

## Report of the Head of Planning, Sport and Green Spaces

**Address** IMPERIAL HOUSE VICTORIA ROAD RUISLIP

**Development:** Construction of an A1 discount food store with associated car parking and landscaping on the site of the former Imperial House. External refurbishment of Units 1 and 2.

**LBH Ref Nos:** 5039/APP/2014/3715

**Drawing Nos:** 12998/T/01-02  
12998/T/02-02  
3096 302  
3096 305 Rev. F  
3096 306 Rev. E  
3096 307 Rev. E  
3096 308 Rev. D  
Draft Design and Access Statement  
Application Covering Letter  
Car Park Initial/spill Light Levels Plan  
Flood Risk Sequential Test, November 2014  
3096 301B  
Tree Constraints Plan  
Tree Survey to BS5837 - Unit 1, Victoria Road  
3096 304 Rev. Q  
3096 304 Rev. Q (with autotrack)  
Technical Note, October 2015, dated 14/10/15  
Technical Note No. 4, October 2015, dated 28/10/15  
Response to London Borough of Hillingdon Highway Officer Comments, April 2015  
13/0917/TK19 Rev. B  
13/0917/TK18 Rev. B  
13/0917/TK17 Rev. B  
Highway Consultant's email dated 29/5/15  
Car Park Lighting Proposal Report, dated 16/10/14  
Flood Risk Assessment, October 2014  
Foul Drainage Assessment, October  
Transport Assessment, October 2014  
LIDL 18941-11g  
Draft Travel Plan, October 2014  
Phase 1 Preliminary Geoenvironmental Risk Assessment  
Planning and Retail Statement, October 2014  
Lidl letter dated 14/1/15  
Air Quality Assessment  
Arbtech AIA 03  
Energy Statement, Rev. 2 dated 26/9/14  
Technical Note 2: Response to Highway Officer Comments (23rd April 2015), May 2015

**Date Plans Received:** 17/10/2014                      **Date(s) of Amendment(s):** 08/05/2015

**Date Application Valid:** 17/10/2014                      10/11/2014

28/10/2015  
17/04/2015  
29/05/2015  
17/10/2014  
14/01/2015

## 1. **SUMMARY**

This application seeks permission to demolish the vacant single storey Imperial House, last used as a car showroom within the Stonefield Way IBA and erect a single storey 2,046sqm. gross external area discount Class A1 retail foodstore for use by Lidl and the external refurbishment of 2 adjoining retail units, together with associated car parking, access alterations and landscaping.

This application is a re-submission of a similar scheme (App. No.5039/APP/2014/143 refers) which was refused permission on 11/4/14.

No objections are raised to the loss of the building, which has little architectural or historical merit and is in a poor state of repair or to the loss of employment land within the IBA given that the site was (i) not previously used to provide traditional industrial employment, being a sui generis use, (ii) has been marketed since 2006 but no interest has been forthcoming and (iii) the discount retailer is expected to provide approximately 30 jobs.

The site is in an out-of-centre location, but the proposal has been supported by a sequential assessment which now adequately demonstrates that there are no sequentially preferable sites, either within or on the edge of surrounding centres.

Furthermore, the revised proposal would not adversely impact upon surrounding residential occupiers, would be resilient to flood risk and would not increase the risk of flooding elsewhere. The proposal's impact upon trees and the proposed landscaping scheme are also acceptable.

The Council's Highway Engineer has been involved in protracted discussions with the developer in terms of resolving the traffic generation, parking and servicing and delivery arrangements at the site. Following review of the traffic information by the Highway Engineer, a number of further technical notes have been submitted, including additional junction modelling, together with a revised layout plan which re-sites some of the blue/brown badge and parent/child parking spaces away from the service delivery route through the car park. The Highway Engineer raises no further objections to the scheme, subject to a S106/S278 Agreement to deal with the highway works, a Green Travel Plan and conditions.

The S106 Agreement would also include a commensurate package of planning benefits to

offset the adverse impacts of the scheme.

As such, it is considered that this revised scheme has overcome the reasons for refusal of the previous scheme and is recommended for approval.

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning and Enforcement to grant planning permission, subject to the following:**

**A) The Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or other appropriate legislation to secure:**

- 1. Highways: S278/S38 for highways works to include the reconfiguration of the Stonefield Way/ Victoria Road (east) junction, the stopping up of the existing service road and the new vehicular access onto Victoria Road, in accordance with the details first to be submitted and agreed in writing by the LPA,**
- 2. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,**
- 3. Service Management Plan**
- 4. Tree planting on public highway, to include a licence agreement (to plant and maintain the landscape on highway land)**
- 5. £6,348 carbon tax contribution**
- 6. £12,500 air quality mitigation/monitoring,**
- 7. Construction training**
  - Training Cost: £2500 per £1m build cost +**
  - Coordintaor costs: 3256/7500 x £71,675 = £31,116.50,**
- 8. Project Management & Monitoring Fee: equal to 5% of total cash contributions**

**B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement 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) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised before the 18th December 2015, or any other period deemed appropriate that delegated authority be given to the Head of Planning and Enforcement to refuse the application for the following reason:**

**'The applicant has failed to provide a commensurate package of planning benefits to maximise the transport, environmental and social benefits, namely highway improvements, tree planting, construction training and project management of the scheme to the community. The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).'**

**E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the 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 should the application be approved, the applicant pay the required levy on the additional floorspace actually created.**

**G) That if the application is approved, the following conditions be attached:-**

**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 3096 304 Rev. Q, 3096 305 Rev. F, 3096 306 Rev. E, 3096 307 Rev. E, 3096 308 Rev. D and LIDL 18941-11g 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 (March 2015).

**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:

Reduction in energy use and renewable technology installation [Energy Statement]  
Flood resilience measures, including flood evacuation plan [Flood Risk Assessment]

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 5.2 and 5.12 of the London Plan (March 2015).

**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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**5 COM8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

2.a There shall be no changes in ground levels;

2.b No materials or plant shall be stored;

2.c No buildings or temporary buildings shall be erected or stationed.

2.d No materials or waste shall be burnt; and.

2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

#### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **6 COM9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

##### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

##### 2. Details of Hard Landscaping

2.a Refuse Storage

2.b Covered and secure parking for 11 long stay and 23 short stay bicycles, together with provision for 5 motorcycle spaces

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including details that demonstrate that 10% active and 10% passive provision of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

2.g Other structures (such as play equipment and furniture)

##### 3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 4. Schedule for Implementation

#### 5. Other

5.a Existing and proposed functional services above and below ground

5.b Proposed finishing levels or contours

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

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (March 2015).

#### **7 COM10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place 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 and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **8 NONSC Food Sales Floor Area**

The net sales area of the proposed Lidl store shall not exceed 1,286sqm unless otherwise agreed in writing by the Local planning Authority.

#### REASON

In order to conform with the terms of the application, to ensure that the viability and vitality of local shopping centres is not prejudiced and to ensure there highway safety is not prejudiced, in accordance with the NPPF (March 2012), Policy 4.7 of the London Plan (March 2015), Policy E5 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies AM7(i) and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**9 COM12 Use Within Same Use Class**

The two existing retail units on site shall be used solely for the sale of the following non-food goods: DIY articles, garden materials and goods, building and decorating equipment and related goods, pet sales and associated goods, furniture, furnishings, flooring and carpets, vehicle maintenance products and related accessories and electrical goods and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

**REASON**

In order to conform with the terms of the application and to ensure that the viability and vitality of local shopping centres is not prejudiced, in accordance with the NPPF (March 2012), Policy 4.7 of the London Plan (March 2015), and Policy E5 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

**10 COM14 No additional internal floorspace**

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

**REASON**

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policy AM7(ii) and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**11 COM15 Sustainable Water Management**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme.

**REASON**

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (March 2015) Policy 5.12.

**12 NONSC Piling Method Statement**

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

In order to safeguard the underground sewerage utility infrastructure which would be in close proximity to the proposed works from the potential impacts of piling in accordance with Policy 5.14 of the London Plan (March 2015).

**13 NONSC Noise level from plant/ machinery**

The rating level of noise emitted from the plant and/or machinery 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 Local Plan: Part Two - Saved UDP policies (November 2012).

**14 COM22 Operating Hours**

The premises shall not be used except between:-

07:00 to 23:00 hours Monday to Saturdays and 10:00 to 18:00 hours on Sundays and Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**15 NONSC Delivery Hours**

There shall be no deliveries or collections at the site between the hours of 17:00 to 19:00 hours on Mondays to Fridays.

REASON

To minimise vehicular and pedestrian conflict and to safeguard the free flow of traffic on the adjoining highway during the evening peak period in the interests of highway safety, in accordance with Policy AM7(i) of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**16 COM27 Traffic Arrangements - submission of details**

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



minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2015)

**17 COM29 No floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.

**REASON**

To safeguard the amenity of surrounding properties in accordance with policies BE13 and OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); and  
To protect the ecological value of the area in accordance with Policy EC3.

**18 COM30 Contaminated Land**

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

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

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

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

**REASON**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**19 NONSC Soil Testing**

Before any part of the development is occupied, site derived soils and imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/ or landscaping purposes shall be clean and free of contamination.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

**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).

**20 OM7 Refuse and Open-Air Storage**

Details of on-site refuse and recycling storage (including any open-air storage facilities) for waste material awaiting disposal, including details of any screening, shall be indicated on plans to be submitted to and approved by the Local Planning Authority. Such facilities shall be provided prior to occupation of the development and thereafter permanently retained.

**REASON**

To ensure that visual amenities are not prejudiced, in accordance with policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**21 NONSC External Storage**

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans in accordance with Policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**22 NONSC Trolley Trap Details**

Prior to the commencement of use of the new food store, a trolley trap(s) to prevent shopping trolleys leaving the site shall be implemented and thereafter retained for so long as the development remains in existence.

**REASON**

To prevent the abandonment of shopping trolleys in the surrounding area and associated anti-social behaviour, to the detriment of Health and Safety and the character and appearance of the area in accordance with Policies BE13 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**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).

