

Report of the Head of Planning, Sport and Green Spaces

Address CHEQUERS SQUARE UXBRIDGE

Development: The consolidation of 15 existing units within the Pavilions shopping centre to create a single, large format retail unit, including reconfiguration works at basement level, insertion of new mezzanine floor and associated works at roof level.

LBH Ref Nos: 35214/APP/2014/2232

Drawing Nos: 32 G A Existing Drainage La
3906-D1-001A
3906-D1-002A
3906-X-100A
3906-X-101A
3906-X-102A
3906-X-103A
3906-X-106A
The Pavilions Uxbridge - Planning Application Cove
The Pavilions Uxbridge - Planning Statement
DLG - 3906_131209 Design and Access Statement
EL - Drainage statement rev c
Entran - E1119 - Uxbridge Air Quality V2
Entran - Pavillions TS 07052014
Entran - Pavillions Travel Plan
Entran - Swept Path Analysis SK02
Entran - Swept Path Analysis SK04
Pavilions Drainage 1-2
Pavilions Drainage 2-2
SR - R1-Rev C-16.04.14-New Retail Unit The Pavilio
SR - TN1-4.4.14-New Retail Unit The Pavilions Uxbr
Sol - 0414ST01_Energy Statement_FINAL May 2014
Stace - 131212 Pavillions BREEAM Split
Stace - 140117 The Pavillions Unit Pre-summary rep
TBA - 012_Planning Statement Plant 140414_MM
3906-D1-100E
3906-D1-101E
3906-D1-108F
3906-D1-109F
3906-D1-111A
3906-D1-103F
3906-D1-107E
3906-D1-110C
3906-D1-102E
3906-D1-106G

Date Plans Received: 24/06/2014	Date(s) of Amendment(s): 07/10/2014
Date Application Valid: 07/07/2014	24/06/2014
	03/10/2014
	08/10/2014

1. SUMMARY

The proposed development is for the consolidation of 15 existing units within the Pavilions shopping centre to create a single, large format retail unit, including reconfiguration works at basement level, insertion of new mezzanine floor and associated works at roof level. The proposed development seeks to create a 4,651sqm retail unit to accommodate a major national retailer. The unit would be provided over two levels and include a basement servicing area.

It is considered that the proposed development would conform with the requirements of the Hillingdon Local Plan (2012) and the London Plan (2011) subject to conditions.

The application is therefore recommended for approval.

2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission subject to:

A) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:

i) Car Park - £200,000 towards reviewing and improving signage, reviewing and improving lighting, provision of CCTV where it doesn't exist and provision of improved car park management system (pay on foot).

ii) Secure enhanced access/additional lift provision to car park without access to Pavillions - to ensure access is not disrupted between shops and car park through introduction of store (e.g. phase 3 in the D&A) - timescale for application and provision to be negotiated.

iii) Secure application and implementation for entrance design (including provision of new canopy for this entrance and consistent external treatment of entrances to the shopping centre (e.g. phase 2 in the D&A) - timescale for application and provision to be negotiated.

iv) Public Realm Improvements - £20,000 to ensure that hard landscaping outside entrance points can be updated and made consistent to mitigate loss of legibility resulting from application.

v) Link Walkways - Opening Times, Kept Clear etc.

vi) Travel Plan plus £20,000 Travel Plan Bond

vii) Construction Training (£2500 per £1m build cost plus a coordinator fee of £9600. Can provide an in kind scheme if they wish.

viii) Employment Training/Agreement

ix) Project Management & Monitoring Fee = 5% of total cash contributions

x) Off-site sustainability contribution of £50,000 to a carbon fund

B)That in respect of the application for planning permission, the applicant meets the Councils reasonable costs in preparation of the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.

C)That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D)If the Legal Agreements have not been finalised by 30th November 2014, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'The applicant has failed to deliver necessary offsite highway works, works to improve the car park as a direct result of the development, measures to adequately mitigate the harm of the development on the legibility of the Town Centre, appropriate mitigate carbon dioxide emission and to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of employment, air quality management and Travel Plan). The proposals therefore conflicts with Policies AM2, AM7 and R17 of the adopted Local Plan, London Plan Policy 2.15, the National Planning Policy Framework, the National Planning Practice Guidance and the Councils Planning Obligations SPG.'

