

Report of the Head of Planning & Enforcement

Address HAYES GATE HOUSE, 27 UXBRIDGE ROAD HAYES

Development: Change of use of ground floor from Class B1 (offices/light industry) to wholesale cash and carry with ancillary restaurant/canteen.

LBH Ref Nos: 2385/APP/2009/2613

Drawing Nos: 01A
02A
Design and Access Statement
Transport Assessment prepared by The Cunningham Consultancy Ltd dated March 2010
Letter from Mann Associates dated 02/12/09
Letter from Mann Associates dated 28/12/09

Date Plans Received: 03/12/2009 **Date(s) of Amendment(s):**

Date Application Valid: 17/03/2010

1. SUMMARY

This application seeks full planning permission for the change of use of the ground floor of Hayes Gate House, which currently comprises vacant B1 offices, to a wholesale cash and carry with an ancillary restaurant/canteen.

It is considered that insufficient information has been provided to determine how the proposed cash and carry would operate and, therefore its likely impacts on the surrounding area. The applicant has failed to demonstrate whether there are any more appropriate town centre sites available or to provide an impact assessment to justify the development in compliance with guidance within Planning Policy Statement 4. Accordingly, based on the information provided, the principle of development cannot be supported.

Significant concern has been raised over the potential traffic impacts associated with the use and the delivery and servicing arrangements. In addition concern is raised over the potential noise impacts on re-use of the rest of the building.

The proposal fails to comply with relevant UDP and London Plan policies, and guidance with Planning Policy Statement 4. Accordingly refusal is recommended.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Principle of development

The application site falls within the Springfield Road Industrial and Business Area. Policy LE2 of the Hillingdon Unitary Development Plan Saved Policies states that such areas are designated for business, industrial and warehousing purposes (use class B1 - B8) and for appropriate sui generis uses. The applicant contends the proposed cash and carry would fall within a B8 use. However, the Council has significant concerns that, from the information provided, the proposal would not fall within a typical B8 use. The applicant has failed to demonstrate that the proposal would fall within a B8 or sui generis

use appropriate for an Industrial and Business Area and that it would not have an adverse impact on the surrounding area. Accordingly, the proposal fails to comply with policy LE2 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and policies 2A.10 and 3B.4 of the London Plan.

2 NON2 Town centre use outside a town centre

From the information provided it is considered that the proposed use would be regarded as a retail warehouse club (sui generis use) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005. Planning Policy Statement 4: Planning for Sustainable Economic Growth, deems retail warehouse clubs as town centre uses. The applicant has failed to provide a sequential test or impact assessment to justify the development in this out of town location and to demonstrate that it will not impact on the viability and vitality of nearby town centres and the surrounding area. Accordingly the proposal fails to comply with guidance within Planning Policy Statement 4: Planning for Sustainable Economic Growth, and policies 3D.1 and 3D.3 of the London Plan (2008).

3 NON2 Highway impact

The applicant has failed to demonstrate that the combined traffic generated by the proposed development and the extant permissions would not have an adverse impact on the surrounding highway network, prejudicial to the free flow of traffic and detrimental to highway and pedestrian safety. The proposal also fails to demonstrate that it would adequately provide for and accommodate service delivery vehicles on site. The proposal therefore fails to comply with policies AM2 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NON2 Noise

The applicant has failed to demonstrate that the proposed cash and carry operation would not have an adverse noise impact on the re-use of the rest of the building. Accordingly, the proposal fails to accord with policies OE1, OE3 and LE2 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 NON2 Energy

The applicant has failed to demonstrate that a 20% reduction in carbon dioxide emissions, through addressing the site's electricity or heat needs from renewable sources, could be achieved. Therefore the proposal fails to comply with Policy 4A.7 of the London Plan (2008).

6 NON2 Planning obligations

The applicant has failed to provide a contribution towards the improvement of services and facilities as a consequence of demands created by the proposed development, including contributions towards highway improvements, air quality and project management and monitoring. The applicant has also failed to commit to the provision of a Green Travel Plan. The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Hillingdon Planning Obligations Supplementary Planning Document (July 2008).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies,

including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE3	Provision of small units in designated Industrial and Business Areas
LE7	Provision of planning benefits from industry, warehousing and business development
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
PPS4	Planning for Sustainable Economic Growth
LPP 2A.10	London Plan Policy 2A.10 - Strategic Industrial Locations
LPP 3B.4	London Plan Policy 3B.4 - Industrial Locations
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises an approximately 0.5 hectare plot located on the south east corner of the junction of Uxbridge Road and Springfield Road in Hayes. It currently accommodates a 13-storey vacant B1 office building with ancillary parking for 107 cars. The site benefits from extant planning permission for the change of use of the existing office building to a 182 bedroom hotel with ancillary conference facilities and meeting rooms, and a media centre. This application specifically relates to the ground floor of the building which has a floor area of approximately 1,704m².

