

Item No.	Report of the Head of Planning, Transportation and Regeneration		
Address	SAINSBURY'S SUPERMARKET YORK ROAD UXBRIDGE		
Development:	Extension to the store to provide a new groceries online (GOL) facility with new service yard and non-food retail floorspace with ancillary warehousing. External alterations, a new click and collect facility, alterations to the existing car park layout and the installation of new mechanical plant		
LBH Ref Nos:	39439/APP/2021/2230		
Drawing Nos:	PL-A-2002 PL-A-2004 PL-A-2006 Rev. B PL-A-2011 Rev. A PL-A-2012 PL-A-2013 Rev. A PL-A-2005 PL-A-2008 Rev. A PL-A-2003 PL-A-2007 Rev. A PL-A-2014 Rev. A Covering Letter PL-A-2001 Rev. B Noise Assessment (Dated 24th August 2021) PL-A-2010 Rev. B PL-A-2009 Rev. B 784-A117904 Air Quality Assessment (Dated 19th May 2021) Transport Statement (Dated May 2021) 784-A117904 (014) Noise Comments Response (Dated 23rd July 2021) Air Quality Damage Cost Responses (Dated 27th July 2021)		
Date Plans Recieved:	02/06/2021	Date(s) of Amendment(s):	09/08/2021
Date Application Valid:	02/06/2021		02/06/2021

1. SUMMARY

The proposed extension to the store to provide a new groceries online (GOL) facility with new service yard, non-food retail floorspace and associated works is considered acceptable in principle and with regard to its impact on the character and appearance of the area, neighbour amenity, highways matters, air quality and flood and water management. Subject to planning conditions and a Section 106 agreement securing a financial contribution towards air quality improvement, this application is recommended for approval.

2. RECOMMENDATION

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

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

i. Air Quality: A financial contribution amounting to £16,637 to be paid for Hillingdon to deliver its air quality local action plan and/or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and/or reduce human exposure to pollution levels.

ii. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

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

D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission for the following reason:

'The applicant has failed to secure the necessary planning obligations relating to air quality. The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020); the adopted Planning Obligations Supplementary Planning Document (July 2014); Policy DF1 of the London Plan (March 2021); and paragraphs 55-58 of the National Planning Policy Framework (July 2021).'

E) That if the application is approved, the following conditions be imposed:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

PL-A-2011 Rev. A;
PL-A-2010 Rev. B;
PL-A-2009 Rev. B;
PL-A-2014 Rev. A;
PL-A-2008 Rev. A;
PL-A-2006 Rev. B;
PL-A-2007 Rev. A;

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan

Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be carried out except in complete accordance with the specified supporting plans and/or documents:

Noise Assessment (Dated 24th August 2021);
784-A117904 Air Quality Assessment (Dated 19th May 2021); and
Transport Statement (Dated May 2021).

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

4 COM22 Operating Hours

The groceries online facility and 'click and collect' facility hereby approved shall not be operated except between:-

- 06:30 and 23:00 on Mondays to Fridays;
- 07:00 and 23:00 on Saturdays; and
- 07:00 and 22:00 on Sundays, Public or Bank Holidays.

REASON

To safeguard the amenity of the surrounding area in accordance Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

5 NONSC Operational Noise Management Plan

The development hereby permitted shall not operate except in complete accordance with the Operational Noise Management Plan (Dated August 2021) contained within Appendix B of the Noise Assessment (Dated 24th August 2021). Thereafter the development shall be regularly audited and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy D14 of the London Plan (2021).

6 COM9 Hard Landscape Scheme

Prior to commencement of superstructure works, a hard landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Hard Landscaping

1.a Cycle Storage (including demonstration that 4 no. secure and covered long stay cycle parking spaces and 6 no. short stay cycle parking spaces are to be provided)

1.b Means of enclosure/boundary treatments

1.c Car Parking Layouts to serve the delivery vans (including demonstration that 11 no. delivery van parking spaces/loading bays are served by active electric vehicle charging points, including rapid charging, and 11 no. passive electric vehicle charging points)

1.d Car Parking Layouts to serve customers (including demonstration that 19 no. accessible car parking spaces are provided)

- 1.d Hard Surfacing Materials
- 1.e External Lighting

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 14 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020) and Policies T6 and T6.3 of the London Plan (2021).

7 NONSC Delivery and Servicing Plan

Prior to the occupation of the development, details of a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include measures to minimise as far as reasonably practicable noise from the vehicle movements and activities associated with servicing the scheme at the nearest residential receptors; and should accord with Transport for London's Delivery and Servicing Plan Guidance (dated December 2020) (or any successor document).

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

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties and ensure appropriate servicing of the site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020) and Policies D14, T3 and T7 of the London Plan (2021).

8 NONSC Construction Management and Logistics Plan

Prior to the commencement of works on site, a final Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with relevant stakeholders). This plan shall detail:

- (i) The phasing of the works;
- (ii) The hours of work;
- (iii) On-site plant and equipment;
- (iv) Measures to mitigate noise and vibration;
- (v) Measures to mitigate impact on air quality;
- (vi) Waste management;
- (vii) Site transportation and traffic management, including:
 - (a) Routing;
 - (b) Signage;
 - (c) Vehicle types and sizes;
 - (d) Hours of arrivals and departures of staff and deliveries (avoiding peaks times of day);
 - (e) Frequency of visits;
 - (f) Parking of site operative vehicles;
 - (g) On-site loading/unloading arrangements; and
 - (h) Use of an onsite banksman (if applicable).
- (viii) The arrangement for monitoring and responding to complaints relating to demolition and construction.

This plan should accord with Transport for London's Construction Logistic Planning

Guidance and the GLA's 'The Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (July 2014) (or any successor document). The construction works shall be carried out in strict accordance with the approved plan.

REASON

To safeguard the amenity of surrounding areas and to ensure that the construction works include appropriate efficiency and sustainability measures so as not to compromise the safe and efficient operation of the local highway network and local air quality, in accordance with Policies DMT 1, DMT 2 and DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) and Policies D14, SI 1, T4 and T7 of the London Plan (2021).

9 NONSC Car Park Management Strategy

Prior to occupation of the development, a Car Park Management Strategy shall be submitted to demonstrate how the 22 parking spaces, comprising 11 loading bays and 11 informally laid out spaces, will be managed. The approved strategy shall be implemented as soon as the development hereby permitted is brought into use and the strategy shall remain in place thereafter.

REASON

To ensure the appropriate operation of the car park and prevention of inappropriate/informal parking from taking place by users of the site, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 (2020).

10 NONSC Non-Road Mobile Machinery

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

REASON

To comply with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy, in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020), Policy SI 1 of the London Plan (2021) and paragraph 174 of the National Planning Policy Framework (2021).