E)That subject to the above, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers, subject to completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F)That if the application is approved, the following conditions be imposed subject to changes negotiated by the Head of Planning, Green Spaces and Culture prior to issuing the decision:

1 COM3 Time Limit

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 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3906-D1-0100 Rev E, 3906-D1-0101 Rev E, 3906-D1-0102 Rev E, 3906-D1-0103 Rev F, 3906-D1-0106 Rev G, 3906-D1-0107 Rev E, 3906-D1-0108 Rev F, 3906-D1-0109 Rev F, 3906-D1-0110 Rev C, 3906-D1-0111 Rev A and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Design and Access Statement
Planning Statement
Drainage Statement
Air Quality Assessment
Transport Assessment
Travel Plan
Energy and Sustainability Appraisal

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that the development complies with the objectives of Policies contained within the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 COM17 Control of site noise rating level

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest 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 Local Plan: Part Two Saved UDP Policies (November 2012)

6 OM7 Construction Site Management Plan

A detailed Construction Site Management Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development will then commence in accordance with the details in the agreed Construction Site Management Plan.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to ensure that the Construction Works do not have any adverse impacts on the vitality, viability or overall health of the Town Centre in accordance with Policy 3.15 of the London Plan (2011), the National Planning Policy Framework and the National Planning Practice Guidance.

7 RES15 Sustainable Water Management (changed from SUDS)

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- i. incorporate water saving measures and equipment.
- ii. provide details of water collection facilities to capture excess rainwater;
- iii. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (July 2011) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014). To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (July 2011), and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (July 2011).

8 SUS6 Green Travel Plan

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

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

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

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan (July 2011) Policies 6.1 and 6.3

9 NONSC Accessibility 1

Prior to the occupation of the retail unit hereby approved, the lift serving the customer area shall be installed and operational, in accordance with the approved drawings. The lifts shall be permanently retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that people with disabilities have adequate access to the development and to ensure adequate facilities are provided for people with disabilities in accordance with Policies AM13 and R16 of the Hillingdon Local Plan: Part Two Saved

UDP Policies (November 2012).

10 NONSC Accessibility 2

Notwithstanding what is shown on the approved drawings, prior to the occupation of the retail unit hereby approved, a scheme and details for the inclusion of automatic doors to the two main entrances to the premises, shall be submitted to and approved in writing by the Local Planning Authority. The doors approved in compliance with this condition shall be provided prior to the occupation of the premises and shall be permanently retained thereafter.

REASON: To ensure that people with disabilities have adequate access to the development and to ensure adequate facilities are provided for people with disabilities in accordance with Policies AM13 and R16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 115 Control of Environmental Nuisance from Construction Work

There is a possibility there may be some contaminating substances present in the ground at depth. We have no information on the ground conditions. We would advise persons working on site to take basic precautions in relation to any contamination they may find. Please contact the Environmental Protection Unit on 01895 277018 if you require any advice.

Reason

You are advised this development is on a former garage (large) based on Ordnance Survey data. The advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete. The suitability of building materials and building techniques may also need to be considered under the Building Regulations.

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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

2 152 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).

3 153 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
BE3	Investigation of sites of archaeological interest and protection of archaeological remains
BE4	New development within or on the fringes of conservation areas
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 2.15	(2011) Town Centres
LPP 5.3	(2011) Sustainable design and construction
LPP 6.13	(2011) Parking
LPP 7.6	(2011) Architecture
OE1	Protection of the character and amenities of surrounding properties and the local area
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF7	NPPF - Requiring good design

4 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon

Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The Pavilions Shopping Centre is located on the High Street, within the heart of the Uxbridge town centre. The centre is bounded by the High Street to the east, Oxford Street to the north and west and the Windsor Street to the south.

The centre primarily trades from ground floor accommodation. Most retail units are serviced from the basement level service yard which extends almost entirely beneath the centre. Vehicular access for delivery vehicles is primarily from Grainge's Yard to the south, with egress via an internal one way system to Cross Street to the North. In addition to delivery and unloading bays, the basement level provides car parking for the retail and market traders and additional shop storage.