The site is bounded to the north by Uxbridge Road, beyond which are two-three storey office buildings with retail at ground floor level and offices and/or residential above; to the east by an industrial unit used by Hayes Autos; to the south by a Scottish and Southern Energy Depot; and to the west by Springfield Road, beyond which is Uxbridge Road Retail Park, comprising units such as Wickes and Carpet Right. The site falls within the Springfield Road Industrial and Business Area as shown on the Hillingdon Unitary Development Plan Proposals Map. Uxbridge Road is designated as a London Distributor Road.

3.2 Proposed Scheme

This application seeks full planning permission for the change of use of the existing ground floor B1 offices, into a wholesale cash and carry with ancillary restaurant/canteen facilities. The applicant has advised that the facility would require membership and would be used for the sale and distribution of goods to the trade. No external works are proposed to the building and only minor alterations are proposed to the existing car parking provision, to better serve disabled users.

The building is currently undergoing refurbishment works, which have significantly improved the external appearance of the building. The supporting documentation submitted with the application advises that the applicant intends to implement an extant planning permission for a hotel in the long-term. However, given the current economic situation this is not considered wise at this time. Accordingly, the applicant seeks to occupy three floors of the building as B1 offices, within its existing use class, and to market the other floors to large and small companies, with the ground floor to be used as a cash and carry.

3.3 Relevant Planning History

Comment on Relevant Planning History

The most relevant planning history can be summarised as follows:

2385/APP/2001/99 - Change of use from offices and redevelopment of petrol filling station to provide an hotel, including alterations to external appearance and erection of an entrance canopy - Approved 17/12/02

2385/APP/2004/3309 - Change of use of Hayes Gate House (offices) to an hotel and conference facility, alterations to building, erection of a freestanding three-storey media centre, ancillary car parking and landscaping - Refused 01/03/05

2385/APP/2005/3477 - Change of use of Hayes Gate House from office to hotel and conference facility, alterations to building, erection of a freestanding three-storey media centre, ancillary car parking and landscaping - Approved 12/06/08

4. Planning Policies and Standards

Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (Consolidated with Alterations since 2004)
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Guidance 13: Transport
Planning Policy Guidance 24: Planning and Noise
Council's Supplementary Planning Guidance - Noise
Council's Supplementary Planning Guidance - Air Quality
Supplementary Planning Document - Accessible Hillingdon

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.18 To maintain, enhance and promote town centres as the principle centres for shopping, employment and community and cultural activities in the Borough.
- PT1.23 To encourage industry and warehousing to located within existing Industrial and Business Areas and offices and other business uses, shops and public buildings employing or attracting large numbers of people to located within Town Centres or other areas identified for such purposes.
- PT1.24 To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing.
- PT1.25 To encourage the provision of small industrial, warehousing and business units within designated Industrial and Business Areas.
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- 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
- LE1 Proposals for industry, warehousing and business development
- LE2 Development in designated Industrial and Business Areas
- LE3 Provision of small units in designated Industrial and Business Areas
- LE7 Provision of planning benefits from industry, warehousing and business development

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
PPS4	Planning for Sustainable Economic Growth
LPP 2A.10	London Plan Policy 2A.10 - Strategic Industrial Locations
LPP 3B.4	London Plan Policy 3B.4 - Industrial Locations
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- **13th April 2010**
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 127 local owner occupiers, Townfield Residents' Association, Hayes Town Centre Residents' Association, Hayes Town Partnership and Hayes Chamber of Commerce. The application was also advertised by way of press notice. 45 letters of objection have been received which raise the following concerns:

- i) Increase in traffic congestion.
- ii) Increased risk to health and safety, particularly with regards to children and young people attending Guru Nanak School, and using nearby recreational facilities, due to increased traffic and HGV movements.
- iii) The Uxbridge Road/Brookside Road junction is already extremely congested and access to Brookside Road from Uxbridge Road can be almost impossible at times.
- iv) Residents' lives are regularly put in jeopardy because emergency vehicles cannot get through the congestion.
- v) Traffic existing Springfield Road and wishing to go in the direction of Southall has to turn left, go around the Ossie Garvin Roundabout and then rejoin the already congested Uxbridge Road.
- vi) Traffic congestion, inconsiderate parking and total disregard to traffic regulation, which is not enforced by the Council or police, would increase making life even more miserable for residents.
- vii) Cars enter Brookside Road, a dead-end road, turn around and then access Springfield Road from here to avoid the traffic congestion when trying to access Springfield Road from Uxbridge Road.
- viii) Increase in noise pollution.
- ix) Increase in air pollution.
- x) There are many existing cash and carries in the surrounding area, including the Sira Cash and

Carry along Springfield Road, and others in Southall. There is no need for another one.

