

Report of the Head of Planning, Transportation and Regeneration

Address LAND AT VICTORIA RETAIL PARK VICTORIA ROAD RUISLIP

Development: Proposed two storey building to be used as Class A3/A5 with alterations to parking and landscaping.

LBH Ref Nos: 73901/APP/2018/2212

Drawing Nos: URB DT(08)0003 D01
URB DT(97)0001 D00
URB DT(98)0001 D00
Noise Assessment.
URB DT(08)0004 D00
URB DT(08)1001 D00
URB DT(08)7001 D00
URB DT(08)2001 D00
URB DT(08)8001 D00
Design & Access Statement
URB DT(08)0002 D00
Transport Statement
Flood Risk & Drainage Assessment May
Appendix A Proposed Site Layout
SUDS
Appendix D EA Product 4 Flood Data
Appendix G Preliminary Drainage Layout
Tree Survey Assessment
CANOPY
Terrace
URB DT(08)0001 D02

Date Plans Received: 14/06/2018 **Date(s) of Amendment(s):** 14/06/0018
Date Application Valid: 05/07/2018 22/06/2018

1. SUMMARY

The application proposes a two storey building within the car park of Victoria Retail Park to be used as Class A3/A5 with alterations to parking and landscaping. The proposal is partly within an existing parking area and partly over a linear green strip of land that runs along a substantial part of the south side of Victoria Road.

The linear green strip of land is considered to have strategic importance from a visual landscape perspective, a flood and water management perspective and with regard to the role this linear strip of land with its mature trees in places has in reducing poor air quality. The land south of Victoria Road sits within an air quality management area, although large parts of the north of the Borough are not within the AQMA that covers the entire south of the Borough below the A40, large parts of South Ruislip are nonetheless included in the AQMA due to the poor air quality.

The visual impact of this loss of green infrastructure will be exacerbated by the proposed development of the two-storey structure on the leading edge of the site compared to the retail park sheds which are set well back from the Victoria Road frontage.

A total of 17 No. new / replacement trees has been proposed, however, these will take many years to establish and five of them are within the car park area which will have little effect screening the roadside development. The tree selection is composed of small to medium size trees which will have limited benefit in screening the development or mitigating air quality issues.

A Flood Risk Assessment has been submitted however, it suggests that because the area is already identified as a retail park the sequential test has been passed. This does not acknowledge that this proposal introduces a new building within Flood Zone 3a and an area identified at risk of surface water flooding. Furthermore the surrounding area has suffered from flooding according to Council records. The Sequential Test is not therefore considered to have been passed.

The FRA does not properly consider the implications of the immediate proximity of the development to Yeading Brook. The proposals compromise LBH and EA's long term objective of opening up culverted watercourses, by constructing within 8m of the actual location of the main river. The entire site is within an area at risk of surface water flooding and the FRA does not adequately deal with this risk only managing the risk from this site and not to the site. The proposals just raise finished flood levels to ensure that the property itself is protected and does not satisfy the Council that surface water risk will not be increased elsewhere.

The proposal does not demonstrate satisfactory servicing of the proposed A3/A5 unit. There is considered to be insufficient manoeuvring space both into and out of the A3/A5 unit site and within the site itself. The implications of this will affect the proposed A3/A5 unit, adjoining retail park and public highway to the potential detriment of highway and pedestrian safety. Furthermore insufficient evidence has been provided to clarify the parking impacts of the proposals due to the failure to provide a parking accumulation study and evidence of residual parking capacities. As the location exhibits vehicular and foot traffic at present which would be exacerbated by the proposal, there is the significant concern that the proposals will result in highway and pedestrian safety problems.

The proposal is therefore considered contrary to policies AM7, AM14, BE38, OE7, OE8, AM7 and AM14 of the Development Plan (2012) and policies 5.13, 6.3 and 6.13 of the London Plan (2016).

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal involves the loss of part of a linear landscaped area that runs along the south side of Victoria road. The existing landscaped area and its mature landscaping and trees is considered to make an important contribution to the character and appearance of the streetscene. The site is located within an air quality management area and the landscaped area helps mitigate local area quality impacts. The loss of the green infrastructure will be exacerbated by the proposed development of the two-storey structure on the leading edge of the site along the Victoria Road frontage and it is not considered that the above impacts can be mitigated by the limited replacement landscaping proposed. Therefore, the proposal would be contrary to Policy BE38 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policy 7.14 of the Mayors London Plan 2016.

2 NON2 Non Standard reason for refusal

The proposal, sited within the 8 metre main river buffer zone and within an area of high

probability of flooding, fails to demonstrate that flood risk will be suitably mitigated and is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) Policy 5.12 of The London Plan (2016) and the National Planning Policy Framework (July 2018).

