

APPLICATION FOR: 1942/APP/2013/3565

HAYES SWIMMING POOL BOTWELL LANE HAYES

COMMITTEE: Major Apps PC

DATE:

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. Report of the Head of Planning, Building Control, Sport & Green Spaces

Address HAYES SWIMMING POOL BOTWELL LANE HAYES

Development: Construction of an A1 discount food store with associated car parking and landscaping.

LBH Ref Nos: 1942/APP/2013/3565

Drawing Nos: HIGHWAY RESPONSE REF:LF/13-0409 TN2
 Energy and Sustainability Addendum
 3176 102B amended location plan
 3176 111 rev.A
 13624/T/01-02
 13624/T/02-02
 ARBORICULTURAL IMPACT ASSESSMENT REV.C
 TREE CONSTRAINTS PLAN REV. A
 TREE PROTECTION PLAN
 LIGHTING PROPOSAL REV. E
 ARBORICULTURAL IMPACT ASSESSMENT REPORT
 REF:LUK/BLH/AIA/01b
 ARBORICULTURAL METHOD STATEMENT REF: LUK/BLH/AMS/01a
 FLOOD RISK ASSESSMENT
 SUSTAINABILITY/ENERGY STATEMENT
 STATEMENT OF COMMUNITY INVOLVEMENT
 PLANNING STATEMENT
 TRANSPORT ASSESSMENT
 GROUND INVESTIGATION REPORT
 AIR QUALITY ASSESSMENT
 FOUL DRAINAGE STATEMENT
 LANDSCAPE MANAGEMENT PLAN
 DESIGN AND ACCESS STATEMENT
 TRANSPORT ASSESSMENT Technical Note
 Lidl18911 11E.
 3176 109F
 3176 108K
 3176 110D
 Additional Transport Statement
 Highway Risk Assessment:
 ARBORICULTURAL METHOD STATEMENT (REVISED)
 ARBORICULTURAL IMPACT ASSESSMENT REPORT (REVISED)
 LiDL Hayes Carpark Lighting Proposal 23-07-2014

Date Plans Recieved:	02/12/2013	Date(s) of Amendment(s):	23/07/2014
Date Application Valid:	17/12/2013		25/07/2014
			06/03/2014
			25/03/2014
			08/04/2014
			21/03/2014

24/07/2014
03/12/2013

1. SUMMARY

Planning permission is sought for a new foodstore with a gross external floorspace of 2,085 sq m to be occupied by Lidl, on part of the former Hayes Pool site.

72 local residents, businesses and local amenity groups were consulted. 2 letters of support have been received. Objections have been received from Hayes Chamber of Commerce, Hayes Conservation Area Advisory Panel and the local MP, primarily on the grounds of design, increased traffic generation and traffic congestion.

In terms of retail impact, the proposal is of scale that is considered appropriate to the centre and will not have an unacceptable impact on the other centres in the catchment area, meeting the relevant tests set out within the NPPF. As such, the development will not result in any impacts that would be significantly adverse in retail terms, in accordance with relevant policies in the London Plan (July 2011). There is therefore no land use policy objection to the principle of a retail development of this town centre location.

Whilst the design approach is generally low key, the layout would reflect the established suburban character of the townscape context to the site. Landscaping has been incorporated within and surrounding the site, to mitigate the impact of the development.

The Council's Highways Officer is satisfied that the development would not have any adverse impacts on the free flow of the highway network, whilst car parking for the proposed store meets the relevant standards. Furthermore, the Council's Highway engineer raises no concerns regarding the access arrangements.

Subject to appropriate conditions and planning obligations, the development would integrate an appropriate level of inclusive design, measures to reduce energy use and other sustainable design features. Furthermore, subject to appropriate conditions, the development would not have any adverse impacts on the amenity of residential occupiers by way of noise.

The development makes adequate provision by way of planning obligations to mitigate its impacts, including contributions to air quality monitoring and town centre improvements.

Accordingly, the application is recommended for approval, subject to a S106/Highway Agreement and conditions.

2. RECOMMENDATION

1. The Council enter into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or Section 278 Highways Act 1980 (as amended) and all appropriate legislation to secure:

(i). Transport: All on site and off site highways works as a result of this proposal including the use of the highway verge for landscaping (and its future management and maintenance of landscaping) subject to a licence pursuant to S142 of the Highways Act 1980.

(ii). Travel Plan and a Delivery and Servicing plan.

(iii). Air Quality: a financial contribution in the sum of £12,500.

(iv) Town Centre Improvements: £25,000

(v) The applicants pay a sum to the Council equivalent to 5% of the value of contributions for compliance, administration and monitoring, project management and overseeing implementation of elements of the completed planning (and/or highways) agreement(s).

2. That officers be authorised to negotiate and agree the detailed terms of the proposed agreements.

3. If the above Section 106 agreement has not been finalised by 10th September 2014, then delegated authority to the Head of Planning, Green Spaces and Culture to refuse the application for the following reason:

The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of on site and off site highways works, air quality monitoring, town centre improvements and construction training facilities). The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

4. That subject to the above, the application be deferred for the determination by Head of Planning, Green Spaces and Culture under delegated powers to approve the application, subject to the completion of legal agreement(s) under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

5. That if the application is approved, the conditions set out below be attached:

1 COM3 Time Limit

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

REASON

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

2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

3176 102B amended location plan

3176 111 rev.A

13624/T/01-02
13624/T/02-02
3176/108 REV. K
3176/109 REV. F
LIDL1811-11G (Landscape)
3176/110 REV. D

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following mitigation measures and recommendations have been completed/put in place in accordance with the Air Quality Assessment

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

REASON

To ensure that the development complies with the objectives of Policies in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 COM6 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

6 COM14 No additional internal floorspace

Notwithstanding S55(2) of the Town and Country Planning Act 1990, or Article 3 of the Town and Country Planning (use classes) order 1987 (as amended), no more than 20%

of the retail floor space contained within the main retail food store unit hereby approved shall be used for the display or sale of comparison goods. Furthermore, the total gross internal floor space of the retail food store shall not exceed 2,085.0 sq.m. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floor space shall be created in excess of that area expressly authorised by this permission.

REASON

- (i) To enable the Local Planning Authority to assess all the implications of the development
- (ii) To ensure that the proposed retail development will not have a significant impact on the other centres in the catchment area and will meet the relevant tests set out within the NPPF and comply with policies 4.7, 4.8 and 4.9 of the London Plan (2011).
- (iii) To ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policies AM7, AM14, and AM15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 COM8 Tree Protection

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

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

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

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

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

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

8 COM9 Landscaping (car parking & refuse/cycle storage)

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

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
 - 2.b Means of enclosure/boundary treatments
 - 2.c Car Parking Layouts, including demonstration that 12 of the parking spaces are served by electrical charging points (6 active and 6 passive), the provision of 3 parent & child spaces, 3 brown badge spaces and layouts for 3 motorcycle spaces.
 - 2.d Hard Surfacing Materials
3. Living Walls and Roofs
 - 3.a Justification as to why no part of the development can include living walls and roofs
4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
5. Schedule for Implementation
6. Other
 - 6.a Existing and proposed functional services above and below ground
 - 6.b Proposed finishing levels or contours

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (July 2011).

9 COM30 Contaminated Land

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

- (a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;
- (b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make

the site suitable for the proposed use.

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

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

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

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

10 COM15 Sustainable Water Management

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

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

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

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

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

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 5.12.

11 COM16 Scheme for site noise control

The rating level of noise emitted from plant and/or machinery at the development shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise

affecting mixed residential and industrial areas".

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

12 COM22 Operating Hours

The premises shall not be used for the sale of goods except between:-

[0800 and 2300], Mondays - Saturdays

[1000 to 1800] Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties and in order to safeguard the satisfactory redevelopment of the adjoining site, which has development potential, in accordance with Policies OE3 and BE14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

13 COM27 Traffic Arrangements - submission of details

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

14 NONSC Energy

Prior to the commencement of development a detailed energy assessment shall be submitted showing how the development will reduce carbon emissions by 40% from a 2010 Building Regulations compliant development. The assessment shall clearly show:

- 1) the baseline energy demand (kwhr and kgCO₂) for each element of the regulated energy use (e.g. space heating, hot water and electricity) to 2010 Building Regulations Part L standards. This should also include the Part L calculations for the baseline.
- 2) the methods to improve the energy efficiency of the development, how this impacts on the baseline emissions and where these measures will be included within the development. Each measure shall be clearly related back to the baseline energy and emissions data.
- 3) full details, specification and location of renewable energy to ensure that the 40% target can be achieved in combination with the energy efficiency measures.
- 4) how the technology will be maintained and managed throughout the lifetime of the development.

The development must proceed in accordance with the approved details.

REASON

To ensure appropriate carbon savings are delivered in accordance with London Plan Policy 5.2.

15 COM28 Visibility Splays - Pedestrian

The access for the proposed car park shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

REASON

In the interests of highway and pedestrian safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

16 COM29 No floodlighting

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

REASON

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

17 COM31 Secured by Design

The building 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 exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

18 OM7 Refuse and Open-Air Storage

Refuse shall be stored internally within the Delivery Store, unless agreed in writing by the Local Planning Authority.

REASON

To ensure that visual amenities are not prejudiced, in accordance with policy OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

19 NONSC Trolley Trap

Prior to the commencement of development, details of a trolley trap to prevent shopping trolleys leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of

the retail store.

REASON

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

20 NONSC Non Standard Condition

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings other than within the areas shown on the approved plans.

REASON

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

21 NONSC Non Standard Condition

No part of the development hereby permitted shall be commenced until details of 8 covered and secure cycle storage spaces, for users of and visitors to the development, and a shower facility for staff have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

22 COM25 Loading/unloading/deliveries

There shall be no loading or unloading of vehicles, including the collection of refuse, except between: 0700 and 2300, Mondays to Saturdays and 0900 to 1800 Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties and in order to safeguard the satisfactory redevelopment of the adjoining site, which has development potential, in accordance with Policies OE3 and BE14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

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

2

2. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to

ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

3 I11 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

4 I12 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

5 I14C Compliance with Building Regulations Access to and use of

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice.
AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises.

Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6 and 8.

6 I15 Control of Environmental Nuisance from Construction Work

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

7 I16 Directional Signage

You are advised that any directional signage on the highway is unlawful. Prior consent from the Council's Street Management Section is required if the developer wishes to erect directional signage on any highway under the control of the Council.

8 I18 Storage and Collection of Refuse

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

9 I19 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel.

01895 250804 / 805 / 808).

10 I2 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

11 I24 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

12 I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

13 I25A The Party Wall etc. Act 1996

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

14 I34 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

15 I43 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

16 I47 Damage to Verge

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

17 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant

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

18 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE1	Development within archaeological priority areas
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
R8	Loss of facilities which support arts, cultural and entertainment activities
S1	New retail development within the shopping hierarchy
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
POBS	Planning Obligations Supplementary Planning Document, July 2008
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector

LPP 5.1	(2011) Climate Change Mitigation
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.7	(2011) Renewable energy
LPP 6.13	(2011) Parking
LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy
NPPF	

19 I58 Opportunities for Work Experience

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon Education and Business Partnership.

