);
- (iv) Design of the car park to comply with Park Mark standards; and
- (v) Provision of appropriate boundary treatments.

It is considered that the submitted documentation demonstrates that security and safety considerations have formed a fundamental part of the design process and have been appropriately integrated into the scheme. The implementation of specific measures such as lighting, boundary treatments and CCTV could be secured by way of appropriate conditions in the event the application were approved.

#### **7.12 Disabled access**

Policies 7.2 and 3.8 of the London Plan provide that developments should seek to provide the highest standards of inclusive design and this advice is supported by the Council's Supplementary Planning Document - Accessible Hillingdon.

The application is supported by a design and access statement and incorporates a number of measures to incorporate the requirements of inclusive design including:

- (i) provision of a lay-by for suitable for Dial-a-Ride minibus pick up/drop off in proximity to the retail store entrance;
- (ii) appropriate gradients and flush kerbs within car parking areas for the retail store and industrial unit; and
- (iii) full compliance with Part M of the Building Regulations and the Disability Discrimination Act, including but not limited to the provision of flush thresholds, wheelchair accessible lifts, disabled toilets and baby change facilities.

In terms of accessible parking the proposal would provide 35 spaces marked out to an appropriate standard for use by blue badge holders within the car park for the retail store, which would be appropriately located adjacent to the store entrance. This level of provision would exceed the requirements set out within the Council's Supplementary Planning Document - Accessible Hillingdon, but would fall slightly below the 10% required within by the London Plan. However, the store car park would also be served by 23 parent and children spaces which would also to a size which could be used by disabled users and located an appropriate distance from the store entrance. Given that the proposal would comply with the Council's Local Guidance and that the parent and children spaces provide additional flexibility with regard to parking no objection with respect to the provision of inclusive parking for the retail store.

The industrial unit would be served by 7 spaces marked out to an appropriate standard for use by blue badge holders, which fully complies with both the Council's Local Guidance and the London Plan.

Additional information, including an updated design and access statement and amended plans have been received addressing the detailed design points initially raised by the Council's Access Officer and the Greater London Authority and it is considered that the final details of matters such as fire evacuation and signage could be dealt with by way of conditions should approval be recommended.

Subject to appropriate conditions it is considered that the application would comply with the relevant policy requirements on inclusive design and no objection is raised in this respect.

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

The proposal does not include residential accommodation and accordingly this consideration is not relevant.

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

The application is supported by a tree survey, arboricultural implications report and by detailed landscaping plans covering both the retail store and the industrial and warehousing developments.

Hard landscape improvements include new paving, seating, new lighting, ground level lighting and fences / railings to screen operational areas and protect areas of soft landscaping.

Soft landscaping proposals for the store include soft landscape buffers to the north and south of the site, including tree planting, and the planting of a row of trees along the eastern site boundary with North Hyde Road. Importantly, the landscaping plans have been amended in accordance with the initial comments of the Council's Trees and Landscape Officer and now incorporates the provision of 5 trees within the open parking area which would serve to break up and soften the expanse of hard surfacing.

For the industrial unit a hedge which would grow to 3m in height would be provided to screen the service yard from Millington Road to the north, tree planting along the boundary with the proposed retail store, to the south a combination of tree and shrub planting would be provided around the staff car park and along the boundary with Millington Road.

The Council's Trees and Landscaping Officer has reviewed the arboricultural details and considers that the tree removals can be justified subject to the re-provision of a well considered soft landscaping scheme.

Overall, the landscaping scheme as amended is considered acceptable and will result in a development with an appropriate landscaped appearance within the street scene and the industrial and business area in accordance with Policies BE25 and BE38 of the Saved Policies UDP.

It is also noted that the proposals would include a commitment to enhance the public realm between the application site and Hayes Town Centre, however at present the applicant and Local Planning Authority are not in agreement with regard to the level of such contributions. Further discussion on this is provided within the Planning Obligations section of this report.

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

Policy 5.17 of the London Plan requires development to make adequate provision of waste and recycling storage.

Both the proposed retail store and industrial unit would have service yards with ample room for vehicle manoeuvring and could easily accommodate refuse and recycling storage.

On the superstore site these areas would be well screened from public view, however a condition could be attached to ensure that any refuse storage area serving the industrial unit benefited from adequate screening. Accordingly, the proposal would achieve satisfactory arrangements in terms of waste and recycling management.

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

Chapter 7 of the London Plan (2011) sets out requirements for developments to achieve

the highest levels of sustainable design and to reduce carbon dioxide emissions when compared to the building regulations, where feasible.

The application proposes a combination of energy efficiency measures and renewables, in the form of 1,400 sq.m of photo-voltaic panels across the development and waste heat recovery from refrigeration plant, the combination of measures would achieve a 27.5% reduction in regulated carbon dioxide emissions.

The application is referable to the Greater London Authority who have reviewed the scheme and raised no objections with regard to the proposals for energy efficiency within the development. Accordingly, the proposal is considered to comply with the London Plan requirements on energy efficiency. Implementation of the relevant measures could be secured by way of appropriate conditions.

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

The application is not located within a zone at risk of flooding, however due to the size of the development it is necessary for it to demonstrate that it would incorporate sustainable drainage techniques and reduce the risk of flooding in accordance with the requirements of Policies 5.11, 5.12 and 5.13 of the London Plan and Planning Policy Statement 25.

The original application was supported by a flood risk assessment and a number of revisions and supplementary documents have been received in order to address detailed comments arising from the Environment Agency.

The current flood risk strategy for the development consists of:

- (i) The provision of green roofs to a minimum area of 805 sq.m. (with the detailed locations and design to be secured via condition);
- (ii) Rain water harvesting;
- (iii) Bio-retention pits included within the landscaping; and
- (iv) Underground water attenuation tanks.

The most recent flood risk documentation received indicated that the rate of discharge has been reduced by 57% when compared to the existing situation which consists of an entirely hard surfaced site.

Following negotiation between the Local Planning Authority and applicant the scheme has been amended to integrate a number of sustainable drainage techniques and to achieve a reduction in surface water run off arising from the site.

The most recent comments from the Environment Agency received on the 18th October 2011 maintain an objection to the scheme and indicate that the most recent submission of documentation is still under consideration, however the correspondence indicates that the Environment Agency may be willing to remove their objection subject to receipt of formal correspondence from the agent confirming that:

- (a) The applicant would accept a condition/conditions requiring:
  - the provision of 805 sqm of green roofs across the development with final details to be submitted to and agreed by the LPA; and
  - the provision of all other measures set out within the various drainage documents submitted including but not limited to tanked attenuation, rainwater harvesting and bio-retention pits for all of the trees.
- (b) That the applicant accepts that these conditions would be valid and meet all of

the tests set out within circular 11/95.

Correspondence to this effect has now been received from the applicant and it is considered that the provision of the relevant sustainable drainage systems could be secured by way of conditions should the application be approved.

At present officers are of the view that further consideration of the information submitted and discussions between the applicant and Environment Agency may result in the removal of the objection prior to the Committee meeting and as such refusal is not currently recommended in this respect. However, the Environment Agencies final comments will be reported to the Committee.

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

##### **AIR QUALITY**

The application is accompanied by a detailed Air Quality Assessment, in addition Travel Plans are proposed in respect of each individual part of the development in order to minimise vehicular trips.

The Council's Environmental Protection Unit have reviewed the document in detail and raise no objection to the development on air quality grounds subject to specific conditions and the following planning obligations being secured by way of a legal agreement:

- a) A contribution towards air quality monitoring
- b) The compliance of each part of the development with a relevant Travel Plan.

The detailed situation with respect to planning obligations is discussed in detail within the relevant section of this report. However, subject to the above it is not considered that the development would result in any adverse impacts on air quality and would comply with Policy OE1 of the Saved Policies UDP and 7.14 of the London Plan.

The Greater London Authority have also considered the developments impact on Air Quality and have raised no objection in this respect.

##### **NOISE**

Policies OE1 and OE3 seek to ensure that new developments which have the potential to cause noise are only allowed where their impacts can be mitigated within acceptable levels.

The application is supported by a detailed noise report which has been subject to consideration by the Council's Environmental Protection Unit. It is also noted that the application site is located within a designated Industrial and Business area and that certain aspects of the development are orientated towards the industrial estate rather than residential properties.

Having regard to the above there are several key issues which require consideration, and these will be addressed separately in respect of the retail superstore and industrial unit.

##### **a) Retail Superstore**

The first issue which needs to be considered in respect of the retail superstore is noise emanating from the use of the store itself as a shop, in particular with regard to the fact that 24 hour opening is proposed.

The Council's Environmental Protection Unit have undertaken a detailed assessment of the noise assessment both as a whole and in particular with regard to the areas of the

public car park and petrol filling station, which are the most likely noise sources during opening times.

In respect of these two areas the Council's Environmental Protection Unit are satisfied with the robustness of the submitted noise assessment which demonstrates that the noise levels arising from activity associated with the opening hours of the retail store would be well within the acceptable limits at the nearest residential receptors as set out within the Council's supplementary planning guidance on noise, both during daytime and nighttime hours.

Accordingly, no objection is raised to the proposed development in terms of noise arising from these areas or the proposal for 24 hour opening.

The second key issue in respect of the retail store relates to noise relating to the servicing of the development. The Council's Environmental Health Unit have reviewed the noise assessment in this respect and advised that subject to appropriate conditions the servicing arrangements would not have any adverse impacts on the amenity of nearby residential occupiers.

**b) Industrial Warehouse Noise**

The Council's Environmental Protection Unit have reviewed the detailed aspects of the noise assessment in respect of the proposed industrial unit. The Council's Environmental Unit have reviewed the impacts of the proposed unit and have indicated that subject to a combination of physical and operational mitigation measures the unit would be acceptable in terms of noise impacts.

It is therefore considered that subject to conditions the development would not result in any harm to the amenity of nearby residential occupiers and would comply with policies OE1 and OE3 of the Saved Policies UDP with respect to noise.

**7.19 Comments on Public Consultations**

The comments received in relation to the application are noted and all relevant issues are addressed within the body of the report. However, of note the transport assessment which is considered robust by the Council's Highways Engineer does indicate a reduction in traffic at the North Hyde Road/ North Hyde Gardens Junction and the Highways Engineer considers the proposal acceptable in terms of traffic generation.

**7.20 Planning obligations**

Policy R17 of the Saved Policies UDP requires the provision of planning obligations necessary to mitigate the impacts of developments. The council's Planning Obligations SPD provides further guidance. In addition the requirements of the London Plan and the need for a contribution towards Crossrail under the Mayors Crossrail SPG are also relevant.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees including the Greater London Authority and Transport for London. These comments indicate the need for the following contributions to mitigate the impacts of the development.

1. Transport: the legal agreement would need to secure the implementation for all off-site highways works which form part of the proposal.
2. Bus Stop Improvements: A contribution is required to secure the provision of a new

northbound stop on Station Road, outside the retail store. The bus stop will be provided in accordance with Transport for London's Accessible Bus Stop Design Guidance and will therefore be DDA compliant. The bus stop will incorporate real time bus service travel information. A contribution will also be provided to secure the provision of real time bus travel information at the existing Station Road (southbound) bus stop, located opposite the retail development (adjacent to the Station Road shopping parade).

3. Travel Plans: The legal agreement would need to secure compliance with individual travel plans for the retail and industrial use, alongside a £20,000 bond to ensure compliance.

4. Construction Logistics and Delivery and Servicing Plans: It would be necessary for these matters to be addressed within a S106 agreement to ensure compliance and that the proposal would not have adverse impacts on the highway network in accordance with comments from the Greater London Authority and Transport for London.

5. Crossrail: A contribution of £127,968 towards Crossrail is required in accordance with the Mayor's supplementary Planning Guidance (SPG) 'Use of obligation in the funding of Crossrail' (July 2010).

6. Construction Training: in line with the SPD a contribution towards construction training is likely to be sought as a result of this proposal. If no on-site training scheme is forthcoming then it is likely that a cash contribution in the sum of £2,500 for every £1m build cost will be sought to assist with training initiatives in the borough. It is likely that a contribution towards co-ordinator costs will also be sought as a result of this proposal, proportionate to the size and length of the construction phase of the development.

7. Hospitality Training: in line with the SPD a contribution towards hospitality training is likely to be sought as a result of this proposal, as it is proposed to generate more than 50 jobs and if an employment strategy cannot be secured then as a compensatory measure the employer will be required to make a contribution equal to £400 per new employee to a training course to serve under skilled or unemployed people in the area.

8. Town Centre/Public Realm: in line with the SPD and following on from pre application discussion there will be a requirement for public realm improvements. The Council considers that a contribution is required in order to secure the provision of appropriate enhancements to the public realm and in particular the areas linking the site to Hayes Town Centre. This would need to be a comprehensive scheme to ensure the street scene and pedestrian linkages to the town centre are improved to encourage linked trips between the proposal site and Hayes Town Centre.

9. Air Quality: a contribution in the sum of £25,000 is sought. The contribution would be used on the air quality monitoring network in the area. It is also noted here that any junction improvements to Millington Way and Station Road would also benefit the issue with air quality in this area.

10. Project Management and Monitoring Fee: in line with the SPD if a s106 agreement is entered into then a cash contribution equal to 5% of the total cash contributions will be sought to enable the management and monitoring of the resulting agreement.

In addition to the above it is noted that Transport for London are requesting provision of an on-site facility for bus driver toilets. The applicant has indicated that they are willing for drivers to utilise the store toilets during opening hours, but would not be willing to provide

a toilet just for use of bus drivers. Officers are of the view that the provision of such a facility is not fundamental to the development and cannot be insisted upon.

Officers and the applicant have reached agreement on the majority of the Heads of Terms, however have failed to reach agreement on matters relating to Town Centre/Public Realm improvements and Project Management and Monitoring. Furthermore, the applicant has indicated that those heads of terms they had agreed were only on the basis of an approval.

However, officers are of the view that improvements to the Town Centre/Public Realm are of fundamental importance to the scheme, in particular with regard to encouraging connectivity between the site and Town Centre. Given that agreement has not been reached on this matter refusal is recommended on these grounds.

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

Not applicable.

#### **7.22 Other Issues**

None.

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

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

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

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

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

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

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

### **10. CONCLUSION**

The application proposes a development consisting of:

- (a) a retail store within use class A1 with 7,998 sq.m. gross external area (4,111 sq.m. net sales area) and a petrol filling station located on the north-eastern portion of the site; and
- (b) an industrial/warehousing unit for uses within classes B1(c), B2 or B8 with 7,310 sq.m. gross external area including ancillary first floor office space located on the western portion.

It is not considered that the development would have a significant adverse impact on the vitality or viability of Hayes town Centre and the development would attain an appropriate appearance within the street scene.

In addition the development would incorporate adequate parking, and include off-site highways works and contributions towards public transport improvements. The Council's Highways Officer is satisfied that the development would be served by adequate car parking and would not have any adverse impacts on the free flow of the highway network or on highway or pedestrian safety.

The development would integrate an appropriate level of inclusive design, measures to reduce energy use and other sustainable design features. Subject to appropriate conditions and obligations the development would not have any unacceptable impacts on Air Quality.

Further, subject to appropriate conditions the development would not have any adverse impacts on the amenity of residential occupiers by way of noise. In particular the Council's Environmental Protection Unit consider that 24 hour opening would be acceptable in this instance.

At present there remains an objection from the Environment Agency, however the applicant is working towards addressing this and it is considered likely that a resolution can be found to this issue. Final comments from the Environment Agency will be reported at the Committee Meeting.

Notwithstanding the above, the development would result in the loss of designated employment land (both within the local and regional development plan). Insufficient information has been submitted to demonstrate that there is no demand for industrial/warehousing uses on the site and it is not considered that the retail superstore would better meet the requirements of the development plan.

Further, officers have failed to reach agreement with the applicant with regard to the level of contributions required to mitigate the development in key areas, in particular with respect of Town Centre/Public Realm Improvements and project management and monitoring. Officers are of the view that these matters are essential and in the absence of a S106 agreement to secure the full amount required, and other essential contributions the development is unacceptable.

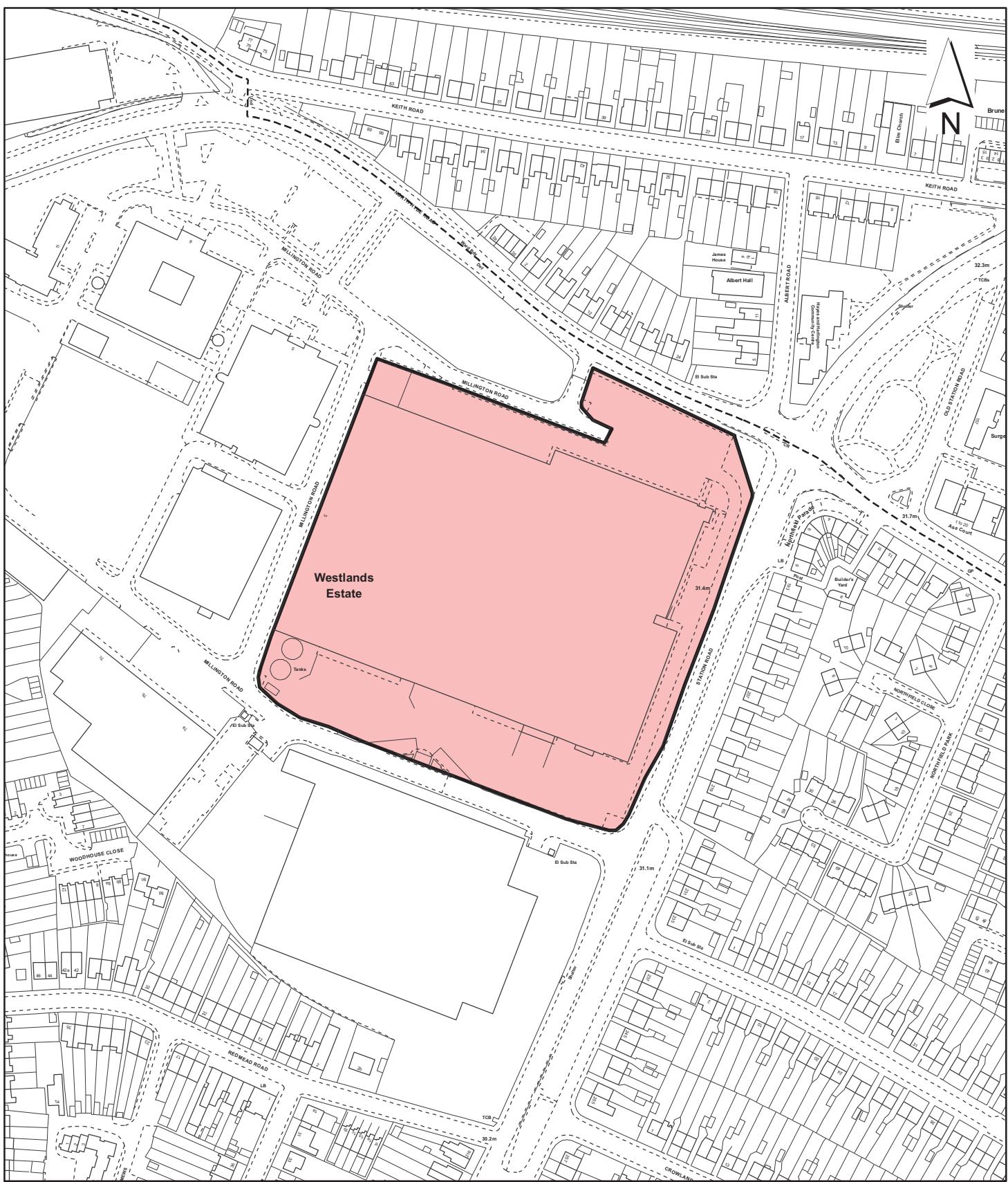
Accordingly, it is recommended that the application be refused.

## **11. Reference Documents**

See Planning Policies and Standards

**Contact Officer:** Adrien Waite

**Telephone No:** 01895 250230

**Notes**

 Site boundary

For identification purposes only.

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**Site Address**

**Unit 3, Millington Road  
Hayes**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**32157/APP/2011/872**

Scale

**1:2,500**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

# Agenda Item 6

## Report of the Head of Planning & Enforcement Services

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.

**LBH Ref Nos:** 1728/APP/2011/1565

**Drawing Nos:** Design & Access Statement (revised)  
LOCATION PLAN  
08 Rev. A  
02/C  
04/D  
07/C

**Date Plans Received:** 27/06/2011 **Date(s) of Amendment(s):** 27/06/2011

**Date Application Valid:** 07/07/2011 09/09/2011

### 1. SUMMARY

This application seeks approval for the conversion of the first and second floors to 2 x two-bedroom flats and 1 x one-bedroom flat.

The proposed flats would comply with relevant standards in relation to internal floor space and external amenity space. Subject to conditions being imposed on any consent to require screening there would not be any objection raised in terms of overlooking.

The alterations would not cause harm to the appearance of the building and no objection has been raised by the Council's Highways Officer to the proposed parking arrangements.

Subject to the imposition of appropriate planning conditions the scheme would be considered acceptable in planning terms.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

**1 T8 Time Limit - full planning application 3 years**

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

**REASON**

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

**2 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the

plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

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

**3 H15 Cycle Storage - In accordance with approved plans**

The development hereby permitted, shall not be occupied until the secure cycle storage facilities for cyclists have been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of cyclists.

**REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and 6.1 of the London Plan. (July 2011).

**4 RPD3 Obscured Glazing**

The rear bathroom window and hall window serving Flat 2 shall be glazed with permanently obscured glass for so long as the development remains in existence.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 RPD1 No Additional Windows or Doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing Ryefield Avenue and facing either No 130 Ryefield Avenue or No 134 Ryefield Avenue.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**6 H7 Parking Arrangements (Residential)**

The rear car parking areas shown on the approved plans, shall be constructed, designated and allocated prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 6.1 the London Plan (July 2011).

**7 DIS2 Disabled access**

Development shall not commence until details of reasonable and feasible design features in each of the units hereby approved to meet the needs of people with disabilities have

been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

**REASON**

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

**8 OM14 Secured by Design**

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

**REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3

**9 MCD10 Refuse Facilities**

No part of the development shall be occupied until the secure and screened storage facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

**REASON**

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011).

**10 SUS5 Sustainable Urban Drainage**

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

**REASON**

To ensure that surface water run off is handled as close to its source as possible in compliance with the London Plan (July 2011).

**11 SUS3 Energy Efficiency DC Applications**

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The report shall identify measures that will be integrated into the development to improve energy

efficiency in accordance with the Mayor's energy Hierarchy. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained.

**REASON**

To ensure that the development incorporates appropriate energy efficiency measures in accordance with London Plan (July 2011) Policies 5.1, 5.3, 5.4, 5.5, 5.7, 5.9 and 5.10

**12 A39 Contaminated Land**

All soils used for gardens and landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval to the Local Planning Authority.

**REASON**

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**13 OM19 Construction Management Plan**

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

- (i) The phasing of development works.
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

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

**REASON**

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

**14 NONSC Non Standard Condition**

Prior to occupation of the development details of the 1.8m high privacy/acoustic screen shown on the approved first floor plan surrounding the 3 open sides of the 1st floor outdoor amenity area shall be submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

**REASON**

To ensure that the occupiers of adjoining properties are not adversely affected by the development from overlooking and noise in accordance with policies BE24 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

**15 B21 Noise Insulation of Residential Development**

Prior to occupation of the development details shall be submitted of sound insulation measures to:

- i) prevent noise transmission between the 3 flats and also between the flats and the retail unit.
- ii) prevent noise from plant and equipment from impacting on the amenity of occupiers of the residential units.

Thereafter the development shall be carried out in accordance with the approved details.

**REASON**

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**16 TL5 Landscaping Scheme**

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

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

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- The first floor terrace acoustic/privacy screen,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

**REASON**

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

**17 TL6 Landscaping Scheme - implementation**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

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

#### **REASON**

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

#### **18 TL7 Maintenance of Landscaped Areas**

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

#### **REASON**

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

#### **19 TL20 Amenity Areas (Residential Developments)**

None of the dwellings hereby permitted shall be occupied, until the outdoor amenity area serving the dwellings as shown on the approved plans has been made available for the use of residents of the development. Thereafter, the amenity areas shall so be retained.

#### **REASON**

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in accordance with policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.1.

#### **20 M3 Boundary treatment - details**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

**REASON**

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**21 M2 External surfaces to match existing building**

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

**REASON**

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

**22 NONSC CCTV**

No development shall commence until a scheme for the provision of Closed Circuit Television (CCTV) on and/or around the building has been submitted to, and approved in writing by, the local planning authority and the building shall not be occupied until the approved scheme has been implemented. Thereafter the approved scheme shall be permanently retained.

**REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure that the development provides a safe and secure environment in accordance with policy 7.3 of the London Plan (July 2011).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

**2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
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.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
OE5	Siting of noise-sensitive developments
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon, Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

### **3 I13 Asbestos Removal**

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

### **4 I15 Control of Environmental Nuisance from Construction Work**

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

- A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.
- B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
- C) The elimination of the release of dust or odours that could create a public health nuisance.
- D) No bonfires that create dark smoke or nuisance to local residents.

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

### **5 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved

drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

## **6 I25A The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is a former public house, (formerly known as The Oak Tree), on Ryefield Avenue. The site is roughly rectangular in shape with a street frontage of approximately 22m and is located within the Ryefield Avenue Shopping Parade. The site has a public transport accessibility level of 1b.

Opposite, the parade continues with a two storey terraced block with a distinctive green roof.

A service/access road is located adjacent to the site which provides rear access to the site and neighbouring residential properties.

The former public house itself is set back from the primary building line providing a hardstanding area. The former public house has a distinctive hipped roof appearance with tall chimneys and pane glass windows, which adds to the variety within the street scene.

The general locality is flat and the site is within a 'Developed Area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

### **3.2 Proposed Scheme**

The application proposes to convert the upper levels of the former public house at 132 Ryefield Avenue to 3 flats. Specifically 1 x 1 bedroom residential flat of 59.2 square metres and 1 x 2 bedroom residential flat of 63 square metres on the first floor and 1 x 2 bedroom second floor flat of 70 square metres.

