

Report of the Head of Planning, Sport and Green Spaces

Address IMPERIAL HOUSE VICTORIA ROAD RUISLIP

Development: Construction of a 2,554sqm. GIA (1,687sqm sales area) Class A1 discount food store with associated access arrangements, car parking and landscaping (involving the demolition of Imperial House, former Comet building and vacant Value Windows Ltd building) and external refurbishment / re-cladding of Bensons for Beds unit.

LBH Ref Nos: 5039/APP/2015/4395

Drawing Nos: Energy Statement, dated 11/11/15, Rev. 4
Flood Risk Assessment, November 2015
Geo-Environmental Site Investigation Report
Soft Landscape Specification, dated October 2015
Planning and Retail Statement, November 2015
Transport Assessment, November 2015
Draft Travel Plan, November 2015
Design and Access Statement
3096/302B
3096/405A
3096/409
3096/410A
3096/415
3096/416
3096/420
12998/T/03-03 Rev. A
12998/T/02 - 02 (Arboricultural Impact Assessment)
12998/T/02 - 02 (Tree Constraints Plan)
3096/426G
LIDL18941-11g
Air Quality Assessment, dated 27/11/15, Rev. 3
Tree Survey
Carpark Lighting Proposal, dated 30/10/15
Carpark Lighting Layout, Rev. A
3096/301E
Response to Highway Officer's Comments, February 2016
Underground Services Search Report
3096/426G (with delivery vehicle swept paths for Lidl)
3096/426G (with delivery vehicle swept paths for Bensons for Beds)
South Ruislip Industrial Market & SIL Study, August 2015
Technical Note, July 2016
Technical Note No. 5, dated 13/11/15
Response to Bensons for Beds Highway Objection Comments, July 2016
GVA letter dated 26/7/16

Date Plans Received: 30/11/2015

Date(s) of Amendment(s):

Date Application Valid: 14/12/2015

30/11/2015
08/07/2016
27/07/2016

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 part single, part two storey 2,639 sq. m gross external area discount Class A1 retail foodstore for use by Lidl and involves the re-configuration of the car parking and access and delivery arrangements across the site, which involves the demolition of Unit 1 (the former Comet building) and part of the Value Windows Ltd. building at the rear of the site, the external refurbishment of Unit 1 (Bensons for Beds) and associated landscaping.

This application is a re-submission of a similar scheme (App. No.5039/APP/2014/3715 refers) which was presented to the Major Planning Applications Committee on 18 November 2015 where the officer recommendation for approval was agreed. The application has yet to be approved as the S106 Agreement has not been completed.

As established on the previous application, no objections are raised to the loss of Imperial House and similarly, Unit 1 and the Value Windows Ltd. building have little architectural or historical merit and are in a generally poor state of repair, so that their loss is acceptable or to the loss of employment land within the IBA given that the site was (i) not previously used to provide traditional industrial employment, with the car showroom 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. Although this site now includes a small part of the adjoining building at the rear, a South Ruislip Industrial Market & SIL Study has been submitted which details market conditions and is considered to justify the loss of part of the adjoining vacant site.

The site is in an out-of-centre location, but the proposal has been supported by a sequential assessment which adequately demonstrates that there are still 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 servicing and delivery arrangements at the site. Revised plans have now been submitted which now utilize the existing access for the

Value Windows Ltd. building at the rear of the site for deliveries to both the Lidl and Bensons for Beds stores so that service deliveries will be contained towards the rear of the site and will not have to cross most of the length of the customer car park, and customer and vehicular conflict is kept to a minimum. 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 application has now had to be referred to the Mayor, due to the increased size of the store meeting the Mayor's threshold, and the comments received have been addressed by the applicant.

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 is acceptable and that following referral to the Mayor for his Stage 2 Report, 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) That the application be referred to the Mayor under Article 5 of the Town and Country Planning (Mayor of London) Order 2008 for his Stage 2 response,

B) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or other appropriate legislation to secure the following:

1. Highways: S278/S38 to secure highways works as indicated on the approved drawings with final details to be agreed by the Local Planning Authority,

2. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,

3. Delivery and Servicing Management Plan,

4. Tree planting on public highway, to include a licence agreement (to plant and maintain the landscape on highway land),

5. £12,600 carbon offset contribution

6. Employment Training Strategy. For the commercial operations an employment training initiative will be required to address employment training matters as a result of the proposal if approved. It is our preference to deliver in-kind employment training schemes over a financial contribution.

7. Construction training

- Training Cost: £2500 per £1m build cost +

- Coordinator costs: $3256/7500 \times £71,675 = £31,116.50$,

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 4th December 2016, 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 3096/405A, 3096/409, 3096/410A, 3096/416, 3096/420, 3096/426G, LIDL18941-11g and Carpark Lighting Layout, Rev. A and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

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:

Site Remediation and Building Design Mitigation Works [Geo-Environmental Site Investigation Report]

Site preparation and landscaping works and maintenance [Soft Landscape Specification]

External Lighting [Carpark Lighting Proposal Report]

Reduction in energy use and renewable technology installation [Energy Statement]

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, 5.12, 5.13, 5.15 of the London Plan (March 2016, PT1.EM6, PT1.EM8 of the Hillingdon Local plan: Part One - Saved UDP Policies (November 2012 and Policies OE1, OE3 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 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 Means of enclosure/boundary treatments
 - 2.b Car Parking Layouts (including demonstration that 13 spaces would be served by electrical charging points, with a further 13 spaces being made easily capable of providing electric charging points in the future) and 8 motorcycle spaces
 - 2.c Hard Surfacing Materials
 - 2.d Final External Lighting Specification

2.e 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 surfing/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 2016).

6 NONSC Revised Cycle Parking Details

Notwithstanding the details shown on Drw. No. 3096/426G, prior to the occupation of the building, details of 16 long stay and 24 short stay cycle spaces to serve the proposed store and 3 long stay and 6 short stay cycle spaces to serve the existing retail unit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON

To ensure that appropriate facilities are provided for cyclists, in accordance with Policy 6.9 of the London Plan (March 2016).

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 Sales Floor Area

The net sales area of the proposed store shall not exceed 1,687sqm 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 2016), 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 Bulky Goods Restriction

The existing retail unit 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 2016), 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 NONSC Flood Risk Mitigation

Unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) PBA dated Nov 2015 and the following mitigation measures detailed within the FRA:

- i) Provision of a Flood Plan to all future users including plan and locations of appropriate refuge and evacuation routes
- ii) Implement the flood resistance and resilience measures recommended within the FRA. An as built report shall be submitted to the Local Authority with details of the measures implemented.
- iii) Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm to less than 10/l/s.

REASON

To minimise the impact of flooding on the proposed development and future occupants and to minimise the impact of the proposed development on the surrounding area in accordance with Policy 5.13 of the London Plan (March 2016) and to ensure the development does not increase the risk of flooding in compliance with Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012 and Policy 5.12 of the London Plan (March 2016) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014).

12 NONSC Sustainable Water Management

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it:

a) Manages Water The scheme shall follow the strategy and demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage in accordance with the hierarchy set out in Policy 5.13 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,
- iii. overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, (safe access and egress must be demonstrated).

b) Receptors

i. Capacity demonstrated for Thames Water foul and surface water network, and provide confirmation of any upgrade work required having been implemented and receiving watercourse as appropriate.

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

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

d) Long Term Management and Maintenance of the drainage system.