11 NONSC Low Emission Strategy

Prior to occupation, a low emission strategy (LES) shall be submitted to and approved in writing by the Local Planning Authority. The LES shall address:

- 1) The supply of energy to the proposed development to conform with the London Ultra Low NOx requirements;
- 2) An electric vehicle fast charging bay; and
- 3) A clear and effective strategy to encourage staff / users to
 - a) use public transport;
 - b) cycle / walk to work where practicable;
 - c) enter car share schemes;
 - d) purchase and drive to work zero emission vehicles.

The measures in the agreed scheme shall be maintained throughout the life of the development.

REASON

Due to the sites location within the Uxbridge Air Quality Focus Area and in order to achieve air quality improvements in accordance with Policy EM8 of the Hillingdon Local Plan: Part 1 (2012), Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) and Policy SI 1 of the London Plan (2021).

12 NONSC Imported Materials Condition

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval.

REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

13 COM15 Sustainable Water Management

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI 13 of the London Plan (2021) and will:

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

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

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

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

REASON

To ensure the development does not increase the risk of flooding in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies SI 12 and SI 13 of the London Plan (2021).

14 COM31 Secured by Design

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

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 to ensure the development provides a safe and secure environment in accordance with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) and Policy D11 of the London Plan (2021).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMHB 2	Listed Buildings
DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development
LPP D5	(2021) Inclusive design
LPP D11	(2021) Safety, security and resilience to emergency
LPP D14	(2021) Noise
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP HC1	(2021) Heritage conservation and growth
LPP SI1	(2021) Improving air quality
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling

LPP T6	(2021) Car parking
LPP T6.3	(2021) Retail parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment

3 170 LBH worked applicant in a positive & proactive (Granting)

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

4 173 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2019. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

5

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

6

There is a possibility there may be some contaminating substances present in the ground. We have no information on the ground conditions. We would advise persons

working on site to take basic precautions in relation to any contamination they may find. Remedial works were likely undertaken at the site during development, however the possibility of contamination being present beneath the surface remains. Precautions should be taken to minimise the mixing of any deep excavated material with clean shallow soils that are to remain on site.

3. CONSIDERATIONS

3.1 Site and Locality

The application site measures approximately 0.54 hectares in area but forms part of a larger Sainsbury's Supermarket site measuring 2.17 hectares in area. The site is located to the north of the London Underground trains lines (accommodating the Metropolitan and Piccadilly Lines), east of York Road and south of Belmont Road and west of Hermitage Primary School, on the eastern edge of Uxbridge Town Centre. The eastern part of the site is occupied by the supermarket and the remainder comprises hardstanding used for car parking, with some tree planting interspersed throughout.

The site is designated as part of Uxbridge Town Centre and lies to the south of the North Uxbridge Area of Special Local Character. Grade II Listed assets are located to the west of the site, including the Society of Friend's Meeting House and the wall on the north and west sides of this premises.

According to the Council's GIS, the site is subject to potentially contaminated land, forms part of the Uxbridge Air Quality Focus Area, lies within Flood Zone 1 and is subject to some surface water flooding.

Based on TfL's WebCAT planning tool, the site has a Public Transport Accessibility Level (PTAL) rating of 5.

3.2 Proposed Scheme

This application seeks planning permission for a proposed extension to the store to provide a new groceries online (GOL) facility with new service yard and non-food retail floorspace with ancillary warehousing. The proposed works include external alterations, a new click and collect facility, alterations to the existing car park layout and the installation of new mechanical plant.

The proposed works are summarised as follows:

- A 720sqm (GEA) extension to existing Sainsbury's store to increase the retail floorspace by 77 square metres (Use Class E(a)) as well as to facilitate a new groceries online (GOL) facility (643 square metres) (ancillary to Use Class E(a));
- The creation of a new service yard to the north of the store, including erection of a steel-framed aluminium-clad canopy with a 3.3m clearance height to accommodate loading space for 11 GOL vans;
- The erection of a 2.4m high close boarded timber fence and an automatic sliding metal palisade gate;
- The provision of 11 parking spaces within the service yard for GOL vans;
- The reconfiguration of existing road layout and exit to car park;
- The reconfiguration of parking bays and one-way system layout resulting in the removal of 92 customer car parking spaces;
- The installation of click and collect facility and associated signage; and
- The installation of associated mechanical plant.

3.3 Relevant Planning History

39439/ADV/2021/19 Sainsbury'S Supermarket York Road Uxbridge

Installation of 9 non-illuminated signs, including 2 panel signs, 1 canopy sign, 1 banner sign, 2 double-sided wayfinding signs, 2 wayfinding signs and 1 call point sign

Decision: 27-07-2021 Approved

39439/APP/2000/1990 J Sainsbury Store York Road Uxbridge

VARIATION OF CONDITION 12 (TO ALLOW 24 HOUR TRADING FROM 08.00 HOURS ON 22 DECEMBER THROUGH TO 23.30 HOURS ON 24 DECEMBER (EXCLUDING SUNDAYS) AND THE TWO SATURDAYS FOLLOWING CHRISTMAS DAY FROM 07.30 HOURS TO 22.00 HOURS) OF PLANNING PERMISSION REF.35059/84/1233 DATED 01/04/85; RETAIL DEVELOPMENT

Decision: 01-12-2000 Approved

39439/APP/2001/1321 J Sainsbury Store York Road Uxbridge

VARIATION OF CONDITION 12 (TO ALLOW THE STORE TO OPEN BETWEEN THE HOURS OF 07:00 AND 12:00 (MIDNIGHT), MONDAY THROUGH FRIDAY AND BETWEEN 07:00 AND 22:00 ON SATURDAY) OF PLANNING PERMISSION REF. 35059/84/1233 DATED 01/04/95; RETAIL DEVELOPMENT

Decision: 14-09-2001 ALT

39439/APP/2002/159 J Sainsbury Plc Supermarket York Road Uxbridge

REMOVAL OF EXISTING EXIT LOBBY ON WEST ELEVATION AND REPLACEMENT WITH BRICKWORK TO MATCH EXISTING

Decision: 31-01-2002 Withdrawn

39439/APP/2002/3011 Sainsbury Supermarket York Road Uxbridge

VARIATION OF CONDITION 12 (TO ALLOW THE STORE TO OPEN BETWEEN THE HOURS OF 07.00 AND 24.00 HOURS (MIDNIGHT) MONDAY THROUGH TO FRIDAY AND BETWEEN 07.00 AND 22.00 HOURS ON SATURDAY) IN COMPLIANCE WITH PLANNING PERMISSION REF.39439/APP/2001/1321 DATED 14/09/2001; RETAIL DEVELOPMENT