## 2 153 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 (2015) and national guidance.

NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding coastal
LPP 2.17	(2015) Strategic Industrial Locations
LPP 4.7	(2015) Retail and town centre development
LPP 4.8	(2015) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 5.2	(2015) Minimising Carbon Dioxide Emissions
LPP 5.3	(2015) Sustainable design and construction
LPP 5.7	(2015) Renewable energy
LPP 5.10	(2015) Urban Greening
LPP 5.11	(2015) Green roofs and development site environs
LPP 5.12	(2015) Flood risk management
LPP 5.13	(2015) Sustainable drainage
LPP 5.14	(2015) Water quality and wastewater infrastructure
LPP 5.15	(2015) Water use and supplies
LPP 6.3	(2015) Assessing effects of development on transport capacity
LPP 6.5	(2015) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2015) Cycling
LPP 6.10	(2015) Walking
LPP 6.13	(2015) Parking
LPP 6.14	(2015) Freight
LPP 7.1	(2015) Lifetime Neighbourhoods
LPP 7.2	(2015) An inclusive environment
LPP 7.3	(2015) Designing out crime
LPP 7.4	(2015) Local character
LPP 7.6	(2015) Architecture
LPP 7.14	(2015) Improving air quality
LPP 7.15	(2015) Reducing noise and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2015) Trees and woodland
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
LE2	Development in designated Industrial and Business Areas
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
AM15	Provision of reserved parking spaces for disabled persons
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004

### **3            115            Control of Environmental Nuisance from Construction Work**

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

A. Demolition and construction works 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](http://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.

#### **4**

Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

#### **5**

As regards condition 12, the applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

#### **6**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the culverted main river.

#### **7**

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead and take steps to address barriers that impede disabled people.

#### **8**

Induction loops should be specified to comply a term contract planned for their maintenance.

#### **9**

Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur.

#### **10**

Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

### **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site forms a 1.01ha, roughly 'L'-shaped site located within an industrial/commercial area on the southern side of Victoria Road. The site forms the western corner of Victoria Road's eastern junction with Stonefield Way, a road which forms a one-way route around three sides of a block within the industrial estate, with vehicles entering Stonefield Way from its eastern junction before re-emerging onto Victoria Road at its western junction, some 120m to the west of the application site. The commercial units on this side of Victoria Road are mainly in use for retail purposes, with residential properties opposite.

The eastern part of the site comprises two retail units within a detached single storey building, one of the units is occupied by Bensons for Beds, with the other unit being vacant, although it was last occupied by Comets (referred to as Units 1 and 2). There is a large customer car park at the front of this building which serves both units and is accessed from Stonefield Way. Fronting this part of the site is a wide grass verge. The western part of the site comprises Imperial House, a vacant and somewhat dilapidated building which is now boarded up and was last used as a car showroom. This part of the site is fronted by a service road from which the former car showroom's customer car park at the front of the building is accessed.

Traffic on Victoria Road is segregated by central island road markings and there is a zebra crossing immediately in front of the eastern part of the site.

The application site forms part of the Stonefield Way IBA and has a PTAL score of 1b. It is also located within Flood Zone 2.

### **3.2 Proposed Scheme**

The proposal is for the demolition of the existing Imperial Garage building and erection of a single storey Class A1 discount Lidl food store with associated car parking, access arrangements and landscaping on the site, together with the external refurbishment of Units 1 and 2.

The proposed new building would have a similar siting to the existing Imperial House, with a gross internal floor area (GIA) of 1,970 sq.m (2,046 sq.m gross external area (GEA)) and sales area of 1,286 sq.m. The design of the building would incorporate a mono-pitch roof, which would have a maximum height of 7.75m along its eastern flank, reducing to 4.75m on its western side elevation. Customer and delivery/service access to the building would be from the front, with the customer entrance to the store being on the eastern side of the building and the servicing/warehouse area would be on the western side. The store would include a bakery in a flat roofed single storey addition/extension on the east side of the building. The building would have a full height glazed shopfront with white painted render on the lower side and rear walls with metallic cladding above and an aluminium panelled roof. The existing retail units would retain their lower brick walls but be re-clad above to match the new store.

The proposed building and its siting is identical to the previously refused scheme, with the only exception being very minor changes to the internal layout of the staff/warehousing area. The main change would be to the external layout, with a new two way direct access being provided from Victoria Road on the site's western boundary in addition to the existing but widened access from Stonefield Way. All the car parking space on the front would still be combined into a single car park, but the overall number of spaces would now total 104 spaces as opposed to the previously proposed 108 spaces, although this overall provision

would now include 9 dual use blue/brown badge holders spaces compared to the previously proposed 7 spaces (4 parent/child spaces remain). The pedestrian route across the car park from Victoria Road has been moved to the east and would now be directly outside the store entrance. Following officer advice, a revised plan has also been submitted, which re-sites 4 blue/brown badge spaces and the 4 parent/child spaces, sited close to the manoeuvring space for delivery vehicles further to the east, on the opposite side of the pedestrian access route. 10 cycle storage spaces would be provided beneath the store's front canopy with 3 motorcycle spaces within the car park. Additional landscaping, including tree planting has been provided along the site's road frontages and within the car parking area. The service road in front of the western part of the site would be removed and the highway verge extended. The proposals incorporate the previously permitted alteration to Stonefield Way, converting a section of Stonefield Way back to a two-way operation between the site access and Victoria Road (as originally granted by planning ref 41266/APP/2012/2939) with various alterations to the kerb alignment. Details of a lighting scheme for the car park are also included.

The opening hours of the store would be from 07:00 to 23:00 hours Monday to Saturdays and 10:00 to 18:00 hours on Sundays and Bank Holidays.

The application is supported by the following documents:-

**Design and Access Statement:**

This provides the background to the application, describes the site and its surroundings and the development proposals. The statement advises that the proposals will enhance the food retail offer in the South Ruislip area and will provide valuable local employment. The building would also be of an appropriate scale and design and the proposed alterations to the access / egress will transform the economic viability of the application site, re-generate a site which has a decidedly run-down appearance and the economic activity generated will assist in efforts to secure a new operator for the currently empty unit formerly occupied by Comet. Also, the detailed design of the building will employ sustainable methods and the proposals involve an inclusive approach being taken to accessibility.

**Planning and Retail Statement:**

This provides an introduction to the proposals and describes the site, its planning history and the development proposals and includes a comparison between the existing and proposed floor space. The planning policy framework is then described and the report goes on to consider the appropriateness of the release of the site from employment use, including the prospect of industrial/warehousing use of Imperial Garage in the future (noting the lack of interest shown to marketing activity and various reports/studies that indicate a surplus supply of industrial land in Hillingdon) as compared to the economic benefits of the proposed scheme. The report goes on to consider the retail impact of the scheme, following NPPF guidance and describes the assessment methodology. Results are described, with a health check assessment of surrounding local and town centres. The report then goes on to consider the sequential test and evaluates a number of in centre, edge of centre and then out of centre sites in and around the surrounding centres and the report concludes that there are no suitable, available and viable sites which are sequentially preferable. The report goes on to outline other planning considerations raised by this application and the various reports that have been submitted to assess them. The public consultation undertaken on the proposals are described and conclusions reached.

**Transport Assessment:**

This provides the background to the report, describes relevant planning history, including the refusal of a similar proposal, noting that the current proposal now includes direct

access from Victoria Road and summarises the advice given in relation to a subsequent pre-application enquiry. Relevant national, regional and local planning policy as it relates to transportation issues are then assessed and the site and surrounding highway network conditions are described. Baseline transport data and accident data are assessed, as is the accessibility of the site by non-car modes. The proposed development is then described, together with the proposed access arrangements. Car and cycle parking standards are discussed and delivery arrangements are considered. Development trip generation is then analysed, comparing the permitted use of the site with that of the proposed development during peak hours and distributed between the two proposed access points. The development impacts upon junction capacity are then assessed. The report concludes by stating that the development would not give rise to any adverse transport impacts and is consistent with relevant planning policy.

Technical Note - Response to LBH Highway Officer Comments, April 2015, issued 15/4/15: This 15 page document provides a detailed response to the initial response on this scheme from the Highway Engineer. This seeks to clarify the floorspace figures in terms of the 'fall back' position, provides a response to the concern raised as regards delivery vehicle movements within the customer car parking area, makes a comparison with other Lidl stores and provides parking survey results to address the Highway Officer's concern as regards the overall number of parking spaces to serve the development and the accumulated impact of longer duration parking as customers visit multiple retail stores. It also provides further justification in response to the Highway Engineer's concerns as regards the traffic modelling assessment undertaken in the Transport Assessment, namely the use of Lidl traffic surveys as opposed to generic data from other supermarket operators, assumptions made as regards linked and pass-by trips which could reduce the predicted traffic generation and the lack of assessment of the wider traffic impacts on the highway network or the cumulative impacts of committed developments.

Technical Note 2: Response to Highway Officer Comments (23rd April 2015), May 2015, issued 8/5/15:

This 199 page document (26 pages of text) provides a detailed response to the Highway Engineer's further comments. In response to the Highway Engineer's remaining concerns regarding servicing arrangements, it advises that the existing non-food retail units will continue to be serviced at the rear and only the proposed Lidl store would be serviced through a dedicated service bay through the car park where the overwhelming majority of spaces would be used by Lidl customers. This arrangement is comparable to those approved by the Council at Cowley Road and Botwell Lane. By using the Victoria Road access, the number of parking bays affected would be kept to a minimum and vehicle tracking demonstrates that service vehicles would not be close to any parking space and servicing would be subject to the Servicing Management Plan. Further justification, additional assessment and further review is also provided in terms of trip attraction following the Highway Engineer's on-going querying of the methodology and some of the assumptions used in the trip generation assessment and the previous technical note indicating that the committed developments of the ARLA site and Sainsbury's would not have a material impact on Victoria Road. The technical note also attaches a Stage 1 Road Safety Audit that was undertaken on the proposed Victoria Road/ Site Access as requested by the Highway Engineer. The note then goes on to dispute the need for further modelling of the two-way Stonefield Way/ Victoria Road access arrangement, as requested by the Highway Engineer, as this has previously been approved and with a second access point to the site onto Victoria Road, would suggest that vehicle flows are likely to reduce. Further modelling of other junctions along Victoria Road with committed development has also been undertaken following concerns raised.