- i. Provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification, remediation and timescales for the resolving of issues. Where there is overland flooding proposed, the plan should include the appropriate actions to ensure the safety of the users of the site should that be required.
- ii. Where the maintenance will not be the responsibility of an individual householder, the details of the body legally responsible for the implementation of the management and maintenance plan must be provided.

e) During Construction

- i. How temporary measures will be implemented to ensure no increase in flood risk from commencement of construction.
Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (March 2015) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014). To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2015). To conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016). To ensure developments have suitable infrastructure in place to support them and improve water quality in accordance with Policy 5.14 Water quality and wastewater infrastructure, (March 2016).

13 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 2016).

14 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).

15 COM22 Operating Hours

The premises shall not be used except between:-

07:00 to 23:00 hours, Mondays to Saturdays and 10:00 to 18:00 hours on Sundays, Public and Bank Holidays.

REASON

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

16 NONSC Delivery Hours

There shall be no deliveries or collections at the site between the hours of 07:30 to 09:00 hours and 17:00 to 19:00 hours on Mondays to Fridays and 12:00 to 14:00 hours on Saturdays.

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).

17 NONSC Car Park Management Plan

Prior to the occupation of the proposed store, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The car park shall thereafter be managed in accordance with the approved details.

REASON:

To ensure that the car park is managed safely and effectively to serve the two units, in accordance with Policies AM7(ii) and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

18 NONSC Construction Management Plan

Prior to the commencement of works on site, a Construction Management Plan, in accordance with The Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance shall be submitted and approved by the Local Planning Authority.

The development shall be constructed in accordance with the approved details.

REASON

To ensure that the development complies with paragraph 124 of the National Planning Policy Framework, Policy 7.14 of the London Plan (March 2016) and Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

19 NONSC Non Road Mobile Machinery

All Non Road Mobile Machinery (NRMM) used on major development sites within the London Borough of Hillingdon are required to meet Stage IIIA of EU Directive 97/68/EC and the development site must be registered online on the NRMM website at <http://nrmm.london/>. Confirmation of registration shall be submitted to the Local Planning Authority before work commences.

REASON

To ensure the development complies with paragraph 124 of the National Planning Policy Framework, Policy 7.14 of the London Plan (March 2016) and Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

20 NONSC Low Emission Strategy

Prior to the occupation of the site, a Low Emissions Strategy for the operation of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall address the use of low NOx energy sources and the active promotion of cleaner vehicle technology in regards to the fleet associated with the operation of the site.

REASON

To ensure the development complies with paragraph 124 of the National Planning Policy Framework, Policy 7.14 of the London Plan (March 2016) and Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

21 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).

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

23 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.

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 Local Plan: Part Two - Saved UDP Policies (November 2012).

24 COM31 Secured by Design

The building(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2016) Policies 7.1 and 7.3.

25 OM7 Refuse and Open-Air Storage

Details of on-site refuse 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 Local Plan: Part Two - Saved UDP Policies (November 2012).

26 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).

27 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).

28 NONSC Making good Value Windows Ltd Building

Prior to the commencement of works on site, details of the works and external materials to make good the Value Windows Ltd building at the rear of the site shall be submitted to and approved in writing by the LPA.

The works shall be carried out in accordance with the approved details and implemented prior to the occupation of the proposed store.

REASON

To ensure that the building is made suitable for use and the works safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development 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 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) 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
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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
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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 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

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Yeading Brook, designated a 'main river'.

5

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 0800 009 3921 to discuss the options available at this site.

6

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 0800 009 3921.

7

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 0203 577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

8

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.

9

Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.

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 1.0ha, rectangular 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 comprised Imperial House, which prior to demolition works commencing, comprised a vacant and somewhat dilapidated building which was boarded up and 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 was accessed. At the rear of the site is the vacant former Value Windows building which is also in poor condition.

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 part single storey, part two storey Class A1 discount Lidl food store and involves the re-configuration of the car parking and access and delivery arrangements across the site, which involves the demolition of Unit 1 (former Comet store) and the Value Windows Ltd. building at the rear of the site, the external refurbishment of Unit 2 (Bensons for Beds) and associated landscaping.

The proposed new building would have a similar siting to the existing Imperial House on the western side of the site, with a gross internal floor area (GIA) of 2,755 sq.m (2,639 sq.m gross external area (GEA)) and sales area of 1,687 sq.m. The building would have a rectangular footprint, with the customer entrance facing Victoria Road on the eastern side of the building with the building incorporating a mono-pitch roof, which would have a maximum eaves height of 7.58m along its eastern flank, reducing to 5.28m on its western side elevation. Delivery/service access to the building would be to the rear and the store would include a bakery. The building would have a full height glazed shopfront with graphite grey framing with white painted render on the lower side and rear walls with metallic cladding above and an aluminium panelled roof. The existing retail unit (Bensons for Beds) would have new facing brickwork on the lower part of its walls and re-clad above to match the new Lidl store.

The main differences in this scheme from the previous scheme (App. No. 5039/APP/2014/3715 refers) are that: (i) the site with the incorporation of part of the Value Windows Ltd building at the rear is slightly larger; (ii) the existing vacant former Comet Unit would be demolished; (iii) there would be an uplift in terms of the floor area of the Lidl store of 593 sq. m GEA, from 2,046 sq. m to 2,639 sq. m (785sq. m increase in the GIA from 1,970 sq.m to 2,755 sq.m) and increase of 401 sq. m of the sales area; (iv) the proposed building would extend further forward on site and be marginally taller to incorporate a new part first floor along its eastern side; (v) the building would have more of a rectangular footprint, omitting the side bakery (which would now be provided internally within the main

building); (vi) service/deliveries would be at the rear of the building (instead of along the western side of the Lidl store); (vii) and the surrounding site would be completely re-configured, with the Bensons for Beds service yard area being revised and a total of 123 car parking spaces being provided within the surrounding single car park (as compared to 104 previously proposed), including 13 disabled spaces and 7 brown badge spaces (compared to 9 dual use spaces previously) and the scheme retains 4 parent and child spaces. The scheme also proposes 2 active and 2 passive charging spaces, 8 motorcycle spaces and 26 short stay and 18 long stay cycle spaces.

Following protracted discussions with officers on this scheme, further changes have been made to the service/delivery arrangements and now, the existing access on Stonefield Way which serves the

Value Windows Ltd building at the rear of the site would be used for service deliveries to the Lidl and Bensons for Beds stores which would involve more direct access routes across the site than the access to the existing car park on Stonefield Way originally proposed for deliveries and therefore less customer/vehicular conflict.

As previously, 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 an introduction to the statement, describes the site and its surroundings and the development proposals. The statement describes Lidl's operation and advises that the proposals will enhance the food retail offer in the South Ruislip area and the application will effectively transfer a proportion of open A1 consent from the two existing retail units to the new Lidl store in return for a new condition restricting the range of goods which can be sold to comparison goods only. The statement then goes on to describe the proposals in terms of the amount, layout, appearance/scale, soft and hard landscaping and access before concluding that the proposals will broaden the food retail offer in South Ruislip, represent a significant financial commitment to the area and 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. 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.

GVA letter dated 26/7/16:

This provides a rebuttal to the retail objection comments provided by Daniel Watney LLP, the retail consultants acting on behalf of Bensons for Beds.

Transport Assessment:

This provides the background to the report, including a brief planning history of the site. Relevant national, regional and local planning policy as it relates to transportation issues are then assessed and the site and the existing surrounding highway network conditions and site accessibility by non-car modes and committed development are described. Baseline transport data and accident data are assessed. 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.

Response to Highway Officer Comments, February 2016:

This provides further traffic impact analysis requested by the Council's Highway Engineer.

Technical Note, July 2016:

This provides additional junction capacity modelling as requested by the Council's Highway Engineer.