Four residential tower blocks and one office block are located over the shopping centre, with access either from the High Street or internally from the malls. Two multi-storey car parks are accessed from the north and west elevations. Primary public access to the centre is via the pedestrian entrances from the High Street. The main entrance leads into Market Square, via Market Mall, with a second mall entrance leading to Chequers Square via Chequers Walk. Pantile Walk and Mercer Walk link the two Squares. Additional pedestrian access into the centre is also achieved directly from the car parks into Market Square and Chequers Square.

The application site is located within the primary shopping frontage of Uxbridge Town Centre. The application site is also located within an Archaeological Priority area. The High Street itself is located within the Old Uxbridge/Windsor Street conservation area which runs along the front elevation of the Pavilions shopping centre.

The site sits within Flood Zone 1, the lowest level of flood risk, has a high PTAL score of 6 and is within a Developed Area as designated by the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The proposed development is for the consolidation of 15 existing units within the Pavilions shopping centre to create a single, large format retail unit, including reconfiguration works at basement level, insertion of new mezzanine floor and associated works at roof level. The proposed development seeks to create a 4,651sqm retail unit to accommodate a major national retailer. The unit would be provided over two levels and include a basement servicing area. A new centre entrance/store facade are proposed and have been designed as part of a wider approach to refurbishing the centre. The supporting Design and Access Statement states that the final design will be subject to a separate planning application, however the elevation submitted 3906-D1-106 Rev G is to be considered as part of the current application. The applicant states that three phases are proposed, with the current application representing Phase 1.

The ground floor area will include 2,164sqm of retail floorspace within an irregular rectangular footprint. The existing shopping centre entrance at Chequers Square will be reconfigured, with access to the centre via the new unit. As a result the existing Chequers Walk route will be converted to retail use, an area of approximately 424sqm. The first floor area will include approximately 1,781sqm retail floorspace, utilising the existing first floor storage space of the current units and creating a new mezzanine floor above the existing Chequers Walk to create a large single space for retail use. The first floor footprint will be slightly reduced, however it would generally mirror the ground floor layout creating an additional 628sqm above Chequers Walk. The existing roof will be raised to accommodate the insertion of the new floor, with some additional new plant provided at roof level. A new roof will be constructed over the first floor with a new external wall constructed adjacent to the existing plant well.

The existing store has 235sqm at basement level for storage and servicing use. It is proposed to convert existing open service yard area to extend the stores basement level by 471sqm to create a total basement area of 706sqm. The basement will include delivery and off-loading facilities designed to accommodate large goods vehicles. Access and egress to the service yard will be as per the current arrangement via Grainge's Yard and Cross Street with no change to the current one-way service circulation.

3.3 Relevant Planning History

Comment on Relevant Planning History

The application site has an extensive planning history dating back to the 1960's. However the majority of these applications relate to minor alterations, such as signage, and so are not relevant to the current proposal.

The Pavilions' operational planning permission (6045/3892) was granted in 1967 and allowed the development of:

"Traffic free shopping precinct, two multi storey car parks, a petrol filling station, car showroom, offices, restaurant, licenced premises, a public market and two public conveniences and residential accommodation in the form of 144 flats and 11 maisonettes".

The centre refurbishment was granted planning permission pursuant to 35214/84/1425, which allowed for:

"Refurbishment and alterations to existing shopping precinct at Uxbridge Shopping Centre, High Street, Uxbridge".

4. Planning Policies and Standards

No additional policies.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services

	(ii) Shopmobility schemes
	(iii) Convenient parking spaces
	(iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
BE3	Investigation of sites of archaeological interest and protection of archaeological remains
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LPP 5.3	(2011) Sustainable design and construction
LPP 6.13	(2011) Parking
LPP 7.6	(2011) Architecture
OE1	Protection of the character and amenities of surrounding properties and the local area
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF7	NPPF - Requiring good design

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- **13th August 2014**
- 5.2 Site Notice Expiry Date:- Not applicable

5th August 2014

6. Consultations

External Consultees

Circa 390 local residents and owner/occupiers were consulted on the development on the 10/07/14. The application was also advertised as a major development and numerous site notices were posted around and within the development site. By the end of the consultation process 3 comments and/or letters of objection were received. These can be summarised as:

- Increase in parking demands
- Affect on Armstrong house residents/noise
- Length and timing of building works

Case Officer's Comments:

Concerns raised regarding parking and detrimental impact on neighbours during construction works are covered within the body of this report.