The outdoor amenity space would consist of a ground floor communal garden of 110

square metres and a 1st floor communal terrace of 40 square metres (useable area, finished with a balustrade and 1.8m privacy screen to the rear and sides). Access to the flats will be from the side of the property (which would be able to be accessed from the street or rear access way) via an external staircase.

Five off-street car parking spaces would be provided for the flats accessed via the existing gated service lane/accessway to the side of the site, an access lane/way that is also used to access garages serving the neighbouring residential properties. The on-site parking would not be enclosed.

A separate backyard of 50sqm would be maintained exclusively for the use of the shop. This backyard would have its pedestrian access to the service lane via a side gate and would be enclosed from the residential parking and the communal garden by a new 1.8m high boundary wall.

No alterations are proposed to the front elevations of the premises or to the front forecourt.

The alterations to the rear would consist of the demolition of the existing detached garage to provide space for the car parking bays and the provision of a new external staircase to the second floor from the first floor terrace, the blocking up of one window overlooking the terrace, plus the inclusion of privacy screen to the first floor terrace.

There would be no other external alterations or extensions made to the building itself. A new wall is proposed to the rear to serve as a distinct yard area to the shop. The chiller units for the shop are subject to a separate planning application.

Should the application relating to the chiller units (ref: 1728/APP/2011/1513) be approved, these would be screened from the ground floor communal garden by a brick wall.

All proposed habitable rooms would either gain outlook to the rear or to the street and any proposed windows or glazed doors overlooking the 1st floor terrace would be obscured glazed and would serve non-habitable rooms.

### **3.3 Relevant Planning History**

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

1728/APP/2010/2003 - Installation of shopfront, part single storey front extension to house, automatic telling machine (ATM), awning and fascia, upper level front extension, replacement external staircase to the side, construction of brick wall with gate to east side of front elevation, insertion of new doors to side and new vehicular gates to the rear (Involving demolition of single storey side element and blocking up of 2 doors in front elevation, one door to side and double doors at rear). Refused 10 February 2011 for 3 reasons.

The 3 reasons of refusal concerned (a) a proposed front extension at first floor level that would result in an incongruous extension detrimental to the architectural composition of the building, (b) a proposed awning to the shop that was considered an incongruous addition detrimental to the architectural composition of the building and (c) the proposed gates serving an introduced rear delivery yard lacking adequate visibility splays for use as a service delivery route for the retail unit.

1728/APP/2009/2566 - Change of use of basement and ground floor from Class A4

(Drinking Establishments) to Class A1 (Shops), involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two- bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation to include re-instalment of existing metal staircase leading to first floor flat and new roof terrace and associated parking.

The application was refused 8 August 2010 on 2 grounds relating to the proposed shop and not relating to the residential component of the scheme namely (a) insufficient parking provision for the proposed A1 retail unit and (b) the proposed servicing and access arrangement would not enable servicing by vehicles of an appropriate size.

1728/APP/2011/1123 - Change of use to from Use Class A4 Drinking Establishments) to Use Class A1 (Retail) (Application for a Certificate of Lawful Development for a Proposed Development) Granted on 25 August 2011.

1728/ADV/2011/31 Advertising consent application for installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front. Received 10 May 2011. Awaiting determination.

1728/APP/2011/1513 - Installation of chiller units to rear. Received 20 June 2011. Awaiting determination.

#### 4. Planning Policies and Standards

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

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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

BE20 Daylight and sunlight considerations.

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.

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

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
OE5	Siting of noise-sensitive developments
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

## 5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

340 neighbouring owner/occupiers were consulted on the application plus the local constituency Member of Parliament and Oak Farm Residents Association. 141 written objections were received. 2 petitions were received against the scheme.

1 petition reads "We urge the Council to reject these plans as these plans are very inconclusive, vague and will have a major impact on nearby residents e.g. security, lack of parking, blocked access road, lack of harmonising with street scene etc. Signed by 59 residents

2nd petition reads. This plan must be considered for refusal as the residents will not use the proposed 5 spaces at the rear as it is unrealistic and difficult access to a manoeuvre. The new flats will not complement the area especially considered the physical alterations that are not necessary. Signed by 74 residents.

A petition has also been received in support of the scheme. That petition was signed by 43 residents and simply stated that no objection was raised to the proposal.

The individual objection can be summarised as:

1. Flats above the supermarket will not look good and will be out of character with the rest of the area.
2. The lane security gates will be left open, as more people use the lane.
3. New residents will park on the street or in the shop forecourt as vehicle access down the lane is poor.
4. The scheme will make the existing problems with the delivery vehicles worse.
5. It will lead to more volume of traffic on Ryefield Avenue, the road can not cope.
6. The application does not show where delivery vehicles and shop customers will park.
7. The application involves car parking presently reserved for delivery lorries and customers being used by the residents of the new flats.
8. Underground parking is the only realistic solution to the parking issue.
9. Traffic congestion is already a big issue given the close proximity of the bus stop with the arrival of the large delivery lorries (especially an issue in the morning as parents put their children on the bus) and this will only make matters worse.
10. Concerned about privacy to residents of Midhurst Gardens from the flats.

11. The presence of the big shop on the site is out of character with the area and the parade of smaller shops.
12. Double parking is already an issue on Ryefield Avenue.
13. The delivery vehicles already park across the pavement which is dangerous for children going to school along the pavement, this will make matters worse.
14. The size of the 5 parking bays is not shown on the plans.
15. Are the chillers units safe for residents health?
16. The application will lead to more people living in the area. The population in the area is already too great putting pressure on public services.
17. Where will visitors to the flats park?
18. The impact of the supermarket and this residential scheme should be considered jointly and the scheme does not comply with relevant adopted planning policies and emerging planning Core Strategy planning policies. The opening of the retail store has led to more congestion and double parking.
19. The service road is often blocked by the delivery lorries.
20. The use of the former pub garden as a parking area of out of character with the area
21. The residential accommodation above the former public house was for the landlord of the public house. Do not understudy why applicant can state these upper floor space was 2 separate dwellings.
22. The super market is attracting groups of youths outside the premises and the shop is causing noise and parking problems. Creating further accommodation will greatly increase the problems.

#### **PLANNING OFFICER COMMENT**

All the planning issues raised by objectors that are material to this application are addressed with the body of the report, or by way of recommended planning condition. A number of issues/objections are raised in relation to the use of the ground floor shop, however it is worth noting that the ground floor use does not form part of the current application.

#### **NATS SAFEGUARDING**

No objection.

#### **MOD SAFEGUARDING**

No objection.

#### **Internal Consultees**

##### **HIGHWAY PLANNER:**

Deliveries to the store are currently carried out from Ryefield Avenue and there are no changes proposed to these existing arrangements.

The existing service road provides vehicular access to garages at the rear including one at the rear of the application site.

No objections are therefore raised on highway and pedestrian safety grounds.

##### **STREET HIGHWAY INVESTIGATOR:**

From a Highways perspective I have no problems with the proposed access to these premises.

##### **LANDSCAPE TEAM:**

No objection subject to conditions TL5, TL6 and TL7.

ACCESS OFFICER:

Raises no objection.

ENVIRONMENTAL PROTECTION UNIT

No objection subject to planning conditions relating to noise insulation for the residential accommodation and the use of contamination free soils in any landscape proposals.

PLANNING OBLIGATIONS/EDUCATION:

Will not result in a net gain of 6x habitable rooms or more and as such the Council will not seek an educational contribution from this application.

WASTE DEVELOPMENT MANAGER:

A waste and recycling storage area has been allocated.

If the value of the construction project is likely to be in excess of £300,000, the Site Waste Management Plans Regulations 2008 apply. This requires a document to be produced which explains how waste arising from the building works will be reused, recycled or otherwise handled. This document needs to be prepared before the building works begin.

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

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The upper floors of the building were previously used as residential accommodation associated with the former public house. The current application seeks to change the arrangement from ancillary residential accommodation associated with the ground floor use to 3 flats.

There is no objection in principle to the use of the upper floors as use as a series of independent residential flats, providing the design of each flat complies with the relevant adopted London Borough of Hillingdon planning policies and supplementary design guidance, and additionally the relevant policies of the London Plan (July 2011).

The ground floor use has been changed from public house to a shop (using permitted development rights) and does not form part of the current planning application.

### 7.02 Density of the proposed development

#### DENSITY:

The application site has an area of 0.08 hectares, has a public transport accessibility (PTAL) level of 1b and is considered to be located within a suburban setting. Accordingly, table 3.3 of the London Plan recommends that the site be developed at a density of 150 - 200 hr/ha.

Having regard to the mixed use nature of the site, the application seeks a residential density of approximately 187.5 hr/ha in accordance with the recommendations of the London Plan. Subject to compliance with all other relevant policies the scheme is

considered to be acceptable in terms of residential density.

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

The proposal does not have any implications with regard to airport safeguarding.

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

The application site is not located in or in close proximity to any designated Green Belt land, accordingly this consideration is not relevant.

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

The scheme involves no alterations to the external appearance of the premises as viewed from the street. Only minor external alterations are proposed to the rear elevation. Car parking provision for the flats would be provided to the rear and as such it is not considered the scheme will have any detrimental impact on the street scene, or have a detrimental impact upon the wider character and appearance of the area.

It is worth noting at this point that the scheme would benefit from the introduction of a landscaped garden area (that will remove existing unsightly yard clutter) and will provide the opportunity to screen ancillary plant and equipment from views from the rear.

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

Policy BE24 of the Saved Policies UDP and guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts requires that the design of new buildings protects the privacy of occupiers and Policy OE1 of the Saved Policies UDP requires the design safeguards against the impact of noise to neighbours.

The application does not introduce any additional habitable room windows. Furthermore, all of the existing windows are located over 21m from facing habitable room windows within neighbouring properties.

Access to the roof terrace is via an existing external stairs. The roof terrace is proposed towards the southern side of the building. The roof terrace would be sufficiently separated and screened from no. 130 Ryefield Avenue and Nos. 20a - 28 Midhurst Gardens to ensure future users of this roof terrace could not overlook these properties.

The plot of no. 134 Ryefield Gardens is almost entirely covered with storage buildings associated with the commercial use at ground floor level and is not utilised as amenity space. A 1.8m privacy screen is proposed that would provide visual and acoustic screening from the proposed garden terrace to any habitable room windows serving residents living at first floor at 134 Ryefield Avenue.

The first floor rear of 134 to 140 Ryefield Avenue features a communal external accessway leading to the entrances to the upper level flats (above the ground floor uses). It is worth noting at this point that the communal nature of the external accessway is such that there is inherent overlooking of entrances of the units at 134 to 140 Ryefield Avenue. It is also worth noting that existing roof terrace at 132 Ryefield Avenue was used by the occupiers of the upper level bedrooms when in use as a Public House, and as there is no screening around the terrace, direct overlooking of the rear external accessway to 134 to 140 Ryefield Avenue did occur.

The proposal would feature a 1.8m high screen around the roof terrace to prevent overlooking, and in this regard, the scheme would reduce overlooking of the rear of 134 to 140 Ryefield Avenue when compared to the existing situation.

The proposal would not give rise to any unacceptable overshadowing impacts.

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

Policy BE24 the Saved Policies UDP and the guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts requires that the design of new buildings protects the privacy of occupiers and their neighbours. The proposed residential units are located at first and second floor levels and would not be the subject of any overlooking arising from neighbouring properties. Accordingly, the units would attain adequate levels of privacy.

The HDAS - Residential Layouts and Policy BE20 of the UDP seek to ensure that residential developments receives adequate daylight and sunlight. All habitable rooms within the proposed residential units would be served by windows and accordingly they would receive adequate levels of daylight and sunlight.

London Plan Table 3.3 sets out minimum space standards for dwellings of different sizes. For 1 bedroom two person dwelling and two-bedroom three person unit it seeks an internal floorspace provision of 50sq.m and 61sq.m respectively. All of the proposed units are in accordance with these requirements and would provide an appropriate level of internal floor space, in addition each unit is self contained and provides appropriate sanitary facilities in accordance with policy H7 of the Saved Policies UDP.

Policy BE23 of the Saved Policies UDP requires that all residential units are served by adequate levels of usable external amenity space. The HDAS - Residential Layouts recommends as a minimum 20m<sup>2</sup> of amenity space be provided one-bedroom unit and 25m<sup>2</sup> per two bedroom unit. For this scheme amenity space of 70sqm would be required, and approximately 150sqm is proposed. The HDAS guidance states that exceptions to garden area requirements can apply in circumstances such as the provision of small non-family housing above shops.

The proposal would provide a communal amenity space over two outdoor areas totaling 150sqm. The proposed level of amenity space exceeds the Council's guidelines and is considered to be appropriately set out with regard to its use by future occupiers.

The proposal would involve the creation of 3 residential flats above an existing A1 retail unit. This is a common arrangement and subject to conditions to ensure adequate sound insulations between units, it is not considered that there would be any undue noise impacts affecting the amenity of these 3 residential units.

Overall, it is considered that the proposed development would provide an adequate level of residential amenity for future occupiers.

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

The off street car parking provision is in accordance with the Council parking standards. The Highway Engineer is satisfied that access to the parking via the existing service lane is acceptable and is not prejudicial to highway and pedestrian safety.

Secure cycle provision would be provided located on the north flank wall elevation and

would accord with the Council and London Plan standards.

The Highway Engineer noted the security of the cars from crime is not a highway issue however consideration could be given to the installation of CCTV if considered necessary and appropriate. The service lane does currently benefit from secure gated access.

Concerns have been raised by objectors in relation to servicing of the ground floor shop, and it is worth noting that the use / operation of the shop does not form part of the current application.

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

The application has been examined by the Metropolitan Police Crime Design Advisor who advised that a condition to require the scheme to accord with Secure by Design criteria should be imposed on any permission.

Vehicular access arrangements have been considered by the Highways officer and are discussed in Section 7.10 of this report. Disabled access considerations are addressed in Section 7.12.

#### **7.12 Disabled access**

In relation to the residential units, the Council's Access Officer has reviewed the proposal in detail, indicating that given the constraints of the existing built form it would not be reasonable to require this scheme to fully achieve Lifetime Homes Standards. However, the proposed layout does incorporate aspects of improved accessibility and the Access Officer considers that the application is acceptable, subject to a condition to ensure the maximum feasible level of accessibility for these proposed units.

Having regard to the relevant guidance, and the advice from the Access Officer, the residential element of the scheme is considered acceptable.

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

The proposal seeks permission for less than 10 residential units, accordingly there is no requirement for the provision of affordable housing within the development under the London Plan or the Council's Supplementary Planning Document for Planning Obligations.

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

The application site does not contain any existing trees, accordingly the scheme does not give rise to any concerns with regard to tree protection.

Saved policy BE38 requires landscape enhancement of new developments. At present the rear of the site is mainly hard standing and rather unkempt in appearance. The proposed new arrangement to the rear would provide an opportunity to tidy up the rear external area and introduce some landscaping compliant with saved policy BE38

Further details of the proposed communal garden area to the rear of the property are required. Should the application be approved, provision for, and details of, landscape management and maintenance would be required to ensure that the communal external spaces are suitably managed.

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

Officers are satisfied that the site is large enough to accommodate bin storage and subject to the imposition of a condition on any planning permission, no objection would be

raised.

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

The application proposes the reuse of the upper floors of the former public house which is considered beneficial in terms of sustainability.

As the application is a conversion of an existing property (rather than a new build development) the Code for Sustainable Homes is not applicable. Notwithstanding this, a condition is recommended to ensure that the scheme incorporates measures to reduce its energy demands.

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

The proposal is not considered to give rise to any particular concerns regarding flooding or drainage. However, a condition requiring the use of sustainable urban drainage/porous paving would be necessary to ensure any sustainable drainage solutions were appropriately implemented within new areas of hard standing to the rear.

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

The proposal would involve the creation of three residential flats above an A1 retail unit, this is a common arrangement and it is not considered that there would be any undue noise impacts on the amenity of these residential units through the proposed A1 use at ground floor level.

A condition should be attached to any approval, requiring appropriate noise insulation for the residential accommodation.

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

The various matters raised in the submissions have either been addressed within the body of this report, by way of planning condition or are not material planning considerations.

#### **7.20 Planning obligations**

With the established ancillary residential accommodation above the former public house the scheme will not result in a net gain of 6 habitable rooms or more, accordingly no financial contribution from this application is required towards future school places.

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

Not applicable to this application.

#### **7.22 Other Issues**

None.

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

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

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

hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

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

## **10. CONCLUSION**

The proposal would comply with relevant guidance in relation to internal floor space and external amenity space.

It is not considered that the scheme would cause harm to the amenity of neighbouring occupiers due to overlooking or overshadowing. The highway Officer has raised no objection to the access and parking arrangements. Subject to conditions, adequate bin and cycle storage would be provided on site.

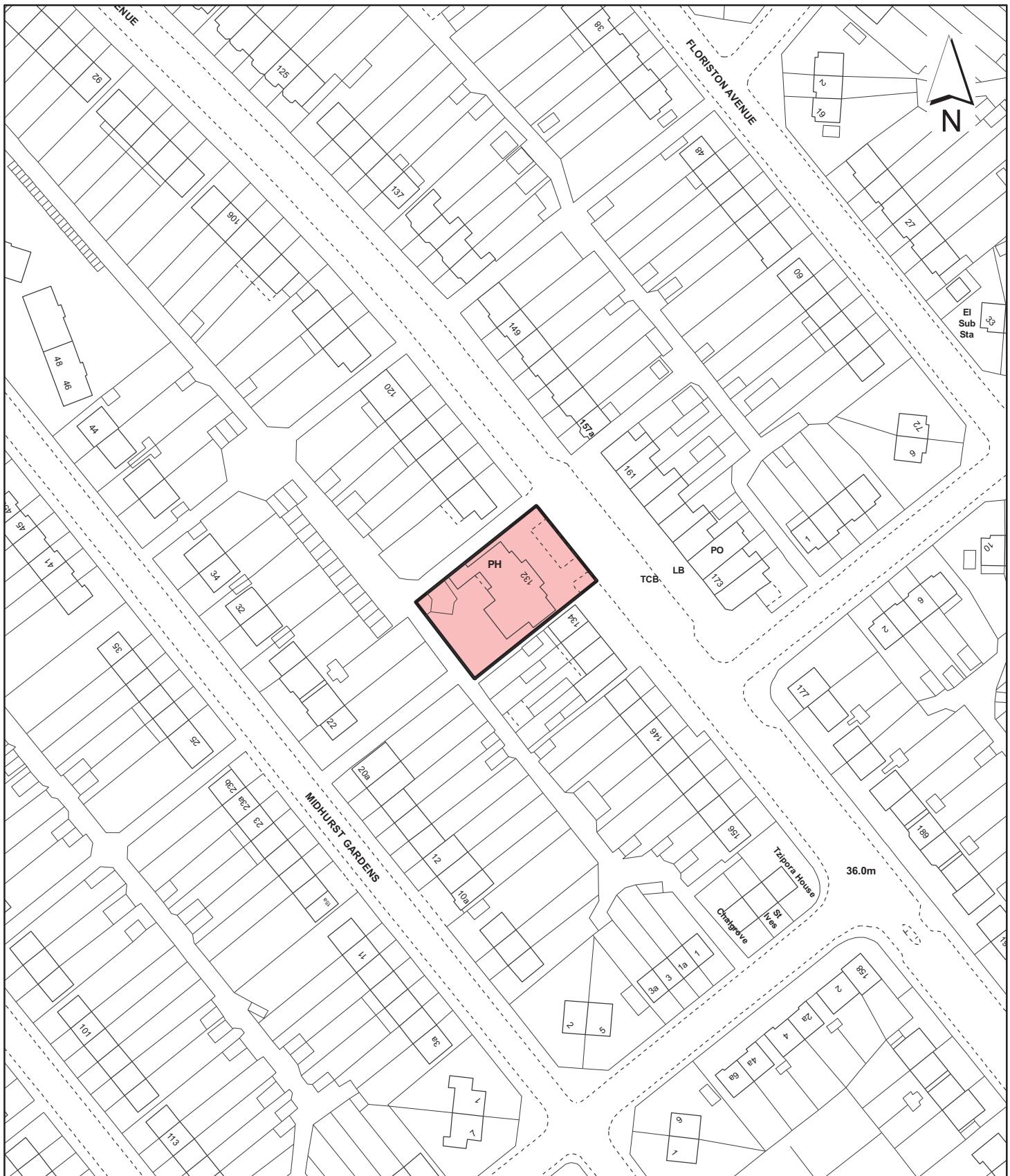
The scheme is considered complies with the relevant planning policies BBE13, E15, BE19, BE20, BE23, BE24, BE38, OE1, OE3, OE5, AM7 and AM14 the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan and is therefore recommended for approval.

## **11. Reference Documents**

Hillingdon Design and Accessibility Statement: 'Residential Extensions'  
Hillingdon Design and Accessibility Statement: 'Residential Layouts'  
Hillingdon Design and Accessibility Statement: 'Accessible Hillingdon'  
The Hillingdon Unitary Development Plan Saved Policies (September 2007)  
The London Plan (July 2011)

**Contact Officer:** Gareth Gwynne

**Telephone No:** 01895 250230



### Notes

 Site boundary

For identification purposes only.

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### Site Address

**132 Ryefield Avenue  
Hillingdon**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1728/APP/2011/1565**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

# Agenda Item 7

## Report of the Head of Planning & Enforcement Services

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Installation of chiller units to rear

**LBH Ref Nos:** 1728/APP/2011/1513

**Drawing Nos:**  
machinery details  
LOCATION PLAN  
6 rear elevation  
01/B FLOOR PLAN

**Date Plans Received:** 20/06/2011 **Date(s) of Amendment(s):** 20/06/2011

**Date Application Valid:** 01/07/2011

### 1. SUMMARY

The application is retrospective and relates to chiller units installed at the rear of 132 Ryefield Avenue.

The small size and location are such that they would not be visible from the street. Subject to a condition to control noise impacts they would not cause harm to the amenity of nearby residential accommodation.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

**1 HH-T8 Time Limit - full planning application 3 years**

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

**REASON**

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

**2 HH-OM1 Development in accordance with Approved Plans**

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

**REASON**

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

**3 N11 Control of plant/machinery noise**

The rating level of noise emitted from the chiller units hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 Method for rating industrial noise affecting mixed residential and industrial areas.

## REASON

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

## INFORMATIVES

### 1 I52 Compulsory Informative (1)

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

### 2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

OE1	Protection of the character and amenities of surrounding properties and the local area
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

### 3 I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is a commercial unit located in a residential area, there is a mixed use of commercial and residential units on Ryefield Avenue. The boundary to the side and rear consists of a brick wall and chain link fencing.

The property has a public access track to the side and to the rear, in which the rear backs on to boundaries of rear garden areas and garages.

#### 3.2 Proposed Scheme

The proposal is for the installation of 7 no. chiller units to the rear of the property, these will be external, and mounted at ground level. Each chiller units is rectangular in shape and would be of a similar size.

The chiller units they would all be of an off white colour.

The chiller units would be mounted against the wall.

#### 3.3 Relevant Planning History

1728/A/91/3593                    Oak Tree Ph 132 Ryefield Avenue Hillingdon

Installation of 6 externally illuminated signs

**Decision:** 30-09-1991    Approved

1728/ADV/2011/31                    132 Ryefield Avenue Hillingdon

Installation of 3 externally illuminated fascia signs to front, a portrait shape advertisement to the left of the shop entrance and an externally illuminated pole sign to front, as well as signage to the lower half of windows in the front elevation.

**Decision:**

1728/APP/2009/1482                    132 Ryefield Avenue Hillingdon

Change of use of basement and ground floor from Class A4 Drinking Establishments to Class A1 Retail involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two-bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation and associated parking.

**Decision:** 17-09-2009    NFA

1728/APP/2009/2566                    132 Ryefield Avenue Hillingdon

Change of use of basement and ground floor from Class A4 (Drinking Establishments) to Class A1 (Shops), involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two- bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation to include re-instalment of existing metal staircase leading to first floor flat and new roof terrace and associated parking (Resubmission.)

**Decision:** 09-08-2010    Refused

1728/APP/2010/2003    132 Ryefield Avenue Hillingdon

Installation of shopfront, part single storey front extension to house, automatic telling machine (ATM), awning and fascia, upper level front extension, replacement external staircase to the side , construction of brick wall with gate to east side of front elevation, insertion of new doors to side and new vehicular gates to the rear (Involving demolition of single storey side element and blocking up of 2 doors in front elevation, one door to side and double doors at rear).

**Decision:** 10-02-2011    Refused

1728/APP/2011/1123    132 Ryefield Avenue Hillingdon

Change of use to from Use Class A4 Drinking Establishments) to Use Class A1 (Retail) (Application for a Certificate of Lawful Development for a Proposed Development)

**Decision:** 25-08-2011    Approved

1728/APP/2011/1565    132 Ryefield Avenue Hillingdon

Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.

**Decision:**

1728/APP/2011/226    132 Ryefield Avenue Hillingdon

Change of use from A4 (Drinking Establishments) to A1 (Shops) (Application for a Lawful Development Certificate for A Proposed Use).

**Decision:** 21-02-2011    Refused

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

1728/APP/2010/2003 - Installation of shopfront, part single storey front extension to house, automatic telling machine (ATM), awning and fascia, upper level front extension, replacement external staircase to the side , construction of brick wall with gate to east side of front elevation, insertion of new doors to side and new vehicular gates to the rear (Involving demolition of single storey side element and blocking up of 2 doors in front elevation, one door to side and double doors at rear). Refused 10 February 2011 for 3 reasons.

The 3 reasons of refusal concerned (a) a proposed front extension at first floor level that would result in an incongruous extension detrimental to the architectural composition of the building, (b) a proposed awning to the shop that was considered an incongruous addition detrimental to the architectural composition of the building and (c) the proposed gates serving an introduced rear delivery yard lacking adequate visibility splays for use as a service delivery route for the retail unit.

1728/APP/2009/2566 - Change of use of basement and ground floor from Class A4 (Drinking Establishments) to Class A1 (Shops), involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two- bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation to include re-instalment of existing metal staircase leading to first floor flat and new roof terrace and associated parking.