Response to Bensons for Beds Highways Objection comments, July 2016

This provides a rebuttal to the objection comments made by the HaskoningDHV UK Ltd, the traffic consultants acting for Bensons for Beds and includes a Saturday Parking Accumulation Profile.

Draft Travel Plan:

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

South Ruislip Industrial Market and SIL Study:

This provides an introduction to the study, describes the site and policy context. It then provides an industrial market review and assesses the demand and supply for industrial floorspace within Hillingdon and the wider A40 corridor. The report concludes that the existing industrial buildings on site are not attractive to the market in terms of their size, condition or nature of the stock. Whilst weaker than the M40/Heathrow market, the A40 corridor remains a relatively attractive and well performing industrial location. However, within the A40 corridor, performance of the industrial market varies, with the Stonefield

Way/Victoria Road estate being one of the weaker locations, where demand and supply are weaker, rents are generally lower, growth levels are low and there is a higher proportion of vacant premises and space tends to be vacant for longer. The estate also experiences a lack of new development, stock and proposals for redevelopment, suggesting it does not meet the needs of occupiers or present an attractive location when compared to other sites within the corridor. Importantly, the report finds that within the corridor, there is a significant supply of available floorspace and based on current stock alone, there is sufficient supply to meet the annual average annual take up level for the next 5 years, even before new supply and is taken into account. Importantly, the majority of this floorspace is in areas that are performing more strongly than the Stonefield Way/ Victoria Road Estate. By contrast, Lidl could have benefits for the area, enhancing levels of employment significantly over existing users and help raise the quality of the frontage in general. The report finishes its conclusion by asserting that there would be no material impact to either the functionality of the current PIL designation or the capacity of the Hillingdon industrial market if the site were to be redeveloped for a non-industrial type use such as Lidl.

Air Quality Assessment:

This provides an executive summary and introduction to the study. Relevant policy and legislative context is described 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 of short duration and only relevant during the construction phase and before mitigation, using the Mayor of London's guidance, risks would be low. Regarding the operational impacts, 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' to existing receptors in the local area. 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 executive summary and an introduction to the study, describes the site and its topography, hydrology, 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. The report goes on to assess the risk posed by various sources of flooding, noting that the site lies within Flood Zone 2. A flood mitigation strategy is presented, and the sequential approach is described, with the report noting that being within Flood Zone 2, a retail use is a 'less vulnerable' use, suitable within Flood Zone 2. It also notes that a NPPF sequential test was undertaken by PBA in November 2014 but no sequentially preferable sites were identified. The report goes on to make recommendations for finished floor level height, access routes and flood warning and evacuation and then describes a surface water management strategy. 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.

Geo-Environmental Site Investigation Report:

This provides an introduction to the report, describes the site and the proposed

development. It goes on to describe a desk study of the site describing the sources of information used, the historical history of the site, its geology, hydrogeology and hydrology. It goes on to provide environmental considerations and assesses the risk from unexploded ordinance. It formulates a preliminary conceptual site model to identify possible sources of pollution and potential impacts upon receptors and assess possible pollutant migration pathways. The report then goes on to describe the investigation methodology and describes the results of the site investigation, including laboratory results. Environmental assessment results are presented and a remedial strategy is recommended. The report then goes on to make recommendations for the design of the building, slab design and pavements and demolition and construction.

Energy Statement:

This provides an introduction to the report, describes the site context and relevant policy, It goes on to advise of Lidl's Energy and Sustainability Philosophy. The assessment uses modelling to establish estimates of annual building energy profiles. 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 £12,600 carbon tax to offset the shortfall in carbon emissions permissible under Policy 5.2E of the London Plan.

Soft Landscape Specification:

This describes site preparation, earthworks, topsoiling and cultivation works and the specifications for shrub, tree and grass planting and maintenance on site.

Car Park Lighting Proposal 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

Comment on Relevant Planning History

Following the refusal of planning permission on 11/4/14 under delegated powers involving a similar Lidl store on much of the current site (excluding the Value Windows Ltd building at the rear) (App. No. 5039/APP/2014/143 refers), further to pre-application discussions with officers, a new scheme was submitted for the re-development of the site for a new Lidl store and refurbishment of the two existing retail units, together with associated parking, access and landscaping works (App. No. 5039/APP/2015/3715 refers). Following discussions with officers, the scheme was amended and the application was considered to have overcome all the numerous reasons for refusal of the first Lidl application and was recommended for approval at the Major Applications Planning Committee on 18/11/15 where Members resolved to grant permission, subject to the completion of a S106 Agreement. As this S016 Agreement has not been finalised, the permission has not been released.

Also of relevance to the planning application are the following:-

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).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.E1 (2012) Managing the Supply of Employment Land
- PT1.E5 (2012) Town and Local Centres
- PT1.E7 (2012) Raising Skills
- PT1.BE1 (2012) Built Environment
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.T1 (2012) Accessible Local Destinations
- PT1.CI1 (2012) Community Infrastructure Provision

Part 2 Policies:

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
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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:- **8th January 2016**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

266 neighbouring residential and commercial properties have been consulted on the application, which has also been advertised in the local press on 6/1/16 and 2 notices have been displayed on site on 18/12/15, with a closing date of 8/1/16.

A total of 79 responses have been received, 74 in support and 5 objecting to the proposals.

The supporting comments are summarized:-

- (i) Scheme will result in the much needed re-development of this derelict and run-down area which will add to the attraction of Victoria Road Retail Park.
- (ii) Lidl would be good for the area, providing competition for the larger expensive supermarkets, which will benefit the surrounding community due to lower cost of living and reducing need to travel to other discount stores and other shops along Victoria Road, particularly Bensons for Beds will benefit with increased footfall,
- (iii) Larger store will create more jobs,
- (iv) Site currently attracts vermin,
- (v) Support proposal if it will cause no undue disruption to parking,
- (vi) Whole process has already taken too long

Objection comments can be summarised as:-

- (i) Already sufficient supermarkets in the area and we do not need another,
- (ii) Proposal with increased competition will put small local independent traders out of business, resulting in the closure of community and business assets,
- (iii) Larger Lidl store will attract more customers and increase traffic through Stonefield Way and Victoria Road and conversion of part of Stonefield Way to two-way traffic will result in chaos. As residents, we notice many more large long vehicles using Stonefield Way than stated in the report. Proposal will result in increase of HGV delivery traffic in an already heavily congested area, with more congestion on Victoria Road and increase of noise and pollution on surrounding residential roads,
- (iv) Larger Lidl store will require more parking spaces,
- (v) Research shows discounters arriving in an area encourage increased car usage as people make multiple car journeys to 'shop around' to save marginal sums of money, with increased congestion, noise and pollution. Ironically, cost of fuel likely to outweigh any savings on groceries,
- (vi) Increased road damage with increase strain on Council budgets and inconvenience when roads need repair,
- (vii) Application does not make clear what an A1 use is, nor does it provide hours of building work and store opening,
- (viii) There is a river within 20m of the proposed Lidl store so application form is incorrect. This is a flood plain and last summer saw heavy rain causing Victoria Road to flood,
- (ix) Proposal will exacerbate light pollution, contributing to that of surrounding properties,
- (x) Planting plans show 4 trees in front of the Bensons for Beds/ Comet unit which will be replaced by 2 trees with only a metal cage for protection. It would not be unreasonable for a third tree to be planted in the area. The majority of the trees on site have already been removed (but not the 4 trees referred to above),
- (xi) Hedge in front of units has already been removed,
- (xii) At last planning meeting, a councillor acknowledged concerns regarding inadequate parking and traffic congestion and stated that he would be prepared to take the blame but this does not help local residents.