One comment in support of the proposal was submitted:

I fully support this planning application. This will regenerate business in the Mall and hopefully draw in new stores which are desperately needed for other stores within the Mall and Uxbridge town centre to survive.

The Greater London Archaeological Advisory Service (GLAAS)

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The application site lies in an area of recognised archaeological significance in relation to the potential for prehistoric archaeological deposits and the medieval to 16th century settlement of Uxbridge centred on the High Street. However, construction of the existing shopping centre and its basements are likely to have had a significant impact on buried deposits and in this instance I do not feel that the archaeological resource would be compromised by this proposal.

No further assessment or conditions are therefore necessary.

Internal Consultees

ACCESS OFFICER:

This planning submission represents the first phase of a master plan to reconfigure and modernise the existing Pavilions shopping centre. The proposal is to form large form retail unit which would also serve as a thoroughfare for the other units on the ground floor.

The new retail unit would provide a structural opening for a number of customer and back of house lifts, however, the onus to install the actual lifts would lie with the tenant.

No concerns are raised in terms of accessibility and inclusive design, however, a suitable planning condition should be attached to any grant of planning permission to ensure that the lifts serving the customer areas are installed before the building is occupied. An additional condition to secure the provision of automatic doors should also be attached to any approval.

Conclusion: Acceptable, subject to Conditions

ENVIRONMENTAL PROTECTION UNIT:

The application and noise report has considered the BS4142 assessment. I have no objections subject to the following conditions:

1) The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest 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.

From a noise & dust point of view - the site would be under pressure from the shop units to work outside of trading hours yet there are residents above who would rather they stick to the permitted hours. A suitable construction site management plan would outline when and how they would plan on addressing all the issues that would sprout from the works.

In terms of the air quality assessment. I don't disagree with their view that the impacts from the development would be negligible. I have no specific comments with regard to air quality. If possible, vehicle movements associated with the construction works should avoid going through residential area and streets.

I understand that there may be some digging out for the escalators. There used to be a former garage (quite large) on this site, and the current development should have addressed any contamination issues, and I suspect most of the contaminated material would have been removed when they dug out the basement. But as a precaution, the following contamination informative is advised on Health and Safety grounds.

Contamination Informative

There is a possibility there may be some contaminating substances present in the ground at depth. We have no information on the ground conditions. We would advise persons working on site to take basic precautions in relation to any contamination they may find. Please contact the Environmental Protection Unit on 01895 277018 if you require any advice.

Reason

You are advised this development is on a former garage (large) based on Ordnance Survey data. The advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete. The suitability of building materials and building techniques may also need to be considered under the Building Regulations.

FLOOD AND WATER MANAGEMENT OFFICER

The proposals will retain the same drainage system and there is proposed to be no increase in hard surfacing draining to this area, therefore there are no objections to the proposal. However all opportunities in redeveloped facilities should look to use best practice and reduce water usage and rainwater harvesting or use considered where possible and therefore the following condition would be requested.

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall incorporate the use of methods to minimise the use of potable water through water collection, reuse and

recycling and will:

- i. incorporate water saving measures and equipment.
- ii. provide details of water collection facilities to capture excess rainwater;
- iii. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (July 2011) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014). To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (July 2011), and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (July 2011).