The application was refused 8 August 2010 on 2 grounds relating to the proposed shop and not relating to the residential component of the scheme namely (a) insufficient parking provision for the proposed A1 retail unit and (b) the proposed servicing and access arrangement would not enable servicing by vehicles of an appropriate size.

1728/ADV/2011/31 Advertising consent application for installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front. Received 10 May 2011. Awaiting determination.

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

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

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

Part 1 Policies:

Part 2 Policies:

OE1	Protection of the character and amenities of surrounding properties and the local area
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

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

**5.1** Advertisement Expiry Date:- Not applicable

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

#### **6. Consultations**

##### **External Consultees**

Ministry of Defence - No safeguarding objections to the proposal.

NATS safeguarding: No safeguarding objections to the proposal

##### **Internal Consultees**

Environmental protection: No objection on environmental grounds, the rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 decibels below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142

Method for rating industrial noise affecting mixed residential and industrial areas.

## **7. MAIN PLANNING ISSUES**

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

The development would be on an existing commercial unit, which already has air conditioning units.

There is no objection in principle to the development.

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

Not relevant to this application.

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

Not relevant to this application.

### **7.04 Airport safeguarding**

Not relevant to this application.

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

Not relevant to this application.

### **7.06 Environmental Impact**

Not relevant to this application. The Council's EPU have advised that noise impacts could be adequately mitigated through control measures which can be imposed by way of a planning condition.

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

It is considered that the chiller cabinets would not be easily viewed and would not harm the visual amenity of the area.

The units would be located to the rear and behind the side boundary wall. The chiller units would face the rear access way and as such are not easily viewed by the public, and are not at all visible from the street. The design, size and colour of the units are considered to be acceptable.

### **7.08 Impact on neighbours**

Advice from the Council's EPU is that noise issues could be adequately dealt with by condition.

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

Not relevant to this application.

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

Not relevant to this application.

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

The chiller units are not considered to result in any access or security measures. Given the size and location of the units no objection is raised in terms of urban design.

### **7.12 Disabled access**

Not relevant to this application.

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

Not relevant to this application.

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

Not relevant to this application.

### **7.15 Sustainable waste management**

Not relevant to this application.

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

Not relevant to this application.

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

Not relevant to this application.

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

The application was referred to the Council's EPU, who advised that the scheme would not cause air quality issues, and noise impacts could be controlled via a planning condition (which is recommended).

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

There have been 125 public representations:

122 Objections comprising of issues such as:

-Affecting character of the area / Character of the building

Officer comment: In response to this, the property is an existing commercial unit with chiller units located in a discrete rear area.

-Potential noise nuisance

Officer comment: Addressed in the report.

-Issues with the current supermarket use, that it is detrimental to the existing property and the area

Officer comment: Not relevant to this proposal.

In consideration of all the objections, it is considered that only No.134 and No.130 could realistically be affected by the chiller units, however, as mentioned in the above paragraphs none of the neighbours would suffer from adverse noise impacts.

#### **7.20 Planning obligations**

Not relevant to this application.

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

Not relevant to this application.

#### **7.22 Other Issues**

None relevant to this application.

### **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 application has been considered along with all the representations received.

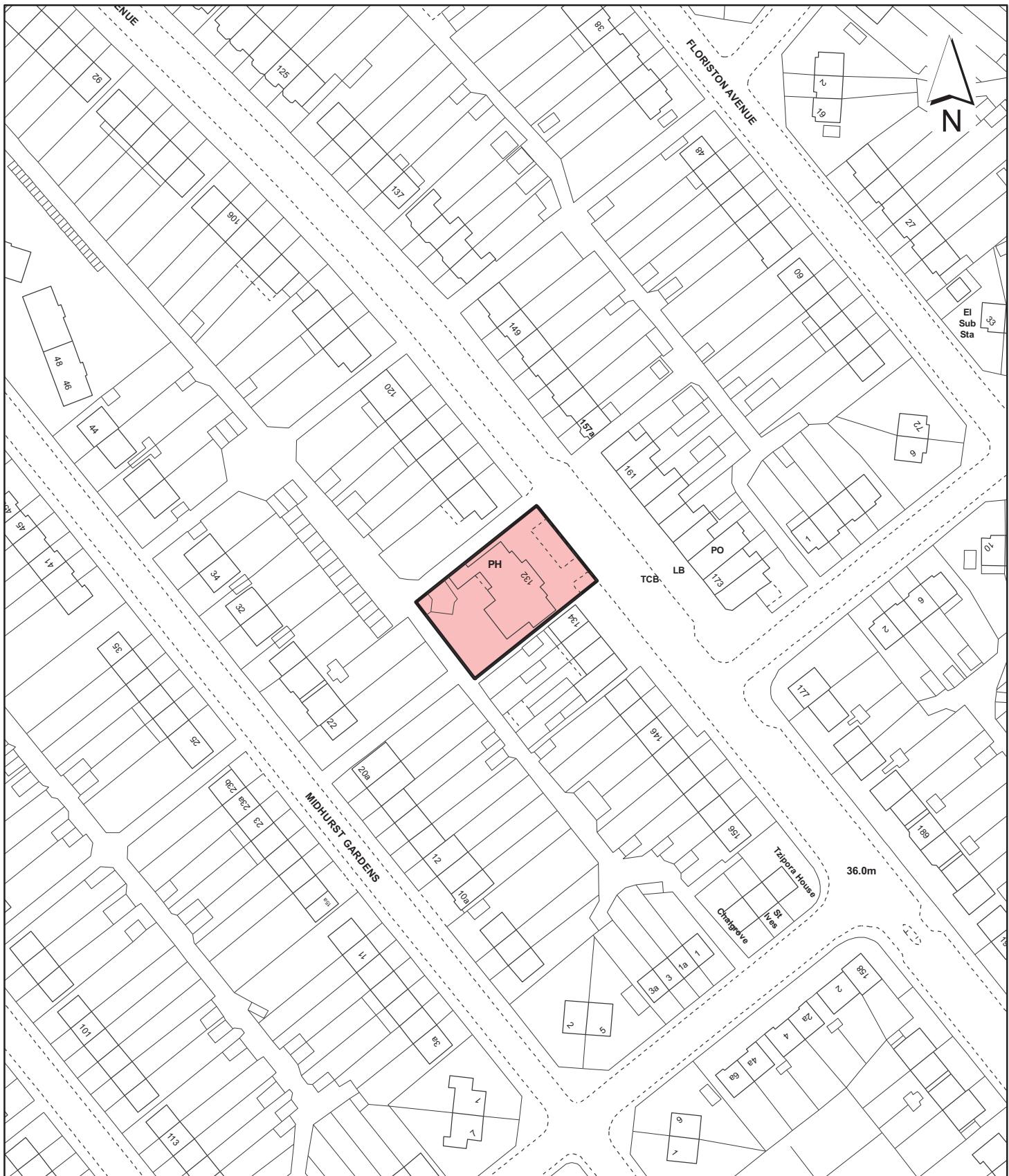
Noise from the chiller units can be dealt with via the imposition of conditions on any consent granted. Subject to such a condition the scheme would not harm the amenity of near by occupiers.

The location and size of the units are such that they would not affect visual amenity.

Approval is recommended.

**Contact Officer:** Daniel Murkin

**Telephone No:** 01895 250230



#### Notes

 Site boundary

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#### Site Address

**132 Ryefield Avenue  
Hillingdon**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1728/APP/2011/1513**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

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# Agenda Item 8

## Report of the Head of Planning & Enforcement Services

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Installation of 3 externally illuminated fascia signs to front, a portrait shape advertisement to the left of the shop entrance and an externally illuminated pole sign to front, as well as signage to the lower half of windows in the front elevation.

**LBH Ref Nos:** 1728/ADV/2011/31

**Drawing Nos:** 01 Layout Plan  
Location Plan  
05 Rev D received 4 October 2011  
Letter from agent dated 3 October 2011

**Date Plans Received:** 10/05/2011

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

10/05/2011

**Date Application Valid:** 20/05/2011

16/05/2011

04/10/2011

## 1. CONSIDERATIONS

## 1.1 Site and Locality

The application site is a former public house, The Oak Tree, on Ryefield Avenue. The site is roughly rectangular in shape with a frontage of approximately 22m and is located within the Ryefield Avenue Parade.

To the south a three storey terraced block forms part of the parade with retail units on the ground floor and residential above.

The former public house itself is set back from the primary building line providing a hardstanding service/delivery area.

The general locality is flat and the site is within a 'Developed Area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

## 1.2 Proposed Scheme

This application is in part retrospective and seeks permission for the installation of:

- i) 3 externally illuminated fascia signs on the front facade set above the ground floor windows (one retrospective (centrally located), a further two are proposed)
- ii) A sign attached to the wall of the former public house, located to the left of the shop entrance (retrospective); and
- iii) An externally illuminated pole sign on the front forecourt.

iv) Signage on the lower half of the bay and other windows in the front elevation (retrospective).

### **1.3 Relevant Planning History**

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

The site has an extensive planning history, the most relevant of which is ref: 1728/APP/2011/1123 which related to a certificate of Lawful Development for the change of use to from Use Class A4 Drinking Establishments) to Use Class A1 (Retail).

This kind of change of use constitutes permitted development and as such the certificate was issued on 25/08/2011. The signage proposed in the current application relates to the shop.

### **2. Advertisement and Site Notice**

**2.1 Advertisement Expiry Date:-** Not applicable

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

### **3. Comments on Public Consultations**

119 owner/occupiers in the surrounding area were consulted on the application and the Oak Farm Residents Association. 190 individual written responses were received objecting to the application. In addition 4 petitions were received:

1st petition reads We the residents of Ryefield Avenue, call on the Council to reject the application for the installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front. These works have brazenly been carried out already and have proven the fact that they make the building and the area terrible. We believe that as well as ruining out street scene and character of the area, they will and have already brought associated problems such as anti-social behaviour, congestion and traffic chaos. 28 signatures to the petition.

2nd petition reads We call on the Council to reject plans for the installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front of 132 Ryefield Avenue. We believe this imposing shop window s details, lighting, finishing of the building and the general oversized existence of the store does [not] blend in nor harmonise with the existing street scene. The general light pollution and nuisance is already being endured since they were installed. 62 signatures to the petition.

3rd petition reads We the undersigned call for the application for the installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front to be rejected as the proposed works have already been carried out and look totally out of the character for the area and has ruined the harmony of the street scene. We call on the council to reject these plans and to order the removal of these blemishes to the area 64 signatures to the petition.

4th petition reads We the undersigned declare that we have seen the proposed development plans for the change of use at 132 Ryefield Avenue, Hillingdon, UB10 9DA (Ref 1728/APP/2011/1123) and signage (1728/APP/2011/31) and confirm that we have no

objection to the proposal. 155 signatures to the petition.

The letters of objection can be summarised as follows

- (i) Object to the number of proposed illuminated signs and their size that is too large.
- (ii) Object to the number of signs that have already been put up on the premises.
- (iii) Object to signs to the rear of the premises.
- (iv) Illuminated signs are out of character with the area.
- (v) The light levels plus the late night opening keeps my kids awake at night from noise and light pollution.
- (vi) The parade of shops has conservative signage, this signage is overwhelming compared to the signage to the smaller shops on the parade. The signage does not blend, harmonise or complement with this residential area. The signage destroys the distinctive qualities of the area.
- (vii) Signage looks unsightly, tacky and cheap and will further destroy the character of the area.
- (viii) Unhappy the signs have already gone up without consent.
- (ix) Concerned about parking and signage attracting additional traffic and further blocking access to the rear driveway,
- (x) The illuminated signs will attract kids to hang around in the evening.
- (xi) The shop opens with long hours (until midnight) and the late opening hours will harm the other shops in the parade and attract kids to loiter around that will result in crime and anti social behaviour
- (xii) We do not need another shop.
- (xiii) The opening hours will attract late night drinkers.
- (xiv) Object to the owners of the shop not considering the wishes of the local residents thereby being arrogant.
- (xv) It is shocking the Council can not prevent a shop opening.
- (xvi) The shop drowns out other businesses in the area. The shop is too big for the area and the neighbouring parade, as is the signage.
- (xvii) The applicant mocks the residents of the area with this application.

The objections raised in relation to the design and the number of signs are considered with in the body of this report. The objections relating to the conversion of the public house into a retail unit without requiring planning permission, as well as the opening hours of the shop, traffic generation from the retail unit and the actions of the applicant, are not material planning considerations relevant to this advertising consent application.

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

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

Part 1 Policies:

Part 2 Policies:

BE27	Advertisements requiring express consent - size, design and location
BE15	Alterations and extensions to existing buildings
BE29	Advertisement displays on business premises
BE30	Advertisement hoardings enclosing sites under construction

## 5. MAIN PLANNING ISSUES

### BACKGROUND

Following the conversion of the ground floor of the former public house into a shop, signage was erected on the frontage to Ryefield Avenue. The lack of advertising consent for the signage resulted in an investigation by the Council's Planning Enforcement Team. Initially there had been a large number of signs erected on the frontage. Following discussions with Council officers (who advised that the signage was excessive) the applicant removed a number of unauthorized signs and prepared this part retrospective planning application.

### APPEARANCE OF SIGNAGE

- i) 3 externally illuminated fascia signs on the front facade set above the ground floor windows (one retrospective, a further two are proposed)

### PLANNING OFFICER COMMENT

In respect of the 3 externally illuminated signs, these would be set within the fascia and there is no objection in terms of size, location or the lettering. It is not considered (in the context of the parade) that these three signs would cause harm to amenity or the character of the area, nor would they pose a hazard to traffic or pedestrians.

- ii) A sign attached to the wall of the former public house, located to the left of the shop entrance (retrospective)

### PLANNING OFFICER COMMENT

When viewed in the context of the building frontage it is not considered that this sign would cause harm to amenity or the character of the area, or to the appearance of the building on which it is set nor would it pose a hazard to traffic or pedestrians.

- iii) An externally illuminated pole sign on the front forecourt.

### PLANNING OFFICER COMMENT

This sign is positioned within the area of the original public house sign, given the size and location there is no objection to this sign.

- iv) Signage on the lower half of the bay and other windows in the front elevation (retrospective).

### PLANNING OFFICER COMMENT

The transfers applied to lower halves of the windows would not be illuminated and feature 'life style' images (e.g. persons consuming the sorts of goods on sale in the store). This signage is not considered to overly dominate the appearance of the frontage or architectural features of the building. There is no objection to this signage.

### ILLUMINATION OF SIGNAGE

Section 8 of Hillingdon Design and Access Statement (HDAS) Shopfronts Supplementary Planning Document recommends that where illuminated signs are sought that they are externally illuminated to avoid the lighting being too bright to neighbours. The 3 externally illuminated fascia signs and the pole sign would conform with this guidance and as such would not have an adverse impact on the character of the area, or result in significant light pollution to occupants of neighbouring properties thereby complying with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## SAFETY

The proposed signage is located in positions which would not pose a risk to persons due to collisions with the signs. A condition should be imposed on any consent requiring details of how signage would be fixed to the pole sign (to ensure the sign is appropriately fixed and would not fall off).

The Council's Highways Officer has not raised any objection to the proposal. The level of illumination would not distract drivers, it is not considered that the signage poses any form of safety hazard.

## SUMMARY

The proposed signage is considered acceptable in terms of its appearance. It is not considered to result in any loss of amenity or pose an unacceptable safety hazard.

Approval is recommended.

## 6. RECOMMENDATION

### APPROVAL subject to the following:

#### 1 OM1 Development in accordance with Approved Plans

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

#### REASON

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

#### 2 ADV1 Standard Advertisement Conditions

i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

ii) No advertisement shall be sited or displayed so as to:-

(a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air or;

(c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

iv) Any structure or hoarding erected or used principally for the purpose of displaying

advertisements shall be maintained in a condition that does not endanger the public.

v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

vi) The consent hereby granted shall expire at the end of a period of five years from the date of this consent.

#### REASON

These requirements are deemed to be attached by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

**3 ADV2 Non-illumination (Signs)**

The advertisements hereby permitted shall not be internally illuminated.

#### REASON

In order to protect the visual amenity of the area and/or highway safety in accordance with Policy BE27 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 ADV5 External lighting**

The external lights hereby given consent shall be so angled and shielded/hooded that light is directed onto the sign directly below.

#### REASON

In order to protect the visual amenity of the area and/or highway safety in accordance with Policy BE27 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### INFORMATIVES

**1** The decision to GRANT advertisement consent 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** The decision to GRANT advertisement consent 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 (July 2011) and national guidance.

BE27 Advertisements requiring express consent - size, design and location

BE15 Alterations and extensions to existing buildings

BE29 Advertisement displays on business premises

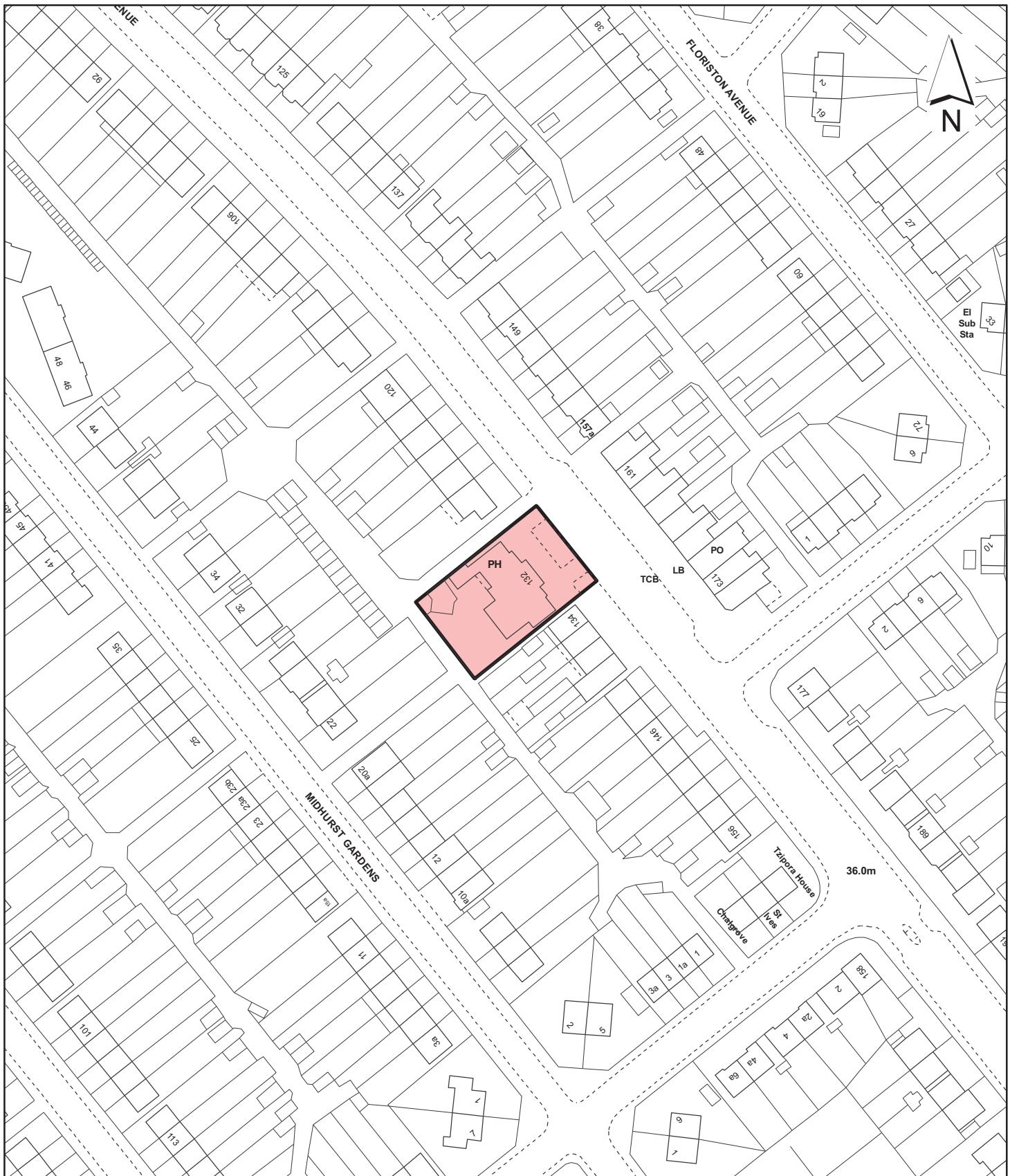
BE30 Advertisement hoardings enclosing sites under construction

**3** You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved

must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

**Contact Officer:** Gareth Gwynne

**Telephone No:** 01895 250230



#### Notes

 Site boundary

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100019283

#### Site Address

**132 Ryefield Avenue  
Hillingdon**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1728/ADV/2011/31**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

# Agenda Item 9

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government (Access to Information) Act 1985 as amended.

Document is Restricted

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# Plans for Central & South Planning Committee

14th November 2011



**HILLINGDON**  
LONDON



INVESTOR IN PEOPLE

## **Report of the Head of Planning & Enforcement Services**

**Address** UNIT 3 MILLINGTON ROAD HAYES

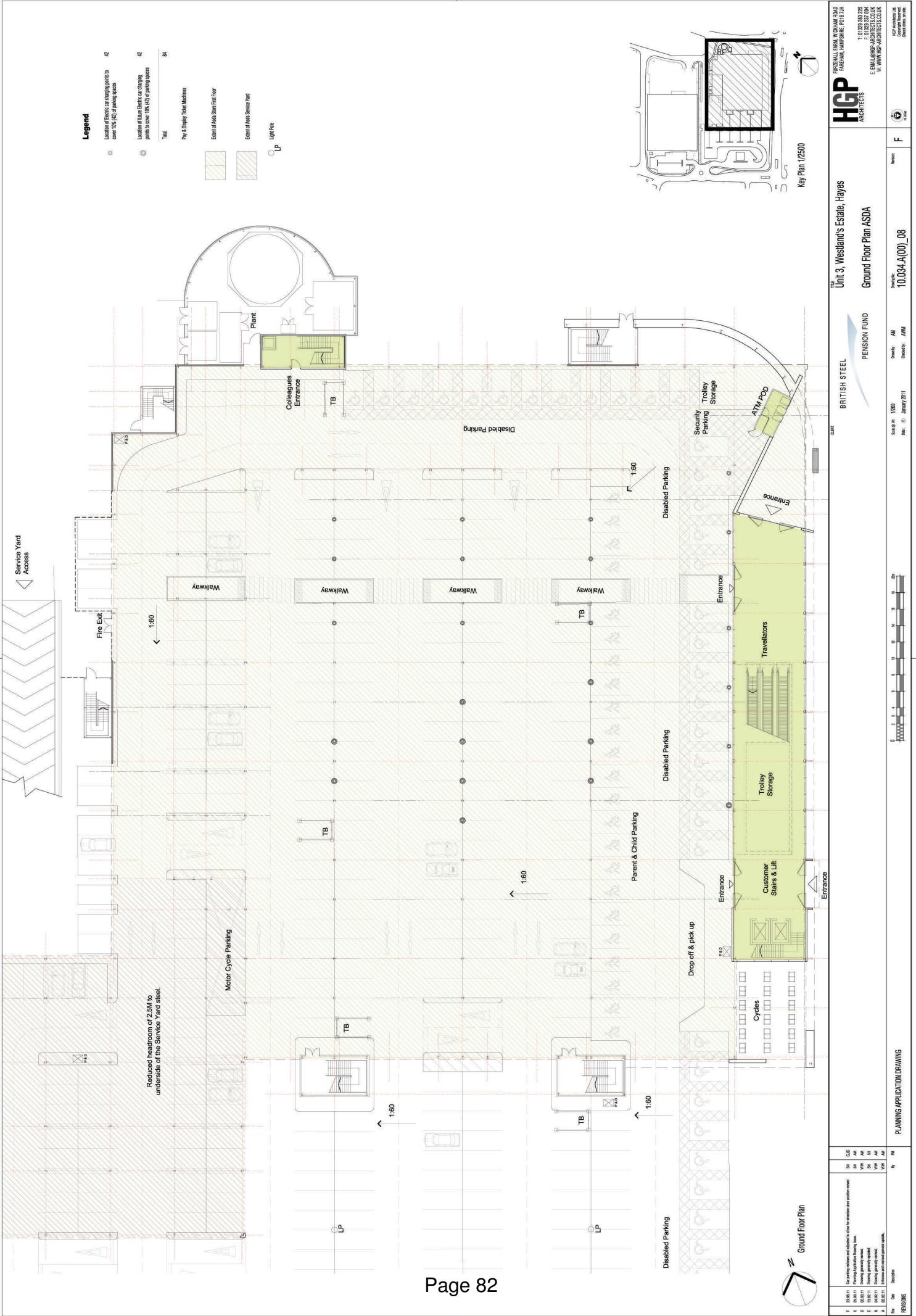
**Development:** Mixed use development comprising 7,310 sqm (gea) industrial/warehousing unit (Use Classes B1c, B2, B8); 7998 sqm (gea) retail store (use class A1) and petrol filling station, together with associated car parking, landscaping and alterations to adjacent highway.