3 NON2 Non Standard reason for refusal

The proposal does not demonstrate satisfactory servicing of the proposed A3/A5 unit. There is considered to be insufficient manouvering space both into and out of the A3/A5 unit site and within the site itself. The implications of this will affect the proposed A3/A5 unit, adjoining retail park and public highway to the potential detriment of highway and pedestrian safety. Furthermore insufficient evidence has been provided to clarify the parking impacts of the proposals due to the failure to provide a parking accumulation study and evidence of residual parking capacities. As the location exhibits vehicular and foot traffic at present which would be exacerbated by the proposal, there is the significant concern that the proposals will result in highway and pedestrian safety problems. The proposal is therefore contrary to policies AM7 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I52 Compulsory Informative (1)

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

3 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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.

- | | |
|------|--|
| AM1 | Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations |
| AM14 | New development and car parking standards. |
| AM15 | Provision of reserved parking spaces for disabled persons |
| AM2 | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity |

BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE21	Siting, bulk and proximity of new buildings/extensions.
BE29	Advertisement displays on business premises
LE2	Development in designated 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
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
LPP 4.7	(2016) Retail and town centre development
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.13	(2016) Sustainable drainage
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 7.6	(2016) Architecture
NPPF	National Planning Policy Framework

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

3. CONSIDERATIONS

3.1 Site and Locality

Ruislip Retail Park is an established retail destination located on the northeast corner of the junction of Victoria Road and Stonefield Way. The main access into the car park is off Crown Road which is a spur road from Victoria Road.

The site is located within an area of an existing retail car park fronting Victoria Road (a Classified Road) which is designated for shoppers of several commercial establishments such as DFS and Curry's PC World. Opposite the site is Queensmead School and residential properties.

3.2 Proposed Scheme

The application proposes a two storey building to be used as Class A3/A5 with alterations to parking and landscaping. The proposed building for a McDonald's Drive Thru would be located within the existing retail park car park.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history.

4. Planning Policies and Standards

The proposed development would be assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the London Plan 2015, the NPPF and supplementary planning guidance prepared by both LB Hillingdon and the GLA.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE21	Siting, bulk and proximity of new buildings/extensions.
BE29	Advertisement displays on business premises
LE2	Development in designated 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
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
LPP 4.7	(2016) Retail and town centre development
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.13	(2016) Sustainable drainage
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 7.6	(2016) Architecture

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

167 neighbouring properties and the South Ruislip Residents Association were notified of the proposed development on 6th July 2018 and a site notice was erected adjacent to the site on 10th July 2018.

By the close of the consultation period 16 neighbouring residents had objected to the proposed development and a petition with 73 signatures was received which objects to the proposal and asks for it to be refused.

The objections can be summarised as the following:

- i) Increase in traffic congestion;
- ii) No demand for this use, there are two empty A3 class units at the new Arla complex;
- iii) Increase in traffic;
- iv) Increase in litter;
- v) Increase in noise;
- vi) Increase in smells from cooking;
- vii) Restrict sales of food to school children between 8am-6pm Monday to Friday;
- viii) Loss of existing parking spaces;
- ix) Highway and pedestrian safety;
- X) Increase in anti-social behaviour;
- Xi) Undermine healthy eating initiatives promoted by the school.

Case Officer Comments: These above concerns will be considered in the main body of the report.

3 letters of support were also received, summarised below:

- i) Create more job;
- ii) Good for the community and vitality of the retail park;
- iii) It would not increase crime.

THAMES WATER

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services> There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Thames Water recommends

the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company.

Environment Agency: Consulted but no reply received. Given the flood risk implications of the proposals any late comments received will be included in the Committee addendum.

Internal Consultees

WASTE STRATEGY

No objection to the size and location of the bins.

HIGHWAY COMMENTS

The site is located within an area of an existing retail car park fronting Victoria Road (a Classified Road) which is designated for shoppers of several commercial establishments such as DFS and Curry's PC World. The main access into the car park is off Crown Road which is a spur road from Victoria Road.

The surrounding roads are extensively covered by parking controls and the address exhibits a PTAL rating of 1b/2 which is considered as low and therefore heightens dependency on the use of a private motor vehicle in lieu of alternate sustainable travel modes.

Parking Appraisal:

The proposal is for a 'drive -in' McDonald's establishment (547m² GIFA). The site envelope footprint would demand the reduction of the existing total retail car park capacity (which is split into 2 segments divided by Crown Road) from 495 spaces to 453 equating to a loss of 42 spaces.

The capacity of the car park directly affected by the proposal equates to approximately 192 spaces with a loss of 42 spaces (i.e. a 22% reduction).

The applicant quotes the client's observations with regard to an underuse of the existing capacity but this is anecdotal and not formally quantified. However random Council officer observations suggest that an element of spare capacity does in fact exist during peak retail periods on both Friday afternoons and Saturday periods.

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

The quantum of 547m² GIFA of proposed A3/A5 use would demand approximately 11 on-plot spaces. It is proposed to provide 4 spaces in total including 2 disabled compliant spaces and 2 reserve spaces for 'drive-thru' customers with reliance on the 'underused' retail car park to accommodate overspill demand.