CONSERVATION AND URBAN DESIGN

Whilst there are no objections in principle to this proposal in design or conservation terms, there are a number of concerns: most of the local environmental improvements/ benefits are included in phases 2 and 3 of the works as described in the supporting documents. These, however, are not included in this application. As a stand alone application, there are few obvious community benefits. The Design and Access Statement does not recognise that the site abuts a Conservation Area or is within a APA, although the Planning Statement notes the former. With regard to the latter, GLAAS will need to be notified as there are some excavations at basement level to accommodate escalator pits. The approach to the design of the shopfront is a concern, as this appears to be a standard design. Ideally, the framing for the shopfront should take account of some of the existing design details of the facade, the curved window elements at high level are a noticeable and consistent element, as is the use of light coloured concrete. The design of the proposed canopy is lacking in detail, whilst we would expect this to be modern, it should include glazing and lighting, few details have been submitted. Getting this design right is particularly important, as it may be the model for the larger canopies proposed for phases 2 and 3. The size and positioning of these have been identified as potential issues in the pre-application discussions. Colours and finishes for the shop front should, ideally, be provided at this stage. The glazing of the existing small shopfront adjacent to the new entrance should be simply subdivided into smaller panes, to reflect the scale of the other shopfronts. It should be noted that given the location of the frontage, we would not accept internally illuminated box fascia signs and the large internal hanging sign would need to have a very low level of illumination in order to be acceptable and consistent with similar signage in the conservation area. We would need to see further information on the high level screening for the plant, as this will be visible from street level, particularly over the KFC unit. The frontage of this unit will also need to be changed once the supporting structure for the existing glazed canopy is removed. There are still concerns over the legibility of the existing shopping centre and its linkage with the High Street should this public entrance be converted to a shop unit.

Case Officer's Comments:

GLAAS have been consulted on the proposals and raised no objection concluding that they 'do not feel that the archaeological resource would be compromised by this proposal.' Concerns raised regarding the proposed design of the shopfront are noted. A condition is recommended that requires details of materials, design and luminosity levels of the scheme to be submitted to and approved in writing by the LPA. Additional details regarding the proposed plant have been provided to the Conservation and Urban Design Officer for comment.

HIGHWAYS OFFICER:

The proposals seek to combine 15 existing commercial units within the Pavilions shopping centre to create a single retail unit within the site. The works will include the reconfiguration of the basement that will result in the loss of 9 car parking spaces and construction of new mezzanine floor and associated works at roof level.

When considering the proposals, it is noted that a Technical Note (TN) has been submitted in support of the development. This has demonstrated that there will be an increase in customer parking demand of approximately 110 vehicles within adjacent public car parks (Cedars and Grainges). Nevertheless, from reviewing the existing available parking capacity, it is noted that both car parks can accommodate the increased demand, as a result of the development.

In addition, the TN informs that there are currently 192 marked parking spaces in the basement, of which only 158 are available for practical use. Of this provision, 36 are permanently leased to the Local Authority Market, and another 10 are permanently leased to Armstrong World Industries, leaving 112 spaces available for general use.

Of the 112 spaces available, 89 have potential to be offered for rent/lease. Of these 89, 25 are currently available for rent/lease, and 64 are currently occupied. However, as part of the development, the number of generally available parking spaces for rental will be reduced to 80. Some of these 16 spaces could be taken up by the future occupier's staff if the demand exists.

Notwithstanding the above, it is noted that the site is located within a town centre, adjacent to Uxbridge rail and bus stations. In addition, the PTAL index of the surrounding area is classified as 6a, which indicates that the site has excellent accessibility to public transport facilities. As a result, it is considered that the reduction in car parking within the site is acceptable in this instance. However, in order to promote sustainable means of travel, a Travel Plan should be provided as part of a suitably worded planning condition/S106 agreement.

Finally, in order to retain a satisfactory means of access and serving arrangements within the site, the existing circulation within the basement area is required to be maintained.

SUSTAINABILITY OFFICER:

I have no objections to the proposed development.

However, the energy assessment acknowledges that the development will not achieve the 40% reduction required by London Plan Policy 5.2. The assessment shows a shortfall of 39tonnes of CO2 per year. All opportunities to improve outdated and older building stock must be taken and I appreciate that the applicant has presented a scheme that pushes the savings as much as possible within the constraints of type of development. Nonetheless, the development is not meeting the reduction targets set out in 5.2. This is partly justified by suggesting that the final design of the development cannot be achieved yet due to the type of development disposal contract. This is not acceptable. The final designs of the development should be guided by principles established at this stage. As this is not done, and there is an acknowledged shortfall against Policy 5.2, the development is not policy compliant in its current state.