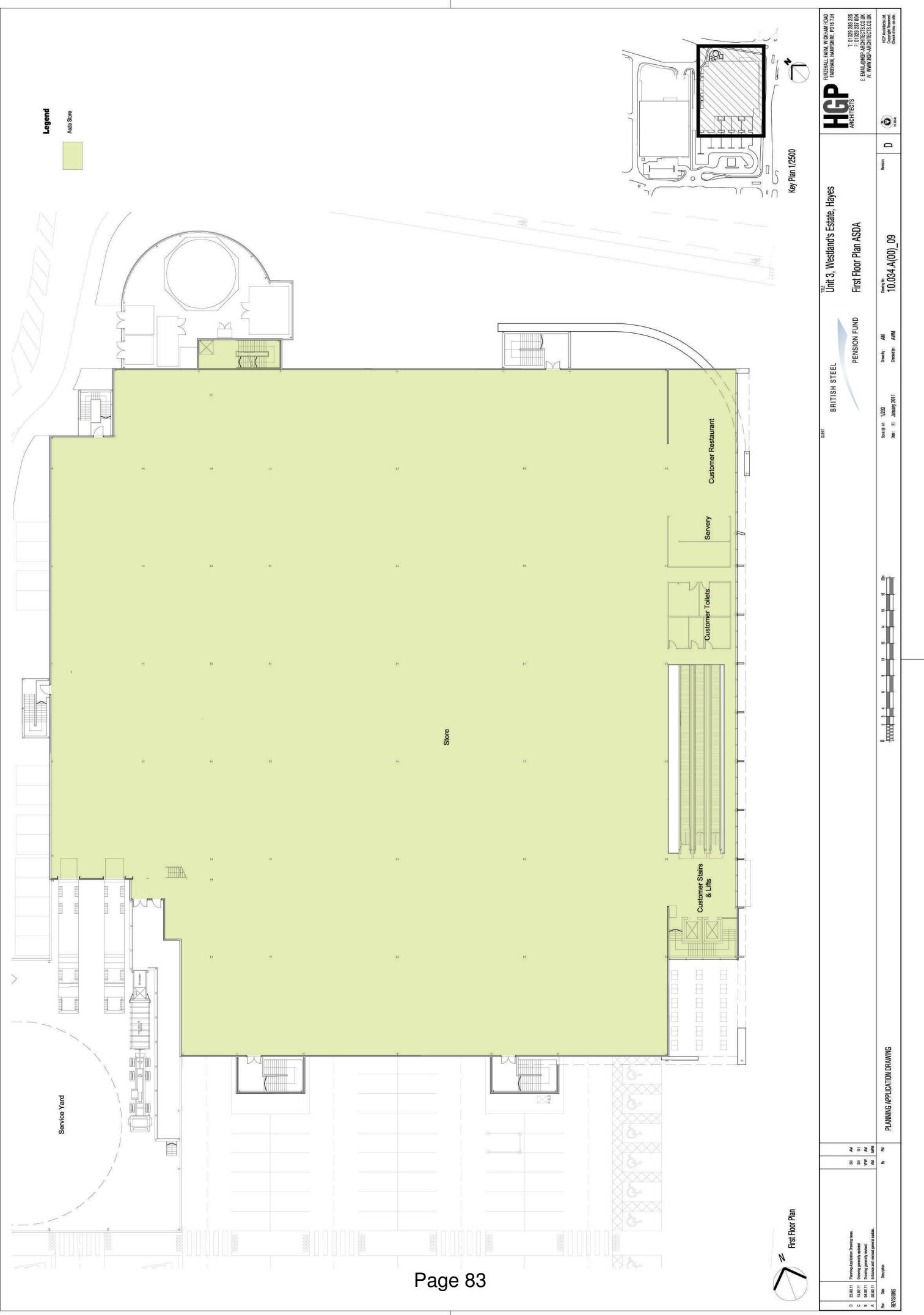
**LBH Ref Nos:** 32157/APP/2011/872

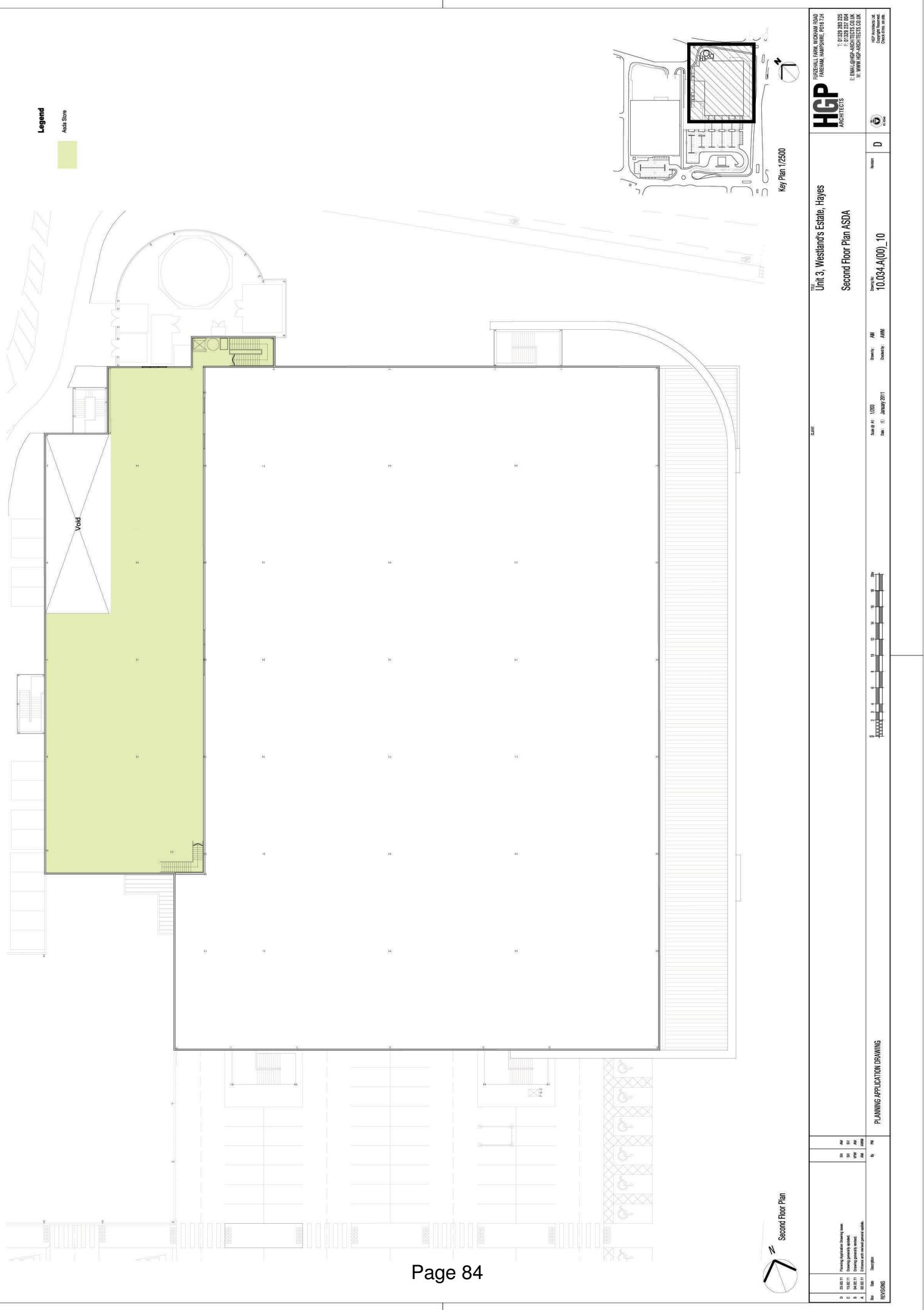
<b>Date Plans Received:</b>	05/04/2011	<b>Date(s) of Amendment(s):</b>	05/04/2011
<b>Date Application Valid:</b>	06/04/2011		18/04/2011
			15/06/2011
			01/07/2011
			06/07/2011
			19/07/2011
			01/08/2011
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			05/09/2011
			07/10/2011
			11/10/2011
			17/10/2011
			19/10/2011

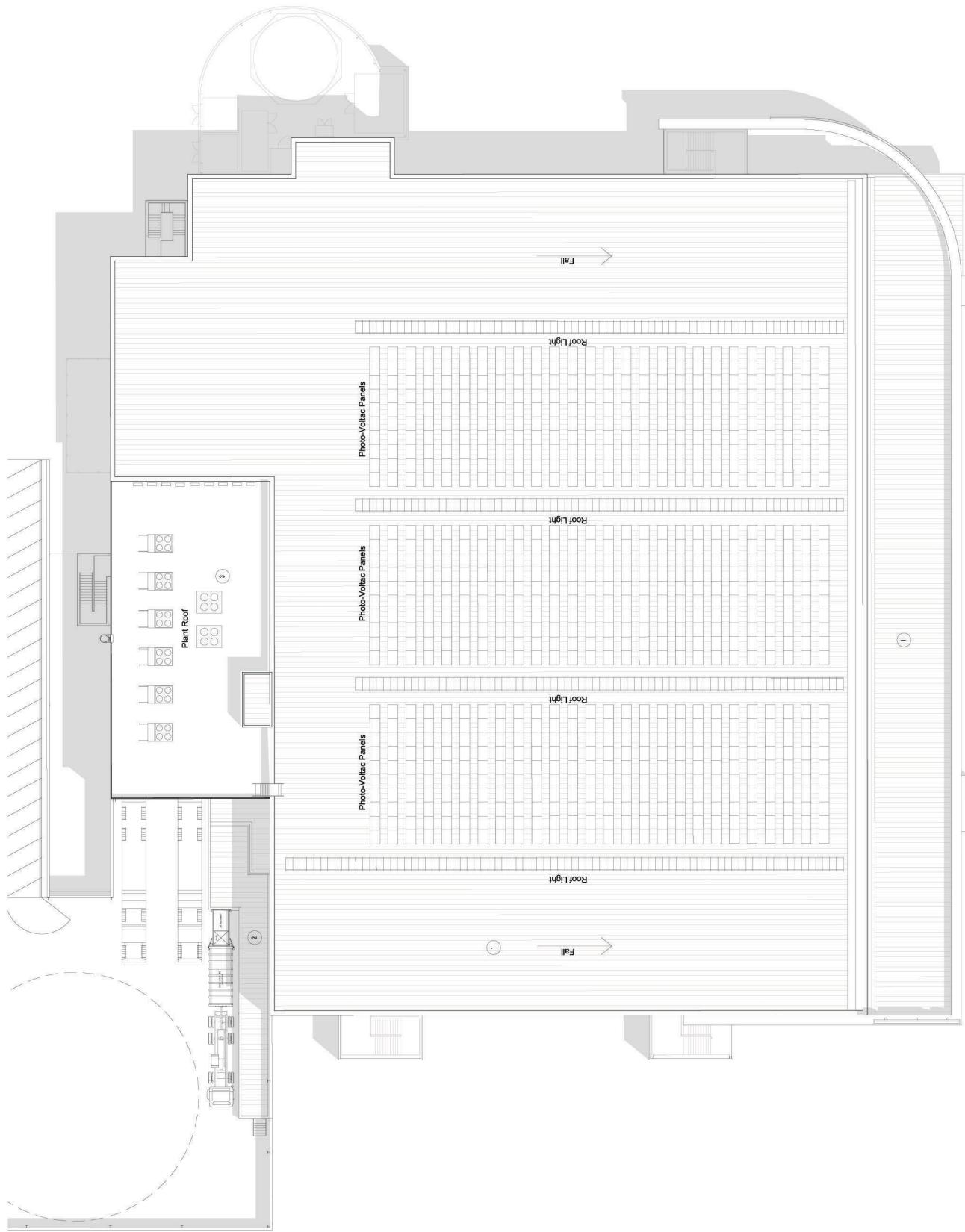


Page 81

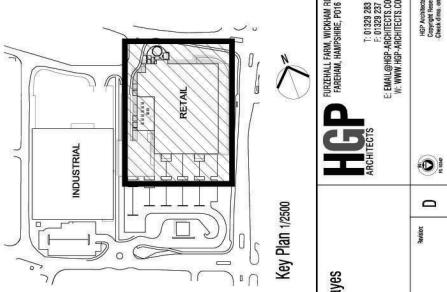






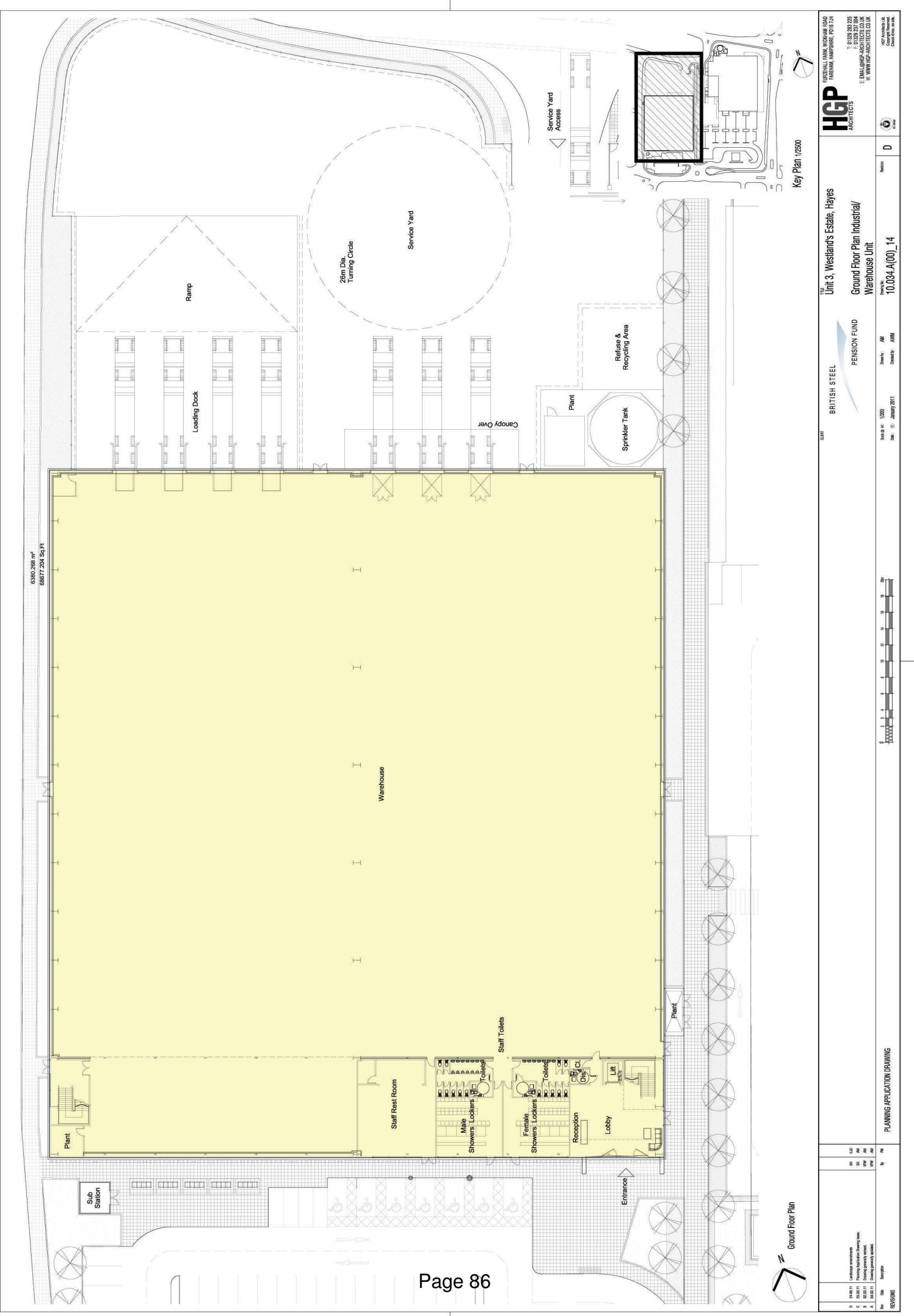


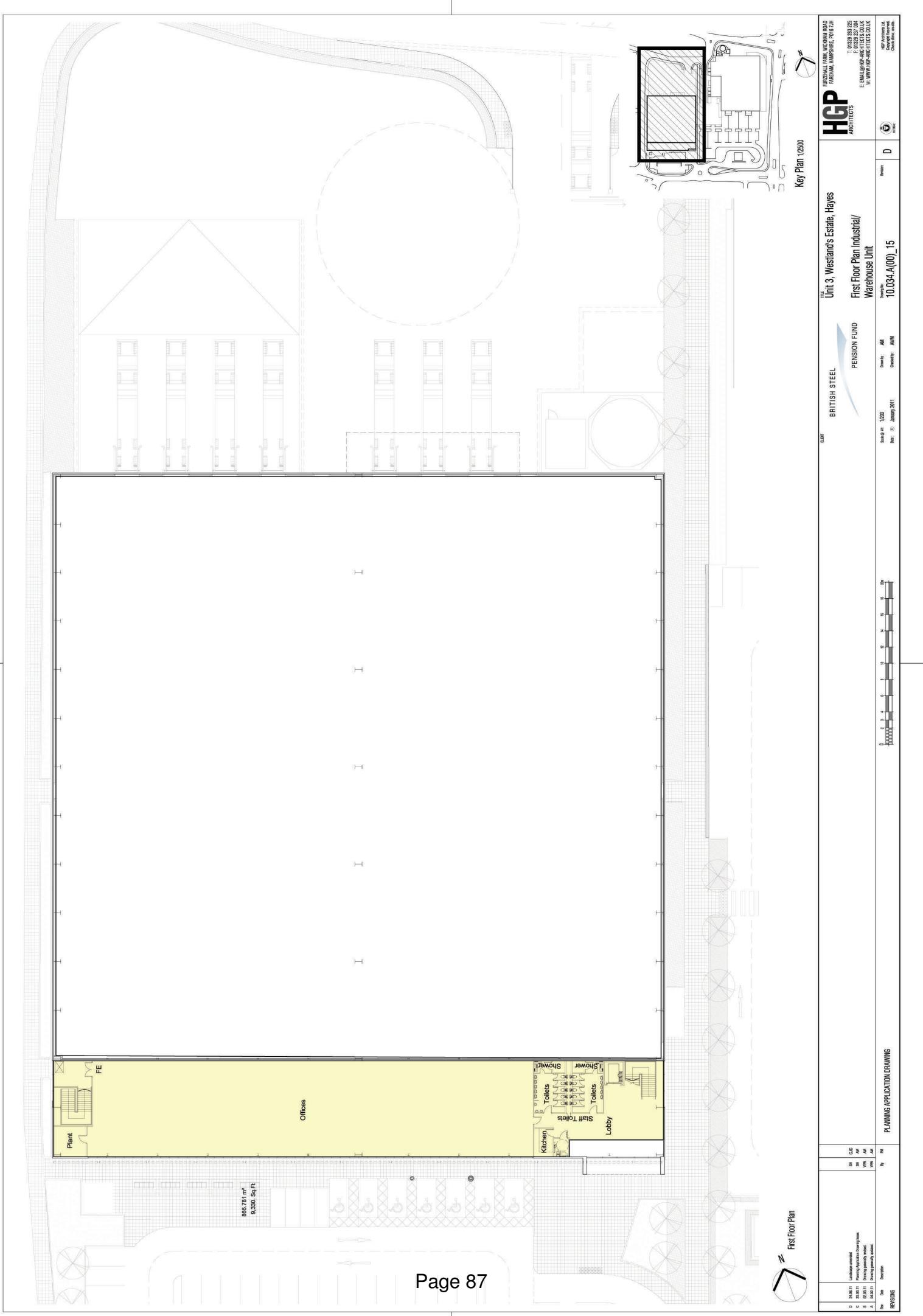
Page 85



Key Plan 1/2500

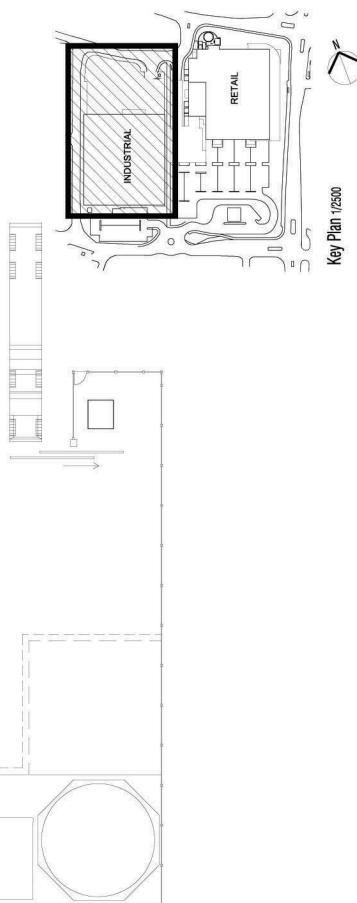
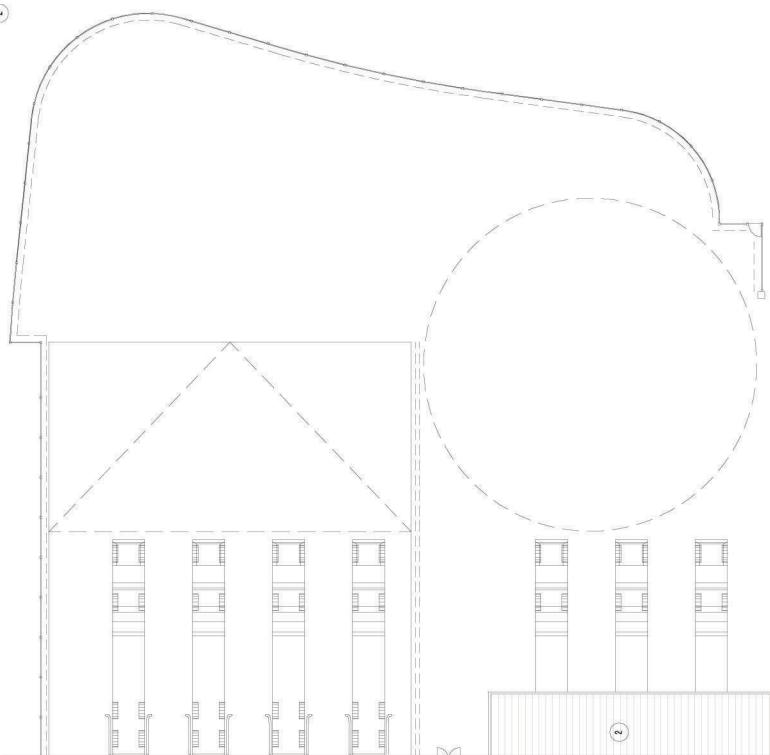
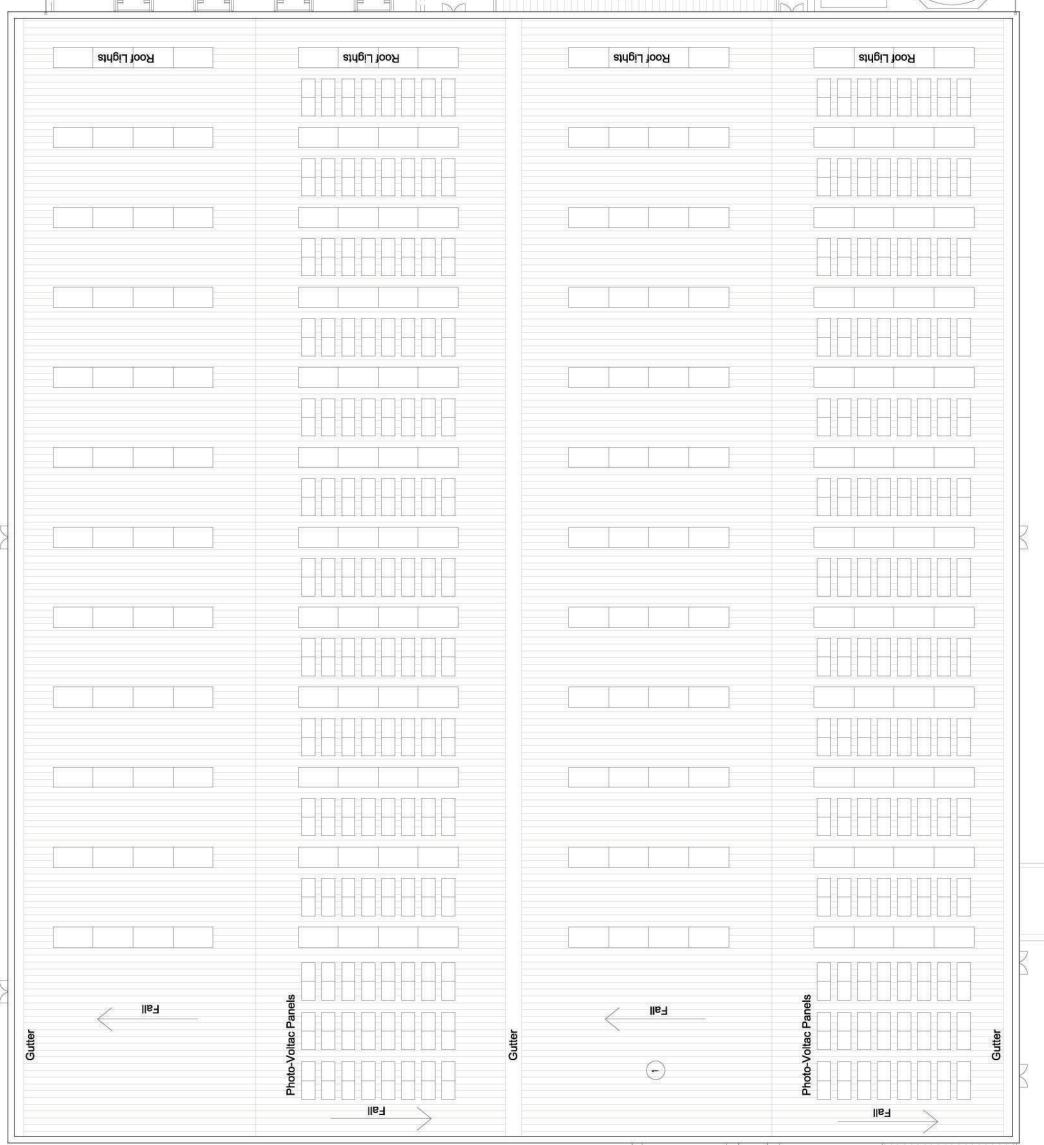
DRAWN BY:		CHECKED BY:		APPROVED BY:	
NAME	DATE	NAME	DATE	NAME	DATE
BRITISH STEEL	10/03/14				
PENSION FUND					
Roof Plan ASDA					
Unit 3, Westland's Estate, Hayes					
THE					
CLERK					





Roof Materials Key:

- 1 Metal Standing Seam Roof
- 2 Wire Ribbed Coating Sheet



Key Plan 1:2500

DRAWN BY:		DRAWN AT:		DRAWN ON:		DRAWN FOR:							
B	Planning Application Drawing	30	AN	Rev	PL	10/034/A(00)_20	B						
A	Planning Application Drawing	30	AN	Rev	PL	10/034/A(00)_20	B						
	14/03/2010	05/03/2010											
REVISIONS		REVISIONS		REVISIONS		REVISIONS							
HGP													
FORTRESS FARM INDUSTRIAL ESTATE, FARNHAM, HAMPSHIRE, PO7 7JH													
T: 01382 281225 F: 01382 231004 E: EMAIL@HGP-ARCHITECTS.CO.UK W: WWW.HGP-ARCHITECTS.CO.UK													
HGP Architects Ltd Concept Generated Designs for the Future													