Please contact: Mr Peter Sale, Chief Executive Officer, Hillingdon Training Ltd: contact details - c/o Hillingdon Training Ltd, Unit A, Eagle Office Centre, The Runway, South Ruislip, HA4 6SE Tel: 01895 671 976 email: petersale@hillingdontraining.co.uk

20 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

21 I9 Community Safety - Designing Out Crime

Before the submission of details required by condition 19, you are advised to consult the Metropolitan Police's Crime Prevention Design Advisor, Residents Services, Civic Centre, Uxbridge, UB8 1UW (Tel. 01895 250538).

22

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy. At this time the Community Infrastructure Levy is estimated to be £72,975.00 which is due on commencement of this development. The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's Website www.hillingdon.gov.uk/index.jsp?articleid=24738

23

You are advised of the need to comply with the Sunday Trading Act 1994. Shops over 280 square metres:
 can open on Sundays but only for 6 consecutive hours between 10am and 6pm
 must close on Easter Sunday
 must close on Christmas Day.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises an approximately 1 hectare irregularly shaped plot, located on the north corner of Central Avenue and Botwell Lane, Hayes. It formally accommodated the relatively large scale, 1960s style, Swimming Pool building, located centrally within the site, together with associated car parking to the north. The site has been cleared following the demolition of the old Hayes Swimming Pool. The site is level and its Botwell Lane frontage is characterised by mature trees of various species and low level shrubs. Central Avenue has a double row of London Planes at more regular spacing.

The site is bounded to the west by Botwell Lane and Church Road, beyond which are residential properties; to the south by Botwell Lane, beyond which is the Immaculate Heart of Mary Church, Botwell House and associated car parking and landscaping; to the east by Central Avenue, beyond which is Botwell Green, which has recently been redeveloped to provide a new community leisure centre, incorporating a new swimming pool, sports hall, sports pitches and one stop shop. To the north the site is bounded by residential properties fronting Holmbury Gardens, and a pay and display car park, which is associated with the new leisure centre complex. 20 car parking spaces at the north east of the site would be retained for public use.

The site falls with Hayes Town Centre as defined by the Hillingdon Local Plan Proposals Map, but lies outside the primary and secondary shopping areas. It also falls within the Hayes/West Drayton Corridor. Botwell House to the south is a Grade II Listed Building, and the Hayes Village Conservation Area lies just over 100m to the north east.

The balance of the old swimming pool site is likely to be developed independently at a later date.

3.2 Proposed Scheme

The application proposes a new foodstore with a gross external floorspace (GIA) of 2,085 sq m, to be occupied by Lidl. The sales area of the store will extend to 1,407 sq m., of which 80% will be used for the sale of convenience goods and 20% for the sale of comparison goods.

The proposed store will be positioned in the north-west corner of the site, with customer parking to south and east. The building will be set back between 18 and 24 metres off the Botwell Lane boundary and between 14 and 21 metres off the Central Avenue boundary. Vehicular access to the store will be provided via Central Avenue. Two pedestrian walkways are provided within the site, allowing direct access to and from the store to Botwell Lane and Central Avenue. The service yard will be located adjacent to the northern elevation.

62 car parking spaces are proposed, six of which will be allocated as disabled spaces and three as child and parent spaces.

The proposed store would feature a monopitched roof, with a maximum height of 16 metres, sloping down to 10 metres at the rear. The external walls will be rendered in white panels between grey piers up to shopfront glazing head height. At low level, there will be a splash-proof grey plinth upstand. Cladding above the shopfront glazing head line will be in rainscreen tray panel cladding system, in UV resistant silver metallic finish. The entrance and trolley bay area, fascias and soffits generally, will be formed in Alucobond system. The store entrance and exit will be formed with automatic opening glazed doors finished in blue powder coated aluminium. The south elevation will feature full height shopfront

glazing in blue powder coated aluminium.

The application is supported by a number of documents which are listed below:

- Planning Statement

This statement sets out the background to the proposal, identifies the planning policy context and provides an analysis of the scheme. This report explores in detail the capacity for a new deep discount foodstore on the application site and the qualitative benefits of the proposed development.

- Transport Assessment/Travel Plan

This report assesses the transport implications of the proposed development. It concludes that the site is accessible by a choice of means of transport and that the development would reduce the number and length of car journeys. In addition, it notes that the site enables access for delivery vehicles via the primary road network, therefore avoiding sensitive streets. In order to encourage sustainable modes of a Travel Plan aimed at employees and customers of the proposed store is proposed. Additional traffic surveys and modelling has been undertaken by the applicant looking at the impact of the proposal on near by junctions and additional information relating to the site access provided.

- Energy/Sustainability Statement

This statement considers how the proposed development can reduce its energy demand and associated CO2 emissions and proposes renewable energy measures

- Design and Access Statement

This statement sets out the design philosophy of the scheme taking into consideration access, sustainability and energy implications.

- Foul Drainage Statement and Flood Risk Assessment

This report provides a flood risk assessment of the proposal. It finds that the site is within Flood Risk Zone 1 as identified by the Environment Agency indicative Flood Zone Maps as being land least likely at risk of flooding.

- Landscape Management and Maintenance Plan

- Tree Survey/Arboricultural Assessment

This report provides an arboricultural impact assessment of the proposal reviewing any conflicts between the scheme and material tree constraints identified in the survey accompanying the assessment. It concludes that the trees to be retained are generally in good health and capable of withstanding root disturbance or crown reduction whilst the development takes place. It considers that those trees recommended for felling are of little significance and concludes that their loss will not affect the character of the area. It is considered that any losses can be mitigated by the replacement trees and landscaping associated with the proposed development.

- Statement of Community Involvement

This statement summarises the feedback received from the local community and details Lidl's response to the issues raised. 91% of comments were in favour the proposal, indicating public support for the proposed new store.

- Noise Assessment

This report assesses the noise issues in relation to condenser plant noise, delivery noise and car park noise associated with the proposed development. It concludes that the impact of noise levels will not be significant when compared to the existing noise climate.

- Air Quality Assessment

This report considers the air quality impacts of the proposed development during the construction phase and once the development is fully operational. It concludes that there are no significant air quality constraints to the proposed development and that it does not conflict with the Council's Air Quality Action Plan nor any of the relevant strategies and policies set out in the national, regional and London Council's Air Quality Planning Guidance.

- Ground Investigation Report

This report describes a geo-environmental ground investigation of the site and provides design recommendations to be incorporated into the scheme.

3.3 Relevant Planning History

1942/APP/2010/31 Hayes Swimming Pool Botwell Lane Hayes

Redevelopment of site to provide 72 residential units with associated access, amenity space, landscaping and car parking, including demolition of existing swimming pool (Outline application with details of access, layout and scale only)

Decision: 02-11-2010 Approved

Comment on Relevant Planning History

Previous historic applications at the site relate to its use as a swimming pool and are considered to have no relevance to the current proposal. The following planning history is considered relevant:

1942/APP/2010/31 - Redevelopment of the existing Hayes Swimming Pool site to provide a part two, part three and part four-storey residential building comprising a total of 72 units, with associated access, car parking and landscaping, including the demolition of the existing pool. Details of access, layout and scale have been provided at this stage with details of appearance and landscaping reserved for future consideration. Approved December 2012.

In addition, the development of a leisure centre complex at Botwell Green, on the opposite side of Central Avenue is relevant and applications relating to that scheme are summarised below:

20817/APP/2006/3393 - Redevelopment of site to create a community leisure centre incorporating a new 25m swimming pool, sports hall, fitness and exercise areas, creche, cafe/bar, and associated ancillary areas, library and one stop facility, with associated parking and landscaping - Approved 09/03/07

20817/APP/2007/2019 - Amendments to planning permission ref: 20817/APP/2006/3393 (erection of a community leisure centre) to relocate multi-use games area pitches and alter car parking layout - Approved 25/09/07

20817/APP/2007/3080 - Construction of an all-weather surface training pitch including details of floodlighting, fencing enclosure and additional acoustic fencing - Approved 23/01/08

20817/APP/2008/2693 - Amendments to planning permission ref: 20817/APP/2006/3393 (erection of a community leisure centre) to provide a new gymnastics hall, retail units and glazed atrium as well as alterations to car parking layout - Approved 12/12/08.

4. Planning Policies and Standards

Town Centres

The NPPF re-confirms the previous PPS4 principle that town centres come first. It reiterates that local authorities should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period, which should include recognising town centres as the heart of their communities and pursue policies to support their viability and vitality. It should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres (paragraph 23).

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.E5	(2012) Town and Local Centres
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM11	(2012) Sustainable Waste Management
PT1.EM5	(2012) Sport and Leisure
PT1.EM6	(2012) Flood Risk Management
PT1.H1	(2012) Housing Growth

Part 2 Policies:

AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

BE1	Development within archaeological priority areas
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy
NPPF	

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 30th January 2014

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application has been advertised under Article 13 of the Town and Country Planning General Development Management Order 2010 as a Major Development. Consultation letters were sent to 72 local owner/occupiers, the Hayes Chamber of Commerce, the Hayes Town Partnership, the Hayes Town Centre Residents' Association and the Townfield Residents' Association.

2 letters, supporting the proposals were received and are summarised below:

1. This proposal will be beneficial to local residents as well as removing a real eyesore from the landscape. The land between the hoardings and the hedges is very unsightly and has been used for very anti-social behaviour, e.g. as a toilet.
2. With all the new housing estates that are springing up in the Hayes area I believe this retail store is needed. Iceland is the only other comparable store in Hayes Town so another similar store is needed to cope with the amount of trade.
3. This proposal will be beneficial to local residents as well as removing a real eyesore from the landscape. The land between the hoardings and the hedges is very unsightly and has been used for very anti-social behaviour, e.g. as a toilet.

ENGLISH HERITAGE (GLASS)

The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Although the site lies close to medieval Botwell it is previously developed and not identified as an Archaeological Priority Area.

No further assessment or conditions are therefore necessary. Please note that this response relates solely to archaeological considerations. If necessary my Historic Buildings and Areas colleagues should be consulted separately regarding statutory matters.

HAYES CHAMBER OF COMMERCE

Traffic is already overloaded in this area at peak times and with the new school, this will be even worse as this store will only add to traffic in the area.

The mix of heavy traffic and extra children will put off people coming to Hayes Town and will not help with promoting and regenerating the town.

There are already sufficient supermarkets in the area. The town has too much competition and this development could easily tip some of the smaller stores over the edge.

Parking along Central Avenue is a serious issue with cars parking on the pavements because of

lack of spaces in the Swimming Pool car park.

We therefore object to this application.

HAYES CONSERVATION AREA ADVISORY PANEL

This site lies at one of the gateways to Hayes town centre and we believe it should be used in a way that makes a positive contribution to the town centre improvements that are currently being planned. The present proposals do not make good use of the opportunity presented by this pleasant and prominent site and are therefore inappropriate; we hope that planning permission will not be granted.

