

**APPLICATION FOR: 1942/APP/2015/4127**

COUNCIL CAR PARK ON CENTRAL AVENUE AND FORMER HAYES  
SWIMMING POOL BOTWELL LANE HAYES

**COMMITTEE:**

Major Apps PC

**DATE:**

4th October 2016

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

<b>Item No.</b>	<b>Report of the Head of Planning, Building Control, Sport &amp; Green Spaces</b>
<b>Address</b>	COUNCIL CAR PARK ON CENTRAL AVENUE AND FORMER HAYES SWIMMING POOL BOTWELL LANE HAYES
<b>Development:</b>	Construction of an A1 discount food store with associated car parking and landscaping, re-configuration and resurfacing of Council car park with new site access/exit
<b>LBH Ref Nos:</b>	1942/APP/2015/4127
<b>Drawing Nos:</b>	13624/T/01-02 13624/T/02-02 3176 402 Rev. P 3176 404 Rev. F Design and Access Statement Noise & Acoustic Report for BREEAM 2011 Environmental Noise Report Traffic Survey Data Sheets Transport Assessment Flood Risk Assessment Land Management and Maintenance Plan Arboricultural Impact Assessment Report Revised Arboricultural Method Statement Sustainability and Energy Statement Preliminary Ecological Appraisal Planning Statement Statement of Community Involvement 15/0302/ARC01 Carpark Ltg Proposal Report, Rev. E Soft Landscape Management and Maintenance Plan, Revision E Soft Landscape Specification, Revision B Tree Works Report, dated 19/2/16 3176/407 Rev. Q (1:500 Scale) Draft Travel Plan Geo-Environmental Ground Investigation Report Carpark Lighting Plan, Rev. E Air Quality Assessment Noise Impact Assessment, March 2016 Proposed Lidl Foodstore Impact Assessment, dated 19/1/16 Response to Highway Officer Comments, January 2016 Impact Assessment Report, dated 5/8/16 Addendum Transport Assessment Landscape Specification Revision A, October 2015 3176/407 Rev. Q (1:1000 Scale) 3176/401 Rev. A Air Quality Assessment, dated 28/7/16 16/0403/TK02 Rev. A LIDL18911-11 Rev. T

3176/406 Rev. B  
3176/405 Rev. K  
3176/403 Rev. P  
3176/410 Rev. C  
3176/412 Rev. B  
3176/411 Rev. D

<b>Date Plans Recieved:</b>	06/11/2015	<b>Date(s) of Amendment(s):</b>	15/03/2016
<b>Date Application Valid:</b>	13/11/2015		01/07/2016
			06/01/2016
			10/11/2015
			08/09/2016
			26/01/2016
			21/12/2015
			22/02/2016
			06/11/2015
			14/04/2016

#### Reason for Urgency

**It is understood that if a permission is quickly granted for this planning application then a commencement this financial year is possible. The proposal, in part due to its strategic location, would bring considerable economic development benefits, including local job creation and additional parking to serve the town centre and Botwell leisure Centre.**

#### 1. SUMMARY

Planning permission is sought for a new food-store with a Gross Internal Area (GIA) of 2,741sqm and sales area of 1,687sqm to be occupied by Lidl, on the former Hayes Pool site within the Hayes Town Centre. Following protracted discussions with Council officers, the scheme has now been amended to include a revised access at the northern end of the site on Central Avenue, which has involved revisions to the site layout and utilisation of a small part of the adjoining Council car park. This has resulted in the need to re-configure the layout of the car park, with a re-siting of its access/exit point further along Central Avenue and re-surfacing, which have now been incorporated within the application.

The principle of the loss of the former leisure use of the site and the suitability of its retail redevelopment has already been established by the granting of planning permission dated 11/9/14 (App. No. 1942/APP/2013/3565 refers). The leisure use has now been re-provided at the Botwell Green Leisure Centre opposite, including a 25m swimming pool. While the proposed store would be larger, with a GIA of 2,741sqm (1,687sqm sales area) as compared to a GIA of 2,085sqm (1,407sqm sales area) of the consented scheme, the proposal is of a scale considered appropriate to the centre. As such, the development will not result in any impacts that would be significantly adverse in retail terms, in accordance with relevant national, regional and local planning policies. There is therefore no land use policy objection to the principle of a retail development of this size within this town centre location.

The development would also now utilise the whole of the former swimming pool site instead of just the eastern part. The western part of the site would normally be available for housing. However, given the site has not been allocated for housing, that the Borough significantly exceeds its housing targets for new homes and also given that there has been considerable existing and proposed housing re-development within the Hayes area, an objection could not be sustained on this ground to the proposal.

The design of the store is almost identical to the previous scheme, albeit the larger store would now be sited closer to the road frontages. However, as previously noted, the design approach is generally low key and the store would be adequately set back from the frontages to maintain the suburban character of the area. Existing and proposed landscaping would also assist in assimilating the development into its urban context.