卷之三

Page 3



1074



111



8



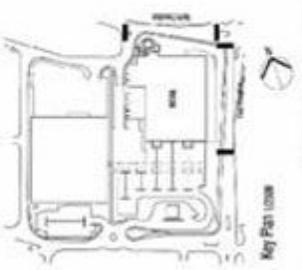
卷之三



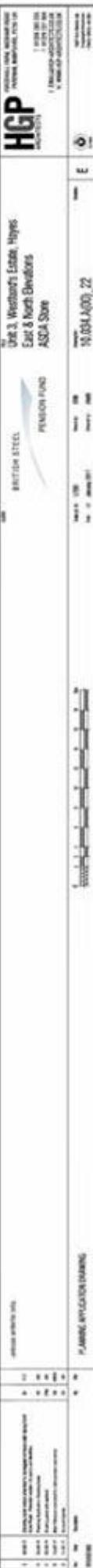
Part B

2004

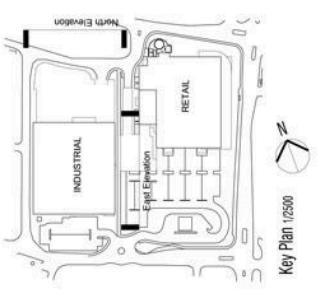
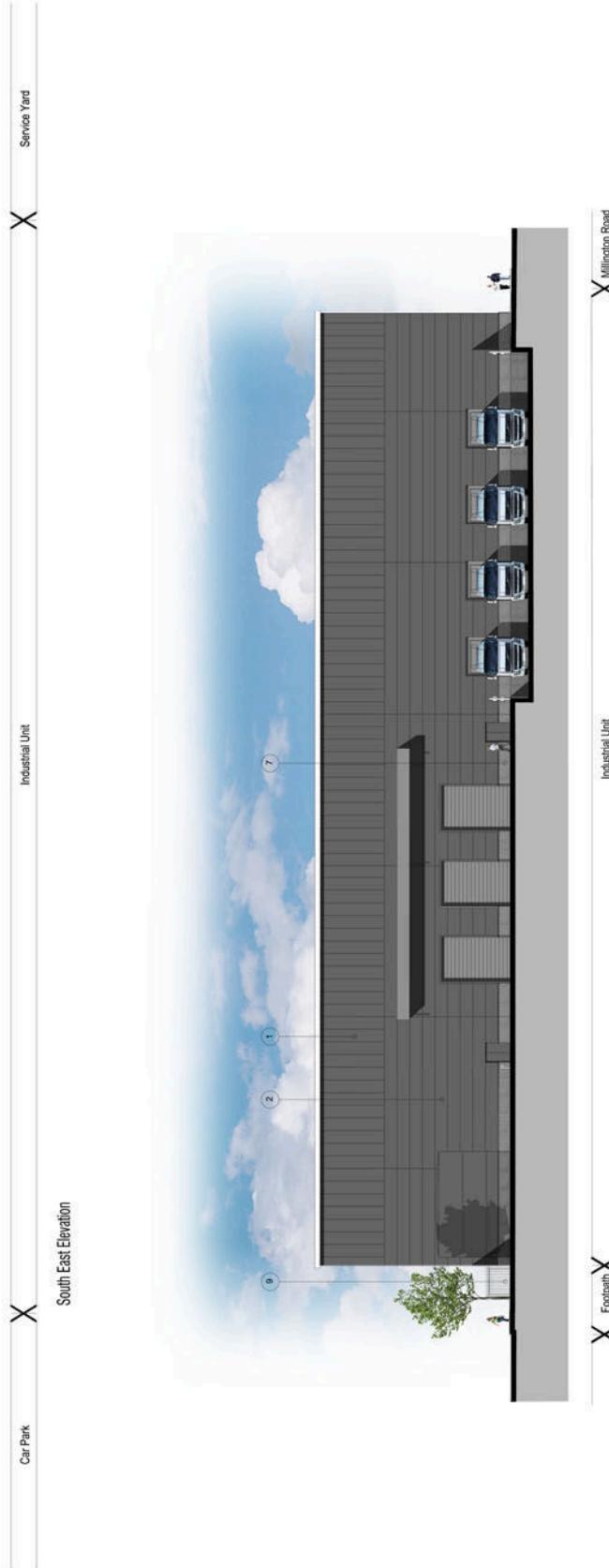
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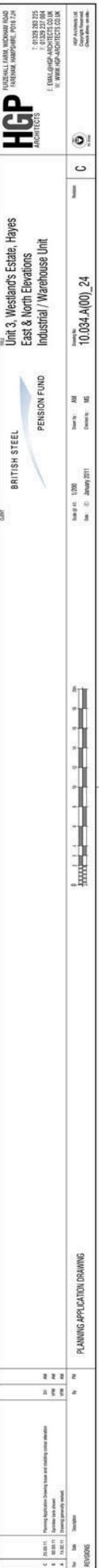
11





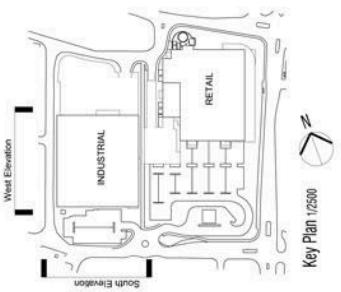
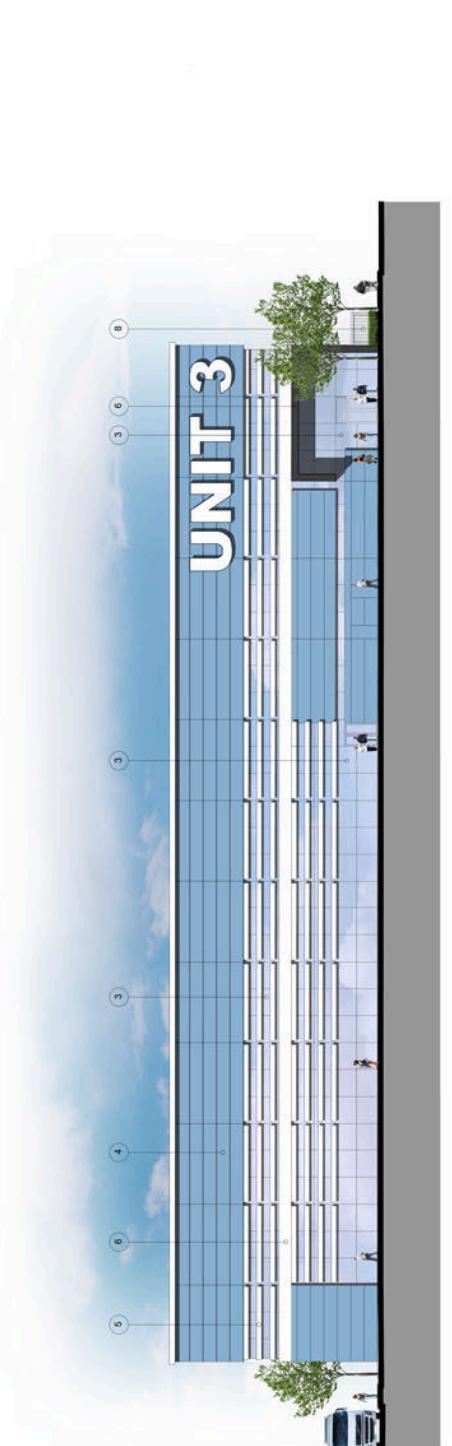
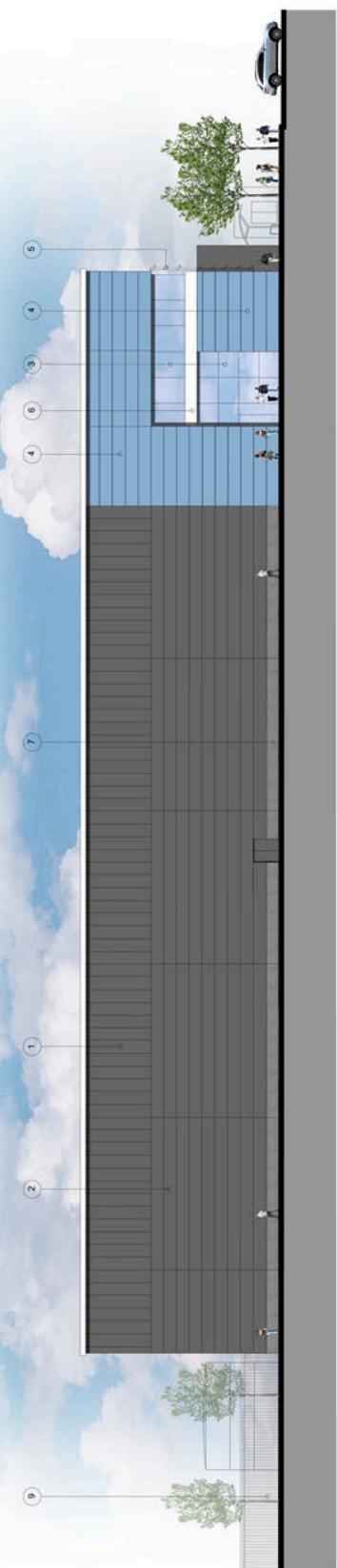


Key Plan 1/2500

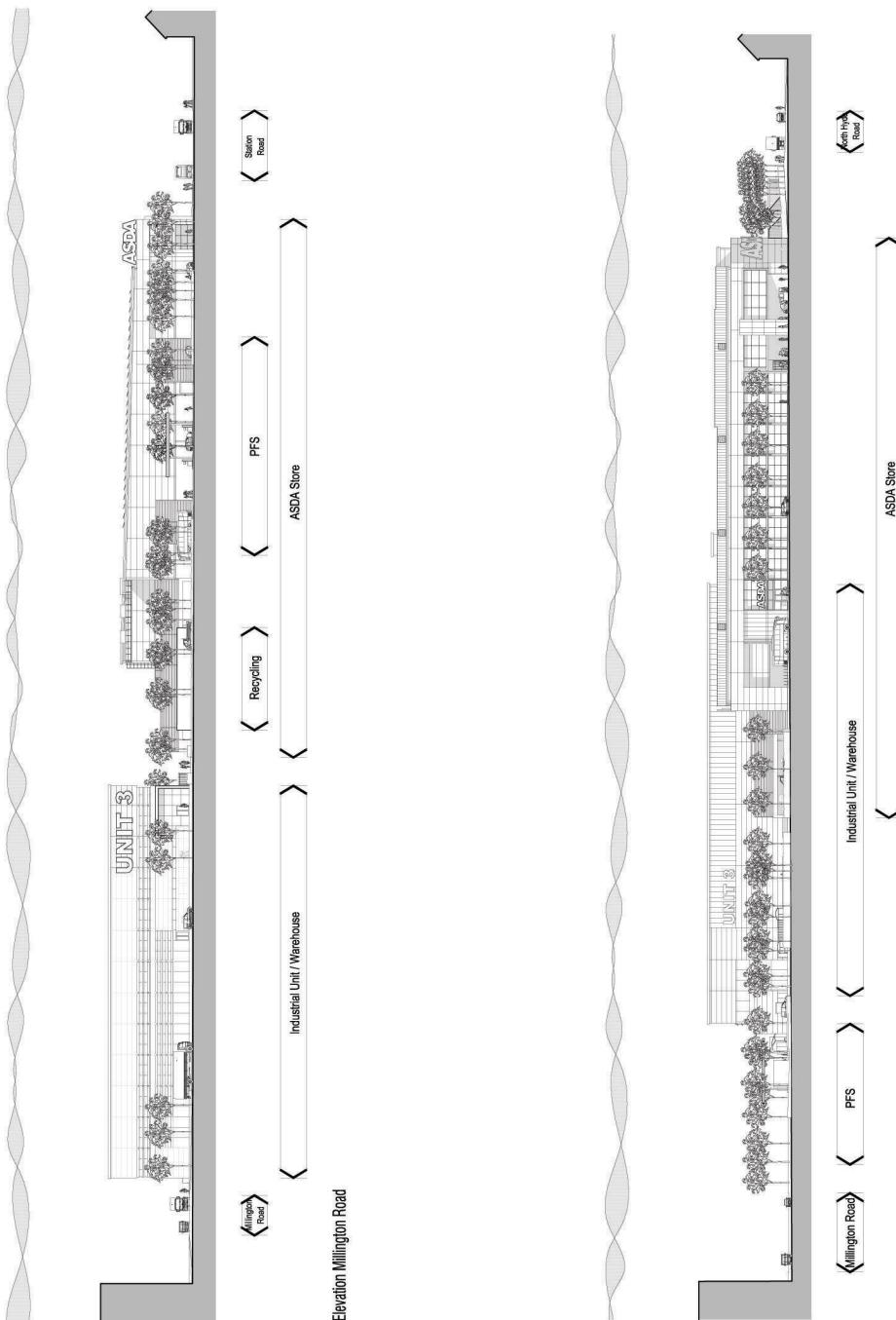


Materials Key:

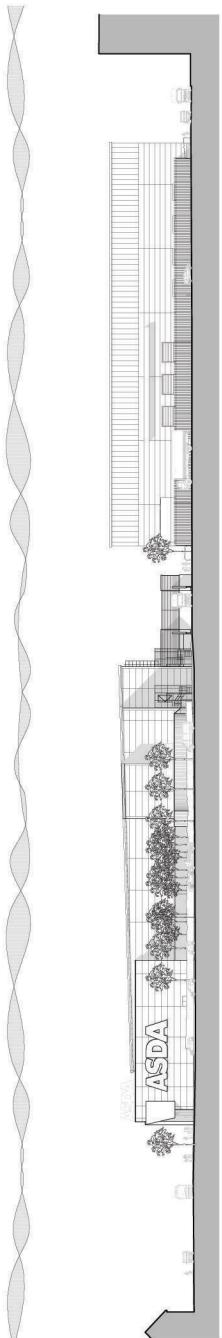
- 1 Ribbed Metal Cladding - Vertical
- 2 Ribbed Metal Cladding - Horizontal
- 3 Glazing
- 4 Coloured Cladding Panels
- 5 Louvers
- 6 Pressed Metal Cladding
- 7 Brick wall
- 8 Paving
- 9 Metal Palisade Fence



UNIT 3, Westland's Estate, Hayes West & South Elevation Industrial / Warehouse Unit		BRITISH STEEL PENSION FUND		JUZEWILL, JAMES, WOODMAN (ASD) FAHERNIK, AMBROSIE, PAVON, JZR 01233 252 252 E: JUZEWILL@PDR-DESIGN.CO.UK W: WWW.HGP-DESIGN.CO.UK	
Ref: 10/034/A/00, 25		Issue No: All Drawing No: 165 Date: 01 January 2011		HGP Architects	
Ref: 10/034/A/00, 25	Issue No: All	Drawing No: 165	Date: 01 January 2011	Ref: 10/034/A/00, 25	Issue No: All
PLANNING APPLICATION DRAWING		HGP Architects		Check when in use	



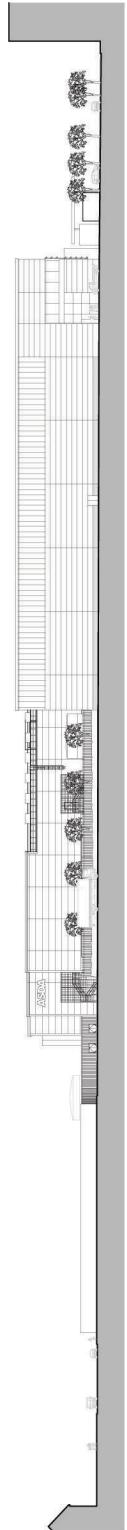
Page 93



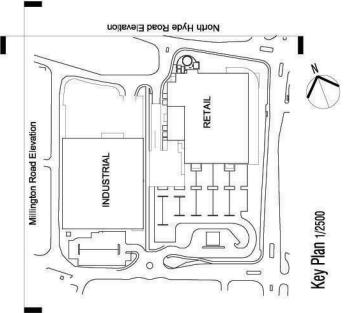
Elevation North Hyde Road



Elevation Millington Road

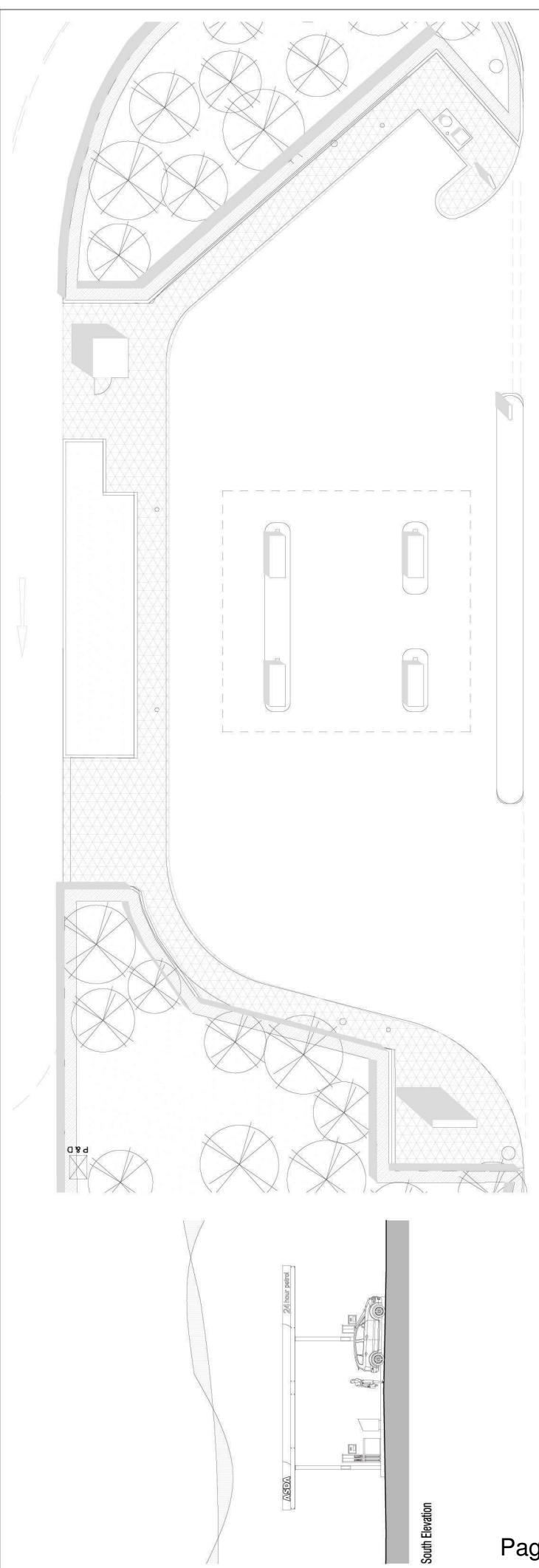


Elevation Millington Road

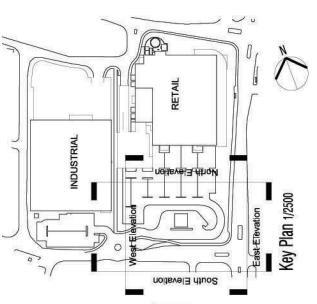


Key Plan 1:2500

G.L.N.		BRITISH STEEL		Unit 3, Westlands Estate, Hayes Street Elevations		HGP	
		PENSION FUND				Architects	
Site No:	10334 A (10) 29	Scale At:	1:500	Sheet No:	2 of 2	Address:	10334 A (10) 29
Date:	05 January 2011	Date:	AM	Drawn By:	AM	Designated:	AM
Rev:		Revised:		Revised:		Approved:	
REVISIONS							
C	25.03.11	Planning Application Drawing issued	AM	AM			
B	05.03.11	Planning permit issued	AM	AM			
A	15.02.11	Planning permit issued	AM	AM			
Rev:		Date:		Drawn:		Approved:	
REVISIONS							
Project Manager Drawing Team Drawing prepared by: Drawing checked by: Drawing issued by:							
HGP Architects Ltd 10334 A (10) 29 F1, 1329 231 004 E: EMAIL@HGP-ARCHITECTS.CO.UK W: WWW.HGP-ARCHITECTS.CO.UK HGP Architects Ltd 10334 A (10) 29 F1, 1329 231 004 E: EMAIL@HGP-ARCHITECTS.CO.UK W: WWW.HGP-ARCHITECTS.CO.UK							