Technical Note, October 2015, issued 14/10/15:

This 173 page document (20 pages of text) provides further assessment of the proposals, following a meeting with Council officers on 8/10/15 and it notes that it has only been produced at the request of highway officers, as it is not considered by the highway consultants to represent a true picture of the development's traffic impacts. The further assessment involves an 'open A1' use operating from the site and compares the current traffic conditions (ie. disregarding committed developments) with future conditions (ie. with committed developments (the Arla dairy site (66810/APP/2013 and 2014/1600 and the Aldi and B & M stores at the Victoria Road Retail Park (64445/APP/2014/2467)) and the Lidl store. It also considers the Stonefield Way (west) junction. The assessment notes that the TA for the Arla site showed that there would be a reduction in traffic flows along this stretch of Victoria Road. The assessment then goes on to present its results and concludes that all the junctions along the Victoria Road corridor would operate within capacity during all the time periods and scenarios assessed and the impacts of the proposed development are shown to be minimal and no capacity improvement works are required.

Technical Note No. 4, October 2015, issued 28/10/15:

This 246 page document (16 pages of text) provides further supplementary traffic modelling in response to the Highway Engineer's comments on the previous Technical Note, dated 14/10/15. Again, the developer's highway consultants make the point that they consider that its results do not represent a true picture of the development's traffic impacts and it has only been produced at the request of Highway Engineers. The note then seeks to provide further justification/clarification as regards the floor space areas used, advises that a further traffic count will be undertaken at the Stonefield Way (west) junction and results presented before the committee meeting and that the data used to assess the committed development on the Arla site had not been superseded, following further concerns raised by the Highway Engineer. The note then goes on to provide further modelling, transport assessments and junction capacity assessments based on generic trip rates and on this point it concludes that all junctions along the Victoria Road corridor are shown to operate within capacity during all time periods and scenarios assessed and the predicted impacts are minimal and no capacity improvement works are required. The note then advises in relation to suggested times to restrict servicing/ deliveries that many stores successfully operate without such restrictions and it is not necessary to restrict morning peak hour deliveries from 7:30 to 9:00 since the car park will be far from fully occupied at that time and the suggested 11:00 to 15:00 embargo on Saturdays would be unreasonably restrictive and detrimental to the efficient running of the business, although 12:00 to 14:00 would be acceptable and recommends a condition to cover this and the requirement for a Servicing Management Plan.

Draft Travel Plan:

This advises of the likely measures that would be put in place to reduce travel demand by the private car.

Air Quality Assessment:

This begins with an executive summary which advises that the air quality assessment was previously submitted in support of the original application which was refused planning permission but not on grounds of air quality. The changes made to the scheme are not significant in terms of air quality and therefore, no changes have been made to the assessment. It goes on to introduce the study, noting that the application site is over 500m from the AQMA. Relevant legislation and national, regional and local planning policy and guidance is reviewed and an assessment methodology is presented, for both the construction and operational phases. Baseline air quality conditions are modelled and construction and operational impacts on air quality are assessed. Mitigation measures are

then discussed and the report concludes that impacts during the construction phase, such as dust generation and plant vehicle emissions would be 'negligible' to 'slight adverse' for receptors within 100m of the site, and 'negligible' beyond 100m, which would reduce to 'negligible' for all receptors, irrespective of distance with the implementation of mitigation measures. The atmospheric dispersion modelling predicts that changes in pollutant concentrations associated with the proposed development would not be significant and overall, the effects would be 'negligible'. The report concludes that the scheme does not conflict with relevant policy and there are no constraints to the development as regards air quality.

#### Flood Risk Assessment:

This provides an introduction to the study, describes the site and its topography, geology and drainage features and characteristics. It notes that the nearest Main River is Yeading Brook, whose East arm enters a culvert approximately 360m to the north east of the site, which runs to the south west, past the northern site boundary before emerging some 405m to the west of the site. Relevant legislation and flood management plans are described. The report advises that the site lies within Flood Zone 2 and a retail use is a 'less vulnerable' use, suitable within Flood Zone 2. The report goes on to describe a surface water management strategy for the new store (the two existing retail units would not be significantly altered by the proposals). It advises that SuDs infiltration techniques would not be suitable as the site is underlain by impermeable London Clay and that attenuation storage would be provided to reduce the run-off rate from the Imperial House site to no more than green field run-off rate. A template Flood Action Plan is then described and conclusions are drawn, noting that the proposals would not increase the risk of flooding to the site or elsewhere and the proposals offer betterment in the form of reduced run-off from the site and are therefore acceptable in terms of flood risk.

#### Flood Risk Sequential Test:

This provides an assessment of the availability of alternative sites with a reduced risk of flooding, have a plot size between 0.32ha and 1.62ha and are designated for employment/commercial purposes within Hillingdon.

#### Foul Drainage Assessment:

This assesses the existing foul water drainage infrastructure and examines potential foul water management options for the proposed development. The study concludes that as the peak flows between the existing and proposed development is likely to be similar, the preferred option is to re-use the existing connections to the public sewer.

#### Phase 1 Preliminary Geoenvironmental Risk Assessment:

This provides an introduction to the report, describes the findings of a preliminary risk assessment desk study, including a summary of the history of use of the site and presents an outline conceptual model of potential pollution linkages. The report concludes that the chemical nature of the soil, groundwater and ground gases are unknown and that a limited site investigation is recommended to determine if there is potential for pollution linkages from previous uses of the site and to confirm the parameters for foundation design.

#### Tree Survey to BS5837:

This defines the terms used in the report, describes the methodology and presents the findings of a tree survey carried out on site to establish the condition of the existing trees.

#### Energy Statement:

This provides an introduction to the report, describes relevant policy, advises of the approach and structure of the report and establishes the energy use benchmark. Various

energy efficiency measures and technologies are considered against the London Plan criteria of be lean, be clean and be green and assessment findings are presented and conclusions reached, including the need for a £6,348 carbon tax to offset the shortfall in carbon emissions permissible under Policy 5.2E of the London Plan.

Car Park Lighting Report:

This lists the lighting equipment to be used and provides illuminance plots of the site for the various lighting components.

### 3.3 Relevant Planning History

5039/APP/2014/143 Imperial House Victoria Road Ruislip

Construction of an A1 discount food store with associated car parking and landscaping on the site of the former Imperial House. External refurbishment of Units 1 and 2.

**Decision:** 11-04-2014 Refused

#### Comment on Relevant Planning History

Planning permission was granted at Imperial House for the change of use of part of the building for the sale and servicing of motor cars on 23/9/87 (App. No. 5039D/87/1026 refers).

On the western part of the site now occupied by Bensons for Beds and the vacant unit last used by Comets, outline planning permission was originally granted for the erection of a 1,579 sq.m (GIA)(1,635sqm GEA) non-food retail warehouse with associated parking, servicing and access facilities on 30/9/93 (App. No. 41266C/93/476 refers). The permission was subject to various conditions, including condition 10 which restricted the sale of goods to non-food goods and condition 14 prevented the subdivision of the unit without the prior approval of the LPA. Reserved matters (landscaping, design and external appearance) were approved on 25/2/94 (App. No. 41266F/93/1622 refers).

An application to vary condition 14 of 41266C/93/476 to allow sub-division of the building into two separate units was subsequently approved on 17/8/94 (App. No. 41266M/94/1012 refers). No restrictive conditions were attached to this permission (just an informative advising that all other conditions attached to 41266C/93/476, if not already complied with, remain in force).

A Certificate of Lawfulness was granted on 16/2/12 for the use of the floorspace for any use within Use Class A1 at the former Comet and Bensons for Beds (App. No. 64229/APP/2011/2759 refers).

Planning permission was granted to install a 280 sq. m mezzanine, together with a new fire door within the smaller Bensons for Beds unit on 18/2/14 (64229/APP/2013/2501).

An application (App. No. 5039/APP/2013/2832 refers) seeking prior approval for the demolition of Imperial House, together with the removal of trees was granted on 22/10/13.

An application submitted by Lidl for traffic management alterations to make provision for two way vehicular traffic along a limited section of Stonefield Way towards the junction with Victoria Road, including the creation of a pedestrian traffic island and alterations to the carriageway and footpath width and provision of guardrails was approved on 18/4/13 (App. No. 41266/APP/2012/2939 refers).

Application No. 5039/APP/2014/143 for a similar scheme was refused on 11/4/14 for the following reasons:-

1. The application fails to demonstrate that there are no sequentially preferable sites, nor that it would not result in unacceptable impacts on the vitality and viability of nearby town centres. Accordingly the application is considered to be contrary to Policy E5 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies 4.7 and 4.8 of the London Plan (July 2011) and the provisions set out in the National Planning Policy Framework (March 2012).

2. In the absence of a robust Transport Assessment, the application fails to demonstrate that the proposed development would not result in detrimental traffic impacts or increased congestion on nearby highways. The proposal is therefore contrary to Policy 6.3 of the London Plan (July 2011) and Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3. The proposed delivery and servicing arrangements would result in vehicular conflict with other users of the site, that would give rise to conditions prejudicial to highway safety. The proposal is therefore contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4. The application site lies within Flood Zone 2 and the Local Planning Authority consider insufficient evidence has been submitted to demonstrate that the flood risk sequential test has been applied to the proposals and that there are no alternative sites with a lower probability of flooding that could accommodate the proposed development. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), the National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014).

5. The proposal fails to demonstrate that all the flooding risks associated with the site and the development would be suitably mitigated for the lifetime of the development without increasing flood risk elsewhere by the use of SUDS techniques that would also assist with the reduction of the use of potable water on site. The proposal therefore fails to comply with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies 5.12, 5.13 and 5.15 of the London Plan (July 2011), National Planning Policy Framework (March 2012) and National Planning Practice Guidance (March 2014).

6. The proposal fails to demonstrate that it would make an appropriate contribution to energy efficiency and carbon dioxide reductions on site. Accordingly, the proposal would not represent a sustainable development or appropriately mitigate its impacts with respect to climate change. The proposal is therefore contrary to Policy EM1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies 5.2 and 5.7 of the London Plan (July 2011).