Our additional reservations about the proposal that has been submitted are as follows:

- 1) There are no current proposals for the north-western part of the site, and the size and shape of the area that is left diminishes the potential for an appropriate future use; it is foolish not to consider the site as a whole, as was done in the previous application (1942/APP/2010/31).
- 2) The north-west elevation of the proposed building is utilitarian, actively ugly and, were it built, would have a negative impact on the street scene in Botwell Lane.
- 3) The south-west elevation is unsympathetic to its position and is out of scale with the other buildings nearby, while the south-east elevation is another ugly blank facade which will detract from the adjacent Central Avenue Area of Special Local Character.
- 4) The added traffic that this proposed development would generate would add to the existing congestion around the junction of Central Avenue with Botwell Lane. Those travelling to both the primary school and the leisure centre would be adversely affected.

JOHN MCDONELL MP

This site is one of the most important sites in the area. It stands at the entrance to Hayes Town centre. The proposed building is grotesquely ugly. It is nothing more than a large shed. It will stand opposite a beautiful church and a modern design leisure centre. The statement that it will make to anyone entering Hayes Town centre is that nobody cares for the aesthetics of our town. In addition this development will greatly increase the level of traffic in this locality, thus vastly increasing congestion, air pollution and risk of accidents to the children of the nearby school. The area is already heavily congested, suffers from high levels of air pollution and has a large number of children coming to and from the local school and leisure centre, who may be put at risk from this significant increase in traffic movements.

Internal Consultees

HIGHWAY ENGINEER

Traffic Generation & Impact: The estimated vehicle trip generation is still based on discount foodstores and Lidl's specific examples. Unless the planning consent is restricted to Lidl or discount foodstore, the assessment should be based on a generic A1 food retail use. Different retailers have small, medium and large stores, and to avoid making the trip generation estimates overly complicated, a simple methodology would have been to estimate trip rates per 100 sqm from a mixture of A1 retail foodstores located in comparable locations, except for Tesco express type stores, and apply the trip rates to the proposed store to estimate trips for the generic A1 food retail use.

The re-opening of Station Road as a through route is an integral part for the Hayes Town Centre project and should not be ignored. The applicant was invited to seek further information on committed developments and the re-opening of Station Road in order to consider the proposed development in a cohesive manner, but unfortunately no one has come forward to discuss this. The

applicant's transport consultants are of the view (as per their submission dated 25th March 2014) that the public consultation occurred post submission of the planning application and would not therefore form part of the assessment conditions. It should be noted that when undertaking an assessment of the future year scenarios, the re-opening of Station Road is a vital change and therefore cannot be ignored.

Geometric diagrams and validation information for the traffic models have still not been supplied. This information is required to evaluate the accuracy and reliability of the theoretical capacity shown on the modelling outputs.

Notwithstanding the issues above, in light of the NPPF, the proposed foodstore is not considered to result in a significant traffic impact on the surrounding highway network. Although the applicant has failed to provide a robust assessment, I do not wish to object on the grounds of traffic impact of the development.

Parking: A total of 62 car parking spaces are proposed, including 3 parent & child spaces and 6 shared blue/brown badge holder spaces. These 6 shared spaces should instead be provided as 3 for blue badge holders and 3 for brown badge holders.

Based on the London Plan standards, the range of maximum car parking is between 72 and 108 spaces for sites with a PTAL of between 4-2. Furthermore, the average parking dwell time at the proposed store is likely to be slightly higher as a result of linked trips with other retail uses in the town centre; consequently there could be a lower turnover of car parking spaces.

The applicant has however identified a typical peak parking accumulation of 48 spaces occurring on a Friday between 13:00 - 14:00 hours and 50 spaces occurring on a Saturday between 12:00 - 13:00 hours.

Only 3 cycle stands are proposed, whereas a minimum of 17 cycle parking spaces should be provided in accordance with the London. Furthermore, the Council's parking standards require 1 space per 20 car parking spaces for two-wheelers in addition to parking for cars and bicycles.

Site Access: The development will provide a dedicated pedestrian access. A new vehicular access is also proposed in Central Avenue, opposite the Botwell Green Sports and Leisure Centre egress. Whilst this access is not ideal as it will involve 16.5m long articulate lorries entering the path of oncoming traffic when manoeuvring to enter the site, will take up the full width of the access and involve excessive reversing movements. Notwithstanding these issues, the proposed alternative access is preferred over the previous proposal, which involved utilising the existing public car park access in Central Avenue and unacceptable swept paths for delivery lorries entering and exiting the proposed retail store.

Guard railings are proposed adjacent to both the existing sports and leisure centre egress and the proposed retail store access to help restrict pedestrians from crossings randomly at this point. Furthermore, the new access will be clearly visible to the public.

The proposed vehicular access has been reviewed under a Stage 1 Road Safety Audit. There are no comments on the swept paths; however the Safety Auditor has raised a number of issues relating to the detailed design of the vehicular access and replacement street lighting, which the designer has agreed to address at the detail design stage.

An additional issue is raised on how the existing cycle facilities continue along Central Avenue. The Safety Auditor is of the view that no clear demarcation/route may put cyclists at risk of being struck by passing traffic. This issue has been discussed with the Council's Transport & Project team to

consider in the future schemes. Some consideration has been given to introduce advisory cycle lanes in Central Avenue between the access for the public car park and the existing segregated cycle refuge at the junction with Botwell Lane, however the available carriageway width is not considered to be adequate to accommodate cycle lanes alongside other vehicles in a satisfactory manner.

Recommendation: In case of an approval, suitable planning conditions should be applied to secure amendments to car parking designation and layout of the vehicle access, and cycle parking, motorcycle parking and a Service Management Plan.

(Officer note: Parking issues are addressed in the relevant section of this report).

ACCESS OFFICER

Located to the North-West of Hayes Town Centre, the site is now vacant following demolition of the former Hayes Swimming Pool. A pay and display car park is located adjacent to the site on the North side.

The proposal seeks to erect a new building which would be utilised as a Lidl retail store. The site is understood to be effectively level, with access for older and disabled people integrated into the design. Three accessible parking spaces are said to have been located close to the entrance to allow ease of access, however, the bays are shown on plan not to be in an optimum position to achieve this objective. Hillingdon Local Plan Policy AM 15, as set out in Annex 1, prescribes that 10% of parking spaces should be reserved for use by disabled persons (see Hillingdon Local Plan Part 2 policies). In addition, the Council's Supplementary Planning Document 'Accessible Hillingdon' (adopted May 2013), states that a further 5% of parking spaces, particularly in respect of retail development, should be allocated for older persons with a Brown Badge permit.

The accessible toilet facility shown on plan is noted, and the internal design is otherwise considered to be acceptable. Provisions including dropped kerbs, tactile paving, lighting and signage would be specified at the detail design stage: no concerns are raised in this regard.

Amended plans that incorporate the following alterations should be requested:

1. The total number of accessible parking bays should be increased from 3 to 7, which should all be made available to both Blue and Brown badge holders. Whilst the provision of 7 accessible spaces would fall below the policy requirement, discretion should be invoked to take account of the relatively small car park.
2. To minimise the walking distance and need for older and disabled people to cross the road in order to access the retail store, the accessible parking spaces should be located on the same side as the store, and preferably adjacent to the South East elevation.

Recommended Informatives

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

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

ENVIRONMENTAL PROTECTION UNIT

Construction of an A1 discount food store with associated car parking and landscaping.
Botwell Lane, Hayes - Geoenvironmental Ground Investigation by Opus for Lidl dated 24 June 2013

I refer to the above application and the submitted combined geotechnical and contaminated land report by Opus. I am assuming this is solely for the supermarket and no residential is planned. Some of the risk assessment is using the stricter residential targets for contamination.

It appears that when the swimming pool was filled in much rubble and various bits of waste such as wood and metal were used. So there is a fair depth of made ground in the swimming pool void. There was also a boiler room although evidence of contamination was not found. It appears a fair coverage of the site was obtained with 14 trial pits and 16 window samples. The sampling was targeted to the made ground and fuel contamination with a range of tests including metals, TPH, PAH and Asbestos. Little contamination was found although the made ground is fairly deep at the site and there may be further contamination found during the site works. Two slightly elevated PAH levels were found, these were for benzo(a)pyrene and do not affect the development in the current layout as the building is on top of this soil.

I would advise using COM30 as although no problems were found there is a good depth of backfill and further contamination may be located when the site is excavated. We have no record of what was used to fill the closed pool. The investigation is sufficient for the application and should meet the SI part of the standard condition (a, b would be met and there would be no remediation strategy at present for c). Probably it is better to apply the whole condition rather than just the latter parts.

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

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

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

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, along with details of a watching brief to address undiscovered contamination.

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

(iii) All works which form part of the remediation scheme shall be completed and a comprehensive

verification report shall be submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

AIR QUALITY: The following information was submitted with regard to air quality:

· Lidl Foodstore Air Quality Assessment, Botwell Lane, Hayes by RPS for Lidl UK GmbH, dated 19 November 2013

We do not have any specific objections to the development on air quality grounds as impact from the development as set out in the air quality assessment may well be negligible and the air quality assessment has indicated no mitigation measures were required. No NO₂ exceedances are indicated with or without development at all three existing receptor locations, however one at 11 Botwell Lane is very close to exceeding the EU limit value for NO₂ with development. This same location is shown as slightly exceeding the EU limit value based on modelling by CERC for 2011. We would recommend mitigation measures be considered as part of the development to minimise NO_x emissions as far as practicable (see comments below).

Air Quality

The proposed development is within the declared AQMA and in an area which currently appears to be a little under the European Union limit value for annual mean nitrogen dioxide (NO₂) based on CERC modelling for 2011, except for some of Botwell Lane. However, based on the submitted air quality assessment, it appears none of the existing residential receptors considered near the development site will be over the EU limit value of 40 mg/m³. The air quality assessment appears to be reasonably conservative, and may be overestimating the NO₂ levels in one location on Central Avenue.

A maximum increase of 0.3 mg/m³ is indicated at one out of the three residential receptors considered, as a result of the proposed development, which is described as 'negligible'. It is possible our own modelling is slightly overestimating or underestimating the air quality in the area as the influence from nearby junctions may not be accurately spatially located.

Section 106 obligation of £12,500 should be sought for contribution to the air quality monitoring network in the area.

We would recommend the use of ultra-low NO_x boilers where possible.

The Sustainability and Energy Statement indicates fresh-air ventilation to sales area on an as required basis only using gas monitoring.

TREE AND LANDSCAPE OFFICER

The site is occupied by the now vacant swimming pool site to the south of Holmbury Gardens and west of Central Avenue, from which there is vehicular access. Situated on the west edge of Hayes Town Centre, the swimming pool site is surrounded by hoardings. To the south of the hoardings there is open grassland with occasional trees. The southern boundary is defined by a highway verge which contains mature trees and shrubs which are currently managed by Hillingdon Council.