- xi) Increased risk of accidents to disabled persons.
- xii) The old MFI store opposite would be a more appropriate location for a cash and carry as parking bays are already in place and children don't use that side of the road as frequently.
- xiii) This area needs increased spending on roads, and greater investment to improve the area to make it cleaner, greener and safer.
- xiv) Brookside Pavilion is too small for the current weekend functions/parties and noise levels are unacceptable for residents.
- xv) The location of a cash and carry under a hotel does not seem like a good idea.
- xvi) The site should be used for community projects such as adult learning or for unemployed people.
- xvii) Residents concerns should be put before those of businesses.
- xviii) Increase in on-street parking along Brookside Road and surrounding streets.
- xix) Increase in litter.
- xx) Increase in anti-social behaviour, including drinking.
- xxi) This proposal would lead to the downfall and demise of the area into a deprived location.
- xxii) Increase in stress and anxiety to local residents.
- xxiii) If the proposal goes ahead this will cause a major backlash from local residents to the point of protesting and possible political influence.
- xxiv) Whilst an additional cash and carry in this area would increase competition the hassle would be immense.
- xxv) Traffic lights at the junction of Springfield Road/Brookside Road/Uxbridge Road are badly sequenced and the frequency of processions in Southall contributes to the hardship and disruption of residents.
- xxvi) 24 hour alcohol sales should not be permitted as this would severely affect the lives of residents and especially children who would have difficulty sleeping.
- xxvii) This area is already saturated with wholesale outlets, cash and carries and supermarkets. It does not need any more.
- xxviii) It is understood an entertainment/food/drinks license has been granted for another part of the site, with extensive operating hours and using the same access and parking facilities. The combined potential traffic volumes from both businesses would be foolish to the extreme.
- xxix) The environment in this area has deteriorated with uncaring families, increased rubbish and building works without consideration to neighbours.
- xxx) No justification has been provided or need proven for a cash and carry in this location.
- xxxi) The Mayor of London's decision to allow the redevelopment of the Southall Gas Works site, which will generate ever more traffic to this junction, should be considered.

A letter of objection has been received from John McDonnell MP which raises the following concerns:

- a) Increase in traffic and pollution in an area where these are already major problems.
- b) The increase in traffic will greatly increase the risk of accidents to children travelling to/from Guru Nanak Primary and Secondary School's located in Springfield Road.
- c) Additional traffic congestion at this junction will further exacerbate the problems of access and egress from Brookside and increase the danger of emergency vehicles being unable to reach incidents on the estate in good time.

Councillors Sid Garg and Lynne Allen have requested the application be determined by Committee.

TRANSPORT FOR LONDON

1. The development site is situated on the A4020 Uxbridge Road, which forms part of the Strategic Road Network (SRN).
2. TfL considers that the current 106 car parking spaces on site would be more than sufficient to

accommodate the demand for the proposed Cash & Carry; therefore TfL requests that a car parking management plan should be implemented to prevent the car parking being used by other than the purpose of visiting the proposed cash & carry.

3. The disabled parking bays proposed for the development do not appear to comply with the Disability Discrimination Act (DDA) 1995 Standards, which require a 1200mm width access aisle be provided on Both Sides of the bays as well as the end of the space to allow boot access or for use of a rear hoist. It is therefore recommended that the design of the Disabled bays be revised accordingly.

4. It is recommended that the design for some of the parking bays should be reviewed to enable the accommodation of LGVs expected for the proposed Cash & Carry.

5. Loading bays for HGVs should be provided for delivery undertaking by HGVs to the site; separate access from other vehicular traffic for HGVs is recommended to ensure safety within the site and the local highway network in the vicinity. It is also recommended that condition be imposed that all vehicles for the site must enter/ exit the site to/ from the public highway in forward gear, this is to ensure safety of other road users on the highway network.

6. TfL considers that the proposed cycle parking provision is adequate. It is recommended that condition be imposed to require that the developer to submit cycle parking details for local authority's approval prior to the occupation of the site.

7. TfL requests further clarification be provided on the total number of person's trips expected for during the entire opening time of the proposed Cash & Carry, and the number of vehicular trips likely to be generated. It is noted from the Transport Assessment submitted that DIY trade sites from the TRICS database were consulted; TfL therefore requests the applicant to provide full details of the TRICS sites concerned and justify that these sites are comparable to the proposed development. TfL is concerned that DIT trade sites would generally generate a lower turnover than food cash & carry sites; as well as the cash & carry for catering industry would generally have a different peak profile than DIY stores.

8. TfL recommends that a full Delivery & Servicing Plan (DSP) should be submitted and approved by the local authority prior to the occupation of the site. The Plan should rationalise delivery & servicing activities to the site, and HGV movements should be carefully planned and co-ordinated to avoid the AM and PM peak hours where possible; this is to minimise highway and traffic impact to the SRN and TLRN in the vicinity.

9. The footway and carriageway on A4020 Uxbridge Road must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic on A4020 Uxbridge Road.

10. All vehicles associated with the proposed Cash & Carry (including staff, customers, servicing) must park/ stop/ load/ unload/ pick up/ set down in accordance with existing on-street restrictions.

In conclusion, TfL is unable to offer a formal view to this proposal, until all of the issues raised above are addressed in full.

METROPOLITAN POLICE

Comments to be reported at Committee.

Internal Consultees

HIGHWAY ENGINEER

The application forms describe the change of use of the ground floor to wholesale cash and carry whilst the agent's correspondence describes the proposal as a B8 use.

The trip rates selected from the TRICS database relate to Trade DIY stores. Details of these sites have not been provided in order to justify that these sites are comparable to the proposed development.