However a row of 13 potential spaces has also been indicated within the area of the proposal however these appear to have a dual function in facilitating the anticipated '3 times a week' service delivery via articulated lorry. Although not stated within the submission, this arrangement could be managed via a parking management strategy (PMS) for the site which could ensure that the 13 spaces are cleared at anticipated times of delivery and would remain available at all other times. This aspect would need to be secured via planning condition within the PMS.

However the applicant has not demonstrated or quantified the level of reserve capacity that would remain (if any) within the main car park (which is within their tenure) when considering that 42 spaces out of 192 are already being subsumed by the development proposal. Parking accumulation data relating to the activities of the whole car park should have been submitted in this respect. Without such information it is therefore not possible to make an informed decision on whether 'McDonalds' patrons can be satisfactorily accommodated with other customers utilising the retail car park which lies within the site envelope.

A refusal reason on the premise of the insufficient submission of information (i.e. parking accumulation studies) on parking grounds is therefore considered appropriate.

Cycle Parking:

In terms of cycle parking there should be a provision of at least 10-11 secure and accessible spaces for this scale of proposal in order to conform to the adopted borough cycle parking standard. 10 Sheffield stand spaces are indicated within a suitable location and therefore conform to the required standard.

Trip Generation:

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The predicted peak times of activity with the proposal are estimated to be during the following periods:-

- Friday - 4pm to 5pm
- Saturday - 1pm to 2pm

This is considered a reasonable assumption as it broadly fits the typical use profile for 'drive-in' establishments of this scale and positioning within the highway network. It is estimated that up to 89 additional two-way trips can be anticipated as arising from the proposal during the highest peak of development activity which occurs on Saturday. This estimated figure results from the application of certain vehicular trip reducing factors itemised as follows:-

- Diverted trips - These include for vehicles already on the road network that may plan/vary their route to 'food and drink' destinations such as the proposal site.
- Pass-by trips - These also include vehicles already on the road network but who may make an unplanned and spontaneous decision to attend a 'food and drink' establishment whilst passing the location.
- Shared/linked trips - These are incidental to targeted trips to the retail park itself.

As a consequence, the uplift in activity would approximate to an additional 4.5% on peak Saturday baseline traffic flows on the highway network. Again this is considered as a broadly reasonable approximation.

In relation to the above uplift in traffic, the Chartered Institute of Highways and Transportation (CIHT) traffic assessment guidelines (circa 1994) trip generation percentage thresholds were traditionally recognised and applied as appropriate guidance which would allow for an informed decision to be made on whether development impacts could be absorbed within existing highway networks with or without highway interventions i.e. mitigations. Threshold triggers of 5 and 10% development traffic uplift were established for congested and other roads respectively before any mitigations were deemed necessary to enable a proposal to be considered acceptable on highway grounds. Although this once ubiquitous method of approach is no longer applied on a widespread basis, it is still considered as a worthwhile measure and guide for gauging the suitability or non-suitability of a proposal on highway traffic generation grounds. As this proposal is highly likely to exhibit a development traffic uplift less than 5% there are no specific or identified requirements for mitigation or otherwise. The proposal is therefore considered acceptable in this respect and it is envisaged that any additional development traffic can be absorbed without highway detriment.

'Thru site' Access/Service Provisions:

The internal site envelope facilitates access to all of the allocated parking spaces for the 'food and drink' use and provides for a suitable 'drive thru' arrangement which allows 'stacking' for up to 18 passenger vehicles thereby limiting the likelihood of overflow into the main car park. The layout is therefore considered 'fit for purpose' in this respect. However it is apparent that service vehicles which are required to attend 3 times a week, and consist of 16.5 tonne articulated trucks, would exhibit some physical manoeuvring difficulties as they are required to enter and leave the site via the main access onto Crown Road which is shared with retail customer based traffic (moving and static) within the remainder of the retail car park. The problem is due to the positioning of certain parking spaces and the narrowness of the circulatory lanes within the existing retail parking

arrangement which does not afford ample clearance for large service vehicles to negotiate the marked out parking and access arrangement within the car park itself linking to Crown Road.

A pedestrian footway in proximity of the proposal would also need to be breached (overrun) in order for an articulated lorry to service the A3/A5 use.

As the location exhibits vehicular and foot traffic at present which would be exacerbated by the proposal, there is the significant concern that general safety within the overall site envelope would be potentially compromised. This is clearly unacceptable.

In summary, if the applicant cannot recommend that a smaller vehicle can be utilised for service/delivery purposes which can mutually coexist with the remaining car park and new patrons of the proposal - there is a justifiable reason to refuse this application.

Workplace Travel Plan (WTP):

A WTP would be required to be secured via planning condition in order to capture the workplace element of the proposal.

The WTP represents a long term strategy for managing travel by employees and delivery related activities which conforms with Transport for London's (TfL's) guidelines as it addresses all good practice mechanisms necessary to achieve a modal shift away from the private motor car thereby leading toward a sustainable personal travel mode by staff to and from the site.