7. The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of off-site highways works, tree planting, travel plan, air quality, construction training and project management and monitoring). The scheme therefore conflicts with policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Planning Obligations.

Following the refusal of permission, a pre-application enquiry has been submitted, seeking

the advice of officers in terms of how to resolve the reasons for refusal.

#### 4. Planning Policies and Standards

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

Part 2 Policies:

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

NPPF1	(2012) Delivering sustainable development
NPPF2	(2012) Ensuring the vitality of town centres
NPPF4	(2012) Promoting sustainable transport
NPPF7	(2012) Managing the Supply of Employment Land
NPPF10	(2012) Meeting challenge of climate change flooding coastal
LPP 2.17	(2015) Strategic Industrial Locations
PT1.E7	(2012) Raising Skills
LPP 4.7	(2015) Retail and town centre development
PT1.BE1	(2012) Built Environment
LPP 4.8	(2015) Supporting a Successful and Diverse Retail Sector and related facilities and services
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
LPP 5.2	(2015) Minimising Carbon Dioxide Emissions
PT1.EM6	(2012) Flood Risk Management
LPP 5.3	(2015) Sustainable design and construction
PT1.EM8	(2012) Land, Water, Air and Noise
LPP 5.7	(2015) Renewable energy
LPP 5.10	(2015) Accessible Local Destinations
PT1.E11	(2012) Green roofs and development site environs
LPP 5.12	(2015) Community Infrastructure Provision
LPP 5.12	(2015) Flood risk management
LPP 5.13	(2015) Sustainable drainage
LPP 5.14	(2015) Water quality and wastewater infrastructure
LPP 5.15	(2015) Water use and supplies
LPP 6.3	(2015) Assessing effects of development on transport capacity
LPP 6.5	(2015) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2015) Cycling
LPP 6.10	(2015) Walking
LPP 6.13	(2015) Parking
LPP 6.14	(2015) Freight
LPP 7.1	(2015) Lifetime Neighbourhoods
LPP 7.2	(2015) An inclusive environment
LPP 7.3	(2015) Designing out crime
LPP 7.4	(2015) Local character
LPP 7.6	(2015) Architecture
LPP 7.14	(2015) Improving air quality
LPP 7.15	(2015) Reducing noise and and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2015) Trees and woodland
BE13	New development must harmonise with the existing street scene.

BE15	Alterations and extensions to existing buildings
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
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LE2	Development in designated Industrial and Business Areas
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
AM15	Provision of reserved parking spaces for disabled persons
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004

## 5. Advertisement and Site Notice

### 5.1 Advertisement Expiry Date:- **24th November 2014**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

69 neighbouring properties have been consulted, the application has been advertised in the local press on 12/11/14 and 2 site notices were displayed on 14/11/14. 124 responses have been received, 3 objecting to the proposals and 121 in support.

Comments received can be summarised as follows:-

Objecting comments:-

- (i) A low cost supermarket is not wanted in Ruislip (1 comment),
- (ii) There does not appear to be sufficient parking spaces for the whole development, including the former Comet and Benson for Beds units. The Lidl car park on Cowley Road is often full (1 comment),
- (iii) Allocated motorcycle space is needed (1 comment),
- (iv) Proposed opening hours of 7 AM to 11 PM (as opposed to opening hours of other stores in industrial area of 9 AM and 8 PM), particularly the late opening hours will cause great disturbance to the residential houses opposite (Sainsbury's further along on Victoria Road also has late opening hours but this store is mainly surrounded by commercial properties) and the associated congregation of persons late into the evening may promote antisocial behaviour which Will affect the tranquillity and safety of the surrounding neighbourhood (1 comment),
- (v) Stonefield Way is currently a one way road which will be changed to two way. The majority of traffic that currently uses Stonefield Way are long heavy vehicles (which is not taken into account in the traffic study) that take up the whole width of the road when entering and interrupt the flow of traffic on Victoria Road. Converting the entrance of Stonefield Way into a two way street will increase the congestion and interrupt the smooth flow of traffic on Victoria Road which will increase the risk of accidents and create hazardous driving conditions as the long heavy vehicles encroach upon the whole width of Stonefield Way (1 comment),
- (vi) One hour free parking seems short (1 comment),

Supporting comments:-

- (i) Additional / discount store fully supported in this area which will bring cheaper shopping within walking distance (including accessible parking facilities for car users) providing much needed and long overdue healthy competition for Sainsburys and the area (90 comments),
- (ii) The proposal would regenerate and make use of this site which has been derelict and an eyesore for too long (36 comments),
- (iii) Size and location of proposal will be convenient for local residents, businesses and schools in the area which will result in less traffic on roads as more convenient than having to drive further afield to find a discount store, such as Cowley, Pinner or Greenford which happens now (20 comments),
- (iv) Proposal will create local employment, boost local economy and encourage more investment (15 comments),
- (v) This proposal is taking ages to determine, please hurry and pass this application (7 comments),
- (vi) Lidl attracts a different customer and would not impact significantly on Sainsbury's (2 comments),
- (vii) Positives on this scheme far outweigh the negatives (if there are any) (1 comment),

ENVIRONMENT AGENCY:

We have no objections. Please attach the informative below to any planning approval:-

Informative

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the culverted main river.

GLAAS:

Recommend No Archaeological Requirement.

This is a previously developed site in an area with no significant recorded archaeological interest.

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.

No further assessment or conditions are therefore necessary.

MOD SAFEGUARDING - RAF NORTHOLT

The MoD has no safeguarding objections to the proposal.

HEATHROW AIRPORT LTD:

We have now assessed the application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

Please be aware that the coordinates submitted on the Hillingdon application (509744, 180057) are incorrect and do not represent the true location of the site.

The correct coordinates are 512139, 185578.

Officer response:

The co-ordinates have been corrected.

LONDON BOROUGH OF EALING:

No objections

LONDON BROUGH OF HARROW:

The Local Planning Authority does not raise any objection, but would like the following comments to be noted.

In general the sequential test methodology and conclusions can be supported, with the exception of the missing Roxeth Library and Clinic site, which is allocated for around 1,000m<sup>2</sup> of retail floorspace, and potentially a replacement library and clinic - LB Harrow Site Allocation R3.

The site is in-centre, and forms part of the primary shopping frontage and could be suitable for a single large convenience retailer.



Therefore clarification would be welcomed as to the reason why this site was not included in the assessment.

Officer response:

This has been dealt with in Section 7.01 (Sequential Test) of the officer's report.

THAMES WATER:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Condition:

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via

[www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company, The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

#### **Internal Consultees**

##### HIGHWAY ENGINEER:

##### Site and Transport Network

The site is located off Victoria Road to the west of the junction with Stonefield Way. Both these roads are Class C roads. Three units currently occupy the site, a Comet store (vacant), a Benson for Beds store and Imperial House (vacant) but which was previously used as a car sales showroom. The area surrounding the site has a mixture of commercial and residential properties and the site has a PTAL rating of 2 (poor).

The transport assessment is premised on Lidl discount foodstore being able to lawfully occupy the existing Comet and Benson units (1915sqm) following the confirmation of consent granted by planning application 64299/APP/2012/2939. However, the current proposal is for construction of a new Lidl foodstore (1286 sqm. sales area) on the site of Imperial House (2150 sqm. net sales area - sui generis). It is proposed to transfer 1286sqm of consented open A1 use from the existing Comet and Benson units to the new Lidl store while Comet and Benson (existing) units would be retained with the remainder of the A1 open use (629sqm) retail floor space. This will result in an additional 1286sqm of non-food retail floorspace on the site.

##### Accident Analysis

An analysis of road collisions for the three year period indicates that there was one slight injury accident at the junction of Stonefield Way and Victoria Road. This would not indicate any inherent existing road safety problem on the adjacent highway network.

##### Vehicular Access:

The existing vehicular site access is from Stonefield Way and a recent proposal to permit two way traffic operations on a short section of Stonefield Way between the site access and the junction with Victoria Road was approved. The current proposals would incorporate this revised two way access and an additional vehicular access (priority junction) is also proposed onto Victoria Road at the western part of the site. This would include a right turning lane on Victoria Road and service both the shared car park and the new service yard for the Lidl store. A safety audit of the proposals has not raised any concern. However, although the vehicular swept paths for articulated heavy goods vehicles turning into the site would cross over into opposing traffic lanes at the site accessway and conflict with vehicles exiting from the site, given the very small number of large delivery vehicles expected (one per day), this is considered acceptable.

The existing service road would require stopping up and a s278 agreement to construct a new vehicular access onto Victoria Road would be required.

##### Servicing:

The existing servicing arrangement for the Comet and Benson Units will be retained as existing. The servicing yard is located to the rear of these two units and does not conflict with the customer car

park area.

The proposed service yard for the new Lidl store would require large articulated delivery vehicles to undertake manoeuvres within areas allocated for customer car parking and the new vehicular access route for customers. While this arrangement is not ideal, it is acknowledged that the frequency of delivery vehicles to the Lidl site will be low, and the proposed arrangement could be considered satisfactory, subject to restriction on delivery / servicing periods when conflict with pedestrian / customers are most likely.

The applicant has proposed restriction on servicing between 17:00 to 19:00 on weekdays and between 12:00 to 14:00 on Saturday.

It is recommended that a planning condition be attached to restrict delivery / servicing vehicles entering the site between 7.30am-9.00am and 17:00- 19:00 on weekdays and between 11.00am-3.00pm on Weekends. The early morning weekday period is considered necessary because this coincides with children going to schools in the vicinity and the other periods coincide with peak customer activity at the proposed development.

#### Transport Assessment:

The initial transport assessment was based on traffic data from other Lidl stores rather than using generic data that would allow consideration of a range of occupiers (within the use class) that could potentially operate from the new store. Moreover, the transport assessment utilised average Lidl trip rates (Two way: Friday 9.94/100sqm and Saturday 12.42/100sqm) together with optimistic assumptions regarding linked and pass-by trips that rely upon results of research based on larger mainstream foodstore retail stores. The actual range of two way trip rates derived from the other Lidl stores were: Friday 8.84-10.80 / 100sqm and Saturday 9.33 - 16.50 /100sqm. - This confirmed that the use of average trip rates represents a significant risk of under-estimating the traffic generation, parking accumulation and the traffic impacts of the proposed development.