Food cash and carry sites generate a higher turn over than DIY stores and have different peak profiles.

Trip generation during weekend trading peaks are required.

The Uxbridge Road/Springfield Road signalised junction is operating at capacity and the applicant has failed to demonstrate that traffic from the development can be satisfactorily accommodated on the public highway.

The Transport Assessment does not appropriately assess the traffic impacts of the scheme when combined with the extant planning permission that exists on this site.

The TA does not provide any accident data.

Delivery arrangements are considered to be unsatisfactory. A turning head is required to ensure that delivery vehicles can enter and exit the site in forward gear.

The application cannot be supported on highway grounds.

URBAN DESIGN OFFICER

The Planning Consultant states that the change of use would not entail any elevational changes.

From an urban design point of view the information submitted is limited, and it would have been helpful to receive elevational drawings showing existing and proposed situation, even if status quo, as well as a proposed site plan showing parking arrangement, access, boundary treatment as well as advertisements, which are all important aspects for the character and appearance of the streetscape.

POLICY AND ENVIRONMENTAL PLANNING (PEP)

Insufficient information has been submitted to establish whether this is an acceptable use in this location.

TREES/LANDSCAPE OFFICER

The two groups of Flowering Cherry trees protected by tree preservation order number 306 no longer exist on the site. However, whilst in 2008 there was no objection to the loss of the poor quality trees lining Uxbridge Road (as part of the approved hotel scheme), there is no record of their removal. In mitigation, the hotel scheme included new tree planting.

In relation to a change of use and associated changes to the external space/parking area, this proposal should make provision for tree planting in strips close to the road frontages. If permission is granted and replacement tree planting to form new linear landscape features should be required

by the imposition of appropriate conditions.

ENVIRONMENTAL PROTECTION UNIT

- Noise

The two letters from Mann Associates dated 2/12/09 and 28/12/09 are noted. The earlier letter refers to the extant planning permission for use as a hotel, although the building is currently vacant. It is stated that the clients look to implement use as a hotel but such a commitment is unwise in the current economic situation. The proposed use forms part of a strategy to encourage occupation to avoid the building falling into dis-repair. The strategy involves use of the ground floor as a wholesale warehouse and use of upper floors as offices.

The earlier letter maintains that the proposed wholesale cash and carry operation is not a retail activity, and is for the sale and distribution of goods to the trade. Nevertheless, the proposed ground floor plan shows a wholesale floor and check-out counters. The later letter states that the operation requires membership and would be for trade customers only. The letter also states that vehicular movements would not be dissimilar to that of office use, although the earlier letter refers to deliveries by large and HGV vehicles. The later letter states that the proposed B8 use is not suitable for a Town Centre location, although reasons for this are not given.

The nearest residential properties are situated some distance away on the opposite side of Uxbridge Road. Accordingly, the proposed wholesale warehouse operation is unlikely to cause disturbance to neighbouring residential properties provided opening times are suitably restricted. However, warehouse distribution activities covered by the requested class B8 use could cause noise disturbance from HGV and other vehicle movements and loading/unloading activities, especially if such activities were to be carried out in the evenings, nights and at weekends.

The main concern is that noise from the proposed wholesale warehouse use at ground floor level may cause disturbance to occupiers of the offices situated in the upper floors of the building. Such noise disturbance could be from sales activities within the ground floor of the building or from vehicle deliveries/collections, and loading/unloading in outdoor areas.

In view of the above, the proposal cannot be supported on noise grounds.

ACCESS OFFICER

It is appreciated that this application relates only to a change of use and that no building works are proposed. However, the applicant should be made aware of relevant obligations under the Disability Discrimination Act 1995, Part III (Goods, Facilities, Services and Premises).

The proposed facility will be subject to the Disability Discrimination Act 1995 because it will provide a service to the public. It should be noted that reasonable adjustments to practices, policies and procedures, auxiliary aids, and physical features will need introducing to ensure that disabled people receive an equitable service that is on par with non-disabled people.

The following observations are provided:

1. The proposed plan does not currently include any WC provision for disabled people. The opportunity should therefore be taken to provide at least one accessible unisex toilet, particularly as male and female toilets are shown
2. Toilets should be designed in accordance with the guidance given in Approved Document M to the Buildings Regulations 2004.

3. The accessible toilet should be signed either 'Accessible WC' or 'Unisex'. Alternatively, the use of the wheelchair symbol and the words 'Ladies' and 'Gentlemen' or 'Unisex' would be acceptable.

4. Consideration must be given to ensure that arrangements exist to provide adequate means of escape for all, including wheelchair users. Fire exits should incorporate a suitably level threshold and should open onto a suitably level area.

NB: The applicant is reminded of the duties set out in the Disability Discrimination Act 1995, with regard to employment and service provision. Whilst an employer's duty to make reasonable adjustment is owed to an individual employee or job applicant, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. The failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider, if/when challenged by a disabled person. It is therefore recommended that the applicant takes full advantage of the opportunity that this development offers, to improve the accessibility of the premises to people with mobility and sensory impairments.