Conclusion:

The application has been reviewed by the Highway Authority who are concerned with the following aspects of the proposal:-

1) There has been insufficient evidence provided with regard to the absence of parking accumulation studies and evidence of residual parking capacities which are required to determine whether the proposal can mutually coexist with the existing retail car park usage and the proposed A3/A5 use.

2) The servicing aspect of the proposal would be potentially prejudicial to all users of the retail car park in terms of the lack of demonstrated and satisfactory manoeuvring space within the site envelope resulting in a safety compromise for all vehicular and pedestrian users of the site.

The proposal is therefore considered contrary to policies AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016).

A highways refusal on this basis is therefore recommended.

FLOOD WATER MANAGEMENT

The site lies in Flood Zone 3a as identified by the West London SFRA, is identified in an area at surface water flood risk and is identified in a Critical Drainage Area. A Flood Risk Assessment has been submitted however, it suggests that because the area is already identified as retail park the sequential test has been passed. This does not acknowledge that this proposal introduces a new building within Flood Zone 3a (as a result of incorporating SW in Flood Zone definition, please see West London SFRA for further information) and an area at SW flood risk, and which has suffered from flooding. The Sequential Test is therefore considered not to have been passed.

There is no detailed information provided within the FRA of the distance to the Yeading Brook Main River and there for what is within 8m of the main river. The proposals as they appear to compromise a clear aim of LBH and EA to open up culverted watercourses by building up close to and if not over the edge of the watercourse. No building work should be within 8m of the main river.

Part of this site is currently also one of the few areas of green screening along Victoria Road and area of poor air quality and which is opposite Queensmead School which provides air quality benefit and so the loss or narrowing of this green corridor would not be accepted.

The entire site is within an area at risk of SW flooding and the FRA does not adequately deal with this risk only managing the risk from this site and not to the site. The proposals just raise finished flood levels to ensure that the property itself is protected and does not not reassure the Council that surface water risk will not be increased elsewhere.

Officer Comment: The applicants consultants did their assessment on the basis of the site being in flood zone 2. It was previously in flood zone 2, what the Flood and Water Management Officer tries

to explain in her comments is that the latest surface water flooding data has recently been factored into the West London Strategic Flood Risk Assessment (West London SFRA) and as a result of this the site now falls within Flood zone 3A. Flood zone 3A is where there is a greater than 1% annual risk of flooding, whereas Flood zone 2 is a lower 0.1-1% risk.

TREES AND LANDSCAPE COMMENTS

A tree report by Indigo has surveyed and assessed the condition and value of 47 individual trees, of which none are 'A' category. There are 19No. 'B' category trees which constitute a material consideration for retention and should be considered a constraint on development. A further 27No. trees are rated 'C' (poor) which are not normally considered to be a constraint - albeit they may have some collective, or ecological value. Five trees are rated 'U' and should be removed in the interests of sound management. In order to accommodate the proposed development 10No. 'B' grade trees will be removed (T29, 30, 31, 32, 33, 34, 37, 40, 41, 42) and 11No. 'C' grade trees will be lost (T4, 5, 10, 11, 12, 13, 14, 22, 23, 38, 47) together with the 'U' grade trees. The visual impact of this loss of green infrastructure will be exacerbated by the proposed development of the two-storey structure on the leading edge of the site - compared to the retail park sheds which are set well back from the Victoria Road frontage. A total of 17No. new / replacement trees has been proposed, however, these will take many years to establish and five of them are within the car park area which will have little effect screening the roadside development.

The tree selection is composed of small to medium size trees on a site which could accommodate larger species. The landscape plan by Urban Edge includes various ornamental shrub mixes and herbaceous planting which will benefit the visual amenity within the site - but will fail to mitigate the tree loss when viewed from the public realm. The proposal therefore fails to comply with saved policy BE38 and is unacceptable in this regard.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

INDUSTRIAL & BUSINESS AREA (IBA)

The site is located within the Stonefield Way Industrial and Business Area (IBA) where development that does not constitute industrial or business development, or support these sectors, is not normally permitted as set out in Local Plan Policy LE 2. However, the site is within the curtilage of an established retail use site and it is considered that the land could not be viably returned to industrial use.

The proposals therefore need to be considered on their merits with respect to other plan policies.

7.02 Density of the proposed development

Not applicable to the proposed development.

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

The site is not within or adjacent a special character area.

7.04 Airport safeguarding

No safeguarding issues arise from the proposal.

7.05 Impact on the green belt

The site is not within or adjacent to Green Belt land.

7.07 Impact on the character & appearance of the area

The proposed building is a two-storey structure with a flat roof with an overhanging canopy feature. The site is located on a stretch of road that is flanked, on its southern side, by retail and industrial parks in which a variety of building designs are present, none of which possess any significant architectural merit. It is therefore considered that it is not necessary for the proposed building to replicate the appearance of nearby structures and

that the introduction of a contrasting design will add a positive level of variety to the appearance of the area without appearing incongruous or overly dominant. Various external finishes will be utilised for the building walls and roof and it is considered that will help prevent it from appearing monotonous.