While the data from other Lidl stores used for assessing the traffic generation were of similar size, these sites had very good accessibility by public transport (PTALs 5-6b) unlike the PTAL of 2 (poor) for the proposed development site. From the further analysis of the submission of additional information regarding provision of car parking at the other Lidl sites used for assessing traffic generation, it was evident that those sites had lower levels of car parking (ranging from 62 to 75) and correspondingly lower levels of occupancy on Saturday (ranging from 46 - 60 spaces).

Department for Transport guidance indicates that if sites with comparable accessibility as well as scale and location cannot be found when using standard database, 85th percentile trip generation rates should be considered as a starting point. This has not been done within the current transport assessment supporting this application.

Following requests from Officers, revised transport assessments have been submitted to robustly reassess the traffic generation using data for generic food retailers across London.

This indicates weekday evening peak two way trip rates of 15.74/ 100sqm and peak Saturday two way trip rate of 16.391/100sqm. This will correspondingly generate 257 two way vehicular trips in the weekday pm peak hour and 349 two way vehicles trips during the Saturday peak hour.

#### Parking

The proposed scheme includes a total of 104 car parking spaces including four parents & child spaces and nine spaces for blue badge holders. Dual use electric vehicle parking spaces would include 10% active and 10% passive provision, meeting the London Plan parking standards.

It should also be noted that while the existing Comet and Benson for Beds stores shared the provision of 85 existing car park spaces, the proposals with a Lidl foodstore would provide an

additional 19 car park spaces. The corresponding generic assessment of combined (foodstore and non-food) peak car park demand on site is 102 for Friday and 116 spaces for Saturday. While the peak parking demand is marginally greater than the capacity of the car park and consequently may occasionally give rise to a small increase in demand for on-street parking in the vicinity, the proposed on-site parking provision is considered acceptable. It is recommended that no additional food retail floorspace be permitted on this site in order to prevent extra demand for car parking causing congestion and parking stress on the adjacent road network.

Cycle parking provision for ten cycles and three spaces of powered two-wheelers is proposed. This is an improvement on existing provision on site and is considered acceptable.

#### Traffic Impacts:

Traffic assessments have been undertaken for the weekday morning and evening peaks and for the Saturday afternoon peak period. Traffic modelling has been undertaken for the network between junctions of Long Drive / Victoria Road and the eastern site access at Victoria Road / Stonefield Way. These assessments have considered 2015 existing, with committed and the committed plus proposed development scenarios.

The modelling results indicate that the traffic generation from the proposed development can be accommodated on the highway network during the weekday morning and evening peak periods. However, the transport assessment does indicate that during the Saturday peak period, the junction of Long Drive / Victoria Road, (including junction improvements - proposed for the ARLA development), will remain congested.

#### Travel Plan

The applicant acknowledges the importance of encouraging sustainable travel behaviour and a draft travel plan has been submitted. The Council's travel plan officer should be consulted to comment on the travel plan. A full travel plan to take account of any necessary adjustments can be secured and maintained through a planning condition and/or s106 agreement as appropriate.

#### Recommendations:

The proposed development is acceptable on highway grounds subject to appropriate conditions:-

1. Restrict delivery / servicing vehicles entering the site between 7.30 - 9.00 and 17:00- 19:00 on weekdays and between 11.00 - 15.00 on Weekends.
2. Servicing and delivery management plan.
3. Site Travel Plan,
4. A limit on food retail floorspace permitted on site to the proposed Lidl store only at 1286 sqm RFA

#### TRAVEL PLAN CO-ORDINATOR:

The following comments are provided on the Draft Travel Plan:-

- The document refers to Travel Plan guidance by TfL in 2011 - this has been superseded by 2013 guidance which can be found on the TfL website.

- It would be good to have a contact who will be responsible for the Travel Plan until such time that a Travel Plan Co-ordinator is appointed.

#### TREE/LANDSCAPE OFFICER:

#### Site History

This application follows the refusal of a previous scheme ref. 2014/143.

## Landscape Considerations

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

- The red line of the site has been extended in the north-west corner of the site to include part of the service road and Victoria Road.
- The Tree Survey, by Arbtech has been re-submitted. It is noted that this survey was undertaken in December 2012, the findings of which must shortly be considered out of date. In this case, the 17 No. trees / groups surveyed are not considered to have changed much from their 'C' (poor condition and value) ratings.
- The Landscape Proposals, presented on ACD's drawing No. LIDL18941-11g reflect the outcome of pre-application discussions to secure additional off-site tree planting within the highway verge. This planting includes the provision of a root barrier(s) to protect the underground concrete-lined culvert in the northern section of the grass verge.
- The tree planting within the car park includes the provision of tree cells (within the tree pits), intended to provide a greater volume of healthy soil to support healthy establishment and growth.
- The inclusion of a greater area of land indicates that there may be further opportunities for tree planting within, or outside the site.

## Recommendations:

- This site has been subject to post-refusal (pre-application) discussions. Its acceptability relies heavily on the off-site planting of a hedge and trees within the highway verge. These details will be subject to a S.106 agreement - and a licence agreement (to plant and maintain the landscape on highway land).
- No objection, subject to the above comments and conditions COM7, COM8, COM9 (parts 1,2,4,5 and 6) and COM10.

## ACCESS OFFICER:

The proposal is to redevelop the site and the derelict building known as Imperial House. The works include extending the existing car park in front of the former Bensons for Beds and Comet retail unit to serve the 3 occupancies.

The proposed new building is to have a gross area of 2046sq m, with a sales area of 1,286sq m, and a new store entrance and exit formed with automatic opening doors. The re-modelled and combined car park is to provide 104 car parking spaces, of which 9 are to be designated Blue/Brown Badge dual spaces designed to comply with Part M.

No further issues are raised, however, the following informatives should be attached to any grant of planning permission.

## Recommended Informatives

1. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead and take steps to address barriers that impede disabled people.
2. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.
3. Care must be taken to ensure that overspill and/or other interference from induction loops in

different/adjacent areas does not occur.

4. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

Conclusion: Acceptable

WATER AND FLOOD MANAGEMENT OFFICER:

The site is in Flood Zone 2 and therefore subject to the sequential test.

A sequential test has been submitted which provides justification as to why this development should be sited in an area with a high probability of flooding - Flood Zone 2.

A Site Specific Flood Risk Assessment has been provided to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Fluvial Flood Flood Risk

Sequential Test

The site is shown to be within Flood Zone 2 and the National Planning Policy Framework on page 23 states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'

The Council has to be able to accept that the benefits of the development outweigh this risk by determining there is no reasonable available commercial land at a lower risk of flooding. The applicant has satisfied the Council on this point.

Exception Test

The applicant must demonstrate that flood risk can be suitably mitigated in accordance with the NPPF and Policy EM6 of the Local Plan. The National Planning Policy Framework states:

For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

A site specific Flood Risk Assessment (FRA) has been submitted.

The National Planning Policy Framework also states that it should be demonstrated that: development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

A Flood Risk Assessment has been provided including further information on the risk to and from the

site.

The FRA states that the safety of the occupants will be managed through an evacuation system and provides a template flood evacuation plan. As the site is in Flood Zone 2 (1% to 0.1% probability), the risk is considered appropriate according to the NPPF.

#### Surface Water

The site also lies in a Critical Drainage Area, where the management of the drainage in this area is very important in managing the flood risk.

The FRA proposes to reduce the surface water run off from part of the site by controlling it through a tanked system before discharging off site. The applicant demonstrates this scheme is feasible considering the size of the proposed car park.

However this scheme only proposes to control the surface water run off from the Imperial House site, even though the proposals are to alter the car parking across this and the adjacent site, therefore providing significantly wider opportunities to reduce the flood risk, and meet the requirements of the London Plan for the whole site. This is critical as it is the only way to manage the increase in flood risk likely with climate change over the lifetime of the property. The following SUDS condition is recommended:-

#### Condition

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme.

#### Reason

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (March 2015) Policy 5.12.

It is accepted that the applicant has assessed the use of methods to minimise the use of potable water, including water saving measures and equipment, water collection facilities to capture excess rainwater, which is not considered suitable on this site.

#### Recommendation

Approval, subject to the SUDS condition and construction being in accordance with details provided in the FRA.

SUSTAINABILITY OFFICER:

I have no objections to the proposed development subject to the contribution set out in the energy report of £6,348 to make up for the shortfall and the development proceeding in accordance with the approved statement.

## **7. MAIN PLANNING ISSUES**

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

#### Loss of Employment Land

The application site is identified as a Strategic Industrial Location: Preferred Industrial Location (PIL) within the London Plan (March 2015), as a Locally Significant Industrial Site (LSIS) by the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and an Industrial and Business Area (IBA) within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Policy LE2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that IBAs are designated for business, industrial and warehouse purposes (Use Classes B1 - B8) and for sui generis uses appropriate to an industrial area. The policy goes on to advise that alternative uses will not be permitted unless (i) there is no realistic prospect of the land being used for industrial or warehousing purposes in the future, (ii) the alternative use does not conflict with other policies and objectives of the plan and the proposal better meets the plan's objectives, particularly in relation to affordable housing and economic regeneration. It is also noted that as part of the emerging Hillingdon Local Plan, in order to rebalance the amount of employment land in the borough, it is proposed to remove part of this site (Units 1 and 2) and adjoining retail units that front Victoria Road from the IBA (albeit not that part of the site occupied by Imperial House).

The proposed Class A1 food store would replace the former car showroom that has been vacant since 2006. As such, the proposal would replace a former sui generis use that is akin to a retail use. A letter from a commercial estate agent advises that despite the property being marketed since the Rover dealership ceased trading in 2006, no formal tenant interest materialised until the sale of the site in 2013 to Lidl. The estate agent considers that the compromised access and very poor condition of the building have been attributed to the lack of interest and the property was de-listed from the Rating Lists in 2011 due to its obsolete state. The estate agent advises that the investment needed in the building to allow occupation is not economically viable, nor is its re-development for traditional employment use.