Conclusion: To support the above observations, it is recommended that a suitable planning condition is applied to any grant of planning permission.

WASTE MANAGEMENT

There does not appear to be a space allocated for waste storage. If the premises was to change in use to a wholesale warehouse there would be a large amount of packaging type waste produced. It would be better for the operators of the warehouse to separate a proportion of this for recycling, which would require recycling containers in addition to waste containers.

S106 Officer

Proposed heads of terms:

1. A 10 year Sustainable Travel Plan to be prepared in accordance with TfL's guidance and to include a bond of £20,000.

2. That if the application is recommended for approval, the applicant enter into a s278 agreement to address all highways impacts in the area.

3. If the Air Quality Assessment, once reviewed by the Council, demonstrates that air quality is negatively affected by the proposal then a contribution towards air quality mitigation measures in the sum of £25,000 should be secured.

4. If a s106 agreement is entered into then a contribution equal to 5% of the total cash contributions hold be secured for the management and monitoring of the resulting agreement.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site falls within the Springfield Road Industrial and Business Area in Hayes. It also forms part of the strategic Hayes Industrial Area which is designated as a Preferred Industrial Location in the London Plan. UDP Policy LE2 states that Industrial and Business Areas (IBAs) are designated for business, industrial and warehousing purposes (use classes B1-B8) and for sui generis uses appropriate in an industrial area. Other uses will not be permitted unless it can be demonstrated that there is no realistic prospect of the land being used for industrial or warehousing purposes in the future; the proposed alternative use does not conflict with the policies and objectives of the plan; the proposal better meets the plan's objectives particularly in relation to affordable housing and economic regeneration. However, it is acknowledged that the principle of a hotel and

conferencing facility has been established on this site.

In terms of the proposed use of the site as a wholesale cash and carry warehouse, the applicant suggests this would be regarded as a B8 (storage or distribution) use. However, the applicant also states that the operation would require membership and would be to trade custom only. If this is the case then it is accordingly considered that the proposal would be regarded as a 'retail warehouse club.' The Town and Country Planning (Use Classes) (Amendment) Order 2005 defines a retail warehouse club as "a retail club where goods are sold, or displayed for sale, only to persons who are members of that club." On this basis, the proposal would be regarded as a sui generis use. Notably, well known cash and carries such as Costco and Makro appear to be regarded as businesses falling within a sui generis use.

Nevertheless, the provision of an ancillary restaurant/canteen, presumably for use by customers, several checkouts, and the provision of members' and public entrances as indicated on the plans, suggests the operation could be comparable to a retail use or supermarket falling within an A1 use. Notably, whilst referred to as a cash and carry, which would normally be associated with the sale of food, the Transport Assessment compares the site to DIY uses. It is considered that the information provided is unclear and despite requests for further details of the proposed use, none have been provided. As such, it is difficult to establish which use class the proposal would fall in to. However, it would not appear to fall within a B8 use.

Notably, an existing cash and carry is located approximately 90m to the south of the application site, along Springfield Road. That existing cash and carry, is open to members of the public and more comparable to a supermarket than a wholesale warehouse. Whilst limited information over the proposed use, type of membership required, customer base, type of goods sold, and general operation of the proposed use has been provided, the provision of a restaurant/canteen and the details provided on the plans which indicate that several checkouts and a public entrance would be provided, indicates the proposed use would similarly be more comparable to a retail unit or supermarket than to a wholesale warehouse as proposed. If this is the case, then it would not fall within a use class generally deemed as being acceptable within an IBA. Even if it were argued that this is a sui generis use, it is considered that insufficiently clear and detailed information has been provided with the application to assess whether this use would be appropriate, in principle, in this location. Accordingly, it is considered that the proposal fails to comply with UDP Policy LE2.

Notably Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth, defines retail development, including warehouse clubs and factory outlet centres, as a town centre use. Policy EC14.3 states that "a sequential assessment is required for planning applications for main town centre uses that are not in an existing town centre and are not in accordance with an up to date development plan." This should ensure that there are no more appropriate town centre or edge of town centre locations available for the proposed development. Furthermore, PPS4 Policy EC16 suggests that an impact assessment, which looks at issues such as the impact of the proposal on town centre vitality and viability, existing and committed developments, other out of town sites, etc, should be provided to justify town centre uses which are proposed outside a town centre and not in accordance with the development plan. No such information has been provided with this application.

Consultee responses have questioned the need for a cash and carry in this location. Officers are aware that there is an existing cash and carry along Springfield Road, in

close proximity to the application site, and numerous in the surrounding area, including Southall to the east. Insufficient information has been provided to demonstrate whether the proposed development would have any impact on these existing uses. An impact assessment, as required by PPS4, would enable officers to assess the likely impact of the development on existing businesses in the surrounding area.

The information provided with the application is insufficient to fully assess the acceptability of the application in this location and its likely impacts on the surrounding area. It has been assumed that the use would operate on a basis similar to other local cash and carries in the area, which are not dissimilar to retail type uses. Accordingly, the principle of development cannot be supported and the proposal is considered to be contrary to UDP Policy LE2, London Plan policies 2A.10 and 3B.4 and guidance within PPS4.