Detailed responses have also been received from consultants acting on behalf of Bensons for Beds, who are objecting to the proposals on two main grounds:-

- (xiii) The proposed development would be contrary to national, regional and local planning policy, which adopts a town centre first policy, by directing trade away from recognized centres, harming their vitality and viability and disrupting the retail hierarchy;
- (xiv) The proposed development presents significant highway issues, including traffic generation, vehicular access and highway safety.

As regards the retail objection, relevant policy is cited, namely paragraphs 23, 24 and 26 of the NPPF, Policies 4.8 and 7.4 of the London Plan (2015), Policy E5 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and emerging Policy DMTC1 from Hillingdon's Local Plan: Part 2: Development Management Policies.

The objection notes that as an out of centre development, both the sequential test and retail impact test need to be satisfied and it is noted that a sequential test has been undertaken which has not identified any alternative sites which the consultants, having undertaken their own research, concur. However, concerns are raised regarding the cumulative impact of recent retail development outside of retail centres which they consider undermines the objectives of national policy by threatening the vitality and viability of centres which would be exacerbated by this proposal.

The consultants argue that if there is a strong need for the proposal, arguably planning benefits arise which may offset any perceived harm to local centres such as walkable neighbourhoods, meeting local needs and supporting the economy. Conversely, if need or demand does not exist, securing any planning benefits holds less weight when trying to offset the harm to town centres.

The consultants argue that there is clear evidence to demonstrate that there is insufficient forecast growth in retail expenditure to justify the creation of a new convenience floorspace. They cite the supporting text to adopted Policy E5 which sets out the findings of the Convenience Goods Retail Study Update (CGRSU) 2012. This concludes that there is no capacity for additional goods retailing in the years up to 2016, and that from 2016 - 2021, capacity grows to 2,709 sq. m and this is a borough wide assessment.

The consultants argue that in the past 5 years, planning permission has been granted for an additional 14,631sq. m of Class A1 floorspace within or on the edge of South Ruislip local centre alone and most of this would mainly comprise convenience floorspace, given the occupiers (Sainsbury's, Asda and Aldi). The proposal would bring this to 16,318 sq. m, well in excess of forecast capacity according to Hillingdon's evidence base. A case for additional convenience floorspace could be made if there was evidence of increases in convenience expenditure, but contraction or no growth is forecast by the CGSRU between 2011 and 2028. The consultants also cite the submitted Planning and Retail Statement submitted with the application which forecasts a cumulative contraction of 5.8% from 2011 - 2016, offset by just a 0.5% growth from 2017 onwards. Other research is cited which confirms either a contraction or no growth in the convenience expenditure. Therefore, with contracting expenditure, further convenience floorspace can not be claimed to encompass planning benefits that would offset the harm to local centres.

The objection then goes on to claim that the proposal would compete with existing and committed stores within and on the edge of South Ruislip town centre, including another LAD (limited assortment discounter), identical to Lidl's operation and with 3 existing Lidl's within 3 miles and a total of 8 within 5 miles or a 23 minute drive time, the proposal will not promote a diverse retail sector but saturate the market and divert trade away from local centres.

The anticipated dis-benefits of the proposal are cited, namely being out of centre, the proposal would draw residents away from local centres, it would not encourage footfall and urban 'buzz' that could maintain and enhance town centres as required by policy, but would require car usage, exacerbating highway congestion and any benefits would only likely to be experienced at the individual level.

The objection goes on to assess trade diversion and estimates that the store would divert 4.7% of trade away from South Ruislip centre and with other committed development, this would total 23%, with the Sainsbury's store being affected by a 49.7% total trade diversion. The objection also considers that 'overtrading' can not be used as an argument for the need for additional floorspace, unless the overtrading is evidenced by corroborating evidence such as overcrowding and congestion. As such, there is no capacity to accommodate such a diversion of trade without putting

the viability of the Sainsbury town centre store at risk. Diverting trade away from identified centres would be contrary to policy and, whilst wider planning and regeneration benefits could arise from the strategic Arla development, the same cannot be said of this scheme. In terms of the retail hierarchy, Annex 2 of the London Plan notes that local centres may include a small supermarket typically around 500sqm whereas the additional floor space on this scheme as compared to the consented scheme is similar to the 500sq. m figure and the overall floorspace is over three times what the London Plan considers may be appropriate in a local town centre location.

The applicant has provided a response to these detailed objections and respond that the proposal seeks to 'transfer' the existing open A1 planning consent from the entirety of the vacant Comet unit on Victoria Road and part of the Bensons for Beds unit to the proposed Lidl store and a condition on the balance of the Bensons for Beds unit to restrict the sale of goods to 'bulky goods' will still allow Bensons for Beds to operate. The applicant considers that the consultants are seeking to safeguard the longer term attractiveness of the unit to the market in the event of disposing of the property, which the applicant advises is not a planning matter.

The applicants advise that Bensons for Beds operate approximately 240 stores across the UK and virtually all of them trade from retail park/ out of town locations and therefore the concern for the town centre first policy is not borne of any genuine concern and at complete odds with the business model of the company.

The applicant's response goes on to stress that town centre uses such as retail, not within a town centre, need to demonstrate compliance with the sequential and impact tests of the NPPF and these are the only policy tests. The applicant notes that the objection agrees that there are no sequentially preferable sites that could accommodate their proposal.

The applicant notes that the objection then discusses 'need'. Firstly, the applicant argues that whether or not there is sufficient 'need' for the proposed development is not a policy consideration. There is no requirement for applications for new development to demonstrate 'need', nor can a lack of 'need' be a reason for refusal. Secondly, the objection infers that a lack of 'need' means there is more likely to be 'perceived harm' to existing centres. It is incorrect to assume that this is automatically likely to be the case. Our assessment has demonstrated that no harm will arise to existing centres and that the proposal will deliver a number of positive impacts such as reducing overtrading at existing foodstores, improving consumer choice and providing a more competitive local market. These benefits will arise, irrespective of 'need' and it is incorrect to say that a lack of 'need', means these benefits will not arise. 'Perceived harm' is also not a relevant test of the NPPF as the only consideration is whether there is a 'significant adverse' impact and our assessment has demonstrated this is not the case. Indeed, the objection acknowledges that 14,631 sqm of Class A1 floorspace has been granted in South Ruislip in the last five years, despite the retail capacity evidence base study identifying no 'need', for new convenience goods floorspace in the Borough to 2016 confirming 'need' is not a relevant consideration.

The insufficient forecast growth in retail expenditure to justify the creation of new floorspace is also not a relevant planning consideration as it also relates to 'need'.

The objection is correct in confirming that the NPPF promotes competition and in this respect, the proposed development will simply enhance this further, relative to the presence of 'mainline' retailers as the presence of LAD retailers remains relatively limited.

The NPPF also makes clear that development of town centre uses such as retail is appropriate outside defined centres where it can be demonstrated that there are no sequentially preferable sites and where it can be demonstrated that that there are no 'significant adverse' impacts based on the criteria of paragraph 26 of the NPPF, therefore the NPPF allows for an element of trade diversion from centres to take place. As the NPPF does not differentiate between comparison and

convenience stores and if the objection was a correct interpretation of the NPPF, all Bensons for Beds stores would be contrary to policy.