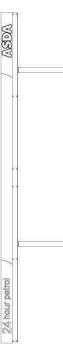
Page 95



Unit 3, Westland's Estate, Hayes

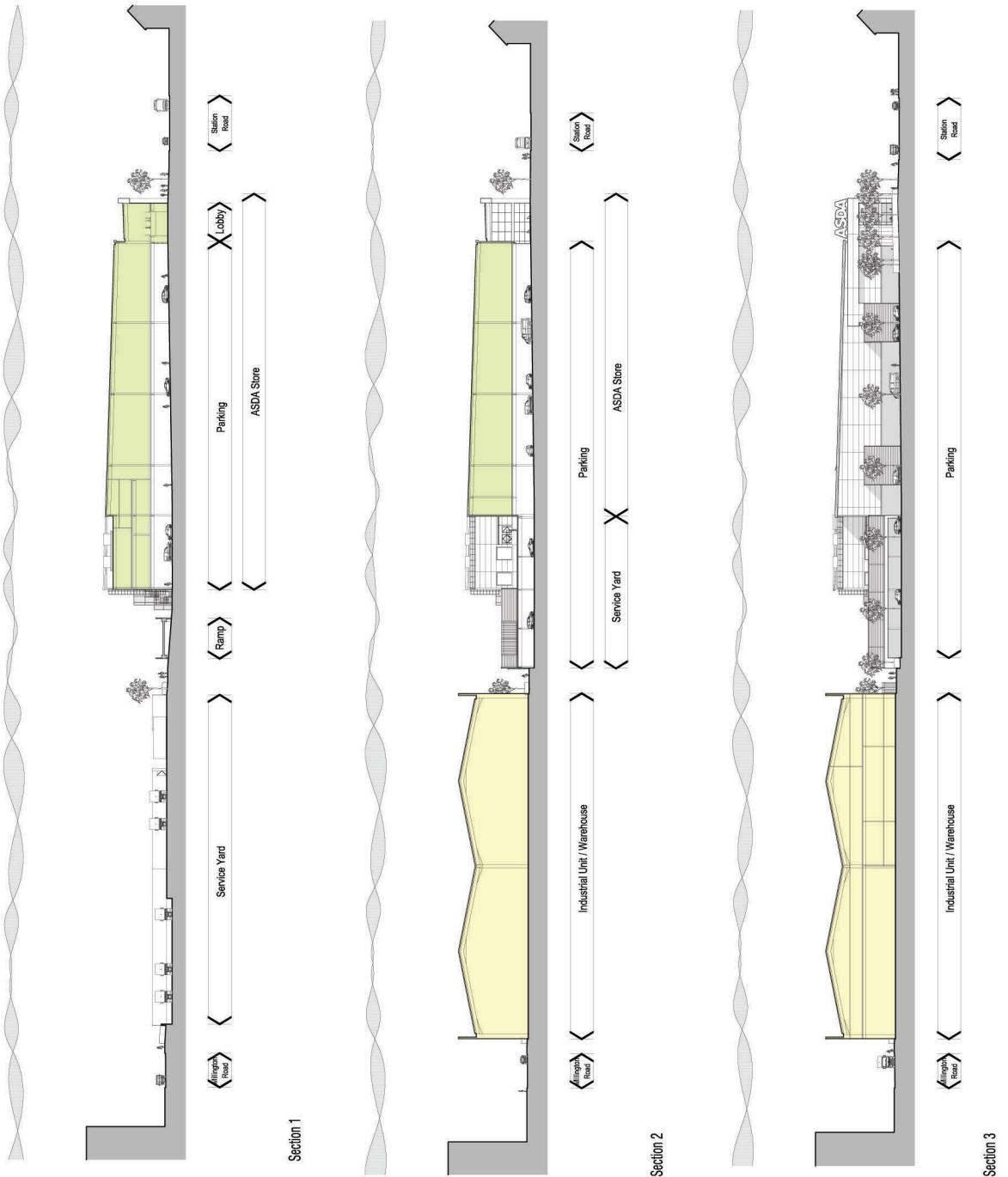


West Elevation



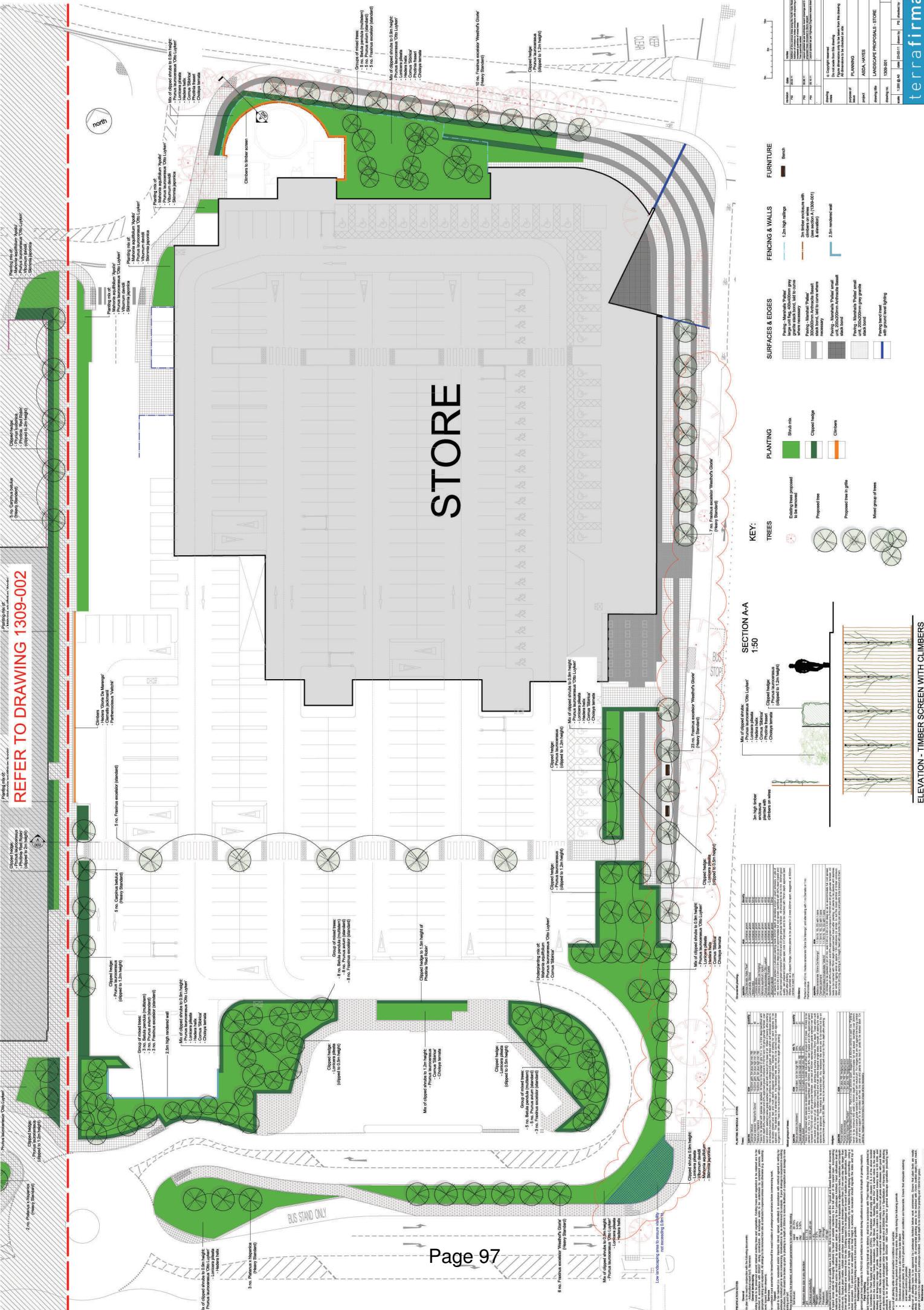
### North Elevation





Page 96

## REFER TO DRAWING 1309-092



# WAREHOUSE

REFER TO DRAWING 1309-001

## KEY:



TREES

FENCING & WALLS

SURFACES & EDGES

PLANTING

Proprietary tree

Shrub

Clipped Hedge

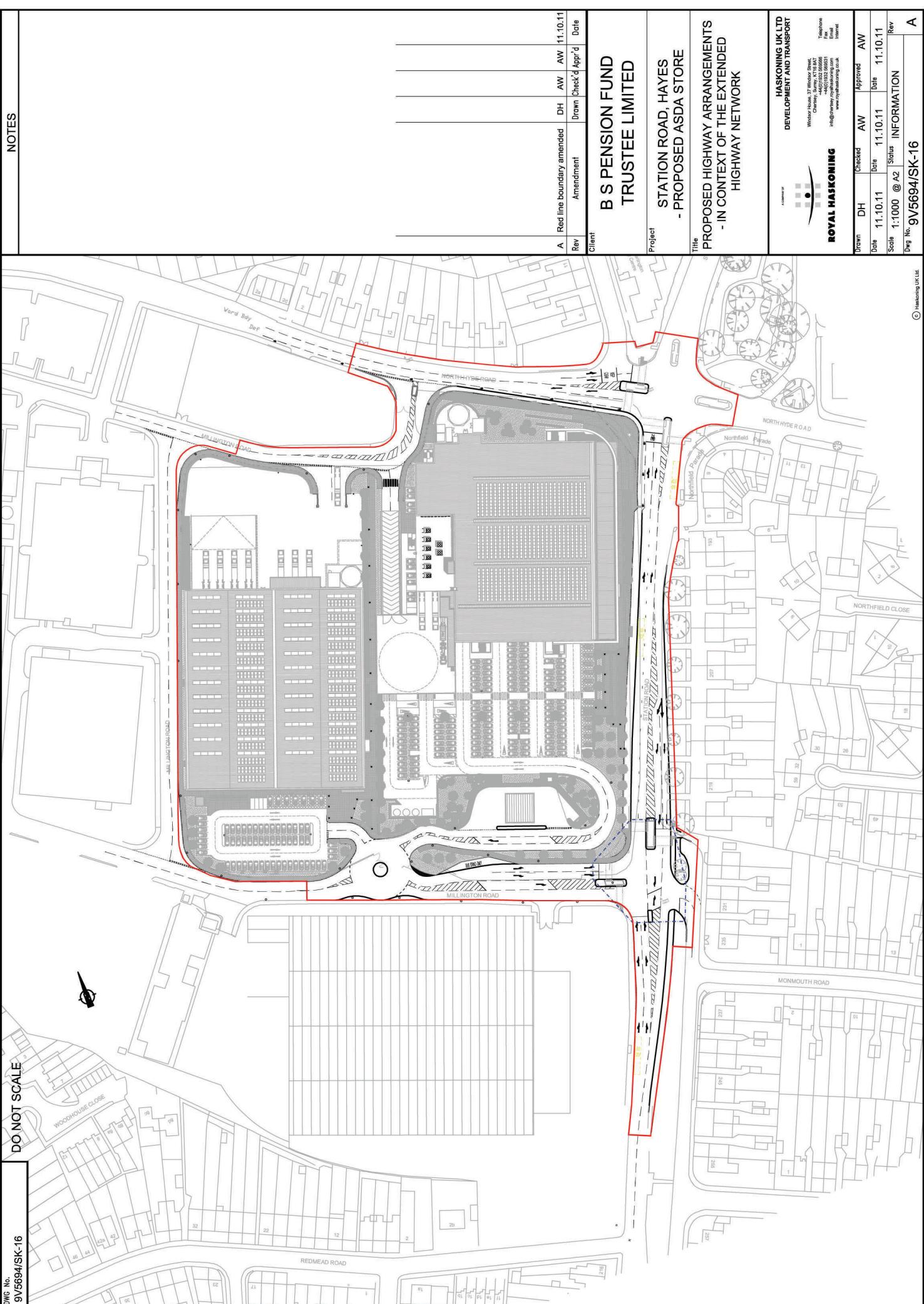
Climbers

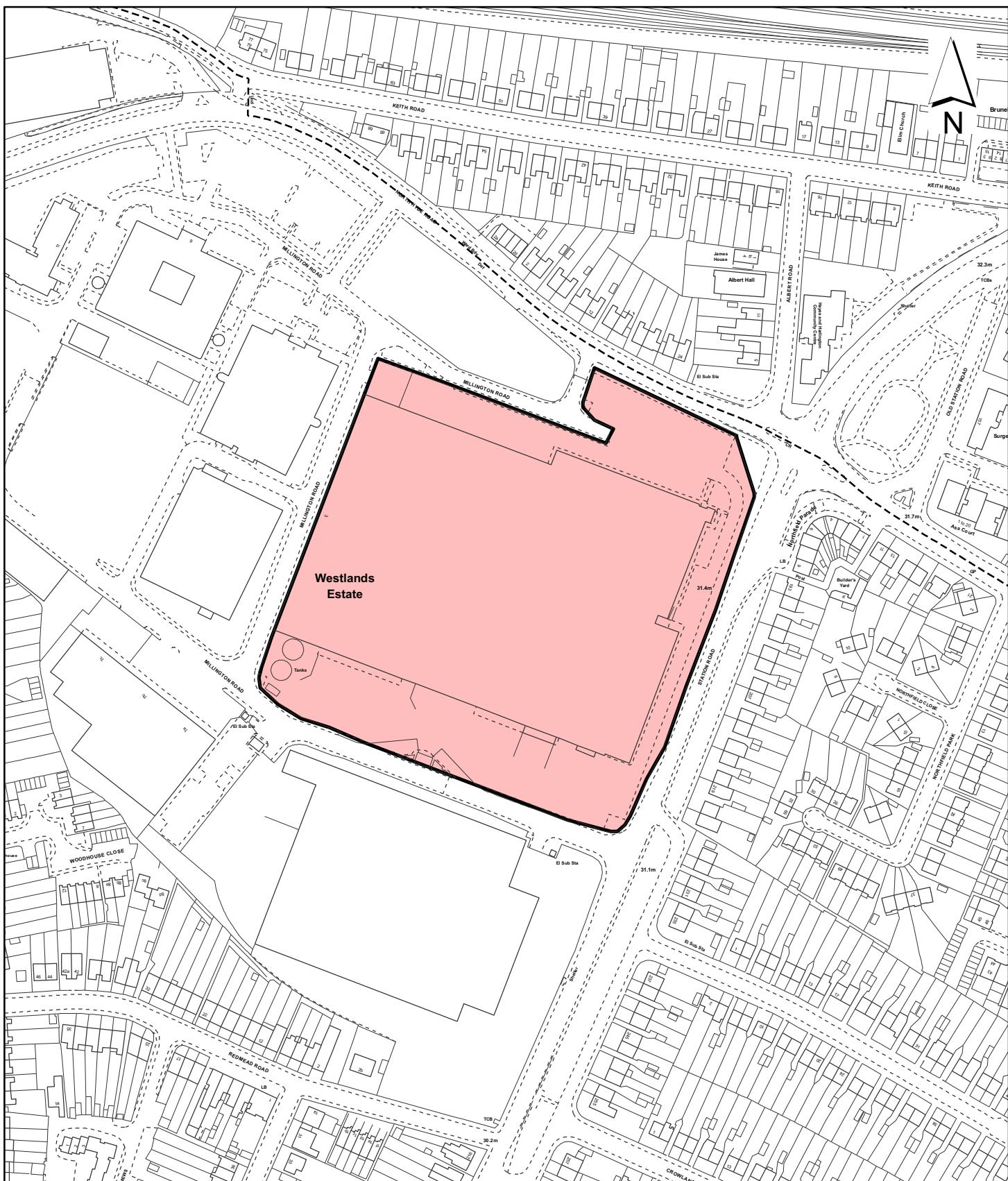
## PLANTING SCHEDULE - WAREHOUSE

Area and specimen tree:

WAREHOUSE

Specie





### Notes

 Site boundary

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### Site Address

**Unit 3, Millington Road  
Hayes**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**32157/APP/2011/872**

Scale

**1:2,500**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

## **Report of the Head of Planning & Enforcement Services**

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.

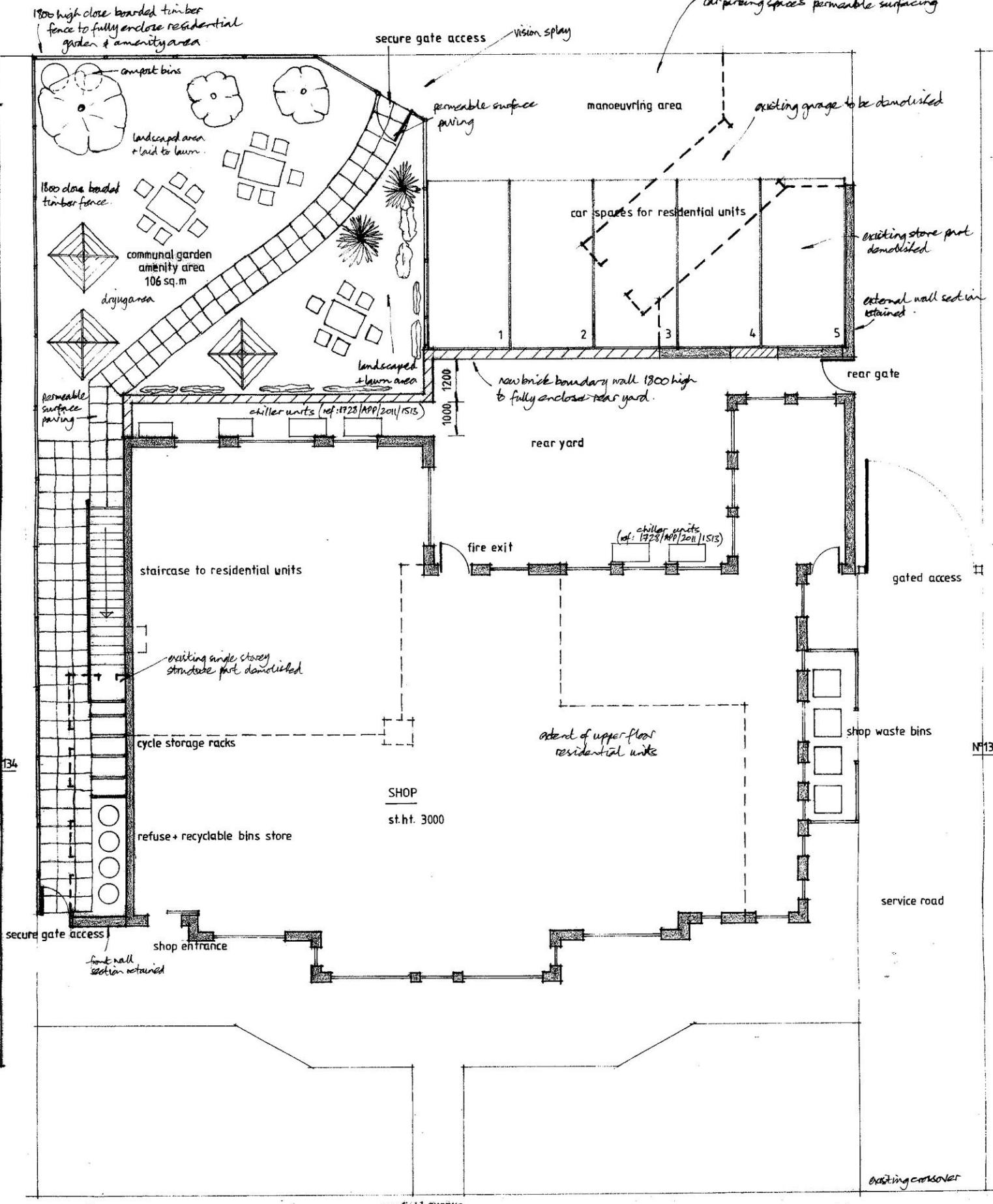
**LBH Ref Nos:** 1728/APP/2011/1565

**Date Plans Received:** 27/06/2011      **Date(s) of Amendment(s):** 27/06/2011

**Date Application Valid:** 07/07/2011      09/09/2011

**notes**

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2. No dimensions to be scaled, except for planning purposes.
3. Any discrepancies to be reported to the designer, before commencing any work or making any shop drawings.
4. This drawing to be read in conjunction with dwg. nos. 21103/03, 04/C, 07/B+D&A statement.



C as requested by LPA. Oct 2011

Vision splay added to manoeuvring

as requested by LPA. Oct 2011

Unsolicited references removed.

by LPA. Sept. 2011

Additional information requested

amendments

132 Ryefield Avenue Hillingdon Middlesex UB10 9DA  
site layout plan  
job no. 21103

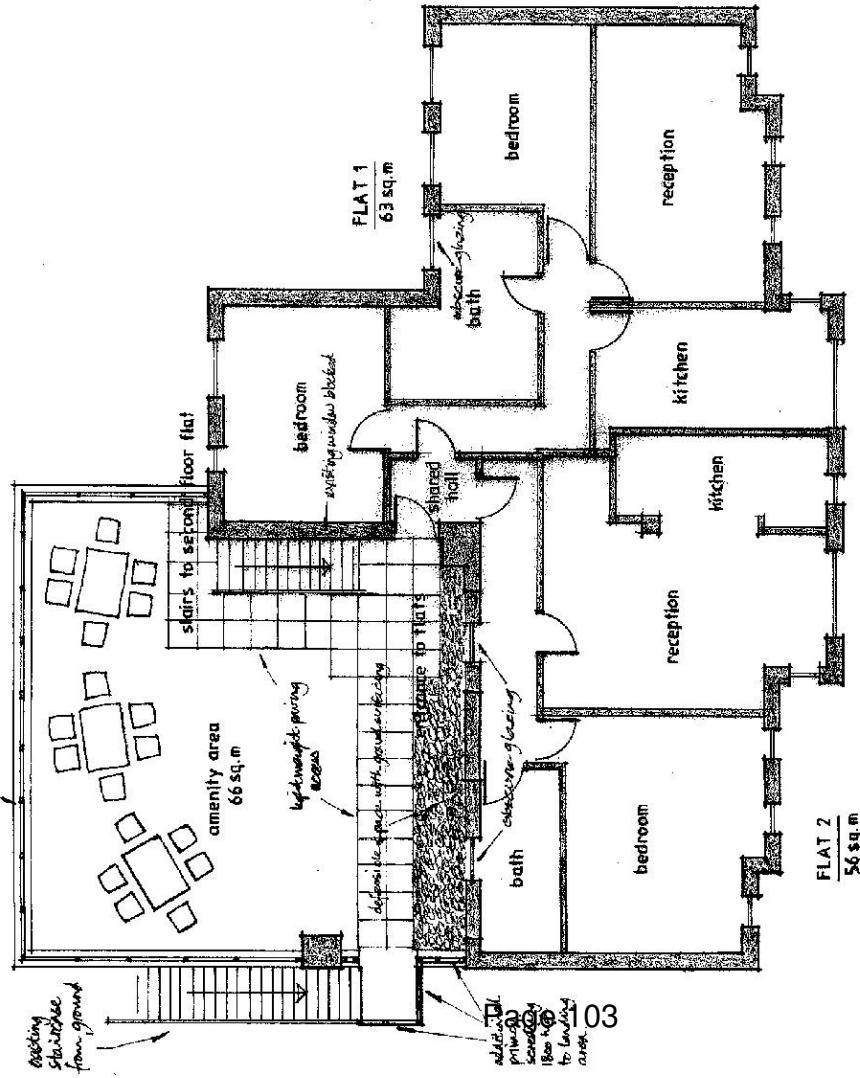
dwg. no. 02/C Page 102 Scale 1:100

Mr S Kandasamy

april 2011

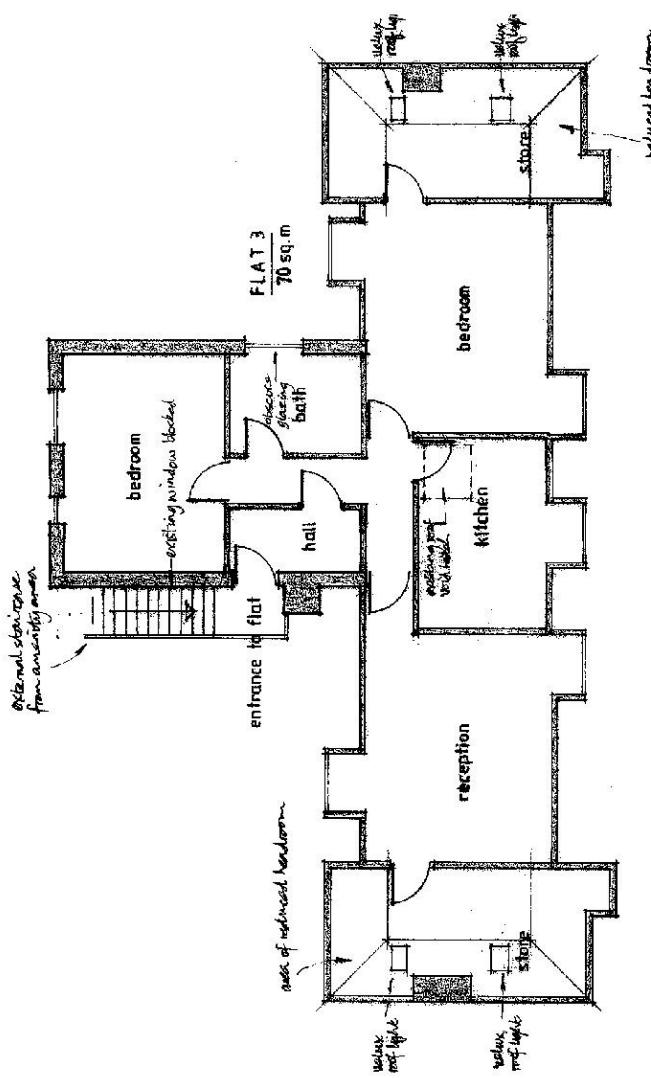
**PHILIP M NORVILL**  
Chartered Builder and Chartered Surveyor  
7 Fairfield Lane Farnham Royal  
Buckinghamshire SL2 3BX  
07801 665905  
philipnorvill@hotmail.co.uk

non-delinable balustrade to people walk with privacy screening 1800 high



first floor st.h.t. 2500

D Additional privacy screening to landing area as required by LPA. Oct 2011  
 C Obscure glazing to flt 2, bath windows flts 1+3, windows blocked. Flts 1+3, windows blocked as requested by LPA. Oct 2011  
 B Additional detail to amenity area  
 A Second floor flat amended to 2 bed. unit.  
 amendments



second floor st.h.t. 2300

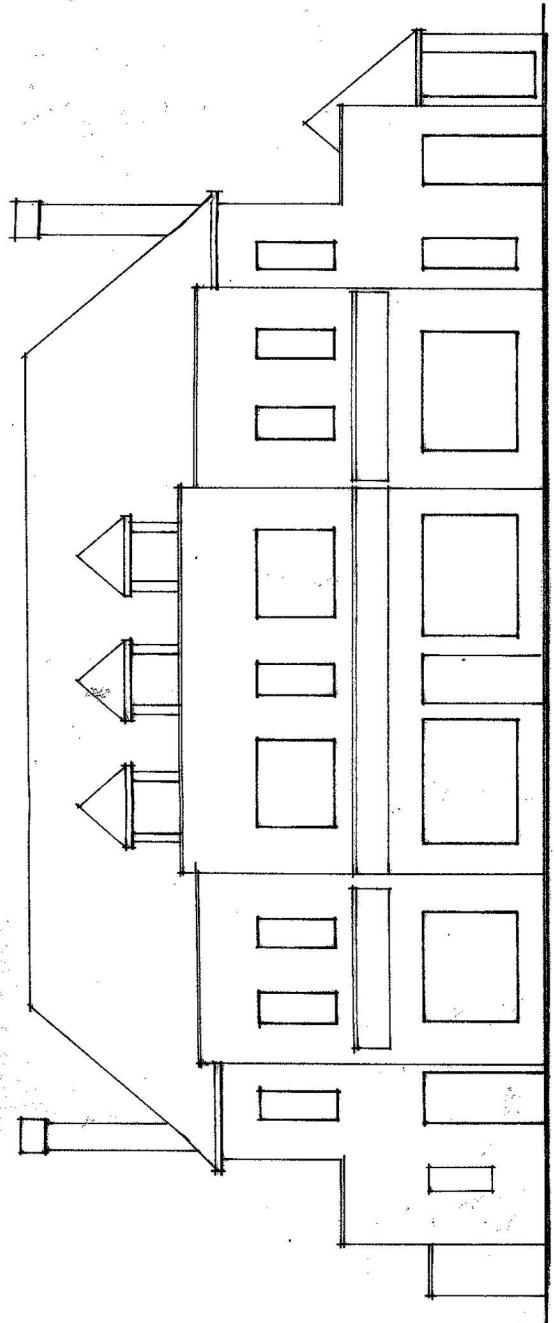
Sept. 2011.  
 August 2011.

Notes  
 1. Copyright reserved to the designer. This drawing may not be reproduced without written consent.  
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 3. Any dimensions to be reported to the designer, before commencing any work or making any drawings.  
 4. This drawing to be read in conjunction with drawing 21/03/02/B, 03, 07/B, DDA statement.