Given that Imperial House did not previously provide traditional employment land, being a sui generis use as a car showroom (which typically do not generate high levels of employment) and the historic lack of commercial interest in the site, no objections are raised to the principle of the 'loss' of employment land, particularly as the applicant estimates that the new store would generate up to 30 jobs, in compliance with Policy LE2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### Retail Impact

#### Sequential Test:

Paragraph 24 of the National Planning Policy Framework (NPPF) establishes the requirement for a sequential assessment by advising that applications for main town centre uses such as retail development should be located within town centres, then in edge of centre locations and finally on out of centre sites. Annex 2 of the NPPF specifically includes local centres in the definition of town centres.



This approach is carried forward in the current London Plan and the Council's Local Plan Part 1: Strategic Policies, adopted in November 2012.

- London Plan Policy 4.7 (Retail and Town Centre Development) requires retail and town centre development to relate to the size, role and function of a town centre and that development should be focused on sites within the town centres themselves.

- London Plan Policy 4.8 encourages a proactive approach to retail planning and bringing forward capacity for additional comparison goods retailing, particularly in the large international, metropolitan and major town centres with convenience retail supported in the district, neighbourhood and more local centres to secure a sustainable pattern of neighbourhood provision.

- Policy E5 of the Hillingdon Local Plan Part 1 (November 2012) states that the Council will accommodate additional retail growth within established centres in accordance with the conclusions of the latest evidence base. Growth for comparison goods will be primarily accommodated in District Centres as set out in Table 5.5 and if appropriate, specific locations for growth in convenience goods will be determined through the production of the Hillingdon Local Plan: Part 2 - Site Specific Allocations Local Development Document. Planning decisions will be taken in accordance with the provisions of national guidance, particularly the sequential and impact tests.

The applicants argue that as the existing retail units have permission for open A1 use and there are no conditions to prevent these units being amalgamated, they could at least in theory be occupied by Lidl and therefore this represents a fall-back position and an important material consideration in determining this application. The report advises that the present application effectively seeks to transfer a proportion of the open A1 consent from the two existing units to a new Lidl foodstore on the site and in return, the proposal will introduce a new condition on the amount of floorspace 'transferred' from the two existing retail units to restrict the sale of goods to comparison goods only.

The proposal would increase the amount of retail floor space on the site by 2,046 sq m (GEA), which would comprise an increase in retail sales area of 1,286 sq m.

The nearest centre to the application site is the South Ruislip Local Centre, its eastern boundary being sited some 560m to the west of the application site. As such, the application site represents an out-of-centre location and would need to satisfy the sequential test. To this end, the applicants have submitted a sequential test as part of their Planning and Retail Statement.

The submitted sequential test advises that a 10 minute drive-time has been used for the purpose of the sequential test. Following officer advice provided in the pre-application meeting, a total of 9 sites have been investigated. In centre sites include Eagle Point and Astral House, The Runway in South Ruislip, a vacant public house on Village Way East in Rayners Lane and Bovis House, 142 Northolt Road and 152 - 158 Northolt Road in South Harrow. As regards the two sites on The Runway, South Ruislip, the agents advise that these have been discounted as the buildings would be difficult to re-configure to provide a suitable trading format, particularly as they do not provide an adequate amount of floorspace and in the case of the latter, would not be able to accommodate parking and access requirements. As regards the other sites, schemes for their residential conversion have commenced so that they are no longer available.

As regards edge of centre sites, the former Arla Dairy site was the only one considered, but the report notes that the site is the subject of a current application (66819/APP/2014/1600 refers) for a mixed use development and involves a 8,539 sqm Asda store. The application site is significantly larger than the current proposal and as Asda is involved, it is highly unlikely, that the site, or part of the site would be made available for a new Lidl foodstore. Land values would make acquisition of all or part of the site unviable for a discount retailer. The report dismisses the site as not being suitable or available and is not therefore sequentially preferable.

The report then goes on to assess out of centre sites, namely Units A and B, 428A Victoria Road and Unit 3 Victoria Retail Park, but they are all dismissed as either being of an inappropriate size or alternative proposals are already being progressed.

The adjoining London Boroughs of Ealing and Harrow have been consulted on the application and both do not raise any objections in principle to the sequential test and the conclusions reached, although in the case of Harrow, they did query why the Roxeth Library and Clinic site was not included. The applicant has responded, advising that the site would not provide sufficient retail floorspace and adequate car parking and service access would not be available. A copy of their response was sent to Harrow but no further correspondence from Harrow has been received.

The availability of sites and circumstances have changed since the Council's previous refusal and the updated assessment reflects this. It is therefore considered that the sequential test is sufficiently robust and comprehensive, in line with the NPPF requirements.

Impact Assessment:

Paragraph 26 of the NPPF covers the requirement for impact assessments. Paragraph 26 requires that this should include assessment of 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. In addition, paragraph 26 requires the impact assessment to include an assessment of the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

The question of retail impact is a key concern in the consideration of this out of centre application. The NPPF is clear in stating that applications should be refused where there would be a 'significant adverse' impact upon existing centres. With any supermarket proposal of this scale, there will clearly be an impact upon shopping patterns within the locality and the aim of the retail impact assessment submitted with the application is to predict, with as much accuracy as possible, the impact on these trade patterns.

This involves a complex set of assumptions regarding the available level of retail expenditure within the store's catchment area, the performance and trading capacity of the store itself, the relative performance of competing stores and centres, the likely trade draw from other centres and stores, future changes in trading patterns (such as internet shopping) and the cumulative impact of existing retail commitments. Any one of these fields is sensitive to the assumptions inputted into the forecasting model.

Officers have reviewed the latest retail impact assessment and this is generally considered to be more robust and comprehensive than that submitted with the previous application. This still does attach a significant amount of weight on a supposed 'fall back' position whereby an open A1 retail use could operate from the existing retail units (those containing Bensons for Beds and formally Comet). Officers acknowledge that these units are not subject to planning controls over the range of goods they can sell, however do not accept this as an appropriate starting point with regard to assessing retail impact in this case as having regard to the layout and design of these existing units, officers do not consider that there is any reasonable prospect of them being occupied by a discount goods retailer in their current form without redevelopment. Further, one of the units is currently occupied by a bulky goods retailer and there is no evidence that the occupier will vacate the premises in the near future or even within the development plan period. Given these circumstances officers do not consider there is a reasonable prospect of this supposed 'fall back' position, or the trade diversions/impacts which would arise from it, occurring. Accordingly, this should be given limited weight and any impact assessment reliant on this would significantly underestimate actual retail impacts.

Notwithstanding this issue, the submitted impact assessment does go on to assess retail impact, comparing the proposal's predicted trade draw to the overall turnover of the centres of South Ruislip, Northolt, Rayners Lane, South Harrow, South Ruislip and an extremely broad category of all centres outside of the indicated catchment area.

The National Planning Policy Framework makes clear at paragraph 26 that an impact assessment should 'include assessment of:

- 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; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

In this respect the applicants have undertaken an assessment of the impact that the development may have on individual retailers within the Town Centre. While competition is not a matter for planning, the proposal might have a significant impact on an anchor store within an existing centre. Such an impact might result in the closure of an important store which could significantly reduce the vitality and viability of that centre.

The assessment notes that the key foodstores within close proximity to the application site are Sainsbury's in South Ruislip and Waitrose in Ruislip. The report notes that both stores are trading well, and in particular, Sainsbury's is significantly overtrading. The report goes on to advise that the store would have an estimated turnover of £5m, which equates to 1.5% of local convenience goods expenditure. The report states that the greatest proportion of trade would be diverted from the Sainsbury's store (£2.5m) but this only represents a 3.3% impact. Sainsbury's would be able to continue to trade strongly, certainly as it is currently overtrading and the percentage trade diversion is small. Officers in considering the previous impact assessment criticised the level of assessment given to the impact on the in centre Sainsbury's store in South Ruislip. However, the situation Further, the report goes on to advise that there are a number of foodstores outside the catchment area that capture a significant proportion of expenditure so that there is an opportunity to enhance trade retention in the catchment area with which this proposal will assist in ensuring more sustainable shopping patterns and greater trade retention. The

assessment also notes that the total available local expenditure for convenience goods is expected to grow by has changed since that consideration. With the redevelopment of the Arla site and the change of use of the premises at 428/428A Victoria Road to a discount retailer having been approved. These proposals will further help to create a strong retail hub in South Ruislip and given the principle of 'like effects like', the majority of the impact would be likley to be on the newly approved discount retailer. Accordingly, it is not considered that adverse impacts in this respect would arise. Further, the report goes on to advise that there are a number of foodstores outside the catchment area that capture a significant proportion of expenditure so that there is an opportunity to enhance trade retention in the catchment area with which this proposal will assist in ensuring more sustainable shopping patterns and greater trade retention. The assessment also notes that the toatl available local expenditure for convenience goods is expected to grow by £25.1m from 2013 - 2018, through growth in convenience expoenditure alone, 5 times that of the £5m expenditure required to support the new store.

AS regards the Arla Dairy site, the assessment advises that this scheme will not compromise the Dairy site redevelopment coming forward, given the mix of uses and the larger scale of the foodstore proposed. The scale and operational characteristics of Lidl provide a different role and offer and will not deter Asda from investing in the site.

The report concludes on this point that rather than a negative impact, the Lidl proposals will make a positive contribution to the catchment area, providing a different retail offer which would support a competitive market and increased choice for consumers as at present, there are no similar format stores in the catchment area, highlighting a strong need for a discount operator.

Officers consider that the submitted retail assessment adequately demonstrates that the proposed site is sequentially preferable and the proposals will not have adverse impacts on existing centres or on committed investment. As such, it is considered that the revised proposal complies with policy and overcomes the first reason for refusal of the previous scheme.

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

Not applicable to non-residential development.

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

The proposal would not affect the setting of any statutory or locally listed building and the site is not located within or sited on the fringes of a conservation area or is located within an area of special local character. Furthermore, GLAAS advise that this is a previously developed site in an area with no significant recorded archaeological interest and therefore the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and there is no requirement for an archaeological condition for further investigation

#### **7.04 Airport safeguarding**

There are no safeguarding issues raised by this application and MoD Safeguarding and Heathrow Airport Ltd have confirmed that they have no safeguarding objections to the proposal.