Decision: 30-10-2003 Approved

39439/APP/2002/314 Sainsbury'S Store York Road Uxbridge

INSTALLATION OF REPLACEMENT SECONDARY EXIT LOBBY AND REMOVAL OF EXISTING EXIT LOBBY

Decision: 30-05-2002 Approved

39439/APP/2004/2402 Sainsbury Supermarket York Road Uxbridge

ERECTION OF A DECKED CAR PARK, SINGLE STOREY STORE EXTENSION AND PROPOSED UNRESTRICTED TRADING HOURS

Decision: 05-09-2005 Approved

39439/APP/2004/364 Sainsbury Supermarket York Road Uxbridge

REMOVAL OF CONDITION 14 (RESTRICTION OF FLOOR SPACE) OF PLANNING PERMISSION REFERENCE 35059/84/1233 DATED 1/4/1985; ERECTION OF A RETAIL STORE OF NOT MORE THAN 65,000 SQ FT TOGETHER WITH AN OFFICE BUILDING OF NOT MORE THAN 29,950 SQ FT AND ASSOCIATED CAR PARKING

Decision: 24-06-2004 Approved

39439/APP/2004/387 Sainsbury'S Store York Road Uxbridge
ERECTION OF A TWO STOREY REAR EXTENSION FOR STORAGE/LOADING AND STAFF FACILITIES.

Decision: 26-05-2004 Approved

39439/APP/2009/2380 Sainsbury'S Store York Road Uxbridge
Minor re-configuration of existing car park to include entry and exit barriers.

Decision: 08-01-2010 Approved

39439/APP/2010/1799 Sainsburys Store York Road Uxbridge
Application for a new planning permission to replace extant planning permission ref: 39439/APP/2004/ 2402 dated 05/09/2005: Erection of decked car park, single storey store extension and proposed unrestricted trading hours.

Decision: 29-11-2010 Approved

39439/APP/2011/738 Sainsbury'S Supermarket York Road Uxbridge
Alterations and extensions to existing store consisting of an additional 5,059 sq.m (GEA) two storey extension accommodating retail floorspace, café and children's learning unit; alterations and re-configuration of access and car parking including the creation of a car parking deck; ancillary plant, equipment and associated landscaping.

Decision: 06-03-2012 Approved

39439/APP/2015/1575 Sainsbury'S Supermarket York Road Uxbridge
Single storey side extension and installation of canopy involving demolition of existing stairs

Decision: 30-06-2015 Approved

39439/APP/2017/3521 Sainsbury'S Supermarket York Road Uxbridge
Installation of refrigeration plant.

Decision: 16-11-2017 Approved

39439/F/90/1320 Sainsbury Supermarket York Road Uxbridge
Relaxation of condition 12 of planning permission ref. 35059/84/1233 dated 1.4.85 to allow trading on bank holidays

Decision: 07-12-1990 Approved

39439/G/92/1410 Sainsbury Supermarket York Road Uxbridge
Variation of condition 12 of planning permission ref. 35059/84/1233 dated 1.4.85 to allow foodstore to open on Sundays and Bank Holidays

Decision: 04-01-1993 ALT

39439/J/93/1471 J Sainsbury Plc Supermarket York Road Uxbridge
Variation of condition 12 of planning permission ref:35059/84/1233 dated 1.4.85 to allow food store to open on Sundays and Bank Holidays

Decision: 19-11-1993 Approved

39439/Y/99/0753 Sainsbury Supermarket York Road Uxbridge

Variation of condition 12 (to allow 24 hours a day opening on the 22nd, 23rd, 29th and 30th December 1999) of planning permission ref.35059/84 /1233 dated 01/04/85; Retail store and office building

Decision: 23-06-1999 Approved

39439/Z/99/0896 Sainsbury Supermarket York Road Uxbridge

Erection of front and side extensions to accommodate a 120-seat restaurant (involving loss of 116 car parking spaces) and creation of a pedestrian access to Belmont Road

Decision: 29-01-2001 Approved

Comment on Relevant Planning History

Signage detailed in this planning application has been granted advertisement consent under application 39439/ADV/2021/19 (listed above).

4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment
PT1.E5 (2012) Town and Local Centres
PT1.EM6 (2012) Flood Risk Management
PT1.EM8 (2012) Land, Water, Air and Noise
PT1.HE1 (2012) Heritage

Part 2 Policies:

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 7	Biodiversity Protection and Enhancement
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMHB 2	Listed Buildings
DMHB 5	Areas of Special Local Character
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
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LPP D14	(2021) Noise
LPP DF1	(2021) Delivery of the Plan and Planning Obligations
LPP G5	(2021) Urban greening
LPP G6	(2021) Biodiversity and access to nature
LPP HC1	(2021) Heritage conservation and growth
LPP S11	(2021) Improving air quality
LPP S12	(2021) Flood risk management
LPP S13	(2021) Sustainable drainage
LPP T3	(2021) Transport capacity, connectivity and safeguarding
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.3	(2021) Retail parking
LPP T7	(2021) Deliveries, servicing and construction
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **7th July 2021**
30th June 2021

6. Consultations

External Consultees

Letters were sent to neighbouring residential properties and an advert was posted in the local paper. All forms of consultation expired on 15th July 2021. Three comments have been received and are summarised as follows:

- Accessible car parking spaces are not recorded in the application form.
- No electric charging points are proposed.
- There could be conflict between customers and the GOL delivery vans.
- There could be conflict between the morning and afternoon GOL van runs.
- A planning condition could secure the provision of a lift or stairs from the car park to Hermitage School grounds to encourage drop-offs within the supermarket car park.

PLANNING OFFICER COMMENT:

All material planning considerations are addressed within the main body of the report. It is noted that a planning condition securing a lift or stairs from the car park to Hermitage School would not meet the tests stated under paragraph 57 of the National Planning Policy Framework (2021). Such a condition would not be necessary to make the development acceptable in planning terms and it would not be directly related to the development.

NORTH UXBRIDGE RESIDENTS ASSOCIATION:

1) Whilst the GOL extension is unlikely to cause any visual or amenity issues for residents, the proximity to Hermitage Primary School raises possible issues of noise and diesel fumes.

2) The configuration of the shoppers car park with 11 GOL delivery bays being used by vehicles (6.3 M long x 2.5M wide) sharing the north aisle of the car park for access to the new GOL compound and joining the exit route past the pedestrian entrance to the store, is likely to be prejudicial to safety.

3) To provide a safe GOL route on the north side of the site would require the public parking area to be reoriented with north/south aisles leading from this route.

Accordingly, I am not convinced that the presented scheme has been given enough consideration to risk management.

PLANNING OFFICER COMMENT:

All material planning considerations are addressed within the main body of the report.