Attention also needs to be drawn to the fact that planning permission has been granted for a major mixed-use redevelopment of the Arla Dairy site on the edge of South Ruislip local centre which is well linked to, and will ultimately form part of the local centre. With its supermarket, cinema, restaurants and residential development which are under construction, this scheme will increase 'footfall' and 'urban buzz'. These benefits will not be compromised by the proposal. It is also not clear how the trade draws have been derived and the consultants assessment shows the Asda superstore having a negative impact on the South Ruislip local centre, drawing trade, when in reality it will be constructed on its edge and form part of the local centre, increasing its attractiveness. Furthermore, the objector's assessment only shows the proposal to have a material impact upon trade in South Ruislip, the lesser trade diversion estimates on other centres can not be considered to be 'significant adverse'.

In terms of overtrading, the figures used are derived from the Council's own evidence base study and therefore represent an accurate assessment of the current trading performance of the network.

As regards the retail hierarchy, South Ruislip already contains a 3,484 sq. m Sainsbury's supermarket and in excess of a further 12,000 sq. m of commercial floorspace is under construction which will, for all intents and purposes, form an extension to the existing local centre. The amount of floorspace proposed by Lidl is modest by comparison and will not disrupt the retail hierarchy.

Further commentary on the original objection and the response by the applicant will be provided on the Addendum Sheet.

As regards the transport objection, this queries the appropriateness of using 2 year old data which contradicts more recent 2015 data and figures used in the Transport Assessment. It also argues that further traffic assessments should have been undertaken, particularly in the opening year of the store and for a period of not less than 5 years after the date of registration of the planning application. More specifically, it points out that the proposed delivery and servicing arrangements would result in vehicular conflict with other users of the site (including customers) raising potential safety concerns, it has not been demonstrated how the servicing requirements of Bensons for Beds by articulated and rigid vehicles would be accommodated. It goes on to query the appropriateness of using sites with greater public transport accessibility in the trip generation analysis, queries some of the modelling assessment and junction capacity analysis and queries whether 137 car parking spaces would be sufficient and a site specific parking accumulation study should have been undertaken.

The applicant's response provides detailed argument as to why the data and modeling was utilised and its use valid. In terms of servicing, the consultants argue that similar servicing arrangements are undertaken within their stores throughout the UK and have been approved within its stores within the borough. However, a revised access through discussions with officers has been identified. The revised servicing access has also allowed improved servicing arrangements and gated servicing area to be provided for Bensons for Beds and swept paths demonstrate access can be provided for a 12m rigid vehicle, 14.5m articulated vehicle and 16.5m articulated vehicle servicing Bensons for Beds. AS regards the need for a parking accumulation assessment, this is provided based on a 1,687 sq. m. Lidl foodstore and a 702 sq m non-food unit during Saturday which shows a maximum parking accumulation of 119 vehicles from 11:00 to 12:00.

A further round of public consultation has taken place on the revised site layout plans and access arrangement submitted on 27/7/16, with 301 neighbouring properties being consulted. To date, 27 responses have been received, 26 re-iterating their support for the store, although more express their frustration at the amount of time it is taking. Only one response makes a general comment of

whether Section 6 of the D & A Statement should be amended due to reduced number of parking spaces.

GLA:

The Stage 1 Report from the GLA is currently awaited and will be reported on the Addendum Sheet.

LONDON BOROUGH OF EALING:

No response

LONDON BOROUGH OF HARROW:

No response

SOUTH RUISLIP RESIDENTS ASSOCIATION:

No response

ENVIRONMENT AGENCY:

Thank you for consulting us on the above application. We have no objection to this application.

Advice to applicant

Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Yeading Brook, designated a 'main river'.

THAMES WATER:

Waste Comments

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 0800 009 3921 to discuss the options available at this site.

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 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

No 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 0800 009 3921 to discuss the details of the piling method statement.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company.

NATS:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria and accordingly, there are no safeguarding objection to the proposal.

HEATHROW AIRPORT LTD:

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

Internal Consultees

HIGHWAY ENGINEER:

This application for a new foodstore on the site on Victoria Road, South Ruislip has been subject to a long period of discussion over changes in layouts which are summarised below:

a. The proposed development comprises a new Lidl foodstore (1687sqm RFA) as well as the retention of the Bensons for Bed store (702sqm RFA). There is already a consented development of 1285 sq.m in place. In the latest proposals there will be 123 car parking spaces on site. The existing Comet store (1213 sqm RFA) has been removed. The site will have two accesses off Victoria Road, one via the existing junction with Stonefield Way (East}, incorporating changes to allow two way traffic flow for a short distance) and the second via a new junction onto Victoria Road. Cycle parking provision for 44 cycles and for 8 motorcycles will be provided. 2 active and 2 passive EV charging points are also proposed. The latest car parking layout would seem to satisfy TfL's request for reducing on-site car parking.

b. The site has poor public transport accessibility (PTAL=1b/2 - poor) so this is an area where car borne shopping is likely to predominate.

c. The changes in traffic flows between the proposed and recently consented development are indicated as 21 veh/hr, 22 veh/hr and -22 veh/hr for the weekday am peak, pm peak and Saturday peak respectively. The traffic impact of such changes on operation of the highway network is not considered to be significantly different to those previously accepted for the consented development. The junctions along Victoria Road were shown to operate within capacity during the weekday am and pm peak periods as well as during the Saturday peak.

However, it should however be noted that the Transport assessments for both the consented and proposed Lidl developments have assumed a significant traffic reduction along Victoria Road, based on information from the consented ARLA development

d. The initial scheme proposed servicing arrangements whereby HGV's would navigate through the customer car park was proposed. This arrangement was deemed to be unacceptable as part of the current application and was a comment on the previous application for a smaller Lidl store which was subsequently refused planning consent. The current proposals have changed that and now provided a safer route for service vehicles using an access off Stonefield Way that would not involve service / delivery vehicles to both the Lidl and the Benson for Bed Stores (which presently has a segregated service yard) traversing through the customer car park, and thereby avoiding hazardous conditions / safety concerns. The previous proposals were obviously not seen as appropriate for Bensons for Beds as they appointed consultants to object to the proposals on their behalf. It is assumed that the applicant has satisfied Bensons for Beds as to the benefits of this revised layout.

e. Lidl's transport consultant were asked to provide evidence on the need for a second access on Victoria Road which they did and they demonstrated that without a second access on Victoria Road there would be long delays within the site. The proposed new vehicular access onto Victoria Road was historically considered as a means to allow service / delivery vehicles to be segregated from the customer car park but with a new servicing arrangement off Stonefield Way. However, while this objective was not fully achieved as part of the recently consented Lidl Store, the extent of the conflicts between HGV's and use of customer car park was very significantly reduced and considered acceptable.

f. There are minor changes to be made to the alignment and waiting restrictions on Stonefield Way to allow the access to the car park to be made.

g. On the basis of the above comments I have no significant highway concerns given the previous consented development and the series of iterations that have taken place in order to minimise the impacts at the site. There will be conditions related to the latest site layout, the provision of parking, a car park management plan, construction management plan and Delivery and Servicing Plan along with a Travel Plan. There will also be a S278 agreement relating to the new access and changes to the short section of Stonefield Way East.

TREES/ LANDSCAPING OFFICER:

The site is occupied by various retail units including Imperial House, a former car sales showroom, which form a part of the linear retail park running along the south side of Victoria Road, at the junction with Stonefield Way.

The area to the north of Victoria Road is residential in character, with extensive areas of 1930's and post-war housing.

There is a large car park extending along the front of the site. This is separated from the road by a

wide grass verge, part of which covers a culverted river.

The car park is currently divided with access to the eastern units via the one-way Stonefield Way, while Imperial House has a separate access off Victoria Road.

The site and surrounding area is generally level.

The site currently benefits from a dense low level hedge along the Victoria Road frontage which helps to part-screen views of the car park.