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

The application site is not located within or lies adjacent to the Green Belt and as such, no Green Belt issues are raised by the proposal.

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

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that development harmonises with the layout and appearance of the street

scene or other features of the area which are desirable to retain or enhance. Policy BE15 requires alterations to existing buildings to harmonise with their scale, form, architectural composition and proportion. Policy BE25 encourages the modernisation and improvement of IBAs through amongst other criteria, the careful design and landscaping of buildings and environmental improvements.

The proposal involves the demolition of Imperial House, to be replaced by the new Lidl store and the re-cladding of Units 1 and 2, the retained retail units.

There is no objection to the loss of Imperial House, which has no historical or architectural interest and having been vacant for a number of years, now has a neglected and dilapidated appearance which does distract from the visual amenity of the area. The proposals would replace this structure with a modern building which together with the re-cladding of the adjacent retail units and wider improvements to the landscaping, will upgrade and enhance the site.

The proposed new building would occupy a similar siting to that of Imperial House, although now it would be marginally set back behind Units 1 and 2 instead of being more in alignment and would be of a very similar scale to adjoining buildings so that it would not appear unduly prominent within the street scene.

Although the Council's Conservation/Urban Design Officer would not now comment on schemes of this nature, on the previous similar scheme with an identical building advised that although the principle of the development with upgrading and enhancement of the site is welcomed, a standard design approach has been taken, with all the facades mainly finished in extensive areas of cladding in a silver metallic finish that provides little articulation or depth. The Conservation Officer went on to advise that as this is a major thoroughfare which fronts residential housing, a good design and finish is important and the new building and elevations could contribute more positively. Although requested on the previous application, no revisions to the building's elevation were forthcoming. Officer's took the view previously that the modern simple design of the building was generally acceptable within the IBA so that this did not form a reason for refusal of the previous proposal.

It is mainly only the front elevation that would not be obscured by adjoining buildings and be clearly visible from Victoria Road which includes an extensive glazed shopfront which would add visual interest. On this basis, combined with the enhanced landscaping now proposed, the scheme would make a valuable contribution to the enhancement of this part of the IBA and the street scene of Victoria Road generally, in compliance with Policies BE13, BE15 and BE25 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to safeguard the amenities of adjoining residential properties from new development in terms of overshadowing, dominance and loss of privacy respectively.

The application site is located within an IBA and the busy Victoria Road separates the site from the nearest residential properties on the opposite side of the road. As the proposal would replace the existing Imperial House with a similarly sized and sited building which would be some 60m from the front elevations of the nearest properties opposite, there would be no significant adverse impacts upon the amenities of surrounding residential

occupiers in terms of the dominance, loss of sunlight and/or privacy associated with the proposed building. Air quality and noise issues are dealt with in Section 7.18 below.

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

Not applicable to this commercial scheme.

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

The National Planning Policy Framework (NPPF) at Paragraph 32 states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 35 of NPPF also refers to developments and states that developments should be located and designed where practical to give priority to pedestrian and cycle movements; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Local requirements in relation to impacts on traffic demand, safety and congestion are set out in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Policy AM2 requires development proposals to be assessed on their contribution towards traffic generation, policy AM7 requires the traffic generation of proposed development to be acceptable in terms of the capacity and safe and efficient functioning of existing roads and policies AM9 and AM14 require development proposals to satisfy cycle and car parking standards.

##### Traffic generation

An initial Transport Assessment was submitted with the application which has now been supplemented by four successive technical notes, following their consequent review by the Highway Engineer. With the submission of the latest technical note (No. 4), although it is noted that Lidl's Highway Consultants does not consider the further assessments to be a true representation of the development's traffic impacts (as they consider that these had been adequately identified in the Transport Assessment), the Council's Highway Engineer considers that the revised transport assessments now robustly assess the traffic generation of the proposal using data from generic food retailers from across London. The latest assessment advises that the development would generate 257 two way vehicular trips in the weekday pm peak hour and 349 two way vehicle trips during the Saturday peak hour.

##### Traffic Impacts

In terms of the traffic impacts, traffic assessments have been carried out for the weekday morning and evening peaks and for the Saturday afternoon peak period and include analysis involving existing (2015), with committed development and with the committed and the proposed development scenarios, assessing junction capacities along the Victoria Road corridor to the west, to include the Long Drive junction. The Highway Engineer advises that the proposed development can be accommodated on the highway network during the weekday morning and evening peak periods with none of the junctions exceeding capacity. However, the Long Drive / Victoria Road junction would be congested during the Saturday peak period with the committed development, even with the junction improvements that would be put in place as part of the Arla site re-development. The traffic generated by this proposal would contribute to the congestion of the junction but it is not considered that this would be significant or severe. This is because it is considered that most of the traffic visiting the Lidl store on a Saturday would be likely to derive from the residential areas to the north and east of the site. For potential customers to visit the site from the west, through the junction, they would have to pass large Asda and Sainsbury's

stores and perhaps more importantly, a new Aldi discount retail store.

### Parking

The enlarged car parking area at the front of the units would be shared by the three units, and would provide a total of 104 spaces, including four parent & child and nine dual use disabled person/ blue badge holders spaces. The Mayor's maximum car parking standards would limit the food stores parking to 109 spaces and the non-food units to 53 spaces, giving a maximum total of 162 spaces. The Council's Highway Engineer advises that the corresponding generic assessment of the combined foodstore and non-food units peak car park demand is 102 spaces for Friday and 116 spaces for Saturday. Although Saturday's peak demand would marginally exceed the capacity of the car park and consequently may occasionally give rise to a small increase in demand for on-street parking in the locality, this occasional impact would be acceptable in highway terms.

The London Plan (March 2015 requires 11 long stay and 23 short stay spaces to be provided, whereas this scheme currently proposes 10 spaces under the shopfront canopy. Motorcycle parking for 5 vehicles is also required. A condition has been added to ensure that relevant standards are met.

### Servicing

A revised layout plan has been submitted at the request of the Highway Engineer which has re-sited the blue/ brown badge and parent/child parking spaces closest to the service route further away.

Whilst the Highway Engineer advises that the shared customer / servicing access for the Lidl store from Victoria Road is less than ideal, it would be acceptable providing deliveries were restricted between 7:30 - 9:00 and 17:00 - 19:00 hours on weekdays and between 11:00 - 15:00 hours on weekends due to concerns regarding children going to school in the morning weekday peak and periods of peak customer activity. However, the morning peak is likely to be when the store would take deliveries of fresh produce such as milk and as cited by the developer, this period would not be a particularly busy and the access has been subject to a safety audit. Also, as regards the weekend restriction, although the developer would be satisfied with a more limited restriction from 12:00 to 14:00 hours on Saturday, it is considered that this would be the busiest customer period for the shop so that Lidl would normally avoid deliveries during this period. As such, only the evening weekday peak restriction is recommended.

### Draft Travel Plan

A key tool in further mitigating the impact of the development on the highway network is the introduction and promotion of a Travel Plan. A draft Travel Plan has been submitted and reviewed by the Council's Travel Plan Co-ordinator and the plan and its associated package of measures and initiatives has been assessed as being generally acceptable which will promote sustainable travel choices and reduce reliance on car-use. The TP will work to encourage sustainable travel behaviour from the outset and minimise congestion on the local road network as a result of the development. A final Travel Plan would be secured as part of the S106 Agreement.

### Conclusion

In conclusion, the Highway Engineer considers that the network can accommodate the traffic flows produced by the development without any severe impact. In the light of paragraph 32 of the NPPF, the impacts are not considered to be demonstrably severe. As such no objections are raised on traffic generation grounds, subject to the recommended conditions and transport and highways obligations being covered within the S106 Agreement. Accordingly, it is considered the proposed development overcomes refusal reasons 2 and 3 of the previous application for a similar development on this site and accords with the guidance of the NPPF and policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The relevant planning considerations have been dealt with in other sections of this report.

#### **7.12 Disabled access**

The proposal would have a store entrance which incorporates automatic opening doors and 9 of the 104 proposed car parking spaces would be designated Blue/Brown Badge dual spaces designed to comply with Part M of the Building Regulations. On this basis, the Council's Access Officer advises that the proposal is acceptable from an accessibility perspective as the scheme makes appropriate provision for disabled access, subject to various informatives. These have been included in the officer recommendation.

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

Not applicable to this proposal.

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

Trees and Landscaping

Policy BE38 of the Hillingdon Local Plan advises that new development should retain topographical and landscape features of merit and that new planting and landscaping should be provided wherever it is appropriate. Policy BE25 also stresses the contribution that landscaping can make to the improvement of the Borough's IBAs.

The site boundaries are defined with shrub planting and trees, including trees along the Stonefield Way frontage and within the car park itself. There is a wide verge running along the southern edge of Victoria Road, which in other places has been enhanced by more extensive planting buffers than at the front of this site.

The Council's Tree/ Landscape Officer advises that the previous Tree Survey has been re-submitted which assesses the quality and value of 17 trees on the site. It concludes that there are no 'A' (good) category trees, one tree, a Prunus 'Kanzan,' is rated 'B' (fair) with the remaining trees rated 'C' (poor). The officer does advise that as this survey was initially undertaken in December 2012, its findings must shortly be considered to be out of date but in this case, the trees are not considered to have changed materially from their initial ratings.

The proposal involves the loss of 12 trees, although of these, the removal of 3 trees, including the category 'B' tree had previously been approved as part of the Stonefield Way road scheme and the removal of 4 other trees had also been applied for under the demolition proposals for Imperial House (5039/APP/2013/2832). The remaining trees to be removed, are within the car park and are among the weaker specimens on the site. The Tree/Landscape Officer previously advised that whilst the mediocre quality of most of the trees on site would not normally constitute a constraint on development, the environmental and visual damage caused by their removal would only be mitigated by their replacement as part of a comprehensive landscape plan for the site.