As such, on its own the proposal is in compliance with Policies BE13, BE15, BE19 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Nonetheless the building is sited over an existing landscaped area and the impact of this is fully considered under the Trees, landscape and ecology section of this report.

7.08 Impact on neighbours

The proposed facility would be located within an established retail park and the proposed use is considered to be compatible with the retail environment. There are residential properties located on the opposite side of the road. Details of advertisement has not been included as part of this application which could caused undue harm to the amenities of the occupants of these properties if any advertisement is illuminated.

It is noted that the hours of operation are unknown. If the application is to be recommended for approval, this would be conditioned to mitigate harm to existing residential properties on the northern side of Victoria Road. If the application is to be approved, details of any plant and machinery, including the speaker system used for taking orders, will need to be submitted along with details of any necessary mitigation measures to minimise noise, light and odour emissions that would adversely impact upon the amenities of staff, patrons, pedestrians and customers and occupiers of surrounding buildings will also be required.

The proposal is thus considered to accord with Policies BE24 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to the proposed development.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The main access into the car park is off Crown Road which is a spur road from Victoria Road. The surrounding roads are extensively covered by parking controls and the site has a PTAL rating of 1b/2 which is considered to be low and therefore heightens dependency on the use of a private motor vehicle in lieu of alternate sustainable travel modes.

Parking Appraisal

The proposal is for a 'drive-in' McDonald's establishment (547m² GIFA). The site envelope footprint would demand the reduction of the existing total retail car park capacity (which is split into 2 segments divided by Crown Road) from 495 spaces to 453 equating to a loss of 42 spaces.

The capacity of the car park directly affected by the proposal equates to approximately 192 spaces with a loss of 42 spaces (i.e. a 22% reduction).

The applicant quotes the client's 'observations' with regard to an underuse of the existing capacity but this is anecdotal and not formally quantified. There is no statistical evidence provided to back this up.

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards. The quantum of 547m² GIFA of proposed A3/A5 use would demand approximately 11 on-plot spaces. It is proposed to provide 4 spaces in total including 2 disabled compliant spaces and 2 reserve spaces for 'drive-thru' customers with reliance

on the 'underused' retail car park to accommodate overspill demand.

However a row of 13 potential spaces has also been indicated within the area of the proposal however these appear to have a dual function in facilitating the anticipated '3 times a week' service delivery via articulated lorry. Although not stated within the submission, this arrangement could be managed via a parking management strategy (PMS) for the site which could ensure that the 13 spaces are cleared at anticipated times of delivery and would remain available at all other times. This aspect would need to be secured via planning condition within the PMS.

However the applicant has not demonstrated or quantified the level of reserve capacity that would remain (if any) within the main car park (which is within their tenure) when considering that 42 spaces out of 192 are already being subsumed by the development proposal. Parking accumulation data relating to the activities of the whole car park should have been submitted in this respect. Without such information it is therefore not possible to make an informed decision on whether 'McDonalds' patrons can be satisfactorily accommodated with other customers utilising the retail car park which lies within the site envelope.

A refusal reason on the premise of insufficient submission of information (i.e. parking accumulation studies) on parking grounds is therefore considered appropriate.

Cycle Parking

In terms of cycle parking there should be a provision of at least 10-11 secure and accessible spaces for this scale of proposal in order to conform to the adopted borough cycle parking standard. 10 Sheffield stand spaces are indicated within a suitable location and therefore conform to the required standard.

Trip Generation

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy requires the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The predicted peak times of activity with the proposal are estimated to be during the following periods:-

- Friday - 4pm to 5pm
- Saturday - 1pm to 2pm

This is considered a reasonable assumption as it broadly fits the typical use profile for 'drive-in' establishments of this scale and positioning within the highway network. It is estimated that up to 89 additional two-way trips can be anticipated as arising from the proposal during the highest peak of development activity which occurs on Saturday. This estimated figure results from the application of certain vehicular trip reducing factors itemised as follows:-

- Diverted trips - These include for vehicles already on the road network that may plan/vary their route to 'food and drink' destinations such as the proposal site.
- Pass-by trips - These also include vehicles already on the road network but who may make an unplanned and spontaneous decision to attend a 'food and drink' establishment whilst passing the location.
- Shared/linked trips - These are incidental to targeted trips to the retail park itself.

As a consequence, the uplift in activity would approximate to an additional 4.5% on peak Saturday baseline traffic flows on the highway network. Again this is considered as a

broadly reasonable approximation.