Accordingly, the Council is minded to consider Policy 5.2E which suggests that if carbon savings cannot be secured on site, then offsite provisions should be sought. To that end the Council has established criteria for determining offsite provisions based on the most up to date approach to allowable solutions. This requires a payment commensurate with the shortfall.

The cost per carbon tonne is set against the mid range point for allowable solutions at £60 and is calculated over the timeframe for 'decarbonising' the national grid which is forecasted to be 30years by the Government. Therefore an offsite contribution of £70,200 would be expected for a development with a 39tonne shortfall (£60 x 30years x 39tonne).

In this instance, the Council accepts the complexities and restrictions placed on the development as it is not an entirely new build and therefore the normal flexibility of development cannot be afforded. The Council would therefore accept an offsite contribution of £50,000 to a carbon fund through a S106 agreement. This fund will be required to be spent on energy and carbon saving projects.

The contribution will allow the development to be compliant with Policy 5.2 appropriate to the scale and nature of the project.

WASTE STRATEGY:

Limited detail is provided, albeit it would appear that the proposed arrangement for refuse and recycling follows the current arrangements already in place.

This nature of development is best served by having waste stored and removed from the basement area in large containers with the necessary vehicular access. The applications follows these arrangements.

It is worth noting that the application refers to the centre management being responsible for waste collection and they will need to arrange this via a private contractor. Once again this mirrors the current arrangement.

BUILDING CONTROL:

Having reviewed the site drawing [drg No: 3906-101- Rev E] it appears that the means of escape has not been made any worse with the inclusion of this development, however it would be expected that a full Fire Strategy will be provided to demonstrate compliance with Approved Document B. This will take into consideration the new build in relation to the existing fire strategy for the shopping mall.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed scheme is intended to introduce a large footprint national retailer within an existing retail centre.

The Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) includes policies that look to reinforce Uxbridge as the primary metropolitan town centre and commercial destination of Hillingdon, and to deliver new retail floorspace within the centre as appropriate to meet the expected increase in demand. Large format retailing is a defining characteristic of any shopping centre. The Pavilions currently provides several large format retailers, including Marks and Spencer, TK Maxx, Argos and Wilkinson. The introduction of a new major national retailer to The Pavilions is consistent with the role the centre plays in the retail hierarchy of the borough and an appropriate location for a major retailer within the town centre.

Policy E4 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) identifies Uxbridge as the borough's primary retail area, and recognises the need to ensure its future viability. Policy E5 'Town and Local Centres' states the redevelopment and refurbishment of existing sites is encouraged to meet demand for additional retail

floorspace required within the borough. The policy's implementation strategy states that:

"In addition to the expansion of town centre boundaries proposed in this plan, increases in comparison and convenience retail floor space will be achieved through the redevelopment of existing sites, refurbishment of existing retail units or the intensification of existing floorspace".

The Hillingdon Unitary Development Plan Saved Policies (September 2007) includes policies S6 and S11 which seek to safeguard the amenity of shopping areas.

The proposed unit's location and retail use satisfies Policy S11 and is an appropriate addition to the High Street as:

- The proposed large A1 retail unit would replace the existing A1 and A3 units fronting the High Street, ensuring limited disruption to the current mix of uses;
- The proposal does not result in a separation of Class A1 uses or a concentration of non-retail uses;
- The retail unit proposed is typical of a large shopping centre;
- The proposed introduction of a major national retailer to the unit reflects modern retailing trends and consumer demand;
- The proposal acts to maintain the commercial viability of the centre as a whole; and
- The proposal will facilitate a general uplift in the High Street amenity.

Given the location of the application site in a town centre, the principle of seeking to provide additional retail floorspace is considered to be acceptable and the proposal is deemed to accord with Policies E4 and E5 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) plus Policies S6 and S11 of the The Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.02 Density of the proposed development

The application relates to a retail proposal and therefore residential density is not pertinent to the consideration of this application.