To this end, the red line boundary of the application site has now been extended in the north-west corner of the site as compared to the previous application to include part of the service road and Victoria Road. The Council's Tree/ Landscape Officer advises that the landscape proposals reflect the outcome of pre-application discussions to secure additional off-site tree planting within the highway verge. This planting includes the provision of a root barrier(s) to protect the underground concrete-lined culvert in the northern section of the grass verge and tree planting within the car park includes the provision of tree cells (within the tree pits), intended to provide a greater volume of healthy soil to support healthy establishment and growth. Furthermore, the inclusion of a greater area of land indicates that there may be further opportunities for tree planting within, or outside the site.

The Council's Tree/ Landscape Officer concludes that the acceptability of the scheme relies heavily on the off-site planting of a hedge and trees within the highway verge. However, subject to this planting forming the subject of a S106 Agreement and a licence agreement (to plant and maintain the landscape on highway land) and various landscape conditions, the scheme is acceptable in terms of policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### Ecology

As regards ecology, on the previous application, Natural England advised that the proposals are unlikely to affect any designated nature conservation site or landscape and that their standing advice should be used to assess the likelihood of protected species being present. Having regard to their standing advice, there is little probability of the site containing any protected species. Furthermore, the Council's Sustainability Officer does not raise any objections to the proposal on ecological grounds.

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

The submitted plans do not show any specific provision being made for waste and recycling, although there is a separate internal room marked utilities which could include waste and recycling and provision could also be made within the warehouse.

Commercial site operators do have a duty of care to contain waste safely until it is collected by a licensed waste carrier. A condition has included in the officer's recommendation, requiring details of waste and recycling storage to be submitted.

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

An Energy Statement has been submitted in support of the application. The Council's Sustainability Officer advises that there are no objections to the proposed development subject to the contribution set out in the energy report of £6,348 to make up for the shortfall and the development proceeding in accordance with the approved statement. This has been included in the terms of the S106 agreement.

As such, it is considered that the proposal overcomes refusal reason 6 of the previous application (5039/APP/2014/143 refers).

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

Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012), Policy 5.12 of the London Plan (March 2015) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014) deal with flood risk which should be handled as close to its source as possible in compliance with Policy 5.13 (Sustainable Drainage) of the London Plan (March 2015) and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2015).

The application is supported by a Flood Risk Assessment (FRA) and includes Sequential and Exception Tests. The sequential test demonstrates that there are no sequential preferable sites with a lower risk of flooding for this type of use available and the proposal makes adequate provision to mitigate against flood risk. The scheme also makes adequate provision to reduce water use. On this basis, the Council's Water and Flood Management Officer advises that the scheme is acceptable in terms of flood risk, providing it is carried out in accordance with the Flood Risk Assessment.

On this basis it is considered that the scheme overcomes refusal reasons 4 and 5 of the previous application for a similar development on this site and accords with Policy EM6 (Flood Risk Management) in Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies 5.12, 5.13 and 5.15 of the London Plan (March 2015) and National Planning Policy Framework (March 2012) and the National Planning Practice Guidance (March 2014).

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

The Council's EPU Officer previously advised that although noise has not been considered as part of the submission, the scheme would be acceptable, providing a condition to control noise from mechanical plant was attached to any permission. This forms part of the officer recommendation.

As regards air quality, the EPU Officer previously noted a number of issues with the submitted Air Quality Assessment but did not raise any significant air quality concerns. The officer did advise that as the development is adjacent to the AQMA and may cause increases in an area already suffering poor air quality, a £12,500 contribution should be sought for air quality mitigation/monitoring in the area. This is included in the terms of the S106 Agreement.

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

As regards the comments of objection, the support from local residents for the proposal suggests that a discount store is wanted in the area (point (i)). As regards car and motorcycle parking (points (ii) and (iii)), these are dealt with in the main report. As regards hours of use (point (iv)), this is an industrial estate, where hours of use of the commercial/ industrial units would not generally be controlled. As regards point (v), converting the short length of Stonefield Way to two way operation has already been granted permission when the impacts upon highway safety would have been considered. Point (vi) is noted.

The supporting comments are also noted.

#### **7.20 Planning obligations**

Policy LE7 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) is concerned with securing planning benefits related to the scale and type of commercial development. The policy is supported by more specific supplementary planning guidance.

The following would be required to mitigate the impact of the development:

1. Highways: S278/S38 for highways works to include the reconfiguration of the Stonefield Way/ Victoria Road (east) junction, the stopping up of the existing service road and the new vehicular access onto Victoria Road, in accordance with the details first to be submitted and agreed in writing by the LPA,
2. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,
3. Service Management Plan
4. Tree planting on public highway, to include a licence agreement (to plant and maintain

- the landscape on highway land),
5. £6,348 carbon tax contribution
  6. £12,500 air quality mitigation/monitoring,
  7. Construction training
    - Training Cost: £2500 per £1m build cost +
    - Coordintaor costs:  $3256/7500 \times £71,675 = £31,116.50$ ,
  8. Project Management & Monitoring Fee: equal to 5% of total cash contributions

The applicant has agreed to the above heads of terms. As such, the scheme complies with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies.

The development also represents chargeable development under both the Council's and the Mayor's Community Infrastructure Levies which would equate to £95 per sq. m and £35 per sq.m of floorspace adjusted for inflation.

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

This application raises no enforcement issues.

#### **7.22 Other Issues**

Land Contamination:

A Phase 1 Preliminary Geoenvironmental Risk Assessment has been submitted with the application. The Council's EPU Officer has reviewed the document and advises that conditions are required to secure further site investigation for contamination and imported soil needs to be tested for possible contamination. These conditions have been included in the officer's recommendation.

Lighting Scheme

The proposed lighting scheme including free standing and wall-mounted lighting would be acceptable within this IBA.

### **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**

### **10. CONCLUSION**

This application is a revised proposal of a previous submission for a similar proposal which was refused on 11/4/14 (App. No. 5039/APP/2014/143 refers).

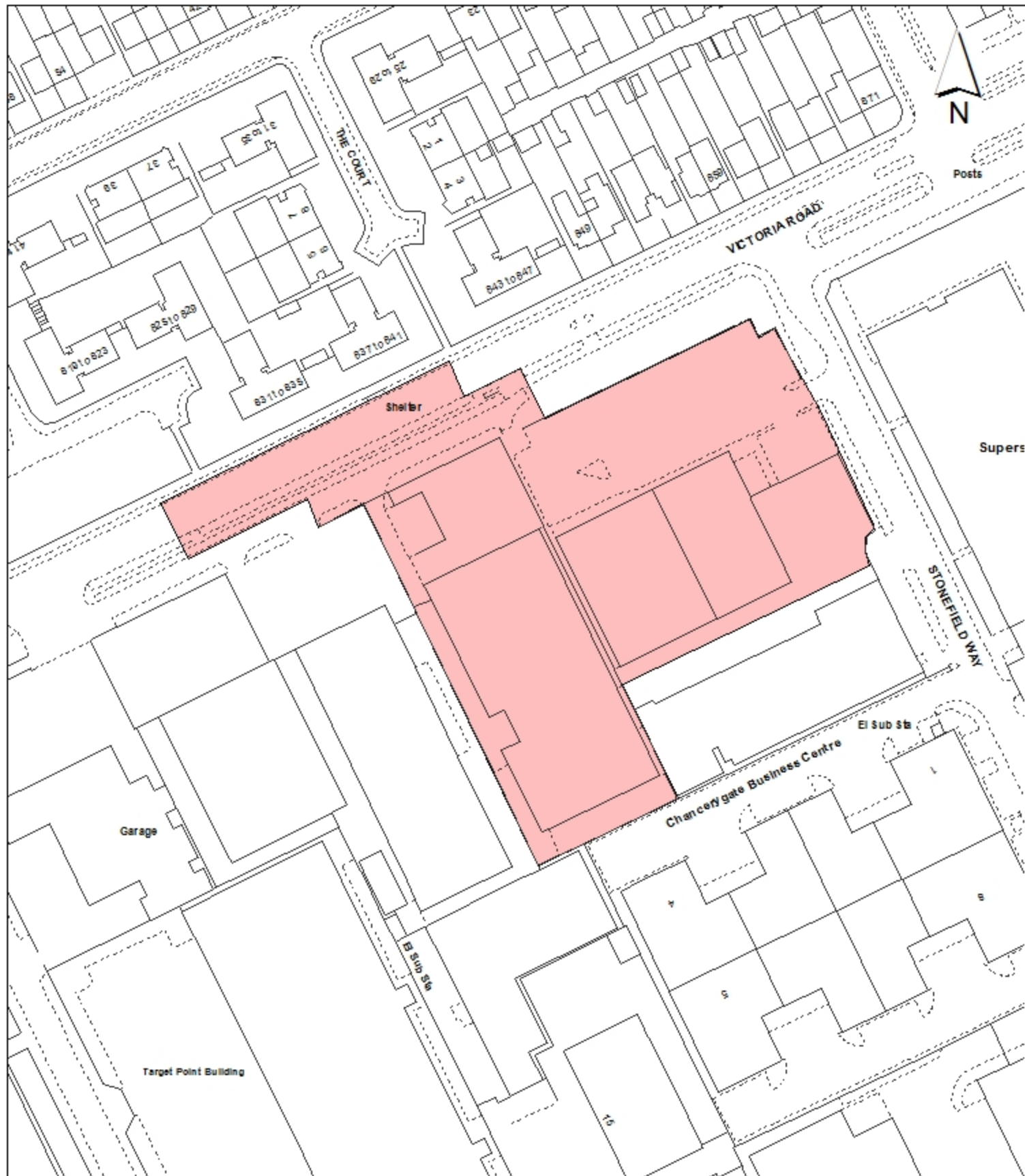
It is considered that this revised scheme successfully overcomes the reasons for refusal of the previous application and it is therefore recommended for approval.

### **11. Reference Documents**

National Planning Policy Framework (March 2012)  
London Plan (March 2015)  
Hillingdon Local Plan (November 2012)  
LDF - Accessible Hillingdon  
Planning Obligations Supplementary Planning Document, July 2008

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**Notes:**

 Site boundary

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Planning Application Ref:

**5039/APP/2014/3715**

Scale:

**1:1,250**

Planning Committee:

**Major**

Date:

**November 2015**



**HILLINGDON**  
LONDON