Aside from this, there are occasional trees planted within the car park and its edges, as indicated on Poole & Pattle's Site Layout drawing.

There are no Tree Preservation Orders and no Conservation Area designations affecting trees within the site.

- A Tree Survey, by Arbtech, dated 28/10/2015, has assessed the quality and value of 9No individual trees and 2No. groups.

- All of these trees are graded 'C', or 'U', according to categories recommended in BS5837:2015. As such, they are of poor quality, with a short useful life expectancy.

- This category of tree does not normally constitute a constraint on development. For this site, the previous applications and pre-application discussion has already established the principle of sacrificing some of the existing trees and establishing replacement planting to secure longer term benefits regarding visual amenity and environmental improvement.

- Poole & Pattle's drawing No. 406 Rev L indicates an amended layout since, which has been enabled by the acquisition of additional space.

- Drawing No. 411 Rev A provides details of the hard landscape (surfacing) proposals.

- On drawing No. 411 Rev A, the key to the LIDL ownership boundary appears to be identical to that of the Council-owned land. The two should be clearly differentiated.

- ACD's drawing No. 18941-11g, Landscape Proposals, indicate that the existing trees to the south of the site entrance on Stonefield Way are to be retained. At least 11No. trees, together with groups 1 and 2 are to be removed to facilitate the development. This contrasts poorly with the provision of 9No. replacement trees - 7 of which will be planted (under licence) on Council-owned verge.

- It would be normal to expect the replacement of trees lost due to development on a 2 for 1 basis (at least) where possible.

- Previous discussions have taken place about the need to replace /-re-instate the hedge (similar height) along the site frontage. This is a non-negotiable requirement.

- The planting plan includes tree planting details (using cellular tree pit construction) and provides plant schedules.

- The planting plan is supported by ACD's Planting Specification. The tree planting specification makes no reference to the detailed construction of the cellular system specified, on plan, for the car park.

- If the application is recommended for approval, landscape conditions should be imposed to ensure

that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

Recommendations:

This application has been subject to pre-application discussion (relating to previous applications and a post-application meeting with Lidl on 16 December 2015).

A licence to plant (and thereafter establish and maintain) the soft landscaped verges should be confirmed and secured through a legal agreement.

No objection, subject to the above observations and COM8, COM9 (parts 1, 2, 4, 5 and 6) and COM10.

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.

This area is designated an industrial and employment area within the Local Plan Part 2, and is already in retail use.

The Planning Practice Guidance defines this use in Table 2 as Less vulnerable and an appropriate use within Flood Zone 2.

To then comply with the Exception test a Site Specific Flood Risk Assessment undertaken by Peter Brett Associates Project Ref: 36217/4001 | Rev: - | Date: November 2015 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, in the document written by PBA in November 2014 for the previous submission that it passes the Sequential Test.

Exception Test

The applicant must then 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: 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.

The Flood Risk Assessment has then provided 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) and the level of risk identified as this would be acceptable 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.

Recommendations:

Approval subject to conditions requiring construction in accordance with details provided in the FRA and provision of a sustainable water management scheme.

SUSTAINABILITY OFFICER:

I have no objections to the proposed development subject to the development being carried out in accordance with the approved energy assessment and subject to a carbon offset contribution of £12,600 being secured in the S106 as a consequence of the development falling short of the 35% reduction required by the London Plan.

ENVIRONMENTAL PROTECTION OFFICER (AIR QUALITY):

I have reviewed the Air Quality Report dated 1st December 2015. The development site is just to the north of the declared Air Quality Management Area, local monitoring data indicates that pollution levels close to sensitive receptors are within the limits set by the air quality legislation.

The report has not included an air quality assessment of any associated energy source nor has it included an air quality neutral assessment. The transport assessment indicates there are no HDVs associated with the operation of the site but that there will around 300 to 50 extra LDVs dependent upon direction of travel from the site.

As the LB Hillingdon Local Plan part 1 policy EM8 states that all development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors, should permission be granted it is recommended that conditions requiring i. the submission of a Construction Management Plan, in accordance with The Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance, ii. Non Road Mobile Machinery (NRMM) used on major development sites within the London Borough of Hillingdon meet Stage IIIA of EU Directive 97/68/EC and iii. a low emissions strategy for the operation of the site is submitted are attached.

ACCESS OFFICER:

The proposal is to demolish the derelict building known as Imperial House, the former Comet store, and a portion of the Value Windows Ltd building, and to redevelop the site to form a new Lidl foodstore on the site of Imperial House.

It is understood that the car park currently serving the Benson for Beds unit would be extended to serve the proposed new Lidl store. 14 Blue/Brown Badge accessible parking spaces are referred to within the Design & Access Statement and are shown on plan. The design of building and its internal layout adheres to a typical Lidl stores format.

No accessibility concerns 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. 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

S106 OFFICER:

1. Highways: S278/S38 to secure highways works as indicated on the approved drawings with final details to be agreed by the Local Planning Authority,
2. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,
3. Delivery and Servicing Management Plan
4. Tree planting on public highway, to include a licence agreement (to plant and maintain the landscape on highway land),
5. £12,600 carbon offset contribution
6. Employment Training Strategy. For the commercial operations an employment training initiative will be required to address employment training matters as a result of the proposal if approved. It is our preference to deliver in-kind employment training schemes over a financial contribution.
7. Construction training
 - Training Cost: £2500 per £1m build cost +
 - Coordinator costs: $3256/7500 \times £71,675 = £31,116.50$,

8. Project Management & Monitoring Fee: equal to 5% of total cash contributions

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 2016), 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 acceptability of the loss of employment land on the majority of this site has already been established by the previously consented scheme (5039/APP/2015/3715 refers) when it was noted that the proposed Class A1 food store would replace the former car showroom that has been vacant since 2006, thereby replacing a former sui generis use that is more akin to a retail use than an industrial use. Evidence was also provided of a lack of interest in the property since the Rover dealership ceased trading in 2006.

This scheme also includes part of the Value Windows Ltd building at the rear of the site. This is currently vacant and in a dilapidated state. The application includes an assessment of the industrial market along the A40 corridor which points to the Victoria Road Estate as being particularly unattractive for future industrial occupiers as compared to other industrial areas within the corridor and sites take longer to sell/rent. The proposals would not result in the complete loss of the industrial use on the adjoining site, just a reduction in the size of the building and a smaller building could stimulate interest (a condition has been added to ensure that the retained building is made good). Given the dilapidated state of the building and the enhancement of the application site, it is considered that a reason for refusal on the grounds of a marginal greater uptake of industrial land could not be justified.

Therefore no objections are raised to the principle of the 'loss' of the 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.

On the previous consented application (App. No. 5039/APP/2015/3715 refers) for a Lidl store with a 2,046 sq. m GEA, it was established that the site was sequentially preferable as no in centre, edge of centre or closer/more accessible out of centre sites were available in South Ruislip and surrounding centres. The sequential test has been re-run on this application. Adjoining London Boroughs of Ealing and Harrow have been consulted on this application and no objections or suggestions to consider other sites within their areas have been received, unlike on the previous application. Furthermore, retail consultants acting on behalf of Bensons for Beds and looking to object to the scheme state that they undertook their own assessment and arrived at the same conclusion. It is therefore considered that the sequential test is sufficiently robust and comprehensive, in line with the NPPF requirements and demonstrates that the site is sequentially preferable.

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.