NETWORK RAIL:

Network Rail have no comments to make on this application.

TRANSPORT FOR LONDON:

The site is not in close proximity to any Transport for London managed highway. Uxbridge LU

(London Underground) Station is located 320m to the south-west of the site. After reviewing the case documents, TfL have the following comments to make:

The development looks to be accommodated within the site boundary and therefore is not expected to impact the local highway network. The uplift in delivery van trips is expected to be able to be accommodated in the strategic transport network.

The proposals include removal of a total of 92 car parking spaces. This is welcomed by TfL and supports Policy T6.3 Retail Parking of the London Plan.

Construction should not impact any local public transport, including the bus stops and bus routes on the adjacent Belmont Road and York Road.

Subject to the above, TfL have no objection to the proposals.

Internal Consultees

ACCESS OFFICER:

The details of this proposed non-retail extension for the purposes of online shopping and delivery have been reviewed with no accessibility concerns raised. However, the following informative should be attached to any grant of planning permission: The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

TREES AND LANDSCAPING OFFICER:

This site is occupied by a Sainsbury supermarket, bound to the north-west by a high retaining wall and tree-lined Belmont Road. The site is accessed via York Way to the west. The south-east boundary is secured against London Underground's rail lines, with the north-east boundary defined by a high retaining wall above which is a landscape buffer of trees between the site and Hermitage School. The existing store is located at the south-east corner of the site, with land to the north and west used for shoppers' car parking. There are occasional trees within the car park, however, the site is not affected by TPO or Conservation Area designations. The residential streets to the north of Belmont Road are designated an Area of Special Local Character.

Comment:

No trees will be affected by the proposed extension which occupies part of the existing car [park] land to the north of the store. Visitor parking spaces will be lost to the extension and associated delivery lorry parking spaces. The built extension will be lower than the existing building. The roof and the service yard will be below the height of the surrounding retaining walls. Due to these changes of level the proposed extension and associated activity should be well-screened and have minimal impact on overlooking by neighbouring properties.

Recommendation:

No objection and no need for landscape conditions.

HIGHWAYS OFFICER:

Site Characteristics and Background

The proposal site is to be located in the north-western corner directly north of the existing store build and lies within a relatively isolated section of part of the car park which provides a proportion of spaces for Sainsbury's supermarket (out of a total of 376) which abuts onto York Road. 92

spaces would be lost due as a consequence of the scheme. The location north of the site is predominantly residential whilst the area due south consists of predominantly retail and commercial establishments which populate the main town centre.

Access to the supermarket car park is facilitated via a private access road linking onto York Road and serves all vehicle and pedestrian bound customer movement to and from the store. The store is currently serviced via a separate parallel route due south of the envelope which is proposed to remain with all vehicular access and necessary servicing for the proposal taken through the main customer car park.

In summary the proposal consists of the following elements -

- A 720sqm (GEA) extension to existing Sainsbury's store to increase the retail floorspace by 77sqm (Use Class E(a)) as well as to facilitate a new Goods Online (GOL) facility (643sqm) (Use Class E(a));
- The creation of a new service yard to the north of the store, including erection of a steel-framed aluminium-clad canopy with a 3.3m clearance height to accommodate loading space for 11 GOL vans;
- The erection of a 2.4m high close boarded timber fence and an automatic sliding metal palisade gate;
- The provision of 11 parking spaces within the service yard for GOL vans;
- The reconfiguration of existing road layout and exit to car park;
- The reconfiguration of parking bays and one-way system layout resulting in the removal of 92 customer car parking spaces;
- The installation of click and collect facility and associated signage; and
- The installation of associated mechanical plant.

The site is located approximately 150m from Uxbridge station with generous access to multiple bus routes resulting from the highly sustainable transport related profile of the shopping centre. The level of readily available and sustainable public transport modes are reflected by the high PTAL, which on a scale of 1-6b, is rated at a level of 5 which is considered as 'very good'.

Parking Provision & 'Net' Parking Loss

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The proposal consists of the following:

- i) Retail Floorspace Extension E(a) 77m² GIFA - In accord with the standard, a single space should be provided.
- ii) GOL Storage & Distribution (E(a) 643m² GIFA - Approximately 21 spaces would be required under the standard.
- iii) Click & Collect - 2 'pick-up' parking bays are to be provided which, as is the norm, would operate on a timed appointment basis for Sainsbury's goods only (excluding other retail outlets).

Electric Vehicle Charging Points (EVCP's)

Although the London Plan does not afford prescriptive direction on required levels for these planning uses, it would be considered apt to apply Hillingdon's Local Plan: Part 2 Policy which encourages an initial 5 % rapid charging 'active' provision (i.e. 1 space out of 22). With this proposal, it is also considered appropriate to designate all of the remaining spaces as 'passive'. A suitable planning condition should therefore be applied.

Car Parking Summary

There is the aspect of the loss of 92 existing customer spaces due to the footprint of the proposal to consider. In response, the applicant has provided survey data which demonstrates that the car park does not reach maximum parking capacity (376 spaces) at any one time with a minimum reserve capacity of approximately 26% during the most crucial peak shopping demand periods that occur on Friday and Saturday afternoons. This suggests a 'worst case' scenario of 99 vacant spaces and is considered representative of actual customer activities during these peaks. On this basis, the loss of 92 spaces should not materially impact on store operations especially when factoring-in the inherent and beneficial by-product of the on-line service which would in effect help negate additional future site parking demand.

It is noted that 6 delivery vans are in current use and as depicted, a total of 22 vans would now serve the E(a) 'GOL' use with 22 parking spaces consisting of 11 loading bays together with a further 11 informally laid out spaces in proximity of the former. This latter 'informal' arrangement will need to be subject to a site management regime to ensure that parked vans do not inhibit other operational vehicles. A suitable planning condition is therefore recommended.

When considering the above provisions and available spare capacity, the overall parking provision for all the above 3 elements of the proposal is considered adequate for the purposes of likely demand.

Cycle Parking Provision

In terms of cycle parking there would be a requirement to provide 5 secure and accessible spaces for the Gol Storage & Distribution E(a) use to accord with the Council's adopted maximum cycle parking standard. The applicant has indicated the provision of 4 'long-stay' and 5 'short-stay' customer/employee spaces respectively which exceeds the standard. However, in the context of the London Plan (2021) standard that would demand in excess of 20 long & short stay spaces, the relatively marginally higher provision as compared to the LBH maximum standard is considered acceptable.

Vehicular Trip Generation (VTP)

Local Plan: Part 2 Policies DMT 1 and DMT 2 require 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.