The land parcel to the west of the hoardings is bounded by Botwell Lane (to the south), Church Road (to the west) and Holmbury Gardens (to the north) is also within the ownership of the applicant but lies outside the current application site. The northern site boundary is defined by a mature buffer of tall mixed conifers and deciduous trees which effectively screen views into the site from the residents of Holmbury Gardens.

The character of this space is dominated by the large roadside London Plane trees, on Central Avenue, which form the southern end of an avenue of trees in this area. They provide a dramatic, and unusual, landscape feature and break between the urban town centre to the east and the more suburban residential area to the west. The Plane trees extend to the junction of Botwell Lane and the line of highway trees continues around the Botwell Lane frontage.

The trees are an important landscape feature in this area. However, because they have been (until recently) under the control of the London Borough of Hillingdon, they are not protected by Tree Preservation Order or Conservation Area designation.

PROPOSAL: The proposal is to construct an A1 discount food-store with associated car parking and landscaping. (This application has been the subject of preapplication discussion, with regard the retention of existing trees and the landscape proposals - including those on Council land.)

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

- The Design & Access Statement explains and illustrates the strip of highway verge along the Botwell Road. This land is outside the red line of the site, but whose soft landscape features visually complement the land within the red line (section 04).
- Section 10 and 11 describe the existing landscape features and briefly explain the landscape objectives.
- The application is supported by a Topographic Survey, by EDI, drawing Nos. 13624/T/01-02 and 02-02. The surveys have plotted the locations and ground levels of all trees on site, together with those immediately off-site, including the double avenue of Plane trees.
- A Tree Survey, by Landmark Trees, document ref. LUK/BLH/AIA/01b is supported by unnumbered drawings titled, Arboricultural Impact Assessment and Tree Constraints Plan.
- The survey assesses the quality and value of 31No. individual trees which are on, or close to, the site. 2No. are rated 'A' (good condition and value), 18No. 'B' (moderate), 8No. are 'C' (poor) with 1No. C/U and 2No. 'U'. The 'A' grade trees, T1 an oak (to the north east of the site) and T20, a plane in the highway verge at the junction of Botwell Lane and Central Avenue will be retained / unaffected by the development.
- The principle impacts to trees (identified in section 1.3) are the felling of 6No. specimens to facilitate the development, T21,22,23,24,28 and 29. T28 is the only 'B' grade tree, with the others rated 'C'.
- A further 2No. trees (T26 and 27) are category 'U' and will be removed in the interests of good arboricultural practice.
- Most of the better quality trees are found around the site perimeters. While they will continue to provide shading over the site, this will only affect short term car parking for shoppers.
- Due to the proximity of the car park surfacing to the boundary trees, 'no dig' construction techniques have been recommended (section 5.0, table 1 and section 6.0) for trees 3-17 and 20 in order to prevent damage to their root protection areas.
- The report makes recommendations in section 8.0 and the Appendices, with further details provided in the Arboricultural Method Statement and Landmark drawing titled, Tree protection Plan. If the development is constructed in accordance with these recommendations, the landscape and

visual benefit of the existing tree cover will be safeguarded. CD drawing No. LIDL18911-11A

Landscape Proposals provides the proposed site layout with comprehensive landscape proposals which incorporate the retained boundary trees. The drawing is supported by a Landscape Management and Maintenance Plan.

- The grass under the Planes along Central Avenue will be re-inforced with geotextile and bark mulched. (This strip will be too shady to establish new planting and this treatment will prevent the need for cultivation / disturbance of the soil around the tree roots.)
- On the Botwell Lane frontage the shrubs on the highway verge will be heavily pruned. Invasive plants such as sycamore, elder and hawthorn will be removed to allow existing (desirable) shrubs to develop. This management will benefit the plants but leave large gaps which should be filled with new planting (see Management Plan, 5.12).
- Within the site large blocks of low-growing ornamental planting have been proposed.
- No new / replacement trees have been proposed. The planting plan should be amended to provide trees along the Botwell Lane boundary, both on and off site.
- If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and appearance of the area.
- The use of the highway verge (and its future management) by the applicant has been agreed in principle, with LBH officers. Once a final landscape scheme has been approved, the applicant will need to obtain a licence from the Council's Green Spaces department to formalise this arrangement.

RECOMMENDATIONS: No objection subject to the above observations and conditions RES6, RES8, RES9 (parts 1,2,4,5 and 6) and RES10.

S106 OFFICER

I have reviewed the proposal for the erection of a 2085sq metre LIDL supermarket. I consider that the following Heads Of Terms need to be secured:

1. Highways: A S278/S38 Agreement may need to be entered into subject to comments from the Highways Officer comments.
2. Travel Plan
3. Construction Training: £2500 per £1m build cost plus a workplace coordinator contribution equal to $2085/7500 \times 71,675 = £19,925.65$
4. Town Centre Improvements: £25,000
5. Air Quality monitoring: £12,500
6. Project Management & Monitoring fee: 5% of total cash contributions.

CONSERVATION AND URBAN DESIGN OFFICER

BACKGROUND: The existing site is situated adjacent Botwell Lane and Central Avenue, both busy thoroughfares. On a road junction, it is a highly visible location. The area is characterised by inter-War housing estates of two storeys and the former swimming pool which was on the site was part of this inter-War progression of Hayes. There are a number of designated and non-designated heritage assets within the vicinity including the Immaculate Heart of Mary (also a landmark), Hayes Library, Botwell House and Central Avenue, Hayes, Area of Special Local Character (ASLC). There is a double row of plane trees along Central Avenue (the entrance to the ASLC) as well as significant areas of green open landscaping and major shrub planting. Botwell Road side also has significant shrub planting and mature trees. At the junction there are low brick planters with shrubs. This is an important green 'lung' within this area of Hayes and a large site.

I accept the points on siting. Given the circumstances, refusal is not recommended. It is regrettable

that we are unable to improve design more generally. This is one of Lidi standard designed stores.

The materials will need to be conditioned, particularly for the hard landscaping.

SUSTAINABILITY OFFICER

The Sustainability Officer raises concerns over the energy assessment. There is a lack of evidence to show PV would not work and concern that energy efficient lights will offset the energy suggested by the applicant.

I am confident that the development can reach the 40% target. No satisfactory reason for the developer to not resort to renewable energy has been provided. No information has been provided as to why this development is sufficiently unique for renewable energy technology to be unviable. As a consequence, the following condition is therefore necessary and meets the relevant planning tests:

CONDITION

Prior to the commencement of development a detailed energy assessment shall be submitted showing how the development will reduce carbon emissions by 40% from a 2010 Building Regulations compliant development. The assessment shall clearly show:

- 1) the baseline energy demand (kwhr and kgCO₂) for each element of the regulated energy use (e.g. space heating, hot water and electricity) to 2010 Building Regulations Part L standards. This should also include the Part L calculations for the baseline.
- 2) the methods to improve the energy efficiency of the development, how this impacts on the baseline emissions and where these measures will be included within the development. Each measure shall be clearly related back to the baseline energy and emissions data.
- 3) full details, specification and location of renewable energy to ensure that the 40% target can be achieved in combination with the energy efficiency measures.
- 4) how the technology will be maintained and managed throughout the lifetime of the development.

The development must proceed in accordance with the approved details.

REASON

To ensure appropriate carbon savings are delivered in accordance with London Plan Policy 5.2.

FLOOD AND DRAINAGE OFFICER

Although the applicant has submitted a Flood Risk Assessment for the site which shows the site itself is not a risk from flooding, the applicant does not meet requirements of the London Plan to reduce run off rates as a minimum by 50%. In addition there is no acknowledgement of the area surrounding the site, which is shown on the Environment Agency Surface Water Flood maps to be an area where surface water ponding is likely. Therefore the Council would expect any major development in this area to meet greenfield run off rates. Opportunities to incorporate water saving measures and equipment, water collection facilities to capture excess rainwater; rain and grey water to be recycled and reused should be explored in the development.

(Officer note: A condition is recommended to address this issue).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

LOSS OF LEISURE FACILITY

The site is currently vacant. Notwithstanding this, it was last in use as a public swimming pool.

Policy R5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that the Local Planning Authority will not grant planning permission for proposals which involve the loss of leisure facilities unless adequate, alternative facilities are available.

Planning permission was granted in 2007 for the erection of a community leisure centre, incorporating a new 25m swimming pool, sports hall, fitness and exercise areas, creche, cafe/bar, library and associated facilities (ref: 20817/APP/2006/3393) on Botwell Green, on the opposite side of Central Avenue, immediately to the east of the application site. Planning permission was also granted in 2008 for the construction of an all-weather surface training pitch at that site. The new leisure centre has recently opened to the public. It is considered that the provision of a new modern leisure centre, which includes a 25m pool, in such close proximity to the application site, is sufficient to off-set the loss of the existing facility and to justify an exception to Policy R5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

LOSS OF POTENTIAL HOUSING

The principle of the loss of indoor sports and leisure facilities has been established by virtue of an extant planning permission for the provision of 72 residential units (ref. 1942/APP/2010/31), granted in December 2012. However, by allowing the current application, this quantum of residential development clearly cannot be achieved on the site. Nevertheless, the applicant has put forward a number of reasons why the benefits associated with the proposed development outweigh the potential loss of housing on this site:

1. The site was marketed with the benefit of the residential permission for a number of months without success. The permitted residential scheme has therefore proved to be economically unviable and is unlikely to be implemented.
2. The permitted residential scheme can be considered a 'windfall site' in the Borough's Hillingdon's Housing Trajectory, which shows that up to 2016/2017, GLA targets will be exceeded. Even without the permitted 72 residential units on the application site, the Borough comfortably exceeds the GLA target.
3. The permitted scheme attracted a number of objections from local residents, Hayes Town Business Forum, Hayes Town Partnership and John McDonnell MP. Many of the issues raised questioned the need for the number of residential units proposed and included concerns regarding the impact on existing infrastructure, such as schools and services and the lack of car parking facilities in the town centre. The applicant contends that the proposed Lidl would not generate the same concerns.
4. The current application only relates to the eastern part of the former swimming pool site. Potential therefore remains for residential units to be developed on the western part of the site. With this in mind, the current application has been designed to ensure the foodstore will not prejudice residential development on the adjoining site.
5. The proposed Lidl store will bring this strategic edge of centre site back into active use having remained vacant for a number of years. The store will act as an anchor to Hayes Town Centre, improving its viability through linked trips and increased footfall. The provision of a strong town centre is key to realising Hayes's regeneration potential identified in the Local Plan.
6. The store will also provide approximately 30 new jobs for local people and is likely to

improve investor confidence and may attract new retailers.

THE PRINCIPLE OF THE RETAIL USE

The strategic policy planning context for development of the site is provided by the London Plan (2011) and Local Plan Part 1 Policy E5. London Plan Policies 2.15 (town centres), 4.7 (retail and town centre development) and 4.8 (Supporting a successful and diverse retail sector) collectively seek to ensure that retail developments:

- Relate to the size, role and function of the centre
- sustain and enhance the vitality and viability of the centre
- follow the sequential approach to site selection
- Accommodate economic and housing growth
- support and enhance competitiveness, quality and diversity of town centres
- promote public transport and sustainable modes of travel
- contribute towards an enhanced environment.