7.02 Density of the proposed development

Not application to this type of development.

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

Not applicable. The site does not fall within an Archaeological Priority Area and there are no Conservation Areas, listed buildings or Areas of Special Character within the vicinity of the site.

7.04 Airport safeguarding

There is no requirement to consult any airport/aircraft safeguarding authorities on this proposal.

7.05 Impact on the green belt

Not applicable. The nearest area of Green Belt, the Minet Country Park, is located approximately 125m to the west, beyond existing industrial units. The proposal would not result in any changes to the building which would be visible from here.

7.07 Impact on the character & appearance of the area

The applicant has confirmed that no alterations are proposed to the external appearance of the building. The Transport Assessment confirms that no alterations would be made to the existing car parking layout, except for better provision for disabled drivers. It is assumed that this merely comprises allocating additional spaces for disabled users. Accordingly, it is not considered that the proposed development would have any visual impact on the character or appearance of the surrounding area.

7.08 Impact on neighbours

The nearest residential properties are located approximately 35m away on the opposite side of Uxbridge Road. Accordingly, concern is raised over potential noise impacts from HGV and other vehicle movements and loading/unloading activities, especially if such activities were carried out in the evenings, nights and at weekends. Officers in the Council's Environmental Protection Unit have advised that opening times could be restricted through the imposition of suitable conditions, to ensure there were no impacts on residential amenity. However, given the proximity of these properties and uncertainties over the type of operation at the site which, presumably, would wish to operate longer hours and at weekends, concern is raised over whether this would be appropriate. Accordingly, it is considered that the applicant should provide a noise assessment in support of the application in order to demonstrate that the proposal would not have an unacceptable impact on residential amenity.

7.09 Living conditions for future occupiers

Officers in the Council's Environmental Protection Unit have raised concerns over the potential noise impacts of a wholesale warehouse use at ground floor level, and its associated noise disturbance from sales activities, loading/unloading and HGV movements on occupiers of the existing offices on the upper floors. It is considered that a

noise assessment should be submitted to demonstrate that the proposed use would not have an unacceptable impact on other users of the building.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application form submitted in support of the file states that there are 142 existing car parking spaces at the site. The applicant's supporting letter states that there are 108 existing spaces with six disability standard spaces. The plans indicate that there are 107 spaces, including six disability standard spaces. Nevertheless, the applicant's Transport Assessment states that there would be no alterations to the existing car parking layout. It is considered that 107 spaces would be more than sufficient to serve the proposed use. Transport for London have suggested that a car parking management strategy should be provided to ensure that these spaces are not used other than by people visiting the application site. This would be required by way of condition should approval be granted.

The applicant states that 20 bicycle parking spaces would be provided. This is considered acceptable and further details would be required by way of condition should approval be granted.

The Transport Assessment refers to trip rates associated with DIY stores. It is not clear from the information provided whether this is a realistic comparison, and both the Council's Highway Engineer and Transport for London have raised concerns over this as DIY stores would generally be expected to generate less traffic than a cash and carry. The Council's Highway Engineer notes that the Springfield Road/Uxbridge Road junction is at capacity and significant concern is raised that the proposed use, when combined with the extant planning permission for a hotel use on this site, could generate additional traffic which would impact negatively on the surrounding highway network.

Notably the Transport Assessment also fails to provide information relating to trip generation during weekend peak trading times.

The plans indicate that two access points exist into the site from both Uxbridge Road and Springfield Road. The Transport Assessment indicates that service and customer access would be via the southern most access. However, the Council's Highway Engineer has raised concerns over the delivery arrangements as there would not appear to be sufficient space to manoeuvre HGV vehicles within the site.

Transport for London suggest a Delivery and Servicing Plan should be provided. This would be required by way of condition should approval be granted.

Overall, it is considered that insufficient information has been submitted to demonstrate that the proposed development would not have an adverse impact on the surrounding highway network, and that deliveries by large HGV vehicles can be appropriately accommodated for on site. Concerns have been raised by both the Council's Highway Engineer and Transport for London and it is considered that the proposal fails to comply with UDP policies AM2 and AM7. A reason for refusal is recommended on these grounds.

7.11 Urban design, access and security

The applicant has confirmed that no alterations would be made to the external appearance of the building or to the existing car parking layout. No landscaping appears to be proposed, and no mention is given to this subject in the supporting documents. Advertisements would require separate advertisement consent. Therefore, whilst it is acknowledged that the submission of elevational drawings to confirm this would be useful, it is not considered that the development would have any impact on the visual amenities of the surrounding area and, no objections can be raised on urban design grounds.

7.12 Disabled access

The applicant has confirmed that all access points would have level access and appropriate door widths would be provided. Existing lifts within the building provide access to upper floors. Six disability standard parking spaces would be provided which would be located close to the main building entrances.

Notably, Transport for London have suggested that the disability standard parking spaces do not meet relevant standards which require a 1200mm width aisle be provided on both sides and to the rear. However, the plans indicate that all disability standard spaces would be located in positions where this could be easily achieved and accordingly this could be addressed by way of condition should approval be granted. Notably, the Council's Access Officer has raised no objections to the details submitted subject to appropriate conditions.