On the previous consented application, officers reviewed the submitted retail impact assessment and concluded that the impact of the scheme on surrounding centres was acceptable. This scheme proposes a slightly larger Lidl store with a GEA of 2,639 sq.m and sales area of 1,687 sq.m uplifts as compared to the consented store of 593 sq. m in GEA and 401 sq.m in terms of the sales area. It is considered that this uplift in the floor area of the consented Lidl store would not be significant in terms of the impacts upon surrounding centres when having regard to the fact that this scheme also now involves the demolition of the former 870 sq. m (net) former Comet store (Unit 1) with a consequent overall reduction in the amount of floor space on site. As such, it is therefore considered that no objections could reasonably be raised on retail impact grounds.

There have been detailed objections submitted, querying the retail impact assessment of the scheme and the applicant's retail agent has provided a rebuttal. Greater commentary on this will be provided on the Addendum Sheet.

7.02 Density of the proposed development

Not applicable to this commercial 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 previously advised 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 does not form part of nor is it located 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, Unit 2 and part of the Value Windows Ltd. building and the re-cladding of Unit 1, the retained 'Benson for Beds' retail unit.

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. Also Unit 2 and the Value Windows Ltd. building have no intrinsic architectural merit and in the case of the latter, this building is somewhat dilapidated so that no objections are raised to their loss. The proposals would replace Imperial House with a modern building which together with the re-cladding of the adjacent retail unit 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 sited some 5m to 6m further forward on site than the Benson for Beds unit and the adjoining unit to the west. However, it would not project beyond the unit on the eastern side of Stonefield Way (east) and would still be set back 19.2m from the road frontage which has a wide verge in front and the building itself would be of a very similar scale to adjoining buildings so that it would not appear unduly prominent within the street scene.

The proposal would present an extensive glazed shopfront which would add visual interest along this part of Victoria Road. On this basis, combined with the enhanced landscaping now proposed (see Section 7.14 below), 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 54m 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 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.

- Proposed Parking/Access Arrangements

The proposed development has a PTAL score of 1b and comprises a new Lidl foodstore (1,687sqm RFA) as well as the retention of the Bensons for Bed store (702sqm RFA) to be served by 123 car parking spaces on site. The existing Comet store (1,213 sqm RFA) would be removed. The site would have two customer accesses from Victoria Road, one via the existing junction with Stonefield Way (East), incorporating changes to allow two way traffic flow for a short distance) and the second via a new junction onto Victoria Road. Cycle parking provision for 44 cycles and for 8 motorcycles would be provided. 2 active and 2 passive EV charging points are also proposed. This application has been subject to a long period of discussion over changes to the layout and revisions have been made and include the use of an existing commercial access at the rear of the site for deliveries to both the Lidl store and the Bensons for Beds unit.

- Traffic generation

The Council's Highway Engineer advises that the changes in traffic flows between the proposed and recently consented development are indicated as 21 veh/hr, 22 veh/hr and - 22 veh/hr for the weekday am peak, pm peak and Saturday peak respectively whereas the consented scheme would generate 257 two way vehicular trips in the weekday pm peak hour and 349 two way vehicle trips during the Saturday peak hour. The Engineer advises that the traffic impact of such changes on the operation of the highway network is not considered to be significantly different to those previously accepted for the consented development. On the previous application, the junctions along Victoria Road were shown to operate within capacity during the weekday am and pm peak periods as well as during the Saturday peak.

However, it should however be noted that the Transport assessments for both the consented and proposed Lidl developments have assumed a significant traffic reduction along Victoria Road, based on information from the consented ARLA development.

Lidl's transport consultants were asked to provide evidence on the need for the second access on Victoria Road which was historically proposed as a means to allow service / delivery vehicles to be segregated to some extent from the customer car park. However, with a new servicing arrangement off Stonefield Way, the extent of the conflicts between HGV's and use of the customer car park would be very significantly reduced. However, the consultants were able to demonstrate that without this second access on Victoria Road, there would be long delays within the site. As such, it is considered that the access arrangements represent a significant improvement upon the consented scheme and are acceptable.

- Parking

The enlarged car parking area at the front of the units would be shared by the two units, and would provide a total of 123 spaces, including 4 parent & child, 13 disabled person and 7 brown badge holders spaces. The Mayor's maximum car parking standards would limit the food stores parking to a maximum of 184 spaces and the non-food unit to 24 spaces, giving a maximum total of 208 spaces. A Saturday Parking Accumulation Profile has now been provided for the two stores which shows that there would be a maximum accumulation of 119 vehicles between 11:00 and 12:00, demonstrating that the 123 space car park would satisfy predicted demand during the site's busiest period. On this basis, the Council's Highway Engineer does not raise any objection to proposed car parking. The Council's Access Officer also does not raise objection to the proposals on accessibility grounds.

In order to conform with London Plan standards, 10% of all spaces should be served with electric charging points (active provision) and a further 10% of spaces should have passive provision, ie. The scheme only makes provision for 2 active and 2 passive spaces whereas a total of 26 spaces would need to have provision. Although the applicant argues that shoppers would not spend long enough in the store for charging facilities to be effective, the operator of the site may change in the future. The landscape condition therefore requires provision to be provided in accordance with the London Plan standards.

The London Plan (March 2016) requires 16 long stay and 26 short stay cycle spaces to be provided for the Lidl store and 3 long stay and 6 short stay spaces to be provided for the Bensons for Beds store. With a total of 44 cycle spaces being proposed, the proposal is slightly deficient in terms of meeting the London Plan's total of 51 spaces and currently, all the provision is proposed adjacent to the Bensons for Beds store. A condition has been added to ensure that relevant standards are met and provision is split between the stores.

- Servicing

The initial scheme proposed servicing arrangements whereby HGV's would navigate through the customer car park. This arrangement was deemed to be unacceptable as part of the current application and also comprised one of the reasons for refusal of the first application for a Lidl on this site (App. No. 5039/APP/2014/143 refers). The current proposals have been revised and now provide a safer route for service vehicles using an existing access for commercial premises off Stonefield Way that would not involve service / delivery vehicles to both the Lidl and the Benson for Bed Stores (which presently has a segregated service yard) having to traverse through the customer car park, and thereby avoids hazardous conditions / safety concerns. Bensons for Beds also raised concern on the initial proposals that the access arrangements were unsafe and the new service yard layout failed to demonstrate that it could be easily accessed by their service vehicles. The new layout does demonstrate that service vehicles can access the yard area which has been made larger. As with other surrounding properties, Bensons for Beds has been re-consulted on the revised layout and comments are awaited.

It is recommended, as on the previously consented scheme that delivery hours are restricted to avoid deliveries taking place during the peak week day hours and from 12:00 - 14:00 hours on Saturdays to minimize disruption to road users and conflict with customers.

- 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. 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 conditions related to the latest site layout, the provision of parking, a car park management plan, construction management plan and Delivery and Servicing Plan along with a Travel Plan. There will also be a S278 agreement relating to the new access and changes to the short section of Stonefield Way East. Accordingly, it is considered the proposed development 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

As regards security, a condition has been attached to ensure that the scheme satisfies 'Secure by Design' standards.

The other 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 13 of the 123 proposed car parking spaces would be disabled spaces, with a further 7 brown badge spaces. 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 application.

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 landscape plan indicates that the existing trees to the south of the site entrance on Stonefield Way are to be retained. At least 11No. trees, together with groups 1 and 2 are to be removed to facilitate the development. This contrasts poorly with the provision of 9No. replacement trees - 7 of which will be planted (under licence) on Council-owned verge at the front of the site as it is normal to expect the replacement of trees lost due to development on a 2 for 1 basis (at

least) where possible.