Local Plan Part 1 Policy PT1.E5 (Town and Local centres) affirms the Council's commitment to improve town centres across the Borough and improve public transport, walking and cycling connections whilst ensuring an appropriate level of parking is provided.

The application site is identified in the Local Plan: Part 2 - Saved UDP Policies (November 2012) proposals map as forming part of with Hayes Major Town Centre but outside both the primary and secondary shopping areas.

SEQUENTIAL TEST:

Paragraph 24 of the NPPF sets out the principles of the sequential test. In effect, this direction carries over the guidance set out in PPS4 Policy EC15. Furthermore, Paragraph 24 provides further advice to local authorities that when considering applications on out of-centre sites, preference should be given to accessible sites that are well connected to the town centre. Paragraph 24 adds that LPAs should apply sequential testing to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre uses be considered. In and edge of centre sites have been considered in terms of whether they are suitable and available, having regard to the requirement for flexibility on issues of format and scale.

The application site is located within the defined Hayes Town Centre boundary, but not within the defined shopping frontage, being located approximately 100m from the primary shopping frontage. The NPPF defines 'edge of centre' as 'a location that is well connected and up to 300 metres from the primary shopping area'.

There is an overlap in the definitions within the NPPF and the site is both within a 'centre' and in an 'edge of centre' location as defined. A strict interpretation of the NPPF would be that the site is 'in centre', it is an appropriate use and no further sequential or impact assessment is required. Notwithstanding this, the applicant has provided further assessment for robustness.

The applicant has identified a requirement for a new foodstore in Hayes, as there are currently no deep discount operators in the town and the new store seeks to address this qualitative deficiency in the existing retail offer. As such, the assessment of potential sites

has been limited to potential sites within Hayes Town Centre only (i.e. the defined primary and secondary frontages). The applicant contends that it is not considered appropriate to look for alternative sites in any other defined centres, given the need for the new store in Hayes and the limited catchment a deep discounter such as Lidl typically serves.

Lidl's business model requires a minimum size of store for trading operations to be viable. The Western Core Area of the centre is identified in the adopted UDP (1998) as a potential development site. However, this site is highly constrained in terms of its size and location. It is considered that the site better lends itself to traditional high street retailers and is not considered suitable for a stand alone supermarket. In addition, there is limited capacity to accommodate the 64 car parking spaces required to serve the store and to allow for access by service vehicles.

In conclusion, the sequential test has shown that no such suitable sites are available and the applicant submits that the application site is therefore the most sequential preferable location. The application site is on the edge of a centre, will be reasonably integrated into Hayes Town Centre, and is located close to public transport links (Hayes Station and bus services). This is compliant to London Plan Policy 4.7 (b). Having regard to the requirements of the NPPF at paragraph 24, it is considered that there are no preferable sites following the sequential approach to site selection.

IMPACT ASSESSMENT:

Paragraph 26 of the NPPF covers the requirement for impact assessments. Paragraph 26 requires that this should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. This carries over the requirements set out in the now revoked PPS4 Policy EC16.1a. In addition, paragraph 26 requires the impact assessment to include an assessment of the impact of the proposal on town centre vitality and viability.

As mentioned earlier, in this section, impact assessments are only required for developments which are not 'in centre' and therefore such an assessment is not required by policy. Notwithstanding this, the applicant has provided an assessment for robustness.

Impact on existing investment in Hayes Town Centre:

As identified in Strategic Perspectives Retail Study, existing convenience provision in Hayes Town Centre is limited and primarily consists of independent, specialist and/or ethnic shops. The applicant's review of the town centre (September 2013) confirms that this is still a reflection of the current situation in Hayes.

The Impact assessment concludes that the proposed Lidl store is likely to have a positive impact on these existing retailers for the following reasons:

- The Lidl store will act as an anchor to Hayes Town Centre providing additional consumer choice and increasing the overall attraction of the centre.
- As a 'deep discount' retailer, Lidl will not directly compete with the existing specialist town centre retailers. Lidl will have no fresh meat, fish or deli counter and only a limited range of fresh produce. There will be no concessions such as post office, dry cleaners etc. The opening hours are limited. The store will therefore complement existing retailers and boost trade through increased footfall.
- The site is in an edge of centre location with real potential for linked trips.
- The proposal will provide an additional 64 parking spaces within the town centre.
- The proposal represents a significant investment in Hayes creating up to 30 new jobs.

The new store may also improve investor confidence and attract new retailers.

Impact on committed/planned investment:

The Impact Assessment does not identify any planned investment/commitments which the application would have an impact on. Furthermore, no site specific proposals are identified through the LDF proposal which the Lidl store would prejudice. The proposed Lidl store would serve to enhance Hayes centre and provide adequate convenience facilities for the potential growth of Hayes as a result of the planned station upgrade associated with the Crossrail development. The store would also assist in strengthening Hayes against the threat from planned and proposed investment outside the centre and in other nearby centres.

With respect to the recently approved Asda scheme, that site is located in an out-of-centre position, some 325m south-east of Hayes Town Centre and approximately 650m from the Primary Shopping Frontage. The NPPF does not therefore require an assessment of the impact of the proposed Lidl on this out of centre commitment.

Nevertheless, in determining the Asda appeal, the Inspector concluded that the Asda store would give rise to a sufficient level of linked-trips to bring significant benefits to the town centre, suggesting a positive net change to the Hayes Town Centre turnover of between £0.5 million and £2.5 million per annum. Such predicted increases in turnover, the Inspector concluded, would provide a clear benefit and boost to the town's vitality and viability. Furthermore, the proposed ASDA store would be likely to attract its custom from other stores of similar size and character and would therefore be unlikely to have any direct impact on any of the stores within Hayes Town Centre.

The impact Assessment suggests that the Inspector's findings are relevant to this application in two respects. Firstly, the Inspector concluded that the 7 to 8 minute walk between the appeal site and the existing town centre and primary shopping frontage is not 'insignificant' but would nevertheless give rise to a sufficient level of linked trips. By contrast, the Lidl site is less than a two minute walk from the town centre and would therefore facilitate, at the very least, a similar proportion of linked trips.

Secondly, the Inspector's findings indicate that the Lidl store would not have a significant impact on the Asda development, which would attract its custom from other stores of similar size and character.

Improved consumer choice:

Hayes Town Centre lacks an anchor foodstore and is largely characterised by independent specialist and ethnic food retailers. The assessment recognises that the permitted Asda will improve consumer choice but the store is in an out of centre location and duplicates existing mainstream supermarket provision. The proposed Lidl store will provide a town centre anchor and introduce a deep discount supermarket to Hayes, which will enhance consumer choice and the overall vitality of the centre.

Improved Town Centre parking:

National Planning Practice Guide requires LPAs to adopt a 'town centre first' approach, including seeking to improve the quality of parking in town centres in line with the National Planning Policy Framework and where it is necessary, to ensure the vitality of town centres. Hayes town centre has only limited car parking. The proposed development will include 64 additional spaces, two minutes walk from the Primary Shopping Area, which will enhance the centres vitality.

Overall, the proposal is considered to satisfy the requirements of national, regional and local policy in retail terms. The development is considered to satisfy the sequential test and will have a positive impact on the vitality and viability of Hayes Town Centre, enhancing its role as a District Centre.

Accordingly, providing other site specific policies can be addressed, no objection is raised to the principle of the development in this location.

7.02 Density of the proposed development

Not applicable to this application as there is no residential component.

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

ARCHAEOLOGY

Saved Policy BE3 of the UDP states that the applicant will be expected to have properly assessed and planned for the archaeological implications of their proposal. Proposals which destroy important remains will not be permitted. The site does not fall within an Archaeological Priority Area.

English Heritage considers that the the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Although the site lies close to medieval Botwell, it is previously developed and not identified as an Archaeological Priority Area. No further assessment or conditions are therefore necessary.

CONSERVATION AREA/LISTED BUILDINGS

The site does not fall within an area of Special Local Character or Conservation Area, although the Hayes Village Conservation Area is located approximately 100m to the north east of the site. However, due to mature tree planting along Central Avenue, views of the proposed building would be limited from here. Given the distance, combined with the screening, and that the scheme would be seen in context with other large town centre buildings, including the adjacent leisure centre development, it is considered that the proposal would have a negligible impact on the character and appearance of the Hayes Village Conservation Area.

Botwell House, which is located approximately 65m to the south of the nearest part of the application site boundary is a Grade II Listed Building. However, given the separation provided between that building and the application site by Botwell Lane, and extensive mature tree planting around the application site boundaries, it is not considered that the proposed development would have such a detrimental impact on its setting so as to justify refusal. Whilst the proposed building would project further forward into the site than the former swimming pool building, it is considered that the proposed design would be more in keeping with the character and appearance of the area than the former pool building or consented 3 storey residential development.

It is therefore considered that the proposal would not have a detrimental impact on the setting of the listed buildings or conservation area, in accordance with Saved Policies BE4 and BE10 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.04 Airport safeguarding

BAA Safeguarding and National Air Traffic Services (NATS) have both confirmed that they have no objections to the proposal, subject to relevant conditions and informatives.

7.05 Impact on the green belt

Not applicable. There is no Green Belt land within the vicinity of this site.

7.07 Impact on the character & appearance of the area

Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development makes a positive contribution to the character and amenity of the area in which it is proposed. Policy BE13 states that, in terms of the built environment, the design of new buildings should complement or improve the character and appearance of the surrounding area and should incorporate design elements which stimulate and sustain visual interest. Policy BE38 requires new development proposals to incorporate appropriate landscaping proposals. Policy BE26 states that within town centres the design, layout and landscaping of new buildings will be expected to reflect the role, overall scale and character of the town centres as a focus of shopping and employment activity.

The site is prominently located on the edge of Hayes Town Centre, opposite Botwell Green, and benefits from an attractive setting, including tree avenues along Central Avenue, shrub planting and mature trees along Botwell Lane. The site is visually important, given the central and strategic location opposite the new Sports Centre, situated a few minutes walk from the town centre.

The nature of development in the surrounding area varies widely in terms of scale, height, density, layout and appearance. To the north east and north west the area is largely characterised by two-storey semi-detached and terraced residential properties. However, to the south west, and beyond Botwell Green to the south east, the area is much less uniform in character, with a mix of two, three and four storey buildings, many of which are commercial buildings associated with Hayes Town Centre. Amongst the largest buildings in the locality are the Immaculate Heart of Mary Church to the south, which is equivalent to approximately three-storeys in height, with a taller tower, the four-storey telephone exchange building just over 100m to the south east, and various three to four storey high commercial buildings closer to the heart of the town centre. To the east, south, the new leisure centre is a large building, accommodating various facilities including a 25m swimming pool, sports hall, gymnasium, etc. The tallest part of that building would be approximately 13.5m high.