In relation to the above uplift in traffic, the Chartered Institute of Highways and Transportation (CIHT) traffic assessment guidelines (circa 1994) trip generation percentage thresholds were traditionally recognised and applied as appropriate guidance which would allow for an informed decision to be made on whether development impacts could be absorbed within existing highway networks with or without highway interventions i.e. mitigations. Threshold triggers of 5 and 10% development traffic uplift were established for congested and other roads respectively before any mitigations were deemed necessary to enable a proposal to be considered acceptable on highway grounds. Although this once ubiquitous method of approach is no longer applied on a widespread basis, it is still considered as a worthwhile measure and guide for gauging the suitability or non-suitability of a proposal on highway traffic generation grounds. As this proposal is highly likely to exhibit a development traffic uplift less than 5% there are no specific or identified requirements for mitigation or otherwise. The proposal is therefore considered acceptable in this respect and it is envisaged that any additional development traffic can be absorbed without highway detriment.

'Thru site' Access/Servicing Provisions

The internal site envelope facilitates access to the all of the allocated parking spaces for the 'food and drink' use and provides for a suitable 'drive thru' arrangement which allows 'stacking' for up to 18 passenger vehicles thereby limiting the likelihood of overflow into the main car park. The layout is therefore considered 'fit for purpose' in this respect. However it is apparent that service vehicles which are required to attend 3 times a week, and consist of 16.5 tonne articulated trucks, would exhibit some physical manoeuvring difficulties as they are required to enter and leave the site via the main access onto Crown Road which is shared with retail customer based traffic (moving and static) within the remainder of the retail car park. The problem is due to the positioning of certain parking spaces and the narrowness of the circulatory lanes within the existing retail parking arrangement which does not afford ample clearance for large service vehicles to negotiate the marked out parking and access arrangement within the car park itself linking to Crown Road.

A pedestrian footway in proximity of the proposal would also need to be breached (overrun) in order for an articulated lorry to service the A3/A5 use.

As the location exhibits vehicular and foot traffic at present which would be exacerbated by the proposal, there is the significant concern that general safety within the overall site envelope would be potentially compromised. This is clearly unacceptable.

Conclusion

The application has been reviewed by the Highway Authority who are concerned with the following aspects of the proposal:-

- 1) There has been insufficient evidence provided with regard to the absence of parking accumulation studies and evidence of residual parking capacities which are required to determine whether the proposal can mutually coexist with the existing retail car park usage and the proposed A3/A5 use.
- 2) The servicing aspect of the proposal would be potentially prejudicial to all users of the retail car park in terms of the lack of demonstrated and satisfactory manoeuvring space within the site envelope resulting in a safety compromise for all vehicular and pedestrian users of the site.

The proposal is therefore considered contrary to policies AM7 and AM14 of the Development Plan (2012) and policies 6.3 and 6.13 of the London Plan (2016).

The application is therefore considered to have failed to demonstrate that the proposed development is acceptable on highways grounds.

7.11 Urban design, access and security

Secured by Design is now covered by Part Q of the Building Regulations which the development will be required to accord with.

7.12 Disabled access

No disabled access issues arise from the proposed development.

7.13 Provision of affordable & special needs housing

Not applicable to the proposed development.

7.14 Trees, Landscaping and Ecology

The proposal is partly within an existing parking area and partly over a linear green strip of land that runs along a substantial part of the south side of Victoria Road.

The linear green strip of land is considered to have strategic importance from a visual landscape perspective, a flood and water management perspective and with regard to the role this linear strip of land with its mature trees in places has in reducing poor air quality. The land south of Victoria Road sits within an air quality management area, although large parts of the north of the Borough are not within the AQMA that covers the entire south of the Borough below the A40, large parts of South Ruislip are nonetheless included in the AQMA due to the poor air quality. The main landscape feature in this part of South Ruislip is the wide landscaped/tree planted verge, much of which is highway land.

A tree report by Indigo has surveyed and assessed the condition and value of 47 individual trees, of which none are 'A' category. There are 19No. 'B' category trees which constitute a material consideration for retention and should be considered a constraint on development. Normally category B trees should be retained due to the contribution they make to streetscenes.

A further 27No. trees are rated 'C' (poor) which are not normally considered to be a constraint - albeit they may have some collective, or ecological value. Five trees are rated 'U' and should be removed in the interests of sound management. In order to accommodate the proposed development 10No. 'B' grade trees will be removed (T29, 30, 31, 32, 33, 34, 37, 40, 41, 42) and 11No. 'C' grade trees will be lost (T4, 5, 10, 11, 12, 13, 14, 22, 23, 38, 47) together with the 'U' grade trees. The visual impact of this loss of green infrastructure will be exacerbated by the proposed development of the two-storey structure on the leading edge of the site - compared to the retail park sheds which are set well back from the Victoria Road frontage.

A total of 17No. new / replacement trees have been proposed, however, these will take many years to establish and five of them are within the car park area which will have little effect screening the roadside development. The tree selection is composed of small to medium size trees on a site which could accommodate larger species. The landscape plan by Urban Edge includes various ornamental shrub mixes and herbaceous planting which will benefit the visual amenity within the site - but will fail to mitigate the tree loss when viewed from the public realm.