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

GLAAS have considered the proposals with reference to information held in the Greater London Historic Environment Record and concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The application site lies in an area of recognised archaeological significance in relation to the potential for prehistoric archaeological deposits and the medieval to 16th century settlement of Uxbridge centred on the High Street. However, construction of the existing shopping centre and its basements are likely to have had a significant impact on buried deposits and in this instance they do not feel that the archaeological resource would be compromised by this proposal.

No further assessment or conditions are therefore necessary.

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.07 Impact on the character & appearance of the area

The proposed introduction of a large footprint retailer in this town centre location is considered acceptable and in line with Policies S6 and S11 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012) which identifies Uxbridge as the borough's primary retail area. The impact of the proposal on the character of the area is

therefore deemed appropriate. The impact of the scheme on the appearance of the area is considered under section 7.11 'Urban Design, Access and Security'.

7.08 Impact on neighbours

The Council's Environmental Protection Unit have considered the proposals and recommended conditions to protect the amenity of the occupiers of the residential blocks above the shopping centre. Subject to appropriate conditions the proposal is deemed to have an acceptable impact on the amenity of adjacent residential properties.

7.09 Living conditions for future occupiers

The proposal is for alterations and amendments to the existing Pavilion Shopping Centre and accordingly the living conditions of future residential occupiers is not relevant to the application. However, it is considered that an appropriate environment would be achieved to cater for future retail visitors.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Technical Note (TN) submitted in support of the development indicates that there will be an increase in customer parking demand of approximately 110 vehicles within adjacent public car parks (Cedars and Grainges). However, from reviewing the existing available parking capacity, it is noted that both car parks can accommodate the increased demand, as a result of the development.

The proposed development will alter the servicing arrangement within the basement but will not introduce any changes to the existing one-way circulation arrangement. As a result of the proposed changes 9 car parking spaces will be lost, however the site is located within a town centre, adjacent to Uxbridge rail and bus stations. In addition, the PTAL index of the surrounding area is classified as 6a, which indicates that the site has excellent accessibility to public transport facilities. As a result, it is considered that the reduction in car parking within the site is acceptable in this instance.

The Council's Highways Team have considered the proposals in detail and raised no objection to the development.

7.11 Urban design, access and security

Policy BE1 'Built Environment' states the Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Policy BE13 of the UDP states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance. Policy BE15 of the UDP indicating proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.

Policy BE26 of the UDP indicates that within town centres the design, layout and landscaping of new buildings will be expected to reflect the role, overall scale and character of the town centres as a focus of shopping and employment activity.

The Council's Conservation and Urban Design team have reviewed the proposals and raised no objections in principle to this proposal in design or conservation terms.

A number of design concerns were raised which have been taken into consideration, however the new canopy proposed is a modern design and the double height shopfront increases the scale of the current entrance which will help to identify it as a major

entrance into the centre as well as into a large anchor unit. It is considered that the height and size corresponds to the large residential block adjacent. The proposed alterations also relate to the potential future phase 2 refurbishment of the High St elevation. Conditions are recommended that require details of materials, design and luminosity levels of the scheme to be submitted to and approved in writing by the LPA.

A new shopfront will be constructed internally facing onto Chequers Square. The design of both shopfronts including the colours of materials are subject to detailed design and coordination with the proposed future retailer. Tenant signage will be subject to separate advertisement consent.

7.12 Disabled access

This planning submission represents the first phase of a master plan to reconfigure and modernise the existing Pavilions shopping centre. The proposal is to form large form retail unit which would also serve as a thoroughfare for the other units on the ground floor.

The new retail unit would provide a structural opening for a number of customer and back of house lifts, however, the onus to install the actual lifts would lie with the tenant.

The Council's Access Officer has reviewed the scheme and raised no concerns or objections in terms of accessibility and inclusive design. However they have recommended that a suitable planning condition should be attached to any grant of planning permission to ensure that the lifts serving the customer areas are installed before the building is occupied. An additional condition to secure the provision of automatic doors is also recommended.