The building design of the proposed store follows the general model developed over recent years by the applicants. This comprises a long rectangular sales area with entrance at one end and servicing, via a ramped approach, at the other. A warehouse and welfare facilities run alongside the sales area. The applicants argue that the only place at which an entrance can be formed for customers' cars and service vehicles, is at the north end of the site's Central Avenue frontage, where access will be shared with the existing pay & display car park.

The store entrance occupies a central position facing both public highways with car parking wrapping around the two main elevations of the building. Direct pedestrian access along desire lines, is available from both public roads. Most of the perimeter trees in place, creating a development with an open leafy feel similar to those opposite.

The site benefits from a setting of mature trees around the perimeter. It is proposed to thin out and reduce height of some of these trees to provide views into the site, but there is scope for the existing planting to be managed in order to provide an attractive setting to the redeveloped site. Elsewhere around the perimeter of the site, a landscaping scheme is proposed, featuring a mix of hardy low level shrub planting.

The Council's Design Officer notes that in terms of overall design, a very standard approach has been taken with all the facades, the elevations are bland, and there is no real depth to the elevations or articulation, but given what has already been approved on the site, refusal on design grounds is not sustainable. The NPPF at Paragraph 60 states that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Nevertheless it will be important to ensure that appropriate materials landscaping are secured by condition. Subject to these conditions, it is considered the scheme would not detract from the visual amenities of the street scene and area generally, in accordance with Policies BE13 and BE26 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to prevent developments which would be detrimental to the amenity of nearby occupiers by way of their siting, bulk, proximity or loss of light. Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new developments do not have adverse impacts on the amenity of existing residential properties due to loss of privacy.

The nearest residential properties to the proposed development are located in Holmbury Gardens and back on to the site's northern boundary. However, the rear elevation of these properties is located just over 40m away from the nearest elevation of the proposed development. This significantly exceeds guidance in the Council's Supplementary Planning Document on Residential Layouts which requires a minimum distance of 21m between facing habitable room windows. Notably the northern part of the western wing steps down in height to two-storeys at this point which further reduces its impact on properties to the north and opposite. In addition to this distance, a row of approximately 12m high Hornbeam and Cypress trees align the site's northern boundary and provide a significant amount of screening between those properties and the proposed building, even during winter months.

Residential properties are also located in Church Road, Botwell Lane, Golden Crescent and Nield Road to the east of the site, the nearest, on the corner of Botwell Green and Church Road, being approximately 40m away. However, the orientation of these properties means that they do not directly face the application site, and Botwell Lane and Church Road provides some separation. In addition, the existing mature tree planting around the site boundaries would be retained and provides some screening between these properties and the proposed residential block.

Given the distances between the proposed building and the nearest residential properties, in addition to screening provided around the site boundaries by mature tree planting, it is not considered that the development would result in an unacceptable level of overlooking, loss of light or overdominance which would be detrimental to the residential amenity of the occupiers of nearby properties. Accordingly, the proposal would comply with policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application as there is no residential component.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The National Planning Policy Framework (NPPF) at Paragraph 32 states that plans and

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

Local requirements in relation to impacts on traffic demand, safety and congestion are set out in Local Plan Part 2 policy AM7 which states:

The LPA will not grant permission for developments whose traffic generation is likely to:

- (i) unacceptably increase demand along roads or through junctions which are already used to capacity, especially where such roads or junctions form part of the strategic London road network, or
- (ii) prejudice the free flow of traffic or conditions of general highway or pedestrian safety

Traffic Generation & Impact:

A Transport Assessment and a series of related technical notes have been submitted in support of this application. A specific Lidl assessment has been provided within the Transport Assessment. This makes use of specific Lidl user data and operational information.

The Transport Assessment includes capacity modelling of the junction of Central Avenue and Botwell Lane, which indicates that the junction operates well within theoretical capacity at present and any increases in vehicle movements associated with the proposed development would not have a material impact on queuing, delay or theoretical capacity at the junction.

The development proposals would not result in a material increase in vehicle movements on the surrounding highway network, as the majority of trips made to the foodstore will be pass-by, linked or diverted and would therefore already be on the surrounding highway network in some form at present.

In view of the above, the Transport Assessment concludes that the proposed development is acceptable in transport terms and meets with local and national policy criteria, there would not be any demonstrable harm arising from the proposed scheme and it will not cause any severe impacts. Therefore there are no traffic and transport related reasons why the development should not be granted planning consent.

The Highway Engineer notes that sample sites used to estimate modal splits and trip rates are not considered to be directly comparable with the proposed development, as the Transport Assessment focuses on the proposed foodstore based upon a Lidl retail format only, whereas any planning permission, if granted, would allow the store to be used for any food retail A1 use. Since it would not be expedient to restrict the use of the store to any one particular operator, the Transport Assessment would need to be based on a generic Class A1 retail use.

The applicants have responded that Lidl is identified as the end occupier for the development and the proposed site/store layout is designed to Lidl's specification. It is widely accepted good practice when preparing Transport Assessment, to name and tailor a Transport Assessment, if an end user is identified, since this is likely to provide a more

detailed and representative assessment of the potential impacts of such a development, rather than a generic use class assessment.

In addition, the applicants argue that a distinction should be made in terms of the size of the proposed foodstore, since the proposed 1,407 sqm floor space fulfils a specific niche in food retailing, which is larger than 'convenience' stores but smaller than a destination 'one-stop' foodstore. The convenience stores typically have little or no car parking provision and a 'one-stop' foodstore represents a destination store such as the Tesco at Bulls Bridge or the recently consented Asda store at Millington Road. If one considers the largest four retailers in the market (Asda, Morrison's, Sainsbury's and Tesco) they operate models of large destination supermarkets, or much smaller convenience stores, with a strictly limited product range. There are few examples of these retailers operating within stores with a retail floor area of the size proposed.

A comparison it is argued, cannot therefore reasonably be made between the proposed discount foodstore and a mainstream ('generic') foodstore with a greater retail floor area, since the smaller store will naturally limit the range of goods available, which in turn will influence customer shopping behaviour. Equally, a comparison of the proposed Lidl operation with the smaller foodstores on the TRICS database is inappropriate, since it would underestimate the number of vehicle trips due to the lower car parking provision. Using bespoke Lidl (London) trip rates, is therefore the most appropriate and reliable indicator of likely impacts.

Notwithstanding the above, in order to demonstrate that the assessment presented in the Transport Assessment is robust for a discount foodstore, a comparison has been undertaken of the surveyed Lidl stores presented in the TA with results from a generic foodstore assessment based on surveyed sites on the TRICS database. The TRICS assessment underestimates the level of vehicular trips associated with a typical Lidl foodstore located within the London area. The Transport Assessment is based on the Lidl specific assessment and, based on the above comparison, it presents a robust weekday assessment of the type of use proposed.

The use of TRICS data is an accepted method of assessment for discount foodstore applications. The Transport Assessment provides a more in depth assessment tailored specifically to Lidl foodstore located within London and the results of the above comparison indicate that the projected vehicle flows are higher than a generic TRICS assessment. On this basis, a more robust assessment has been undertaken and the results as highlighted in the Transport Assessment indicate that in terms of junction capacity, the local highway network can accommodate the proposed level of diverted, pass-by, transferred and new trips in the location proposed.

It is also noted that the use of the TRICS discount foodstore category was accepted as part of proposals to alter access arrangements to a number of existing retail units at Stonefield Way, South Ruislip and the the Cowley Road, Uxbridge site.

The Highway Engineer has reviewed the additional information and notes that the estimated vehicle trip generation is still based on discount foodstores and Lidl's specific examples. In addition, the re-opening of Station Road as a through route is an integral part for the Hayes Town Centre project and should not be ignored. Furthermore, geometric diagrams and validation information for the traffic models, to evaluate the accuracy and reliability of the theoretical capacity shown on the modelling outputs, have still not been supplied. Notwithstanding these issues, the Highway Engineer does not

consider that the proposed foodstore would generate significant volumes of vehicle traffic on the local highway network that would have a significant impact on the capacity of the nearby junctions. Although the applicant has failed to provide a robust assessment, the Highway Engineer does not object on the traffic impact of the development.

ACCESS DELIVERIES AND SERVICING

A dedicated pedestrian access to the store will be provided from Central Avenue, linking to the store entrance. This will be visible from Central Avenue so that pedestrians heading to the store from the north have a choice of accesses into the Lidl site.

Vehicular access to the proposed foodstore will be provided via Central Avenue. Two pedestrian walkways are provided within the site, allowing direct access to and from the store to Botwell Lane and Central Avenue. The service yard will be located adjacent to the northern elevation.

The Highway Engineer initially raised concerns regarding the adequacy of the originally proposed access off Central Avenue and the site access itself. This joint access would also serve a public car park and would potentially provide access for residential development at the remainder of the former Hayes Pool site. Notwithstanding the swept paths submitted, the Highway Engineer considered that there would be potential conflict between pedestrians and vehicles and reversing delivery lorries. The applicants were therefore advised to devise a suitable access strategy.

The applicants have responded to these concerns by submitting a revised access arrangement off Central Avenue opposite the Botwell Green Sports and Leisure Centre egress. The Highway Engineer considers that the proposed alternative access is preferred over the previous proposal, which involved utilising the existing public car park access in Central Avenue and unacceptable swept paths for delivery lorries entering and exiting the proposed retail store. Guard railings are proposed adjacent to both the existing sports and leisure centre egress and the proposed retail store access to help restrict pedestrians from crossings randomly at this point. Furthermore, the new access will be clearly visible to the public.

The proposed vehicular access has been reviewed under a Stage 1 Road Safety Audit. There are no comments on the swept paths; however the Safety Auditor has raised a number of issues relating to the detailed design of the vehicular access and replacement street lighting, which the designer has agreed to address at the detail design stage.

The applicants point out that the majority of Lidl stores operate with servicing arrangements taking place within the car parking area. The operations team within Lidl are familiar with this arrangement and seek to minimise any delay to customers. Lidl delivery drivers are required to perform manoeuvres within this type of shared arrangements all over the Lidl store network.

Lidl typically requires only 1 delivery vehicle per day to service the store, which may increase to 2 vehicles during busy periods. The swept path analysis provided indicates that the site access from Central Avenue can accommodate a 16.5 metre articulated vehicle entering the site, manoeuvring within the site and leaving the site in a forward gear. and this is likely to occur 1-2 times per day, predominantly outside of peak operational hours.

With respect to the future development of the remainder of the Hayes Pool site, the applicants have stated that the principle of access directly onto Church Road is likely to be achievable. Any such development on the remainder of the Hayes Pool site would review the access arrangements as part of any transport documents prepared for such an application.

The Highway Engineer raises no objections to the revised vehicular arrangements, subject to suitable planning conditions requiring final details of the layout of the vehicle access and a Service Management Plan. Subject to these conditions, it is considered that the development would accord with the policy requirements of Local Plan Part 2 Policies Policy AM7(i), of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

PARKING

A total of 62 car parking spaces are proposed including 6 disabled spaces and 3 parent & child spaces. The maximum London Plan standards for a store of this size with a PTAL of 2-4 is between 72 and 108 spaces. The Highway engineer considers that the average parking dwell time at this store is likely to be slightly higher as a result of linked trips with other retail uses in the town centre; consequently there would be a lower turnover of car parking spaces.