It is considered that the proposed siting of the retail unit will cause harm to the streetscene by virtue of loss of the existing landscaped area and that replacement landscaping will not compensate for this loss. The proposal therefore fails to comply with saved policy BE38 and is unacceptable.

7.15 Sustainable waste management

The Waste Strategy team has no objection to the proposed bin store location and size.

7.16 Renewable energy / Sustainability

Not applicable to the proposed development.

7.17 Flooding or Drainage Issues

The site lies in Flood Zone 3a as identified by the West London SFRA, is identified in an area at surface water flood risk and is identified in a Critical Drainage Area. It must first be considered whether the site is a suitable location for development, this is undertaken through a sequential assessment. If properly undertaken such an assessment should correctly identify the flood risks associated with the application site and also consider alternative possible locations. Another matter which has to be properly assessed is the surface water impacts of building in flood prone locations.

Policy OE8 of the Saved Policies UDP states:

PLANNING PERMISSION WILL NOT BE GRANTED FOR NEW DEVELOPMENT OR REDEVELOPMENT OF EXISTING URBAN AREAS WHICH WOULD RESULT IN AN INCREASED FLOOD RISK DUE TO ADDITIONAL SURFACE WATER RUN-OFF, UNLESS THE PROPOSED DEVELOPMENT INCLUDES APPROPRIATE ATTENUATION MEASURES TO A STANDARD SATISFACTORY TO THE COUNCIL, IN CONSULTATION WITH THE ENVIRONMENT AGENCY AND, WHERE APPROPRIATE, OTHER DRAINAGE BODIES.

The explanatory text to this policy then further states;

'6.18 The Council acts as agents for Thames Water Utilities for the sewerage functions of the Borough. Under the agency arrangement the Council has recently completed the Harrow Branch Relief Foul Water Sewer to alleviate the foul flooding problem in the Ruislip area and other schemes are being investigated. The most significant is likely to be a storm relief sewer for the South Ruislip area. Surface water run-off generated by the development of a green field site or redevelopment of an existing built-up area can exacerbate an existing flooding problem or may overload the existing surface water sewerage system. The Council should therefore be consulted at an early stage about the drainage requirements for development proposals.'

The Hillingdon LFRMS dated 2016 indicates that surface water flooding was recorded within the retail park in 2015. Victoria Road flooded on the 28th of July 2014 and the 23rd of June 2016 due to surface water, although this was at different locations to the red line application site.

A Flood Risk Assessment has been submitted, however it suggests that because the area is already identified as a retail park the sequential test has been passed. This does not acknowledge that this proposal introduces a new building within Flood Zone 3a in an area at risk of surface water flooding and which has suffered from flooding. The Sequential Test is therefore not considered to have been passed.

The FRA does not properly consider either the strategic flood risk implications or the surface water implications properly.

A further issue is that strategic flood and water management authorities could deploy to tackle flood risk is to remove culverts. The proposals appear to compromise such an objective by building so close to the existing culvert (the Councils Flood and water management officer was unsure whether the proposals would even involve construction over the existing culverted river, nonetheless what is clear is that the proposals definitely go far closer than surrounding development and well within the 20m buffer that triggers Environment Agency consultation).

The entire site is within an area at risk of SW flooding and the FRA does not adequately deal with this risk only managing the risk from this site and not to the site. The proposals just raise finished flood levels to ensure that the property itself is protected and does not not reassure the Council that surface water risk will not be increased elsewhere.

It is considered that the proposals should be refused as the proposal is sited within the 8 metre main river buffer zone and within an area of high probability of flooding, fails to demonstrate that flood risk will be suitably mitigated and is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies OE7 and OE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) Policy 5.12 of The London Plan (2016) and the National Planning Policy Framework (July 2018).

7.18 Noise or Air Quality Issues

The land south of Victoria Road sits within an air quality management area, although large parts of the north of the Borough are not within the AQMA that covers the entire south of the Borough below the A40, large parts of South Ruislip are nonetheless included in the AQMA due to the poor air quality.

The loss of existing trees and this strategic landscaped area in such a location is considered to cause serious concern. Trees, in particular mature trees with large canopies, can play an important strategic role in trapping air pollutants. Boroughs are encouraged to consider new tree planting in strategic locations, such as transport corridors, where they can help mitigate air quality problems, in particular in AQMA's. Although the Council does not have a published strategy to undertake tree planting along Victoria Road this is the sort of location it is considered that such planting would be more effective, or at the very least is the sort of location where the Council would not wish to see extensive loss of tree planting with limited replacement. Policy 7.14 of the Mayor's London Plan 2016 refers to development proposals not leading to further deterioration of air quality. It is considered that this proposal for a drive through restaurant involving extensive loss of existing trees at a location within an AQMA is contrary to this policy.

7.19 Comments on Public Consultations

The planning related matters are addressed in the report. Issues relating to the health of patrons of McDonalds is not a planning consideration.