Retail Extension/ GOL deliveries

Given the relatively minor retail floorspace extension, any additional traffic generated is predicted to be de-minimis and therefore does not raise issue whilst the proposed GOL component would be a higher generator with each of the 22 vans making an anticipated 3 two-way trips per day. However, this represents up to 66 two-way trips during daily opening hours which owing to the daily spread of deliveries is unlikely to measurably impinge on the highway network. Also, albeit difficult to authenticate, it is noted that each van trip would deliver goods to 9-10 customers which has the potential of reducing vehicle bound trips to and from the store in the first instance. This clearly reduces any further potential burden on the highway which understandably is considered beneficial.

'Click and Collect'

The applicant projects a weekly attendance of 140 visits spread through the opening hours equating to approximately 20 two-way trips per day. Again, this level of activity is considered de-minimis and does not give rise for further comment.

VTP Summary

For the reasons outlined, the combined impacts of the above 3 elements are highly unlikely to measurably impact on the most crucial peak morning and evening hours hence any uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety. However, a Servicing & Delivery plan is recommended to be secured via planning condition as this would formalise and therefore assist in maintaining (and not exceeding) the projected activity regime.

Supermarket Access Road (existing) & GOL Loading Area

The two-way vehicle access arrangement for the overall supermarket operation from York Road is to remain together with some minor alteration to the exit lanes and new access/egress provision serving the GOL loading area. In broad terms, these minor revisions are considered acceptable within the context of encouraging improved vehicular passage through the car park roadways. Attending and departing delivery vans linked to the GOL activity would be spread throughout the store opening periods thereby diluting any notable conflict or highway burden.

By way of a 'Swept Path Analysis' the GOL loading area adjacent to the existing store has been demonstrated as satisfactory in terms of allowing vehicles to enter and leave the compound in a forward gear which is the recommended practice on highway and internal site safety grounds and is therefore welcomed.

Non-illuminated 'Click & Collect' Signage

The new internal directional signage proposed for the 'Click & Collect' element is subject to a separate planning application (39439/ADV/2021/19). However, from the detail presented, the sign locations and designs do not raise issue as there is no envisaged negative vehicle or pedestrian related consequence. In fact, there is a derived benefit from the installations by virtue of an 'eased' and more efficient attendance and departure for 'click & collect' customers, hence there are no further observations.

Construction Management/Logistics Plan

The above will be a requirement given the constraints and sensitivities of the local road network and the likely need to maintain/coordinate store operations concurrently during the build programme. It will need to be secured under planning condition.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4, T5 and T6 of the London Plan (2021).

FLOOD AND WATER MANAGEMENT OFFICER:

A revised site plan has been submitted confirming that the site area is 0.54 hectares. As the application is on a site of less than 1 hectare and does not exceed 1000 square metres in new gross floorspace, the application is confirmed as a minor. The proposed location of the extension is where it is indicated surface water would pond on the site and a condition requiring details of the drainage plan is requested. The Drainage plan should be incorporated to manage where this water is likely to go so that it does not increase the risk to the adjacent CDA. There are amendments to the car parking and extension of which could include sustainable drainage.

CONTAMINATED LAND OFFICER:

1 Summary of Comments:

Please impose the following condition and informative:

Imported Materials Condition

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted to the Local Planning Authority for approval. Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

REASON: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

Contamination Informative

There is a possibility there may be some contaminating substances present in the ground. We have no information on the ground conditions. We would advise persons working on site to take basic precautions in relation to any contamination they may find. Remedial works were likely undertaken at the site during development, however the possibility of contamination being present beneath the surface remains. Precautions should be taken to minimise the mixing of any deep excavated material with clean shallow soils that are to remain on site.

REASON:

The advice is provided on the grounds of Health and Safety of the workers on site and to ensure the appropriate restoration of the site once works are complete to minimise risk/s to the occupants of the site.

2 Reason for Refusal (if objecting):

N/A

3 Observations:

Early records indicate the overall site was previously two thirds occupied by commercial / retail premises comprising the food division HQ of a national wholesale cash and carry network, (the offices were situated on site in a property known as York House). The remainder of the site was a Cash and Carry and Food Distribution Centre. The other 1/3 of the site was used for allotments.

The available information shows no records of any contamination issues, nor of any remediation works which likely took place during development of the site in 1985.

URBAN DESIGN OFFICER COMMENTS:

No objection is raised to the proposals in principle given that the extension / canopy would be positioned in a fairly discreet location that is set at a lower level than Belmont Road and would be no higher than the retaining walls of the embankment.

It would appear that the proposed drawings may be inaccurate at the southwest corner where the new extension meets the existing supermarket. The elevations and plan do not seem to match up. The elevation shows the closed boarded fence along the new boundary to the car park butting up to the brickwork of the original supermarket. The plan, however, seems to suggest that part of the

metal clad extension would run flush with the brickwork of the existing supermarket building and the closed boarded fence would just screen 4 van parking spaces.

It would be better if the metal clad extension was stepped back from the corner as suggested on the elevational drawing so that it appears more subordinate to the supermarket. This would also provide a neater junction with the existing building.

PLANNING OFFICER COMMENT:

Amended plans have been submitted in order to ensure that the proposed plans are consistent. It is noted that the extension is not set back from the main building as requested above. This is discussed within the main body of the report.

AIR QUALITY OFFICER:

Summary of Comments

The development proposals comprise the extension to the existing store to provide a new groceries online (GOL) facility with new service yard and non-food retail floorspace with ancillary warehousing being classified as retail and totalling 1,363sqm. The proposed development is located the Uxbridge Focus Area. As per the new London Plan, and the LBH Local Action Plan, developments need to be air quality neutral as minimum and positive in Focus Areas, contributing to the reduction of emissions in these sensitive zones.

The total vehicle trip generation for the proposed development has been calculated using trip rates reported in the application TA amounting to 86 trips per day (66+20). Using retail use to calculate the air quality neutral status using the worst-case scenario traffic data, the proposed development is air quality neutral for transport emissions.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, policy DME1 14 of the London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

Finally, the London Plan (March 2021) requires development to be air quality positive paying particular attention to sensitive areas, actively contributing to reduce pollutant emissions to the atmosphere.

Damage Cost and Mitigation Measures

The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

The total level of mitigation required to the proposed development is £19,573. The mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

Once all deductions were applied, the remaining value of mitigation due is £16,637. Flat rate deductions applied are as follow: Travel Plan 10% (this is assuming Sainsbury retains one) and Green Measures (5%) as click and collect may reduce attraction to the shop itself.

Therefore, a section 106 agreement with the LAP of a maximum £16,637 is recommended to be

paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

Observations

In addition, an Air Quality condition is required to develop and implement a Low Emission Strategy. See text below.