Therefore, subject to the attachment of appropriate conditions the proposal is deemed acceptable in terms of access.

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, landscaping and Ecology

Not applicable to this application

7.15 Sustainable waste management

The existing basement level waste disposal and recycling facilities have serviced the present 15 units on the site and are considered able to accommodate the proposed increase in floorspace and intensification of use. The vehicle access and egress servicing these facilities will remain essentially unaltered, and continue to be suitable for typical refuse collection vehicles. The Council's Waste Strategy team have reviewed the proposal and raised no objections.

7.16 Renewable energy / Sustainability

The Council's Sustainability Officer has reviewed the proposal and raised no objections to the development. In this instance, the Council accepts the complexities and restrictions placed on the development as it is not an entirely new build and therefore the normal flexibility of development cannot be afforded. The Council would therefore accept an offsite contribution of £50,000 to a carbon fund through a S106 agreement. This fund will be required to be spent on energy and carbon saving projects.

The contribution will allow the development to be compliant with Policy 5.2 appropriate to the scale and nature of the project. This requirement has been included within the proposed S106.

7.17 Flooding or Drainage Issues

The Council's Flood and Water Management Officer has reviewed the proposals and raised no objections subject to the attachment of an appropriate condition. The development will retain the same drainage system and there is proposed to be no increase in hard surfacing draining to this area. However all opportunities in redeveloped facilities should look to use best practice and reduce water useage and rainwater harvesting or use considered where possible. Therefore a condition requiring a scheme for the provision of sustainable water management to be submitted to, and approved in writing by the Local Planning Authority is recommended.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit have considered the proposal in terms of air quality assessment and are of the opinion that the impact from the development would be negligible. They have therefore raised no specific comments with regard to air quality.

7.19 Comments on Public Consultations

The matters raised in submissions have been either been dealt with by conditions attached to any approval, covered in the body of the report or are not material planning considerations.

7.20 Planning obligations

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

The S106 Heads of Terms sought are:

1. Car Park - £200,000 towards reviewing and improving signage, reviewing and improving lighting, provision of CCTV where it doesn't exist and provision of improved car park management system (pay on foot).
2. Secure enhanced access/additional lift provision to car park without access to Pavillions - to ensure access is not disrupted between shops and car park through introduction of store (e.g. phase 3 in the D&A) - timescale for application and provision to be negotiated.
3. Secure application and implementation for entrance design (including provision of new canopy for this entrance and consistent external treatment of entrances to the shopping centre (e.g. phase 2 in the D&A) - timescale for application and provision to be negotiated.
4. Public Ream Improvements - £20,000 to ensure that hard landscaping outside entrance points can be updated and made consistent to mitigate loss of legibility resulting from application.
5. Link Walkways - Opening Times, Kept Clear etc.
6. Travel Plan plus £20k Bond
7. Construction Training (£2500 per £1m build cost plus a coordinator fee of £9600. Can provide an in kind scheme if they wish.
8. Employment Training/Agreement
9. Project Management & Monitoring Fee = 5% of total cash contributions
10. Off-site sustainability contribution of £50,000 to a carbon fund

Subject to the payment of the above by the applicant, the scheme complies with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

There are no other issues for consideration

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application.

Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

None

10. CONCLUSION

The proposed development is for the consolidation of 15 existing units within the Pavilions shopping centre to create a single, large format retail unit, including reconfiguration works at basement level, insertion of new mezzanine floor and associated works at roof level. The proposed development seeks to create a 4,651sqm retail unit to accommodate a major national retailer. The unit would be provided over two levels and include a basement servicing area.

It is considered that the proposed development would conform with the requirements of the Hillingdon Local Plan (2012) and the London Plan (2011) subject to conditions.

The application is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).
National Planning Policy Framework.
Hillingdon Design and Access Statement 'Residential Layouts'.
Supplementary Planning Document 'Accessible Hillingdon'.
Supplementary Planning Document Noise.
Supplementary Planning Guidance Planning Obligations.
Supplementary Planning Guidance Planning Obligations - Revised Chapter 4 Education Contributions.
The London Plan 2011.
GLA's Supplementary Planning Guidance - Housing.

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