7.20 Planning Obligations

Not applicable.

7.21 Expediency of enforcement action

There are no enforcement issues on this site.

7.22 Other Issues

CIL

The scheme would be CIL liable.

Presently calculated the amounts would be as follows;

LBH CIL £0

London Mayoral CIL £26,871.68

Total CIL £26,871.68.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

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

9. Observations of the Director of Finance

10. CONCLUSION

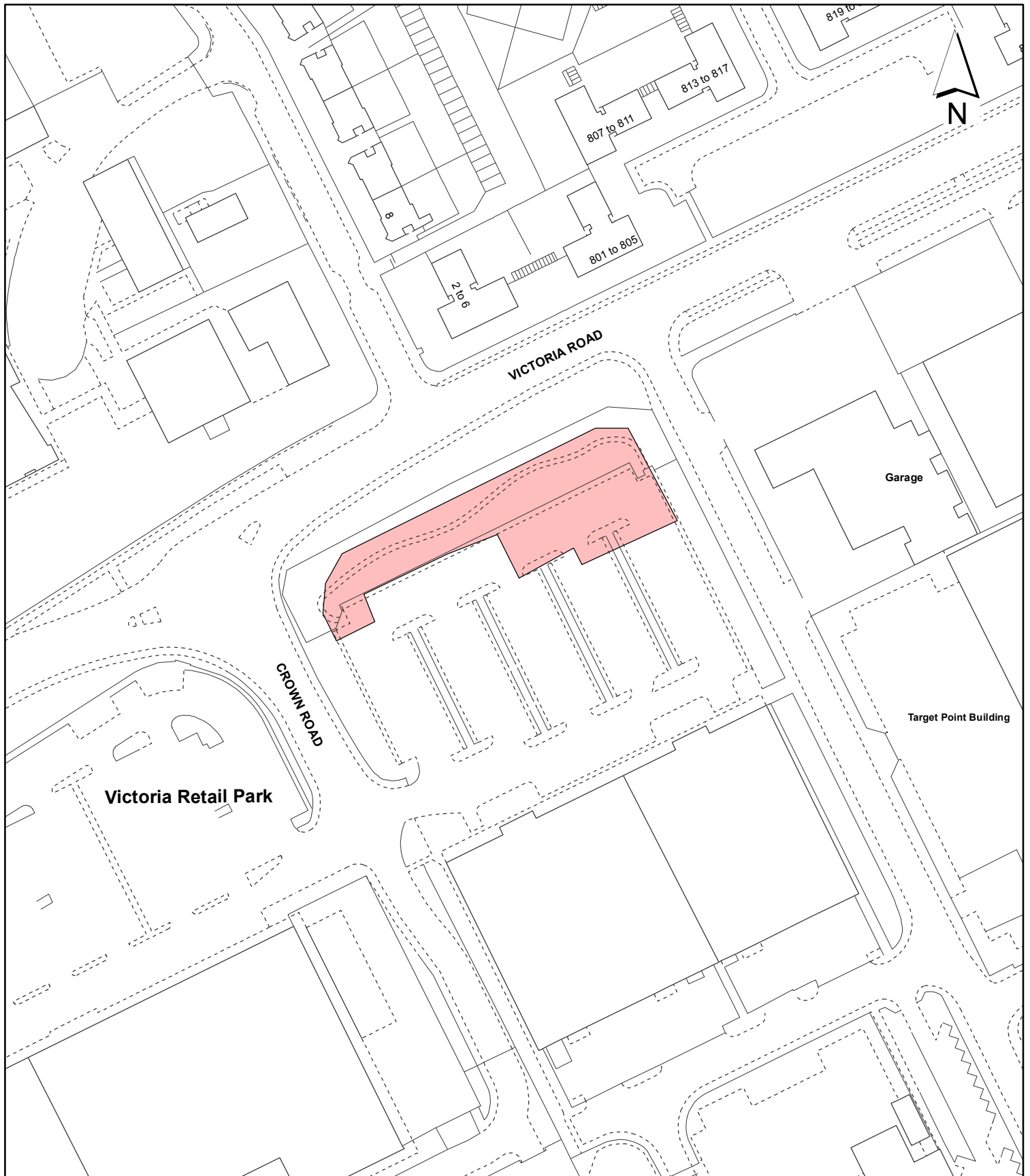
The development is considered to conflict with national, regional and local policies and is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan (November 2012)
London Plan (2016)
National Planning Policy Framework
Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Guidance - Noise
Supplementary Planning Guidance - Air Quality
HDAS: Accessible Hillingdon

Contact Officer: Mandeep Chaggar

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2018 Ordnance Survey 100019283

Site Address:

**Land at Victoria Retail Park
 Victoria Road
 Ruislip**

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

Planning Application Ref:

73901/APP/2018/2212

Scale:

1:1,250

Planning Committee:

North

Date:

September 2018



HILLINGDON
 LONDON