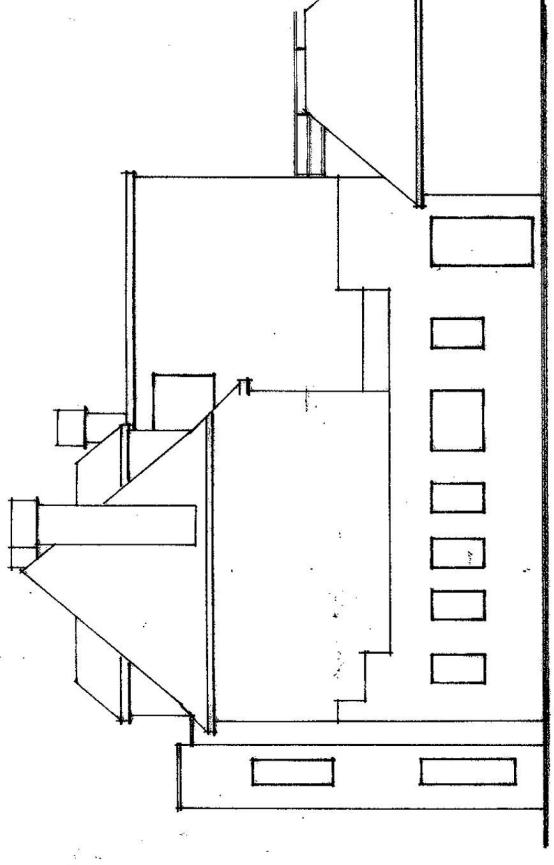
132 Ryefield Avenue Hillingdon Middlesex UB10 9DA  
 proposed layout plans  
 job no. 21103  
 dwg. no. 04/10 scale 1:100  
 April 2011

PHILIP M MORTILL  
 chartered Builder and Chartered Surveyor  
 7 Ryefield Lane, Farnham Royal  
 Buckinghamshire SL2 3SX  
 07801 665905  
 philipmortill@hotmail.co.uk

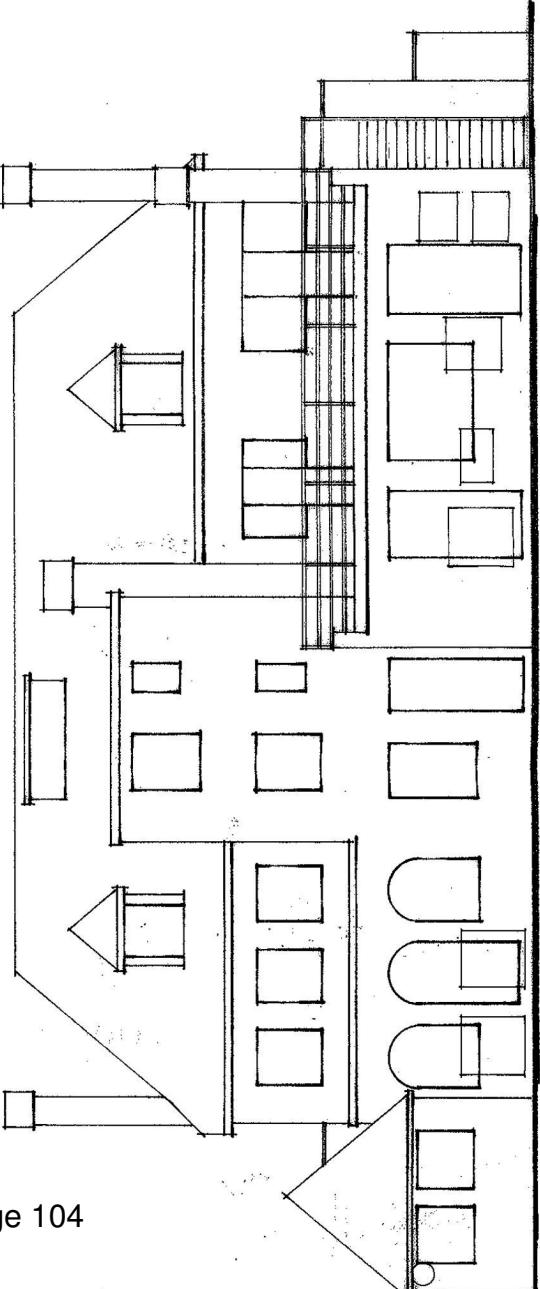
front



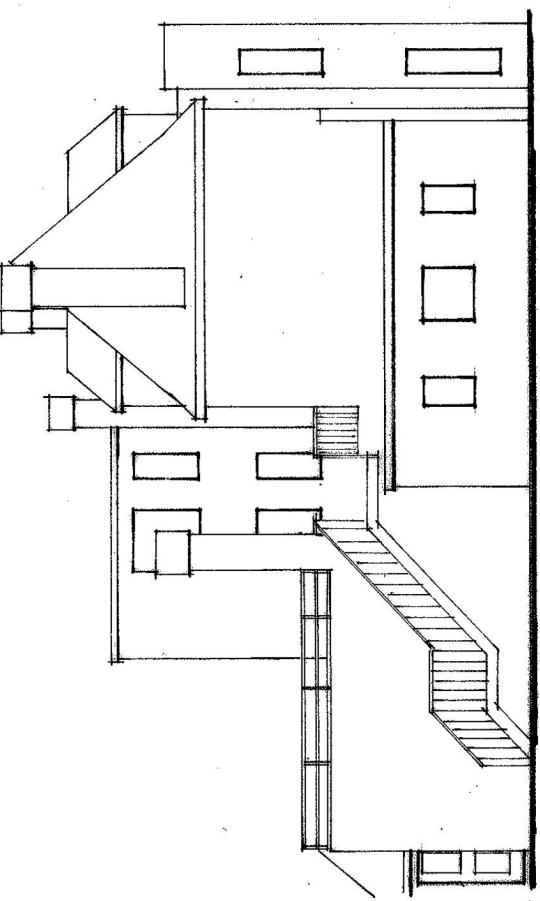
north west side



rear



south east side



notes

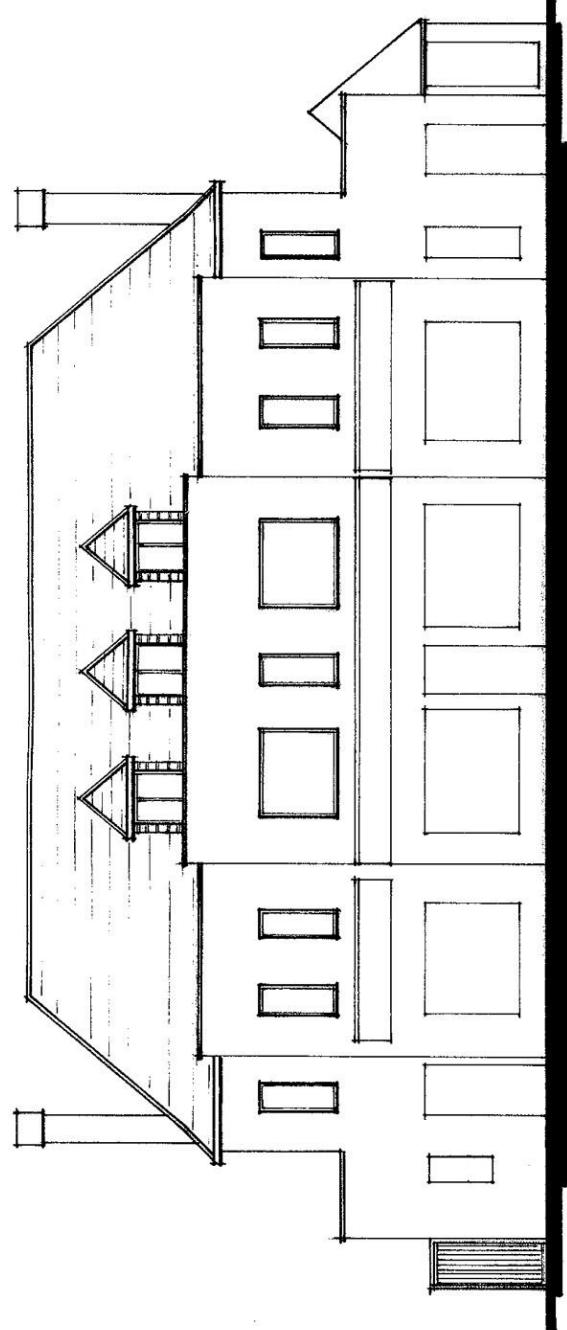
1. Copyright reserved to the designer: this drawing may not be reproduced without written consent.
2. No dimensions to be scaled, except for planning purposes.
3. Any dimensions to be referred to the designer before commencing any work or making shop drawings.
4. Rear store and detached garage omitted for clarity.
5. Electricals subject to planning ref: 17228/HPP/2011/1513.

A additional information requested by LPA  
amendments

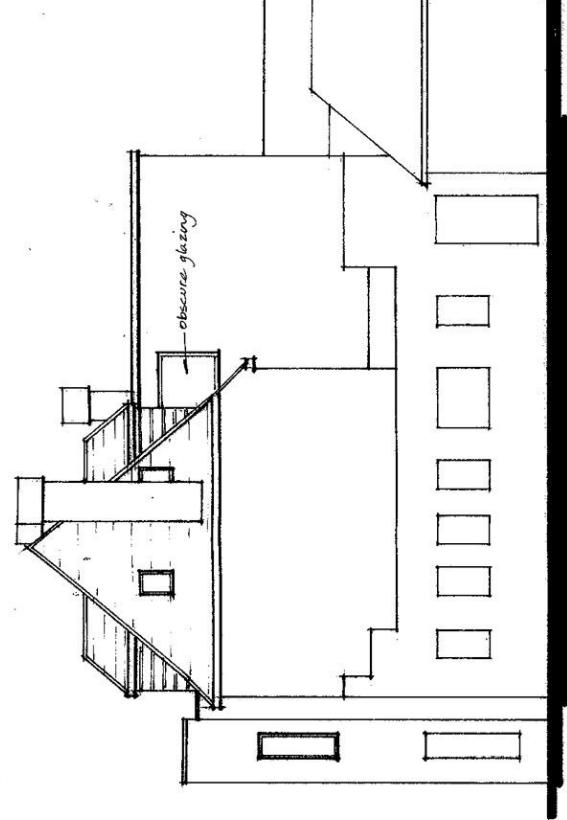
132 Ryefield Avenue Hillingdon Middlesex UB10 9DA  
existing elevations  
Mr S Kandasamy  
job no. 21103 dwg.no. 08/A scale 1:100 june 2011

PHILIP M NORVILL  
Chartered Builder and Chartered Surveyor  
7 Fairfield Lane Farmham Royal  
Buckinghamshire SL2 3BX  
01845 665905  
philipnorvill@hotmail.co.uk

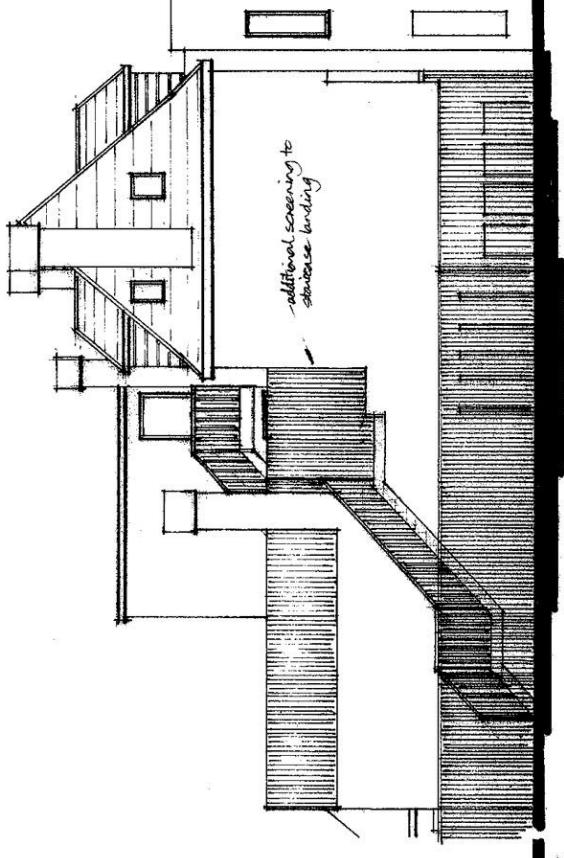
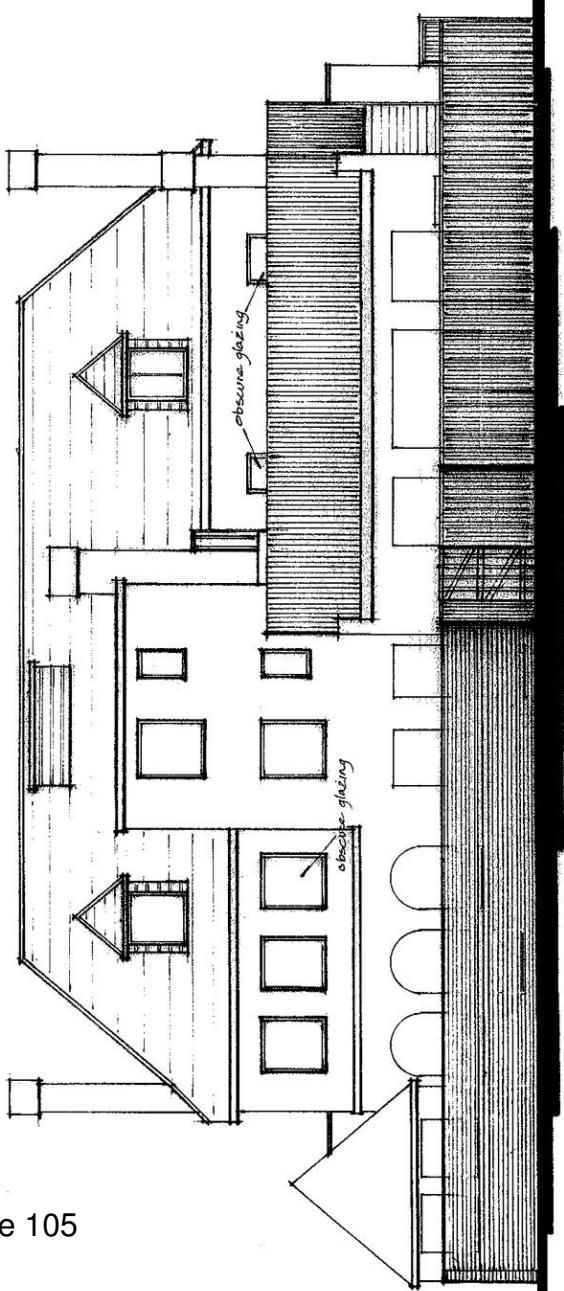
0 5 10



rear



south east side

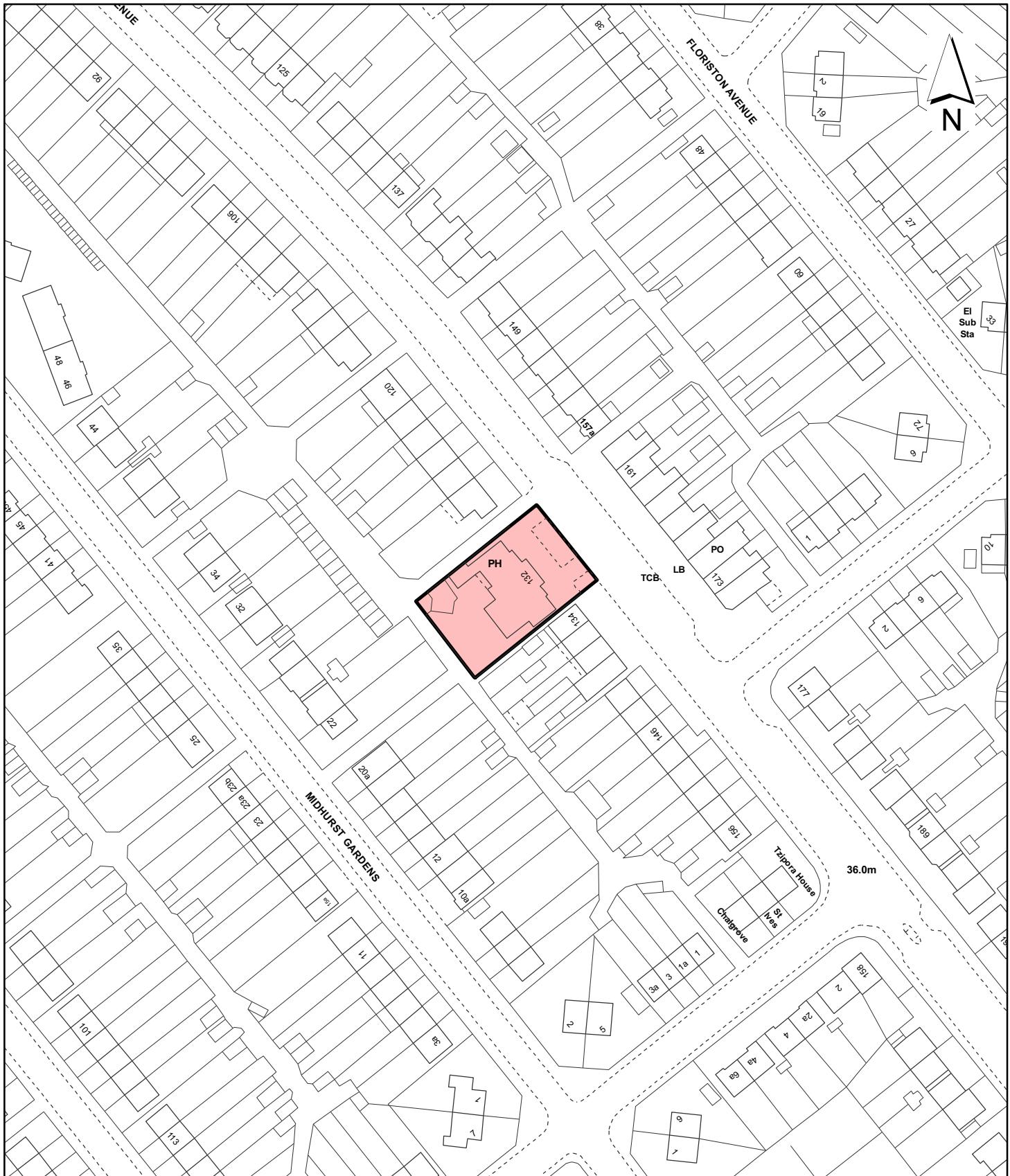


notes

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2. No dimensions to be scaled, except for planning purposes.
3. Any discrepancies to be reported to the designer, before commencing any work or making shop drawings.
4. All openings to be measured on site before ordering new windows. Wide plastic double glazed replace existing windows to match existing in style & opening. Total brickwork to match existing.
5. This drawing to be used in conjunction with drawings 21103/02/16, 03, 04/16 & 04/16.
6. Wall within rear elevation screened by brick wall and side boundary wall to conserving area.

132 Ryefield Avenue Hillingdon Middlesex UB10 9DA  
elevations  
dwg. no. 0071/C scale 1:100  
job no. 21103  
Mr S Kandasamy  
June 2011

PHILIP M NORVILL  
Chartered Builder and Chartered Surveyor  
7 Fairthorn Lane Farmham Royal  
Buckinghamshire SL2 3BX  
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#### Notes

 Site boundary

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#### Site Address

**132 Ryefield Avenue  
Hillingdon**

**LONDON BOROUGH  
OF HILLINGDON**

Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1728/APP/2011/1565**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

**Report of the Head of Planning & Enforcement Services**

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Installation of chiller units to rear

**LBH Ref Nos:** 1728/APP/2011/1513

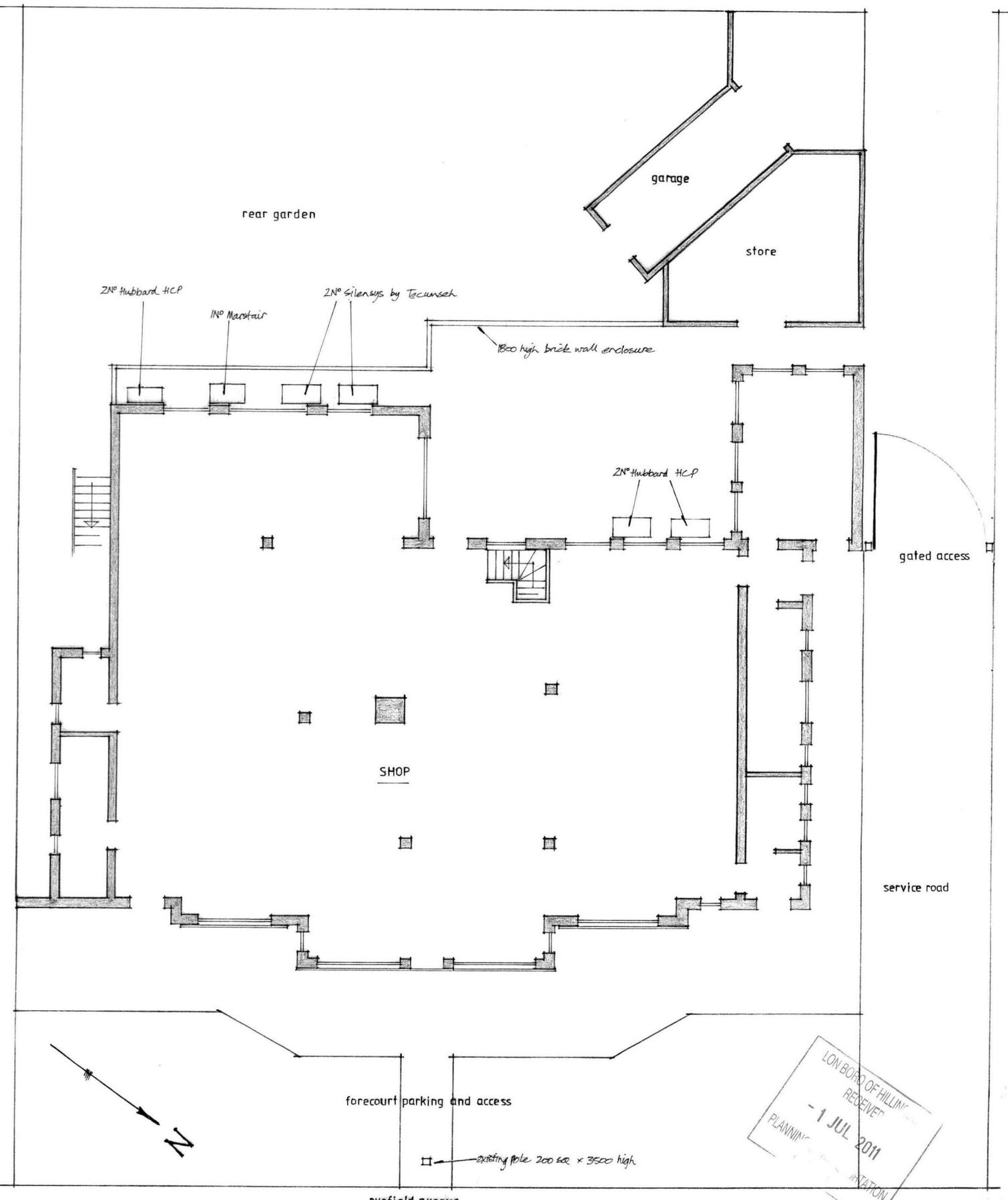
**Date Plans Received:** 20/06/2011      **Date(s) of Amendment(s):** 20/06/2011

**Date Application Valid:** 01/07/2011

**notes**

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2. Any discrepancies to be reported to the designer before commencing any work or making shop drawings.

rear service road



B enclosure shown June 2011  
 Chiller units + brick wall  
 to be added. May 2011.  
 A signage, windows + gate  
 amendments

132 Ryefield Avenue Hillingdon Middlesex UB10 9DA  
 layout plan  
 job no. 21103

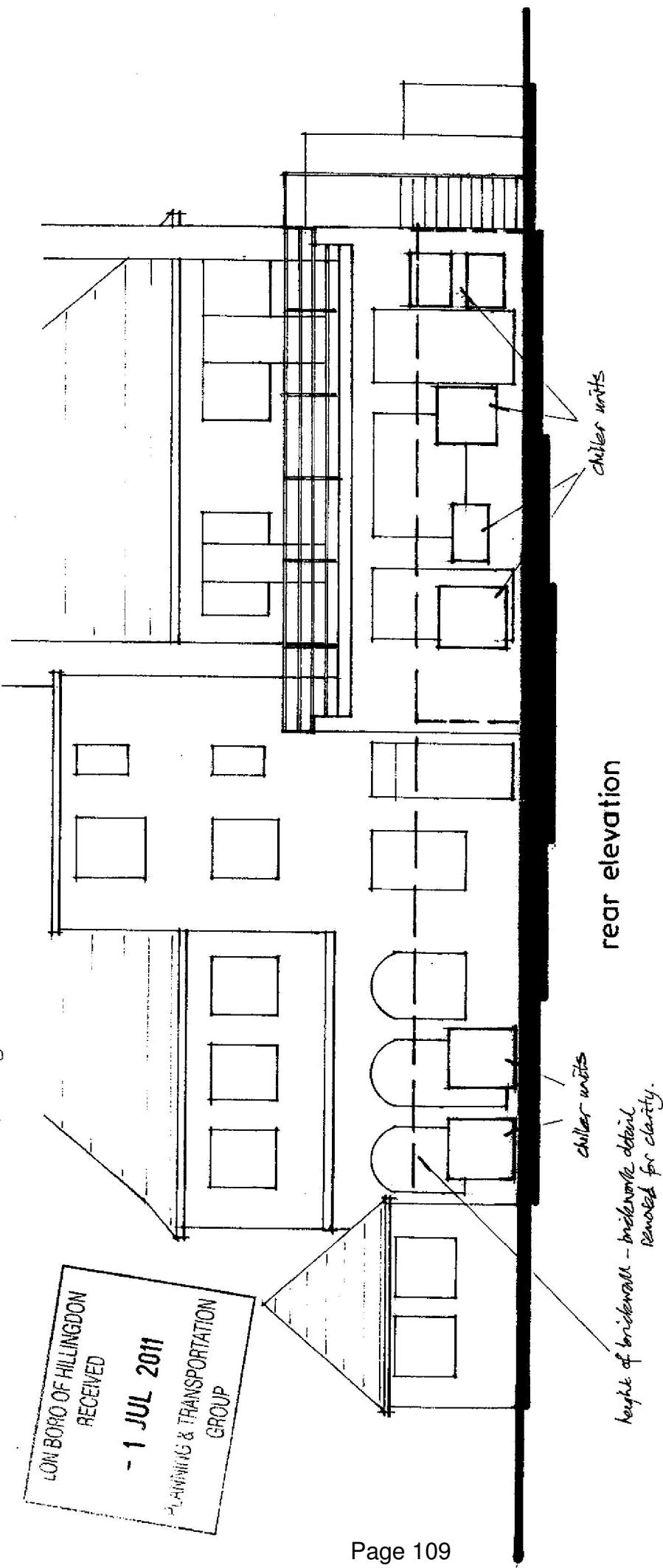
Page 108 Mr. S Kandasamy  
 dwg. no. 01/B scale 1:100 April 2011

PHILIP M NORVILL  
 Chartered Builder and Chartered Surveyor  
 7 Fairfield Lane Farnham Royal  
 Buckinghamshire SL2 3BX  
 07801 665905  
 philipnorvill@hotmail.co.uk

## notes

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2. Any discrepancies to be reported to the designer before commencing any work or making shop drawings.
3. All openings as existing. Chiller units fixed to external brickwork & vented externally.

Archage, stores & external wall details removed for clarity.