7.13 Provision of affordable & special needs housing

Not applicable to this type of development.

7.14 Trees, landscaping and Ecology

There is currently no landscaping of merit on site. No additional landscaping is proposed as part of the scheme.

The Council's Trees/Landscape Officer has noted that two groups of cherry trees, protected by Tree Preservation Orders, have been removed, although there is no record of their removal. In addition, the application for a hotel at the site, approved in 2008, included new tree planting. Accordingly, it is considered that some form of landscaping should be provided as part of the proposed scheme, should approval be granted.

7.15 Sustainable waste management

Policy 4A.22 of the London Plan requires that new developments make adequate provision for the storage of waste and recycling on site.

No details of refuse or recycling facilities have been provided. The Council's Waste Development Manager has advised that a cash and carry or warehouse type use would be likely to generate a large amount of waste materials and, therefore, appropriate facilities should be provided. Nevertheless, it is considered that there is sufficient space to provide appropriate refuse and recycling facilities on site and, accordingly, this could be dealt with by way of condition should approval be granted.

7.16 Renewable energy / Sustainability

Policy 4A.7 of the London Plan 2008 advises that boroughs should require major developments to show how they would reduce carbon dioxide emissions by 20% through addressing the site's electricity or heat needs from renewable sources, wherever feasible. The applicant has not demonstrated that this objective would be met and, accordingly, a refusal reason is recommended on these grounds.

7.17 Flooding or Drainage Issues

The site does not fall within a floodzone and the proposal would not increase the level of hardsurfacing. No issues regarding flooding have been identified. However, building control regulations on this matter would need to be complied with.

7.18 Noise or Air Quality Issues

- Noise

The exact operation of the proposed use is unclear. Officers in the Council's Environmental Protection Unit have raised concerns over the potential noise impacts associated with a B8 use at the site. As discussed above, it is not considered likely that the proposed use would fall within a B8 use class. Nevertheless, the noise associated

with the sales activities of the site, loading/unloading and vehicle movements could have an unacceptable impact on the offices above. In addition, whilst it is acknowledged that the nearest residential properties are located on the opposite side of the busy Uxbridge Road, the Council's Noise Officer has advised that the use could cause disturbance to these properties unless the hours of operations were suitable restricted. No information has been provided relating to hours of operation, however, it is noted that many cash and carries operate for long hours and at weekends. A reason for refusal is proposed based on the likely unacceptable noise impacts the development would have on re-use of the rest of the building for office or hotel use.

- Air Quality

The site falls within an Air Quality Management Area. Officers in the Council's Environmental Protection Unit have advised that given the applicant has failed to demonstrate that traffic from the development would not have an adverse impact on the surrounding highway network, there could potentially be an impact on local air quality. However, insufficient information has been provided to assess the likely impacts. Whilst it is not considered that a reason for refusal could be justified on this basis, as it is feasible that mitigation measures could be put in place to address and impacts, any future application should be accompanied by an Air Quality Assessment.

7.19 Comments on Public Consultations

Points (i), (ii), (iii), (iv), (v), (vi), (vii), (xi), (xii), (xiii), (xviii), (xxv), (xxviii) and (xxxi) relate to traffic and highway concerns. These issues have been addressed in the report and are reflected in the reasons for refusal.

Points (x), (xv), (xvi), (xxiv), (xxvii) and (xxx) relate to the principle of the development in this location. This has been addressed in the report and the reasons for refusal.

Point (viii) relates to concerns regarding noise. This has been addressed in the report and in the reasons for refusal.

Point (ix) relates to impacts on air pollution. This is addressed in the report.

Point (xiv) raises concerns over the use of Brookside Pavilion. This is not relevant to this application.

Points (xvii), (xxii) and (xxiii) suggest that the needs of residents should come before those of businesses and that the scheme would cause increase stress and anxiety resulting in a backlash from residents. Every scheme must be assessed on its planning merits against current planning policy.

Points (xx), (xxi), (xxvi) and (xxix) raise concerns over anti-social behaviour. There is no evidence to suggest that the provision of a cash and carry in this location would lead to an increase in anti-social behaviour. Whilst no response has been received to date from the Metropolitan Police, should approval be granted the proposal would be required to meet the Metropolitan Police's Secured By Design criteria.

Point (xix) raises concerns over the potential increase in litter from the site. Should approval be granted appropriate conditions could be applied to ensure appropriate refuse provision was provided and to manage litter around the site.

Point (xxvi) raises concerns over potential 24 hour sales of alcohol. Should approval be granted opening hours would be dealt with by way of condition to ensure the application

does not have an adverse impact on residential amenity. Appropriate licenses would be required for the sale of alcohol, issued by the Council's Licensing Team.