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall address

- 1) the supply of energy to the proposed development to conform with the London Ultra Low NOx requirements;
- 2) an electric vehicle fast charging bay. This is to be implemented as part of the proposal with a minimum of the number of charging points required in the London Plan.
- 3) a clear and effective strategy to encourage staff / users to
 - a) use public transport;
 - b) cycle / walk to work where practicable;
 - c) enter car share schemes;
 - d) purchase and drive to work zero emission vehicles.

The measures in the agreed scheme shall be maintained throughout the life of the development.

Reason - As the application site is within an Air Quality Management Area and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), London Plan Policy SI1, and paragraphs 181 and 183 of the National Planning Policy Framework (2021).

Conditions - Reducing Emissions from Demolition and Construction

A No development shall commence until a Plan has been submitted to, and approved in writing by, the LPA. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document).

Reason: Compliance with London Plan Policy 7.14 and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)

B All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>."

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements of the London Environment Strategy

Context

The proposed development is within an Air Quality Management Area and is likely to affect identified Air Quality Focus Areas. Air Quality Focus Areas are defined by the GLA as areas already suffering from poor air quality where prioritisation of improvements is required. This is supported by:

Local Plan Part 2 Policy DME1 14

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

NOISE CONSULTANT:

Following consultation with the Council's Noise Consultants and the applicant, document references 'Noise Assessment (Dated 24th August 2021)' and '784-A117904 (014) Noise Comments Response (Dated 23rd July 2021)' have been submitted. Given the lengthy documents that have been reviewed, and discussions that have taken place, it is not practical to detail verbatim the comments that the Council's Noise Consultants have made on this application.

However, in summary the Noise Consultants have considered all this information and note that while "the background levels may be exceeded at times...operational sound levels should be less than the levels generated by other sources, such as road traffic". In conclusion, the Noise Consultants conclude, in the words of National Planning Policy Guidance, "that noise [could] be heard, but [would] not cause any change in behaviour, attitude or other physiological response. The proposal would affect the acoustic character of the area but not such that there is a change in the quality of life". As such, the proposed development is considered acceptable subject to a planning condition which secures compliance with the Operational Noise Management Plan that has been submitted with this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is designated as part of the Uxbridge Metropolitan Town Centre under the Hillingdon Local Plan: Part 2 (2020). In conjunction with this, Policy DMTC 1 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre.

Accordingly, there is planning policy support for main town centre uses in such locations. The proposed development would be an extension to an existing main town centre use and would in turn support the viability of the premises. The principle of the proposed development is considered to be acceptable.

7.02 Density of the proposed development

Not applicable to the consideration of this application.

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

ARCHAEOLOGY

Not applicable to the consideration of this application.

IMPACT ON CONSERVATION AREA

Not applicable to the consideration of this application.

IMPACT ON LISTED BUILDINGS

Please see Section 07.07 of the report.

IMPACT ON AREAS OF SPECIAL LOCAL CHARACTER

Please see Section 07.07 of the report.

7.04 Airport safeguarding

Not applicable to the consideration of this application.

7.05 Impact on the green belt

Not applicable to the consideration of this application.

7.07 Impact on the character & appearance of the area

The application site is located next to the North Uxbridge Area of Special Local Character and the Grade II Listed Society of Friend's Meeting House. Accordingly, the following planning policies are considered relevant:

Policy DMHB 2 of the Hillingdon Local Plan: Part 2 (2020) states that planning permission will not be granted for proposals which are considered detrimental to the setting of a Listed Building.

Policy DMHB 5 of the Hillingdon Local Plan: Part 2 (2020) states that new development should reflect the character of the area and its original layout. Alterations should respect the established scale, building lines, height, design and materials of the area.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.

The above policies are also supported by Policy BE 1 and HE 1 of the Hillingdon Local Plan: Part 1 (2012) and Policy HC1 of the London Plan (2021).

The existing Sainsbury's Supermarket site primarily comprises a large part one, part two and part three storey brick-built building and the remainder of the site comprises a large area of hardstanding which facilitates car parking.

In the main, the proposed development would comprise an extension to the store to provide a new groceries online (GOL) facility with new service yard and non-food retail floorspace with ancillary warehousing. A new click and collect facility is also proposed, alongside alterations to the existing car park layout and the installation of new mechanical plant.

In terms of the extension, this would be located to the north of the existing building and would measure approximately 55 metres in length and 15 metres at its deepest point. The structure would have a mono-pitched roof measuring 4.3 metres at its highest point. A canopy structure would also be attached to the north of the structure, appearing as a subordinate element. All elements of the extension would utilise a grey aesthetic, with grey cladding used as the primary facing material. This development would be positioned in a discreet location that is set at a lower level than Belmont Road and would be no higher than the retaining walls of the embankment. It would also appear as a secondary

element to the overall building. As such, this proposal is not considered to pose an unacceptable impact on the street scene and character of the area.

A collection point would be located in the northern section of the site and would measure approximately 3.9 metres by 3.9 metres in footprint and 4.2 metres at its highest point. This would be visible from the street scene but would have a limited impact given the changes in levels.

It is noted that all elements of the proposed development would be located a significant distance from the Grade II Listed Society of Friend's Meeting House and the North Uxbridge Area of Special Local Character. Accordingly, the proposal is not considered to have an unacceptable impact on either designated or non-designated heritage assets.

Given the above considerations, the proposed development is not considered contrary to Policies BE 1 and HE 1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 2, DMHB 5, DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) and Policy HC1 of the London Plan (2021).

Please note that all elements of the proposed signage have been considered acceptable and granted advertisement consent under application reference 39439/ADV/2021/19.

7.08 Impact on neighbours

Policy D14 of the London Plan (2021) states:

A) In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) states that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The nearest neighbouring residents to the proposed development are nos. 83 to 111 Belmont Road and the flats located within Hampton Court and Tilton Court, situated approximately at least 25 metres to the north of the site. Given the scale and location of the proposed development, it is considered that the proposal would not compromise the

outlook or daylight and sunlight received by neighbouring residential properties.

Following correspondence with the applicant, the following revised operating times are proposed:

- 06:30 and 23:00 on Mondays to Fridays;
- 07:00 and 23:00 on Saturdays; and
- 07:00 and 22:00 on Sundays, Public or Bank Holidays.

These times are proposed due to the operational need for delivery vans to leave by 07:30, requiring that they are loaded between 06:30 and 07:30. Similar timings are in operation at other groceries online (GOL) facilities elsewhere in London, including at stores close to residential uses. It is also advised that Sundays are one of the busiest days for deliveries and the delivery vans always operate longer than the store opening times. A planning condition is recommended to secure the revised operating times.