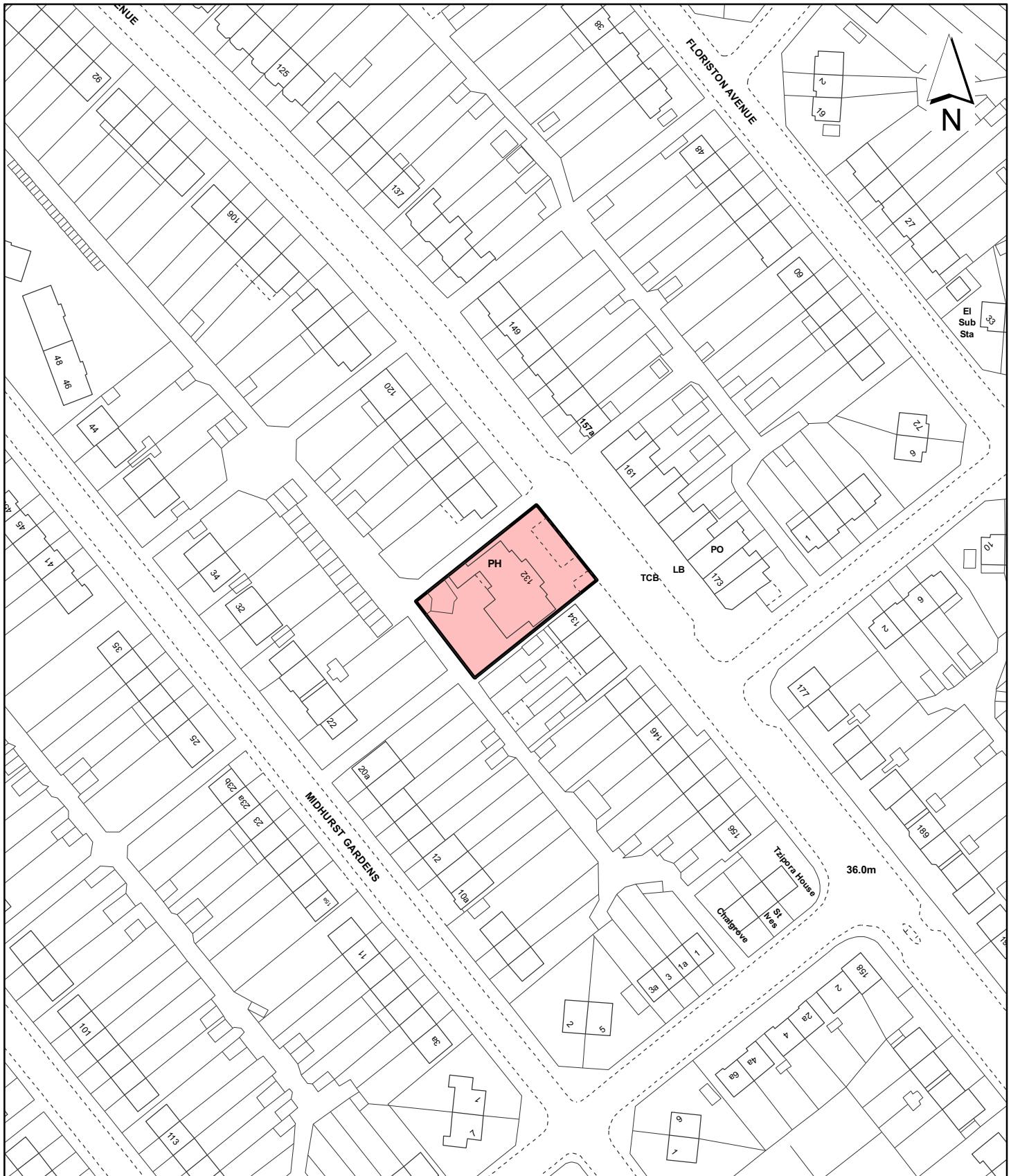


132 Ryefield Avenue Hillingdon UB10 9DA  
chiller units & brickwall  
job no. 21103 dwg. no. 06 scale 1:100 June 2011

PHILIP M NORVILL

Chartered Builder and Chartered Surveyor  
7 Fairfield Lane Farnham Royal  
Buckinghamshire SL2 3BX  
07801 665905  
philipnorvill@hotmail.co.uk

0 5 10



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#### Site Address

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Hillingdon**

**LONDON BOROUGH  
OF HILLINGDON**

Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1728/APP/2011/1513**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON

**Report of the Head of Planning & Enforcement Services**

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Installation of 3 externally illuminated fascia signs to front, a portrait shape advertisement to the left of the shop entrance and an externally illuminated pole sign to front, as well as signage to the lower half of windows in the front elevation.

**LBH Ref Nos:** 1728/ADV/2011/31

**Date Plans Received:** 10/05/2011

**Date(s) of Amendment(s):** 10/05/2011

**Date Application Valid:** 20/05/2011

16/05/2011

04/10/2011

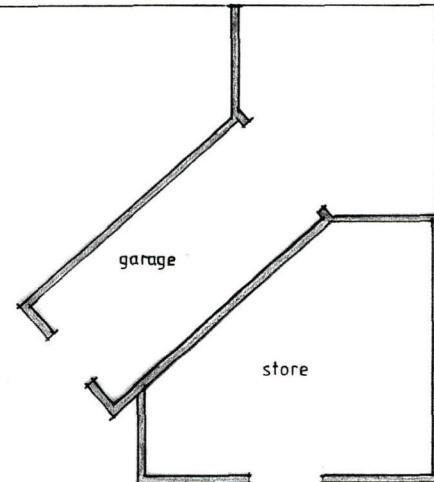
**notes**

1. Copyright reserved to the designer. This drawing may not be reproduced without written consent. No dimensions to be scaled, except for planning purposes.

2. Any discrepancies to be reported to the designer before commencing any work or making any drawings.

rear service road

rear garden



gated access

service road

proposed sign 3000 x 600 x 50

proposed sign 3600 x 600 x 50

proposed sign 7800 x 600 x 50

forecourt parking and access

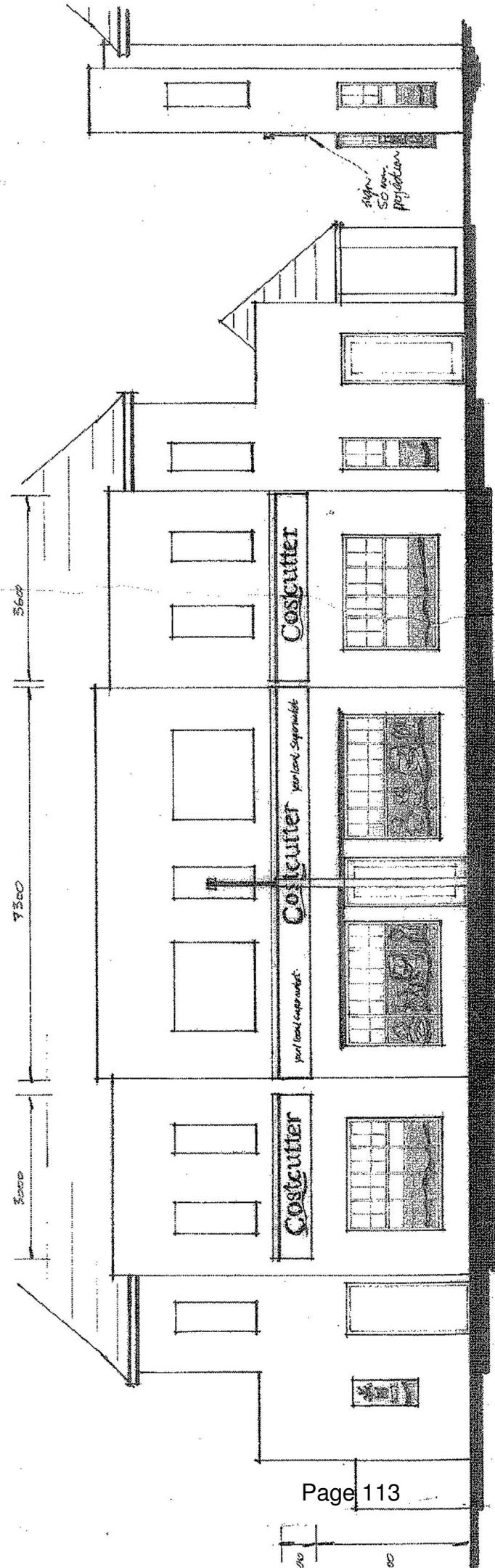
existing pole 200 sq x 3500 high.  
proposed sign 980 x 1200 h.



ryefield avenue

## notes

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2. Any discrepancies to be reported to the designer before commencing any work or making shop drawings.
3. fascia signs boards matt finish non reflective plastic board. White background with green lettering. External pencil strip light for illumination.
4. All openings retained as existing. Bracing as existing 1200mm x 980 wide. External pencil strip light for illumination.
5. All new signage to be installed in compliance with Spec for Lb of Hillington.
6. Middle and right end entrance doors painted brown to match brown wood entrance door.



Page 113

Sign  
Stanchions



Sept. 2011 section

Sept 2011

Sept. 2011.

May 2011.

D Middle door altered removed additional information as requested by LPA.

C Door altered removed, blanking section to low windows removed, traffic reduced as requested by LPA.

B Window transfers shown + additional fixed sign.

A Pole sign amended + strip pencil lights shown.

amendments

Sept. 2011 section

Sept 2011

Sept. 2011.

May 2011.

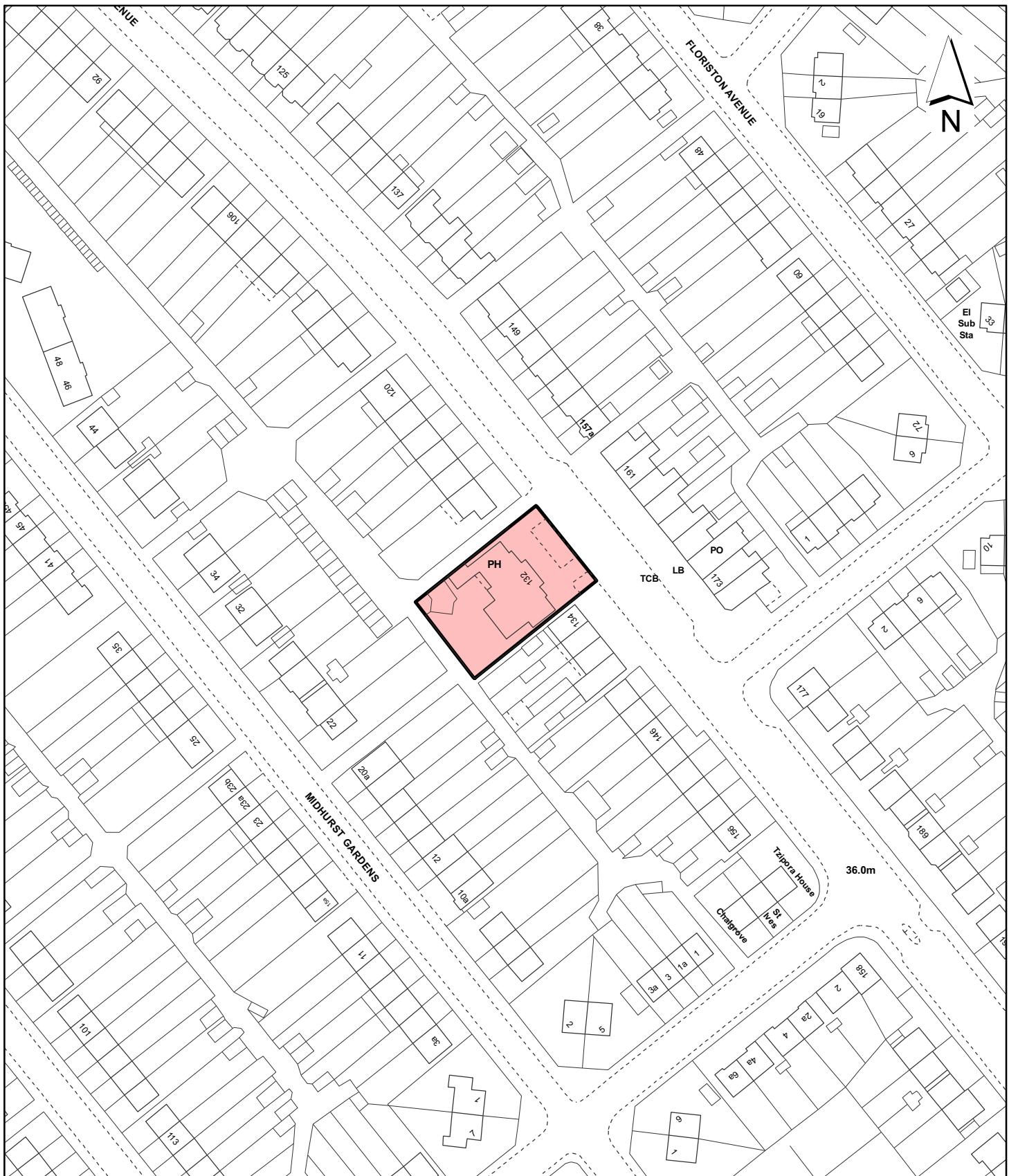
132 Ryefield Avenue Hillington UB10 1DA  
proposed signage  
job no. 21103 dwg. no. 05/D scale 1:100 May 2011

PHILIP M NORVILL

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Section elevation



#### Notes

 Site boundary

For identification purposes only.

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#### Site Address

**132 Ryefield Avenue  
Hillingdon**

**LONDON BOROUGH  
OF HILLINGDON**

Planning,  
Environment, Education  
& Community Services  
Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**1728/ADV/2011/31**

Scale

**1:1,250**

Planning Committee

**Central and South**

Date

**October  
2011**



**HILLINGDON**  
LONDON



## HILLINGDON LONDON

**Meeting:** Central & South Planning Committee

**Date:** 14-11-2011

**Time:** 7.00pm

**Place:** Committee Room 5, Civic Centre Uxbridge

### ADDENDUM SHEET

Item: 5	Page: 1	Location: Unit 3, Millington Road, Hayes
Amendments/Additional information:		Officer Comments:
	<p>In recommendation replace '<b>REFUSAL for the following reasons:</b>' with:</p> <p>'A: That the application be referred to the Greater London Authority; and subject to no direction being received from the Greater London Authority that delegated powers be granted to the Head of Planning, Consumer Protection, Sport and Green Spaces to REFUSE the application for the reasons set out below.'</p> <p>Add the following addition resolution:</p> <p>'B: If a Unilateral Undertaking is received by the Council, securing the planning obligations set out in this report, ahead of the Stage 2 referral response from the GLA, then delegated authority be given to the Head of Planning, Consumer Protection, Sport and Green Spaces to remove refusal reasons 2 and 3.'</p>	To ensure the need to consult the Mayor of London is accurately reflected within the report.
	<p>Since the committee report was drafted the applicant has agreed to meet the full suite of planning obligations; and effectively removes reasons or refusal nos. 2 and 3.</p> <p>However, as the application remains unacceptable by virtue of reason 1 and as no legal agreement is currently in place it is recommended that the reasons be retained in order to retain the Council's position on this matter should there be an appeal.</p>	For information and to inform the decision.

<p>It is however recommended that the following informative be added:</p> <p>'It is acknowledged that the applicant has confirmed on the 07/11/2011 that they would be willing to meet the Local Planning Authority's full requirements in respect of planning obligations, including the provision of £500,000 to provide Public Realm improvements. Should a legal agreement be forthcoming securing all obligations identified within the report the Local Planning Authority is satisfied that this would overcome reasons for refusal 2 and 3.'</p>	
<p>Following further correspondence between the Local Planning Authority and the Environment Agency additional comments have been received as stated below:</p> <p>'We still have outstanding concerns with this proposed development. We have not received confirmation that the proposed surface water drainage network will be able to provide sufficient volume to attenuate the 1 in 100 year plus climate change storm at this site. Without this detail we are not able to assess if the proposed drainage system will be sufficient to prevent surface water flooding at this site.</p> <p>You state in your email that you feel that this issue could be dealt with by conditions placed on this planning application and you do not feel that you could support an objection on these grounds.</p> <p>We accept that this is your position and request the condition below to be placed on this planning permission.'</p>	<p>Noted, it is considered that the development would be acceptable in terms of sustainable drainage and flood risk, subject to appropriate conditions.</p>
<p>Page 2 Summary – Para 2 – insert 'not' between 'would' and 'have'.</p>	<p>To correct a typographical error.</p>
<p>Page ... Section 7.01 Sub-Section (b) para 17-</p> <p>Officers would clarify that all job figures quoted are estimates based on the redevelopment of the entire site. In relation to the proposed retail portion site only:</p> <p>The proposed superstore would generate approximately 400 jobs; whereas an alternative appropriate industrial use would likely generate in the region of 185 jobs.</p>	<p>The assessment within the report and the data on which it is based is considered to be accurate. This information is provided for improved clarity and transparency only.</p>
<p>Replace all references to 'Hospitality Training' with 'Employment Training' (including within refusal reason 2);</p> <p>Under S106 Head of Terms Item 7 replace text with:</p> <p>In line with the SPD a contribution towards employment training is likely to be sought as a result of this proposal, as it is proposed to generate more than 50 jobs. If an</p>	<p>To correct a typographical error and to provide greater clarity with regard to the requirements of the sought contribution.</p> <p>ASDA has agreed to pursue a Local Labour Initiative which would</p>

<p>employment strategy cannot be secured then as a compensatory measure the employer will be required to make a contribution equal to £400 per new employee to a training course to serve under skilled or unemployed people in the area.</p>	<p>involve working with Uxbridge College and Job Centre Plus to promote employment opportunities at the new store for local residents. This would include funding by ASDA of specialist retail training such as Food Safety and Health and Safety to be provided by the College and the guarantee of an interview for suitably qualified local residents when recruiting staff.</p>
<p>It is noted that in addition to the Council's consultation on the application the applicant has undertaken their own community involvement and consultation activity prior to submission. Details of which were included within their submitted documentation.</p> <p>The applicant has asked that the Members of the Committee be made aware of this.</p>	<p>For information and transparency.</p>
<p>The applicant has provided additional correspondence disagreeing with statements within Section 7.01 of the Officers report. Officers retain their positioning this respect, however additional correspondence from the applicant is attached at appendix B.</p>	<p>For information and transparency.</p>
<p>Add the following informative:</p> <p>'You are advised that had the Council been minded to approve the application, it would have sought to allow vehicles to park at the site for 3 hours at a time, to allow sufficient time for shoppers to undertake linked shopping trips to retailers in the town centre.</p> <p>You are also advised that had the Council been minded to approve the application, it would have sought to restrict illumination at night on the eastern elevation of the building in order to safeguard the amenity of surrounding properties.</p>	<p>For clarity</p>
<p>The Hayes Town Centre Partnership were notified of the planning application and in summary raised the following matters:</p> <p>i) Both the Partnership and the Business Forum would welcome the opportunity to comment on what items are likely to be included in a S106 agreement. They remain to be convinced whether they will achieve the linkage which they are claiming between the proposed supermarket and the Town Centre.</p> <p>ii)</p>	<p>To inform the committee</p>

iii) The Partnership looked at the billboard site to the west of Station Road and south of the railway and asked if this could be included in the landscaping proposals subject to its not being needed in connection with Crossrail.

iv) The open area at the junction of Station Road and North Hyde Road (Fairey Corner) was also an area the Partnership wished to see improved.

v) One of the main concerns the Partnership have is the impact on small traders in the Town.

vi) Shop front improvements would also be desirable.

vii) The Partnership would like to explore whether the developers can assist in finding possible answers to the very unsatisfactory traffic and parking arrangements that currently exist in the blocked off part of Station Road. As well as the question of a traffic study the Partnership would like to pursue the idea of providing a real time information board to try and control the number of vehicles that enter the road when there are no parking spaces available.

Item: 6	Page: 31	Location: 132 Ryefield Avenue
Amendments/Additional information:		Officer Comments:
Amend condition 3 by inserting the words 'covered and' between the words 'the' and 'secure'		For clarity
Amend condition 4 by inserting the words 'and be top opening only above 1.8m' between the words 'glass' and 'for'		For clarity
Replace the wording of condition 6 as follows:  'Prior to the occupation of the development, the 5 parking spaces to shown on the approved plans, shall be constructed, designated and allocated to the 3 dwellings hereby approved, with 1 space per dwelling and two spaces for communal use solely by residents. The parking spaces shall thereafter be permanently retained and used for no other purpose.'		For clarity
Amend condition 9 by inserting the words 'refuse and recycling' between the words 'screened' and 'storage'		For clarity
Amend condition 19 by inserting the following words after the final sentence: 'and maintained for so long as the development remains.'		For clarity

<p>Add the following condition:</p> <p>'The parking spaces at the rear of the premises shall be for use of the occupiers of the residential dwellings and shall at no time be used by staff or visitors to the ground floor commercial premises.</p> <p><b>REASON</b></p> <p>To ensure that an appropriate level of car parking provision is provided on site for residents in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 6.1 the London Plan (July 2011).'</p>	<p>For clarity</p>
<p>Add the following informative: 'You are advised to contact the Council ahead of installing any antenna on the building as such an installation would be likely to require planning permission.'</p>	<p>For clarity</p>

<b>Item: 7</b>	<b>Page: 51</b>	<b>Location: 132 Ryefield Avenue</b>
<b>Amendments/Additional information:</b>		<b>Officer Comments:</b>
Amend condition 3 by inserting the words 'including the residential dwellings above the shop' between the words 'property and 'the'		For clarity

<b>Item: 8</b>	<b>Page: 61</b>	<b>Location: 132 Ryefield Avenue</b>
<b>Amendments/Additional information:</b>		<b>Officer Comments:</b>
Amend condition 4 by inserting the words 'The signage lighting shall only be illuminated during shop opening hours.' After the last sentence.		For clarity

## **Item 5 - Appendix A**

### **Westlands 3, Hayes - Consultation with the public and other stakeholders**

#### **June 2010 – Initial engagement with stakeholders commences**

This took the form of a variety of methods including:

- Telephone survey of local residents carried out to gauge shopping habits and help inform proposals.
- 1900 letters sent out to local residents, community and business groups, providing information on the proposed scheme and details on public exhibition.
- Proactive promotion of exhibition in print and broadcast media via a paid for advertisement advertising details of exhibition in Gazette alongside a press release.

#### **January 2011 – Public facing work begins**

- Public exhibitions were held on three separate days in different locations around Hayes. Dates, times and locations are detailed below:
  - Thursday 20 January 2011: 11:00 am to 8:00 pm - Foyer of Uxbridge College, Hayes Campus (6:30 pm onwards in the Hayes Business Studios);
  - Friday 21 January 2011: 10:00 am to 7:00 pm - Hayes & Harlington Community Centre; and
  - Saturday 22 January 2011: 10:00 am to 2:00 pm - Botwell Parish Hall.
- 500 leaflets with tear off feedback cards were distributed at the exhibition with another 500 distributed afterwards. The leaflets were printed in five different languages - English, Punjabi, Somali, Tamil, Urdu and Gujarati. They were also available to submit online.
- Two community discussion groups (similar to focus groups) were carried out independently of the developer. The discussion groups were designed to enable issues raised in the previous elements of engagement to be explored in greater detail.
- A dedicated website with details of the proposals and ability to submit feedback forms online was set up. An email account and phone line was also set up so that questions could be asked and answered by dedicated team. Twitter and Facebook feeds were also set up so that those who wanted to be kept informed about latest updates could do so.

#### **February 2011 – Feedback cards received and responses analysed**

The deadline for sending in the FREEPOST feedback cards was 11<sup>th</sup> February 2011.

103 feedback cards were received and the responses were analysed and formed part of the Statement of Community Involvement. The key findings are detailed below:

- 94 percent of respondents supported proposals to regenerate the Westlands 3 site in general;
- 98 percent of respondents wanted to see a new foodstore as part of the redevelopment of the site;
- 83 percent of respondents said that maximum job creation was an important consideration in redevelopment of the site; and
- 78 percent of respondents said that investment in Hayes was an important consideration.

On the proposed improvements to the public realm, of those who completed a comment card:

- 83 percent wished to see road safety improvements in general and 71 percent wished to see improvements to pedestrian crossings;
- 50 percent would like to see more trees and planting;
- 42 percent would like to see co-ordination with other developments around the station; and
- 26 percent would like to see some sort of focal point or public art introduced.

### **March 2011 – Application submitted & post-application engagement**

- Meetings with stakeholders, including Hayes Town Partnership and Hayes Business Forum. Conducted a town centre health check with representatives of both organisations.
- ComRes was commissioned to conduct telephone polling of Hayes residents to provide independent result.
- The main findings included:
  - 92% of residents agree that 'a new supermarket in Hayes would provide valuable new jobs to the local community'.
  - 87% of local residents say that they are likely to visit the new supermarket if it is built.

## Item 5 – Appendix B

UNIT 3 WESTLANDS ESTATE  
APPLICATION REF. NO. 32157/APP/2011/872

### COMMENTS IN RELATION TO MARKETING AT SECTION 7.01 OF OFFICERS REPORT

(i) *Over the marketing period 13 prospective occupiers were identified and the reasons for leases not being signed appear to relate more to the poor quality of the industrial premises on site at the time, rather than a lack of genuine demand for industrial or warehousing premises. Other interested parties failed to emerge due to loss of enabling contracts or failure to reach favourable terms, again neither of these are indicative of a genuine lack of need.”*

This infers that had it not been for the aged condition and size of the property that BSPF may not have had such difficulty in securing a tenant. It is worth pointing out that of the 13 enquiries:

Five of them were for short term arrangements of 6 months to 5 years. None of these would have been considered as a potential occupant for a pre-let of a new building on the site as the short term nature of their occupation would have made any such scheme commercially non viable. It is unreasonable of the Officer to seek to influence the Members that these were potential occupants for a newly built scheme. There was and still is very limited speculative development in Hayes for employment based units. For the reasons these expressions of interest all came to nothing.

One was for a company who couldn't secure their own funding, thus they were never a viable potential occupier in the first place.

One was an occupier looking to use the premises for short term film shoots, so not a B1, B2, or B8 use

One was a waste re-cycling operation, which may not have been acceptable because of the proximity to residential properties

One (Costco) would have been contrary to existing planning permission/designation & was commercially non viable.

One (M&S) was intended to be for mock up prototype store designs - a non-employment use

BSPF as owners and investors seek to ensure their property portfolio is fully let and did everything possible to secure a new tenant. The empty rates charge alone was a significant incentive to find a tenant.

(ii) *The marketing data indicates that marketing was only undertaken for a period of 18 months prior to demolition of the previous building (less than the 2 years recommended by the Industrial Capacity SPG), further it indicates that for approximately 8 months of this period no advertising activity took place.*

The marketing took place from the day after the Administration of Entertainment UK (28/11/2008). The initial marketing campaign was undertaken whilst the Administrator's continued to trade from the premises. They did not declare that they were unable to save

the business until they vacated the building in April of 2009. A full scale marketing campaign was launched in June 2009. As demolition commenced in late November 2010 and we were marketing right up until that time, the building was in fact marketed over a period of 24 months.

*(iii) The decision to market the premises appears to have been on the basis that industrial/warehouse interest was unlikely to emerge, and initial instructions appear to have been to explore interests for food retail in addition to industrial pre-let interest before any marketing of the premises had commenced.*

This is pure supposition & is unfounded. Never at any time until demolition took place did we rule out a letting of the warehouse unit if a willing tenant were to come forward. Until the Administration took place, the Fund had been hopeful of being able to negotiate a longer term lease with Entertainment UK.

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