7.20 Planning obligations

Insufficient information has been provided to fully assess the likely impacts of the development on the surrounding highway network or on air quality. The Council's S106 Officer has advised that contributions towards transport and air quality could be required, subject to the provision of further information on these matters as noted by the Council's Highway Engineer and Air Quality Officer.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

It is considered that insufficient information has been provided to determine the exact use of the site and its likely impacts on the surrounding area. The applicant has failed to demonstrate whether there are any more appropriate town centre sites available or to provide an impact assessment to justify the development in compliance with guidance within Planning Policy Statement 4. Accordingly, based on the information provided, the

principle of development cannot be supported.

Significant concern has been raised over the potential traffic impacts associated with the use and the delivery and servicing arrangements. In addition concern is raised over the potential noise impacts of the development on re-use of the rest of the building.

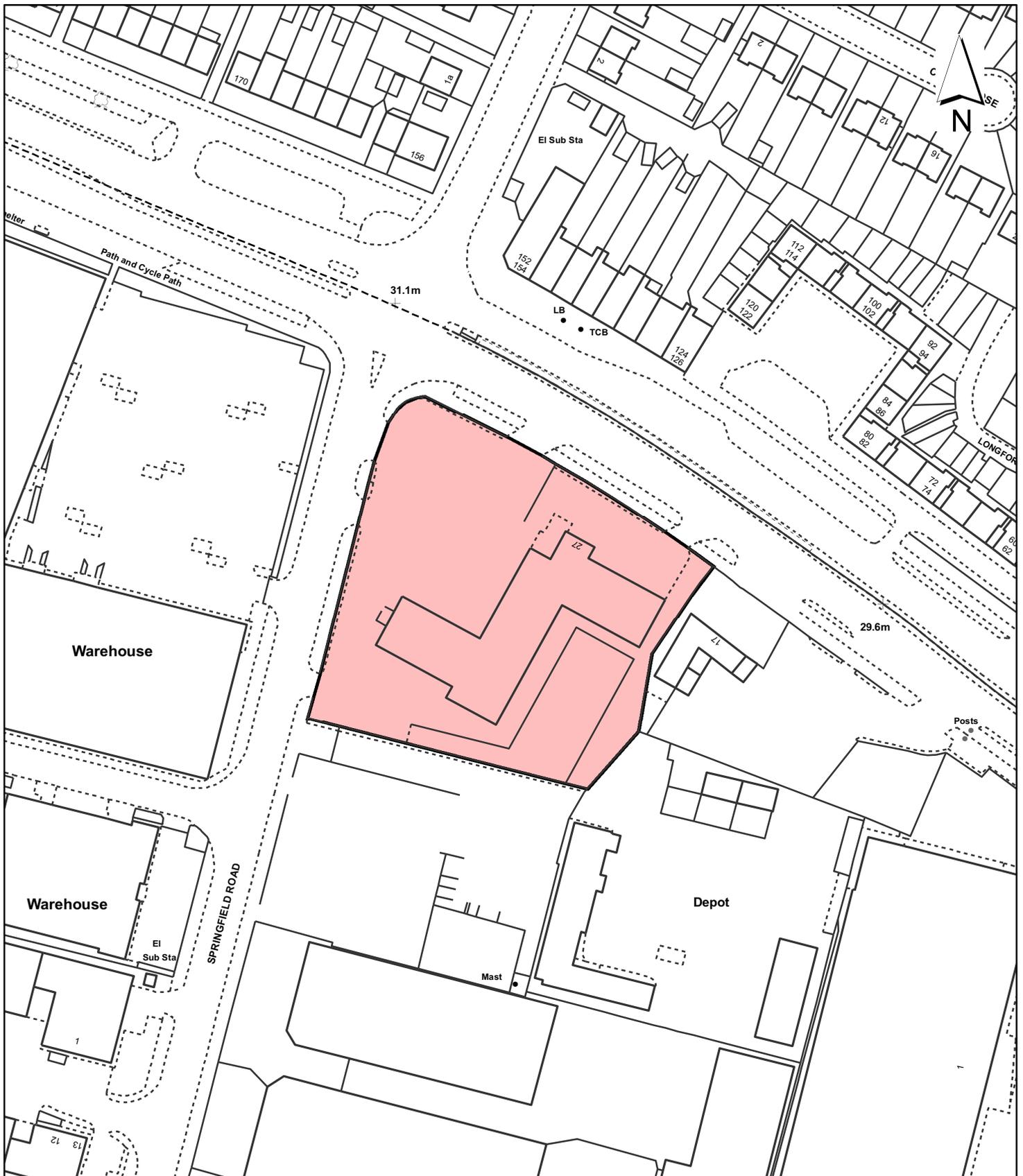
The proposal fails to comply with relevant UDP and London Plan policies, and guidance with Planning Policy Statement 4. Accordingly refusal is recommended.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (Consolidated with Alterations since 2004)
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Statement 22: Renewable Energy
Planning Policy Guidance 13: Transport
Planning Policy Guidance 24: Planning and Noise
Council's Supplementary Planning Guidance - Noise
Council's Supplementary Planning Guidance - Air Quality
Supplementary Planning Document - Accessible Hillingdon

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p>Hayes Gate House 27 Uxbridge Road Hayes</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>2385/APP/2009/2613</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>Central and South</p>	<p>Date</p> <p>May 2010</p>	



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