In terms of the noise disturbance generated by the proposed use, it is noted that the Council's Noise Consultants have assessed the information submitted and advise that the proposed development would generate noise that could be heard by neighbouring residents, but would not cause any change in behaviour, attitude or other physiological response. It follows that the proposal would slightly affect the acoustic character of the area but not such that there is a change in the quality of life. A planning condition has been recommended to ensure compliance with the Operational Noise Management Plan detailed within the submitted Noise Assessment.

Subject to planning conditions, the proposed development would not be considered contrary to Policy D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 1 (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7.09 Living conditions for future occupiers

Not applicable to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and roads.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

The site is located approximately 150 metres from Uxbridge station with access to multiple bus routes resulting from the highly sustainable transport related profile of the shopping centre. The site therefore has a 'very good' Public Transport Accessibility Level of 5.

PARKING PROVISION

A total of 376 no. car parking spaces are currently provided within the existing car park and the proposed development would result in the loss of 92 no. car parking spaces. Survey data has been submitted and demonstrates that the car park does not reach maximum parking capacity at any one time with a minimum reserve capacity of approximately 26% during the most crucial peak shopping demand periods. The Council's Highways Officer therefore advises that the loss of 92 no. spaces should not materially impact on store operations.

It is noted that 6 delivery vans are in current use and as depicted, a total of 22 vans would now serve the E(a) 'GOL' use with 22 parking spaces consisting of 11 loading bays together with a further 11 informally laid out spaces in proximity of the former. The informal arrangement will need to be subject to a site management regime to ensure that parked vans do not inhibit other operational vehicles. A condition is therefore recommended to secure the submission of a car parking management plan for approval (condition 9).

ELECTRIC VEHICLE CHARGING POINTS

Part G) of Policy T6 and part F) of Policy T6.3 of the London Plan (2021) state that all operational parking should make provision for electric vehicles (including offering rapid charging).

A total of 11 no. formal van delivery parking spaces are proposed, alongside 11 no. informal van delivery parking spaces. Given the requirements of Policies T6 and T6.3, it is considered reasonable to secure 11 no. active electrical vehicle charging points, including rapid charging, with the remainder provided with passive electric vehicle charging infrastructure. This is secured as part of recommended condition 6.

ACCESSIBLE PARKING

The accessible car parking provision is to remain as existing. This is accepted.

CYCLE PARKING

Table 10.2 attached to Policy T5 of the London Plan (2021) requires:

- 1 long-stay space per 250 square metres gross external area (GEA); and
- 1 short-stay space per 125 square metres.

Given that 720 square metres GEA is proposed, 3 no. long stay spaces and 6 no. short

stay spaces are required. The proposed development would provide 4 no. long stay cycle lockers and 3 no. sheffield stand cycle hoops with capacity for 6 bicycles. This would be secured by condition 6.

VEHICULAR ACCESS

The two-way vehicle access arrangement for the overall supermarket operation from York Road is to remain together with some minor alteration to the exit lanes and new access/egress provision serving the GOL loading area. The Highways Officer confirms that these revisions are acceptable.

It is also noted that attending and departing delivery vans linked to the GOL activity would be spread throughout the store opening periods. This is considered to mitigate conflict between staff, customers and highways users.

By way of a 'Swept Path Analysis' the GOL loading area adjacent to the existing store has been demonstrated as satisfactory in terms of allowing vehicles to enter and leave the compound in a forward gear.

TRIP GENERATION

The proposed GOL facility would generate 3 no. two-way trips by 22 no. delivery vans per day, equalling 66 no. two-way trips. The Highways Officer considers that this is unlikely to measurably impinge on the local highway network. It would also reduce the number of customer trips to the store.

The click and collect facility is anticipated to generate 20 no. two-way trips per day. The Highways Officer also considers that this is unlikely to have a significant impact on the local highway network.

SERVICING AND DELIVERY

Condition 7 has been recommended to secure a Servicing and Delivery Plan.

CONSTRUCTION LOGISTICS PLAN

Condition 8 has been recommended to secure a final Construction Logistics Plan.

SUMMARY

Subject to planning conditions, the proposed development would not be considered contrary to Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policies T4, T5, T6, T6.3 and T7 of the London Plan (2021) and the NPPF (2021).

7.11 Urban design, access and security

URBAN DESIGN

Please see Section 07.07 of the report.

ACCESS

Please see Section 07.12 of the report.

SECURITY

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

A secure by design condition (condition 14) has been recommended to ensure the development achieves the appropriate accreditation. Subject to this condition, the proposal would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020).

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design.

As confirmed by the Council's Access Officer, the proposed development does not pose any accessibility concerns. The proposal is not considered contrary to Policy D5 of the London Plan (2021).

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this application.

7.14 Trees, landscaping and Ecology

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) states:

- A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

- A) The design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on-site. Where development is constrained and cannot provide high quality biodiversity enhancements on-site, then appropriate contributions will be sought to deliver off-site improvements through a legal agreement.

Notably, no trees or existing features of biodiversity will be affected by the proposed extension and associated works. Trees are interspersed throughout the car park area and there is some, although limited, space for additional planting. Although the proposed extension could potentially facilitate a green roof, the threshold for such provisions is major scale development. As the proposed development constitutes a minor scale of development, this is not considered to be justified in planning policy terms.

In view of the above, the proposed development is not considered contrary to Policy DMHB 14 and DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

7.15 Sustainable waste management

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

- D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for

collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

It is anticipated that refuse storage and collection will continue as existing. A delivery and servicing plan is, however, recommended to be secured by planning condition (condition 7). Accordingly, the proposed development is not considered contrary to part D) of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

7.16 Renewable energy / Sustainability

There are no specific energy requirements for a minor scale form of development.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) requires that development proposals ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) also requires that development proposals utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). Notably, proposals that fail to make appropriate provision of flood risk and surface water flooding mitigation will be refused.

As the application is on a site of less than 1 hectare and does not exceed 1000 square metres in new gross floorspace, the application is confirmed as being minor in scale. The proposed location of the extension is where it is indicated surface water would pond on the site. A condition has therefore been recommended to secure details of a drainage plan and subsequent implementation. This should ensure that the development does not increase the risk to the adjacent Critical Drainage Area. There are also opportunities to include sustainable drainage into the car park which should be included.

Subject to the recommended planning condition, the proposed development would accord with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies SI 12 and SI 13 of the London Plan (2021).

7.18 Noise or Air Quality Issues

NOISE

Please see Section 07.08 of the report.

AIR QUALITY

The application site is located within the Uxbridge Air Quality Focus Area. Accordingly, Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020) is considered and states that:

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The application site is located within the Uxbridge Air Quality Focus Area, requiring that development is air quality positive in order to contribute to the reduction of emissions. The

total additional vehicle trip generation for the proposed development per day is 48 no. GOL delivery van trips (comprising 3 no. two-way trips by 16 no. additional GOL delivery vans) and 20 no. two-way trips by customers to the click and collect facility.