However, it is noted that the London Plan standards are policy maxima, within a given PTAL range. Given that the site has an upper range PTAL score of 4, it is considered safe to assume that the site should provide parking towards the lower end of the stated range, in this case a maximum of 72 spaces. The proposed car parking provision is only 10 spaces below the lower maximum parking standard.

In addition, the applicants state that Lidl will manage the car park to ensure that it is provided for the use of customers and not as an extension to the town's car parking offering, which in turn will limit the dwell time of cars within the car park.

The applicants have submitted a parking accumulation profile as part of the trip assessment in the Transport Assessment. This indicates that on a typical Friday, the car park would have a peak demand of 48 spaces (75% occupancy), whilst on a Saturday a peak demand of 50 spaces is predicted (78% occupancy). This leaves an element of capacity within the car park for peak trading periods and to account for potential increases in duration of stay associated with limited linked trips (to be controlled by car park management measures).

On the basis of the above and considering the policy approach on car parking, it is considered that the proposals strike the requisite balance between parking restraint (to promote alternative travel modes) and the provision of adequate parking. The proposed level of parking meets LBH's UDP as well as all London Plan standards. The proposal therefore accords with the aims of Policy AM14 and AM15 of the Local Plan Part 2.

In terms of cycle parking, it would be important for riders to be encouraged to cycle to the site, including staff. It is noted in a recent appeal for similar proposal(ref: APP/R5510/A/11/2158101) the Inspector stated:

'While I note the appellant's concerns over the inclusion of a shower room in the condition regarding cycling, I consider that the absence of one would represent a disincentive, and

this is of particular relevance in an area where high traffic congestion and air quality issues support promotion of alternative transport choices.'

The issue is considered particularly relevant to the current scheme, and as such a relevant condition to ensure staff are encouraged to ride to work a condition is recommended to provide for showering facilities.

TRAVEL PLAN

A key tool in further mitigating the impact of the development on the highway network is the introduction and promotion of the site wide Travel Plan (TP). The TP and associated package of measures and initiatives has been tailored to promote sustainable travel choices and reduce reliance on car-use. The TP will work to encourage sustainable travel behaviour from the outset and minimise congestion on the local road network as a result of the development. A draft Travel plan has been submitted, however, the target programme for modal shift is yet to be agreed. The Travel Plan is to be secured as part of the S106 Agreement in the event of an approval.

CONCLUSION

Subject to the the provision of electric charging points in compliance with the London Plan requirements for the retail stores and the conditions listed above, it is considered the proposed development accords with relevant policies in the London Plan and the policy requirements of Local Plan Part 2 Policies AM7(i), AM9, AM14 and AM15 of the Hillingdon Local Plan: Part 2 -Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Issues of design and accessibility are addressed elsewhere within the body of the report.

In respect of security, the submitted design and access statement details various areas where security has been taken into account in the design of the proposals including:

- (i) Natural Surveillance;
- (ii) Appropriate Levels of Lighting;
- (iii) Provision of internal and external CCTV;
- (iv) Design of the car park to comply with Park Mark standards; and
- (v) Provision of appropriate boundary treatments.

It is considered that the submitted documentation demonstrates that security and safety considerations have formed a fundamental part of the design process and have been appropriately integrated into the scheme. The Metropolitan Police Crime Prevention Officer raises no objections to the proposed security measures. The implementation of specific measures such as lighting, boundary treatments and CCTV could be secured by way of appropriate conditions in the event the application were approved.

7.12 Disabled access

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct 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.

Policies 7.2 and 3.8 of the London Plan provide that developments should seek to provide the highest standards of inclusive design and this advice is supported by the Council's Supplementary Planning Document - Accessible Hillingdon.

The application is supported by a design and access statement and incorporates a number of measures to incorporate the requirements of inclusive design including appropriate gradients and flush kerbs within car parking areas for the retail store.

The Council's Access Officer has made a number of observations which are summarised elsewhere in the report. These relate primarily to the location and access to disabled parking. In terms of accessible parking the proposal has been amended to provide 6 spaces marked out to an appropriate standard for use by blue badge holders within the car park, close to the store entrance as requested by the Access Officer. This level of provision would meet the requirements set out within the Council's Supplementary Planning Document - Accessible Hillingdon and the London Plan. In addition, the store car park would also be served by 6 parent and children spaces which would also to a size which could be used by disabled users and located an appropriate distance from the store entrance. Given that the proposal would comply with the Council's Local Guidance and that the parent and children spaces provide additional flexibility with regard to parking, no objections are raised with respect to the provision of inclusive parking for the retail store.

It is considered that should the application be approved, detailed matters could be dealt with by way of suitably worded conditions and an informative. Subject to a condition to ensure the provision of facilities designed for people with disabilities are provided prior to commencement of use, the scheme is considered to comply with Policy R16 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan policies 7.1 and 7.2 and the Council's Supplementary Planning Document 'Accessible Hillingdon'.

7.13 Provision of affordable & special needs housing

Not applicable to this application as there is no residential component.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPE

Saved Policy BE38 stresses the need to retain and enhance landscape features and provide for appropriate (hard and soft) landscaping in new developments.

The application is supported by a Design & Access Statement, Topographic Survey, tree survey, arboricultural implications report, Arboricultural Method Statement and by landscaping plans.

In order to address the revised access arrangements, revised Tree reports were submitted to address changes to the landscaping and tree removal, to accommodate the alternative access off Central Avenue.

The swimming pool site is now surrounded by hoardings. To the south of the hoardings there is open grassland with occasional trees. The southern boundary is defined by a highway verge which contains mature trees and shrubs which are currently managed by Hillingdon Council. The land parcel to the west of the hoardings is bounded by Botwell Lane (to the south), Church Road (to the west) and Holmbury Gardens to the north) is also within the ownership of the applicant but lies outside the current application site. The northern site boundary is defined by a mature buffer of tall mixed conifers and deciduous

trees which effectively screen views into the site from the residents of Holmbury Gardens.

The character of this space is dominated by the large roadside London Plane trees on Central Avenue, which form the southern end of an avenue of trees in this area. The Plane trees extend to the junction of Botwell Lane and the line of highway trees continues around the Botwell Lane frontage. The mature trees form large and conspicuous linear features in the local landscape, contribute to the visual amenity and character of the area and provide some screening of the site. The majority of the trees, in particular those close to the boundaries of the site, have high amenity values and will be protected and retained as part of the development.

The Tree and Landscape Officer notes that these trees provide a dramatic, and unusual, landscape feature and break between the urban town centre to the east and the more suburban residential area to the west. Although the trees are an important landscape feature in this area, they are not protected by Tree Preservation Orders or Conservation Area designation.

The tree removal associated with the new access has been kept to a minimum. The principle impacts to trees are the felling of 7 specimens to facilitate the development, of which two are 'B' grade trees, with the others rated 'C'. A further 2 trees will be removed in the interests of good arboricultural practice. The Tree and Landscape Officer notes that most of the better quality trees are found around the site perimeters and although they will continue to provide shading over the site, this will only affect short term car parking for shoppers.

According to the AMS, Landmark Trees will be on site to supervise the tree removal, and planned crown lifting and any demolition / building operations in close proximity to trees.

In addition a revised landscape drawing has been submitted to reflect the new access arrangements. 3No. new parking spaces have been introduced at the north end of the site, in place of the previous access point. A timber knee rail detail now wraps around this boundary. However, a more substantial barrier will be required to deter pedestrian movement between the public car park to the north and these parking spaces. The narrow wedge between the bays and the boundary would be better detailed with hard surfacing rather than bark mulch as proposed. Finally The legend states that the shrub planting within the highway verge is to be pruned down and protected during construction. While this vegetation management was previously agreed, it will also be necessary to replant all of the gaps which will be exposed within this planted area. Planting details to be specified. All these issues can be addressed by way of a condition and informative, in the event of an approval.

Due to the proximity of the car park surfacing to the boundary trees, 'no dig' construction techniques have been recommended for certain trees, in order to prevent damage to their root protection areas. If the development is constructed in accordance with the recommendations in the Arboricultural Method Statement and Tree Protection Plan, it is considered that the landscape and visual benefit of the existing tree cover will be safeguarded.

A comprehensive landscape scheme is proposed which incorporates the retained boundary trees. The grass under the Planes along Central Avenue will be re-inforced with geotextile and bark mulched. On the Botwell Lane frontage, the shrubs on the highway verge will be heavily pruned. Invasive plants such as sycamore, elder and hawthorn will be

removed to allow existing desirable shrubs to develop. This management will benefit the plants, but leave large gaps which will be filled with new planting. Within the site, large blocks of low-growing ornamental planting have been proposed.

No new or replacement trees have been proposed. The Tree and Landscape officer therefore recommends that the scheme be amended to provide trees along the Botwell Lane boundary, both on and off site. If the application is recommended for approval, landscape conditions could be imposed to ensure that the proposals are incorporated into the final landscaping scheme, in order to preserve and enhance the character and appearance of the area.

It is noted that the strip of highway verge along the Botwell Road is land outside the red line boundary of the site. However, its soft landscape features visually complement the site. The use of the highway verge and its future management by the applicant has been agreed in principle with Council officers. Once a final landscape scheme has been approved, the applicant will need to obtain a licence from the Council's Green Spaces department to formalise this arrangement.

Overall, the Tree and Landscape Officer raises no objections, subject to conditions to ensure that the detailed proposals preserve and enhance the character and appearance of the area and off-site planting on the adjacent highway verge be secured through a S.106 agreement. It is considered that the scheme is on the whole acceptable and in compliance with Saved Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

ECOLOGY

Saved Policy EC2 seeks the promotion of nature conservation interests. Saved policy EC5 seeks the retention of features, enhancements and creation of new habitats. London Plan Policy 7.19[c] seeks ecological enhancement. Although the trees in and surrounding the site may be valuable for biodiversity, the application site itself is not considered to have a high ecological value.

The previous use and extent of hard standing and built form on the site reduces the likely harm on protected species, as the existing environment is unlikely to provide suitable shelter or habitat for hibernating animals. However, the retention of the majority of the trees, the additional tree planting and soft landscaping will contribute towards the promotion of nature conservation interests in the area, in compliance with relevant policies. It is considered that the proposed development could be completed without detriment to the ecological value and biodiversity interests of this area.

7.15 Sustainable waste management

Although the design details have not been provided, the requirement for the scheme to provide for appropriate covered and secure refuse and recycling bin storage facilities can be secured by a condition in the event that this scheme is approved.

7.16 Renewable energy / Sustainability

Sustainability policy is now set out in the London Plan (2011), at Policy 5.2. Part A of the policy requires development proposals to make the fullest contribution to minimising carbon dioxide emissions by employing the hierarchy of: using less energy; supplying energy efficiently; and using renewable technologies. Part B of the policy currently requires nondomestic buildings to achieve a 40% improvement on building regulations. Parts C, D of the policy require proposals to include a detailed energy assessment. The

2011 London Plan requires major developments to demonstrate a 40% reduction from a 2010 Building Regulations compliant development.