The Tree Officer advises that previous discussions have taken place about the need to replace /-re-instate the hedge, to a similar height along the site frontage. This is a non-negotiable requirement. The planting plan also includes tree planting details (using cellular tree pit construction) and provides plant schedules and the planting plan is supported by ACD's Planting Specification. However, the tree planting specification makes no reference to the detailed construction of the cellular system specified, on plan, for the car park.

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, including the revised planting 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 a 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 with a separate external door which could be used for 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 £12,600 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.

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 2016) 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. 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 which is controlled by condition and a sustainable water management scheme is conditioned. These form part of the officer's recommendation.

On this basis it is considered that the scheme 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

NOISE 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 scheme represents a significant improvement with deliveries taking place at the rear of the site, well away from surrounding residential properties. The condition forms part of the officer recommendation.

AIR QUALITY ISSUES

As regards air quality, the EPU Officer advises that the site is just north of the declared Air Quality Management Area and local monitoring data indicates that pollution levels close to sensitive receptors are within the limits set by the air quality legislation, but did raise issues in terms of omissions from the submitted Air Quality Assessment. However, given Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) requires that all development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors, conditions are recommended to ensure i. the submission of a Construction Management Plan, in accordance with The Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance, ii. Non Road Mobile Machinery (NRMM) used on major development sites within the London Borough of Hillingdon meet Stage IIIA of EU Directive 97/68/EC and iii. a low emissions strategy for the operation of the site. These form part of the officer recommendation.

7.19 Comments on Public Consultations

The comments in support of the application are noted. As regards the objection comments, points (i), (iii), (iv), (vii), (v), (viii), (ix), (x), (xi), (xiii) and (xiv) are dealt with in the main report. In terms of point (ii), the NPPF encourages retail competition and the impact of development on individual retailers is not a material planning consideration, points (vi), (vii) and (xii) do not raise material planning considerations/objections.

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 to secure highways works as indicated on the approved drawings with final details to be agreed by the Local Planning Authority,
2. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,

3. Delivery and Servicing Management Plan
4. Tree planting on public highway, to include a licence agreement (to plant and maintain the landscape on highway land),
5. £12,600 carbon offset contribution
6. Employment Training Strategy. For the commercial operations an employment training initiative will be required to address employment training matters as a result of the proposal if approved. It is our preference to deliver in-kind employment training schemes over a financial contribution.
7. Construction training
 - Training Cost: £2500 per £1m build cost +
 - Coordinator 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

No enforcement issues are raised by this application.

7.22 Other Issues

Land Contamination:

A Geo-Environmental Site Investigation Report 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

An indicative lighting scheme has been submitted with the application, with lighting on 6m and 8m columns and includes a report, including light spillage layout plans. These demonstrate that there would not be any significant light spillage outside the site. A final external lighting scheme has been conditioned as part of the landscaping scheme.

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

Not applicable.

10. CONCLUSION

This application is considered to provide improved delivery arrangements as compared to the scheme which Members previously resolved to grant permission at the Major Applications Committee on 14/11/15. Although the store is larger, and utilizes a larger site, no objections are raised to these changes on grounds of retail impact and loss of employment land, particularly as the proposal would now involve a reduction of retail floor space on site as compared to the previous scheme.

The application is recommended for approval, subject to referral back to the Mayor and a

S106 Agreement and recommended conditions.

11. Reference Documents

National Planning Policy Framework (March 2012)

London Plan (March 2016)

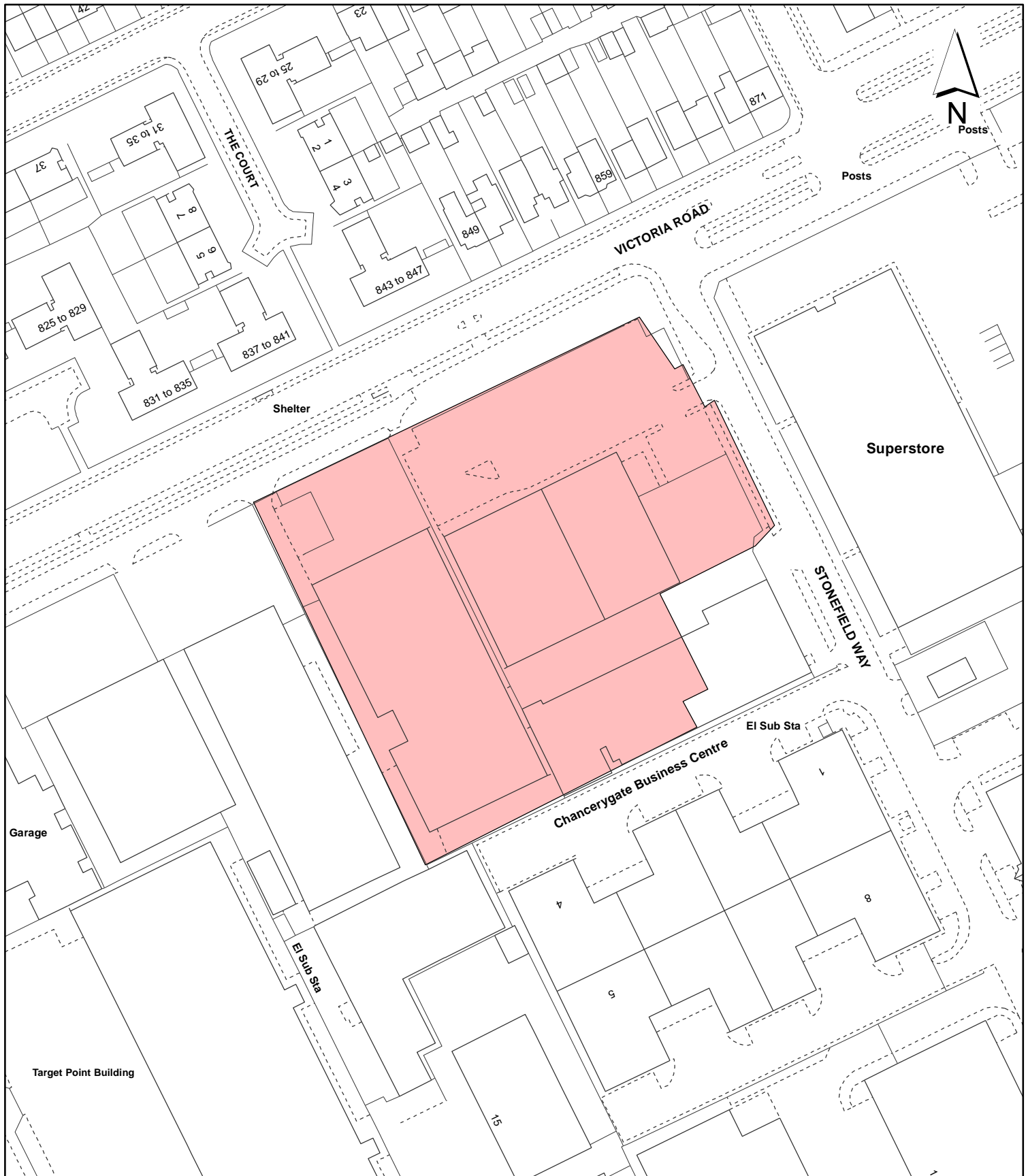
Hillingdon Local Plan (November 2012)

LDF - Accessible Hillingdon

Planning Obligations Supplementary Planning Document, July 2008

Contact Officer: Richard Phillips

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Notes:

 Site boundary

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Site Address:

**Imperial House & Units 1 & 2
 Victoria Road
 South Ruislip**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
5039/APP/2015/4395

Scale:
1:1,250

Planning Committee:
Major

Date:
October 2016