As confirmed by the Council's Air Quality Team, the level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach. Following the application of relevant discounts, a financial contribution of £16,637 is required to be paid to Hillingdon to deliver its air quality local action plan. This would be secured by a Section 106 legal agreement.

Planning conditions are recommended to secure the submission of a Low Emission Strategy and measures to reduce the impact on air quality during construction.

Subject to a Section 106 legal agreement and the aforementioned planning conditions, the proposed development would not be considered contrary to Policy DMEI 14 of the Hillingdon Local Plan: Part 2 (2020).

7.19 Comments on Public Consultations

Please see Section 06.1 of the report.

7.20 Planning obligations

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

i) to secure the provision of affordable housing in relation to residential development schemes;

ii) where a development has infrastructure needs that are not addressed through CIL; and
iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

i. Air Quality: A financial contribution amounting to £16,637 to be paid for Hillingdon to

deliver its air quality local action plan and/or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and/or reduce human exposure to pollution levels.

ii. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

COMMUNITY INFRASTRUCTURE LEVY (CIL):

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for retail developments is £215 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre.

The proposal produces a net increase of 688 square metres gross internal floorspace.

Hillingdon CIL £207,836.96

London Mayoral CIL £41,655.27

Total CIL £249,492.23

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

CONTAMINATED LAND

Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Proposals for development on potentially contaminated sites will be expected to be accompanied by at least an initial study of the likely contaminants. The Council will support planning permission for any development of land which is affected by contamination where it can be demonstrated that contamination issues have been adequately assessed and the site can be safely remediated so that the development can be made suitable for the proposed use.

B) Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

C) Where initial studies reveal potentially harmful levels of contamination, either to human health or controlled waters and other environmental features, full intrusive ground investigations and remediation proposals will be expected prior to any approvals.

D) In some instances, where remedial works relate to an agreed set of measures such as the management of ongoing remedial systems, or remediation of adjoining or other affected land, a S106 planning obligation will be sought.

A planning condition is recommended to ensure that no contaminated soils or other materials are imported to the site. Subject to such a condition, the proposal would not be considered contrary to Policy DMEI 12 of the Hillingdon Local Plan: Part 2 (2020).

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

In conclusion, the proposed extension to the store to provide a new groceries online (GOL) facility and associated works is considered acceptable in principle and with regard to its impact on the character and appearance of the area, neighbour amenity, highways

matters, air quality and flood and water management. Subject to planning conditions and a Section 106 agreement securing a financial contribution towards air quality improvement, this application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

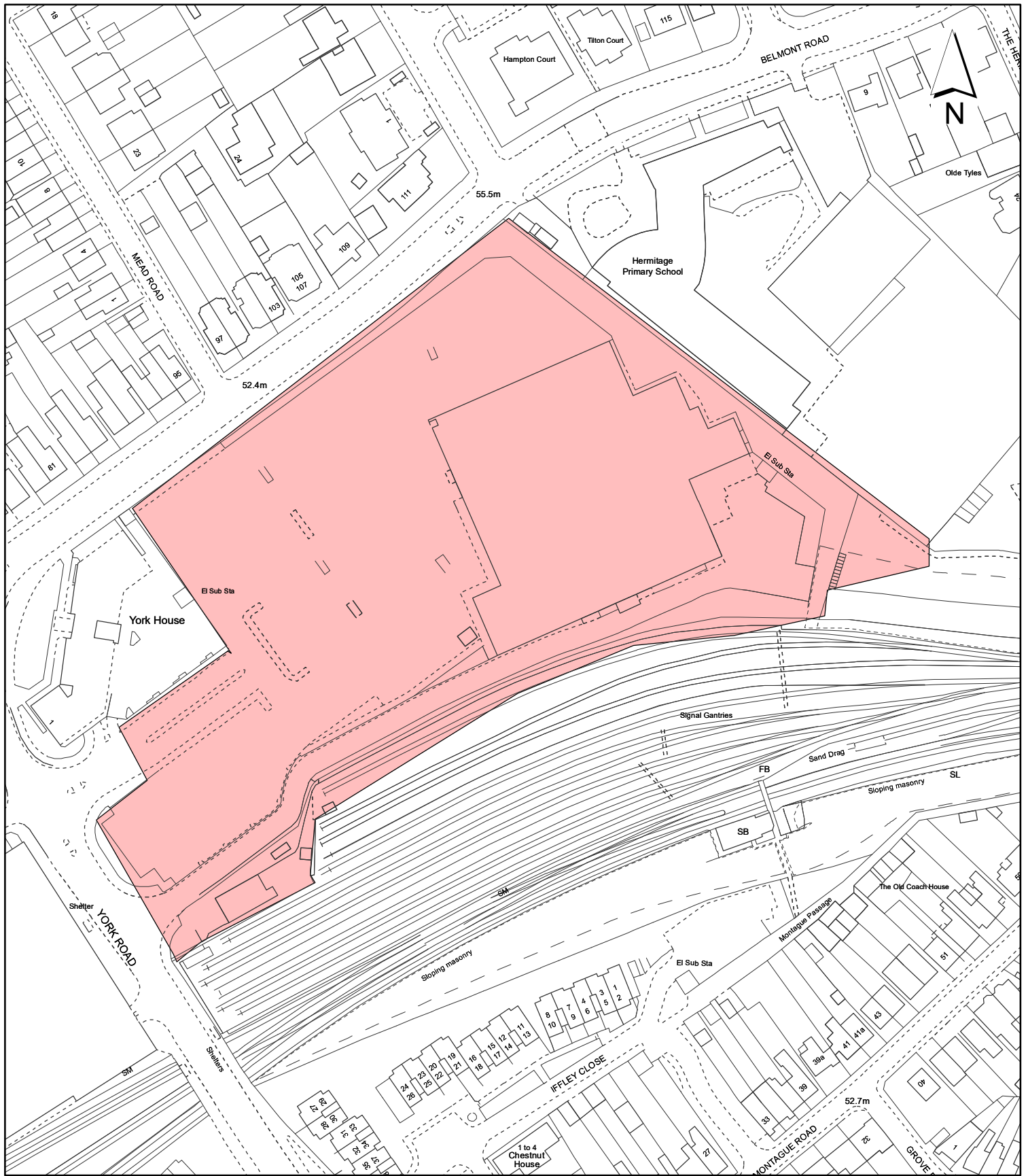
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer: Michael Briginshaw

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Notes:

 Site boundary

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Site Address:

**Sainsburys Supermarket
 York Road**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

39439/APP/2021/2230

Scale:

1:1,500

Planning Committee:

Minor

Date:

September 2021



HILLINGDON
 LONDON