A Sustainability Statement has been submitted in support of the application. The statement indicates that proposal will achieve an improvement on Part L 2010 of 31% for regulated CO2 emissions with a much more significant CO2 saving anticipated for operational emissions. The statement was assessed by the Council's Sustainability Officer who raised a number of concerns. Firstly, there was no clear baseline to kWhr or KgCO2 per annum or how the measures manage to help reduce emissions by a little over 30%. Furthermore, the development does not meet the 40% reduction target despite not resorting to any form of renewable energy technology. The report does not provide adequate justification as to why the 40% target cannot be achieved. Finally, the expected shortfall could easily be met by the use of on-site PVs.

The applicant was advised that shortfalls can be made up using offsite contributions as set out in Policy 5.2e of the London Plan, but these should only be explored where all on-site arrangements have been exhausted.

The applicants have submitted an Energy and Sustainability Addendum in an attempt to address these concerns. This has also been reviewed. Neither the original report nor the addendum provide any clear details as to why it is commercially unviable to provide renewable energy on site in this instance. The Council's Sustainability Officer still considers that the submitted documentation remains a poor energy assessment. The rationale for not providing PVs remains particularly weak particularly the the applicant's argument that PVs are not deemed a suitable solution. Furthermore, the applicants' reliance solely on improvements to lighting is also questionable, particularly since none of it is properly evidenced.

In summary, the Sustainability Officer considers that the development can reach the 40% CO2 reduction target. However, no satisfactory reason for the developer to not resort to renewable energy has been provided and no information has been provided as to why this development is sufficiently unique for renewable energy technology to be unviable. It is therefore recommended that in the event of an approval, a condition be imposed requiring a detailed energy assessment showing how the development will reduce carbon emissions by 40% from a 2010 Building Regulations compliant development. The assessment shall clearly show the baseline energy demand for each element of the regulated energy use, the methods to improve the energy efficiency of the development, how this impacts on the baseline emissions and where these measures will be included within the development and full details, specification and location of renewable energy to ensure that the 40% target can be achieved, in combination with the energy efficiency measures.

Subject to compliance with the afore mentioned condition, it is considered that the scheme will have satisfactorily addressed the issues relating to the mitigation and adaptation to climate change and to minimising carbon dioxide emissions, in compliance with Policies 5.2, 5.13 and 5.15 of the London Plan, Policy PT1.EM1 of Hillingdon Local Plan Part 1 and the NPPF.

7.17 Flooding or Drainage Issues

Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding. The application is not located within a zone at risk of flooding, however due to the size of the development, it is

necessary for it to demonstrate that it would incorporate sustainable drainage techniques and reduce the risk of flooding, in accordance with the requirements of Policies 5.11, 5.12 and 5.13 of the London Plan and the NPPF.

A Flood Risk Assessment (FRA) and Foul Drainage Statement has been submitted as part of the application. The FRA provides a clear drainage strategy and a suitable assessment of the flood risk, both to and from the site, whilst adhering to local policy and best practice for the type of development proposed. The Environment Agency and Council's Flood and Drainage Officer raise no objections subject to the implementation of a detailed surface water drainage scheme and provision of green roofs for the site, based on the agreed Flood Risk Assessment(FRA). Subject to compliance with these conditions, it is considered that the scheme will have satisfactorily addressed drainage and flood related issues, in compliance with the Hillingdon Local Plan: Part 2 Policies OE7 and OE8, Policies 5.13 and 5.15 of the London Plan and the aspirations of the NPPF.

7.18 Noise or Air Quality Issues

NOISE

The Government's National Planning Policy Framework (NPPF) which replaces PPG24 (Planning and Noise) gives the Government's guidance on noise issues. NPPF paragraph 123 states that planning decisions should (i) avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and (ii) mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions. According to the Government's Noise Policy Statement for England (NPSE) of March 2010, these aims should be achieved within the context of Government policy on sustainable development.

Saved Policies OE1 and OE3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to protect the environment from the adverse effects of pollutants and to ensure sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable. Saved Policy OE3 seeks to ensure that uses which have the potential to cause noise be permitted only where the impact is appropriately mitigated.

A noise report assessing the noise arising from operations associated with the proposed Lidl has been submitted. A noise survey was undertaken to determine the existing baseline noise climate and a modelling exercise was undertaken to determine the plant and delivery operation equivalent noise levels at the facade of the nearby noise sensitive receivers. The Assessment concludes that the proposed plant, servicing operation and car park activities is considered acceptable in terms of noise emission to the dwellings in the vicinity. Notably, officers in the Council's Environmental Protection Unit have raised no objections in this regard. Accordingly, it is not considered that the development would result in a significant increase in noise which could have a detrimental impact on residential amenity, in compliance with relevant policies.

AIR QUALITY

The London Plan, Policy 7.14, supports the need for development to be at least air quality neutral and not lead to further deterioration of existing poor air quality.

The proposed development is within the declared AQMA and in an area which currently appears to be a little under the European Union limit value for annual mean nitrogen dioxide (NO₂) except for some of Botwell Lane.

An Air Quality Assessment was submitted in support of this application. This was referred to the Council's Environmental Protection Unit. Based on the submitted air quality assessment, it appears none of the existing residential receptors considered near the development site will be over the EU limit value of 40 mg/m³. The Environmental Protection Unit considers the air quality assessment to be reasonably conservative, and may be in fact have overestimated the NO₂ levels in one location on Central Avenue. A maximum increase of 0.3 mg/m³ is indicated at one out of the three residential receptors considered, as a result of the proposed development, which is described as 'negligible'.

The Council's Environmental Protection Unit concedes that its own modelling may be slightly overestimating or underestimating the air quality in the area and raises no specific objections to the development on air quality grounds, as impact from the development may well be negligible and the air quality assessment has indicated no mitigation measures were required. Nevertheless, as the development is in and will cause increases in an area already suffering poor air quality, the Council's Environmental Protection Unit has requested a contribution of £12,500 to the air quality monitoring network in the area to be secured by way of a Section 106 Agreement. Subject to the above mentioned obligation, it is considered that the impact of the development on the air quality of the area can be mitigated, to the extent that refusal of the application on these grounds would not be justified, in accordance with Policy EM8 of the Local Plan Part 1 and London Plan, Policy 7.14.

7.19 Comments on Public Consultations

Submissions in Support

At the time of writing the report, in total 2 letters supporting the proposals were received

Submissions in Objection

At the time of writing the report no individual letters of objection have been received.

However, objections have been received from Hilligdon Chamber of Trade, Hayes Village Conservation Area Advisory Panel and John McDonnell MP. The main issues raised together with officer's commentary are provided below:

1. Impact on already heavily trafficked roads

Planning Officer Comment:

This issue has been assessed by the Council's Highways Officer who has considered the implications of the development on the potential impact on the free flow of traffic.

2. No need for another store

Planning Officer Comment:

'Need' is not a planning consideration.

3. Loss of trade for local stores.

Planning Officer Comment:

This has been assessed within the principle of development section.

4. Insufficient parking

Planning Officer Comment:

Car parking provision meets the relevant Local and London Plan standards.

5. Design unattractive

Planning Officer Comment:

The design of the development has been assessed by the Council's Design Officer who considers that although the design is uninspiring, recognises that this is not a sustainable reason to refuse the application. Furthermore, the scheme would have less of a visual impact on the street scene than the consented 3 storey residential development for this site.

7.20 Planning obligations

Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is concerned with securing planning obligations to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These saved UDP policies are supported by more specific supplementary planning guidance.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees, including the Greater London Authority and Transport for London. The comments received indicate the need for the following contributions or planning obligations to mitigate the impacts of the development, which have been agreed with the applicant:

(i) The use of the highway verge (and its future management) by the applicant has been agreed in principle, with LBH officers. Once a final landscape scheme has been approved, the applicant will need to obtain a licence from the Council's Green Spaces department to formalise this arrangement.

(ii) Travel Plan

(iii). Air Quality: a financial contribution in the sum of £12,500.

(iv). Town Centre Improvements: a financial contribution of £25,000

(v) The applicants pay a sum to the Council equivalent to 5% of the value of contributions for compliance, administration and monitoring, project management and overseeing implementation of elements of the completed planning (and/or highways) agreement(s).

The applicant has agreed to these proposed Heads of Terms, which are to be secured by way of the S106 Agreement. Overall, it is considered that the level of planning benefits sought is adequate and commensurate with the scale and nature of the proposed development, in compliance with Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

ENVIRONMENTAL ISSUES

A Geo environmental report has been prepared in support of the application. The report has not confirmed any contamination that might be onerous for this supermarket development. It appears that when the swimming pool was filled in, much rubble and various bits of waste such as wood and metal were used. As a result, there is a fair depth of made ground with clinker in the swimming pool void. There was also a boiler room, although evidence of contamination was not found in the site investigation. which involved 14 trial pits and 16 window samples. Little contamination was found although the made ground is fairly deep at the site and there may be further contamination found during the site works.

The Council's Environmental Protection Unit has reviewed the submitted documentation and has recommended that a contaminated land condition be imposed, as there is no record of what was used to fill the closed pool and further contamination may be located when the site is excavated. In addition, the site may require imported top soil for landscaping purposes and a condition is recommended to ensure the imported soils are independently tested, to ensure they are suitable for use.

Subject to compliance with this condition, it is considered that the proposed development accords with the ground condition and contamination policies set out in the NPPF, London Plan and the Hillingdon Local Plan Parts 1 and 2.

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

The proposal is considered to satisfy the requirements of national, regional and local policy in retail terms. The development is considered to satisfy the sequential test and will not have a detrimental impact on the vitality and viability of Hayes Town Centre.

The proposed development would not generate significant volumes of vehicle traffic on the local highway network that would have a significant impact on the capacity of the nearby junctions.

Whilst some reservations remain with regard to deliveries, this could be addressed by a robust Service and Delivery Plan which can be secured by condition.

Whilst the design approach follows the standard model developed by the applicants, the proposed development is considered to not detract from the visual amenities of the street scene and would be in keeping with the character and appearance of the surrounding area. A comprehensive approach to landscaping and tree protection has been provided. In addition, the scheme would not have any significant detrimental impact on the amenity of the nearest residential occupants, subject to conditions.

The proposals will not increase surface water runoff, through the incorporation of sustainable drainage techniques. Subject to conditions, the scheme can also provide an energy efficient building, reducing its CO2 emissions in line with London Plan Policy.

The development makes adequate provision by way of planning obligations to mitigate its impacts.

Accordingly, the application is recommended for approval.

11. Reference Documents

The Hillingdon Local Plan: Part 1- Strategic Policies (8th November 21012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan 2011
National Planning Policy Framework (NPPF)
The Greater London Authority Sustainable Design and Construction (2006)
Council's Supplementary Planning Guidance - Community Safety by Design
Council's Supplementary Planning Document - Air Quality

Hillingdon Supplementary Planning Document: Accessible Hillingdon January 2010)

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