This scheme does significantly differ from the previous scheme in that more car parking is proposed (142 spaces as opposed to 62 spaces in total on the swimming pool site) and the access for customers and deliveries has been revised and is now also sited on Central Avenue, albeit located further to the north. The Council's Highway Engineers are satisfied with the revised scheme and the re-configured Council car park, subject to a S106 Agreement and conditions. A revised Air Quality Assessment has also been received, which assess the new layout, and the Council's Environmental Health Officer does not raise any objections to the scheme, subject to conditions.

Additional information had been submitted as regards noise concerns raised by the Environmental Health Officer on the original submission. The officer advises that subject to the recommended mitigation, including an acoustic fence along the edge of the loading bay and conditions, the scheme overcomes those concerns and is acceptable on noise grounds. The revised layout does not significantly alter the scheme in terms of noise impacts upon surrounding neighbours and the officer has advised that a revised assessment is not required.

The scheme has also been amended and would now involve the loss of a mixed conifer and Hornbeam line of trees along the northern boundary of the site, to the rear of properties on Holmbury Gardens and there would be tree loss within and around the site, including highway trees at allow for the new accesses. The Council's Tree and Landscape Officer advises that ideally, revised tree information should of been submitted to address the revised layout, but considers the scheme acceptable, subject to conditions including the need to enhance the proposed landscaping scheme.

Finally, subject to appropriate conditions and planning obligations, the development would provide for inclusive design, provide measures to reduce energy use and other sustainable design features.

Subject to no material planning objections being raised on the further re-consultation undertaken on the revised scheme which have not been considered in the officer's report and could not be dealt with by way of condition, that delegated authority be given to the Head of Planning and Enforcement to determine the application, subject to a S106 Agreement and the recommended conditions.

## **2. RECOMMENDATION**

**That subject to no material planning objections having been raised by the end of the statutory consultation period, that have not already been dealt with in the officer's report or that could not be dealt with by condition, that delegated powers be given to the Head of Planning and Enforcement to grant planning permission,**

subject to the following:

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

1. Highways: S278/S38 to secure highways works as indicated on the approved drawings with final details to be agreed by the Local Planning Authority,
2. A traffic and air quality impact study to assess the overall impacts associated with the overall parking provision within the store's car park and contribute towards the costs of appropriate mitigation measures,, including highway works and to include and evaluate, specific measures which will reduce pollution emissions and consider specific measures to be incorporated to protect existing receptors, for example but not restricted to, the use of green infrastructure, with an upper limit of £150,000 for mitigation works,
3. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,
4. Delivery and Servicing Management Plan,
5. Tree planting and landscaping works on public highway, to include a licence agreement (to plant and maintain the landscape on highway land),
6. £9,900 carbon offset contribution
7. Employment Training Strategy. For the commercial operations an employment training initiative will be required to address employment training matters as a result of the proposal if approved. It is our preference to deliver in-kind employment training schemes over a financial contribution.
8. Construction training: A financial contribution to the sum of: Training Costs: £2500 per £1m build cost + Coordinator costs -  $3256/7500 \times £71,675 = £31,116.50$ ,
9. Project Management & Monitoring Fee: equal to 5% of total cash contributions

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.

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

D) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised before the 4th December 2016, or any other period deemed appropriate that delegated authority be given to the Head of Planning and Enforcement to refuse the application for the following reason:

'The applicant has failed to provide a commensurate package of planning benefits to maximise the transport, environmental and social benefits, namely highway improvements, tree planting, construction training and project management of the scheme to the community. The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).'

E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

**F) That should the application be approved, the applicant pay the required levy on the additional floorspace actually created.**

**G) That if the application is approved, the following conditions be attached:-**

**1 COM3 Time Limit**

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

**REASON**

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

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3176/401 Rev. A, 3176/403 Rev. P, 3176/404 Rev. F, 3176/405 Rev. K, 3176/406 Rev. B, 3176/407 Rev. Q (1:500 Scale), 3176/407 Rev. Q (1:1000 Scale), 3176/411 Rev. D and LIDL18911-11 Rev. T and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

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

**3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Reduction in energy use [Sustainability and Energy Statement]

Noise Mitigation Measures [Environmental Noise report, Noise Impact Assessment and Noise & Acoustic Report for BREEAM 2011]

General Landscape management and maintenance works [Soft Landscape Management and Maintenance Plan, Revision E, Landscape Specification, Soft Landscape Specification]

Contamination Mitigation Measures [Geo-Environmental Ground Investigation Report]

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

**REASON**

To ensure that the development complies with the objectives of Policies 5.2 and 7.15 of the London Plan (March 2016) and Policies OE1, OE3 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**4 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)

## **5 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. An updated Tree Report, Arboricultural Method Statement and Tree Protection Plan,
2. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures,
3. 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:

- 3.a There shall be no changes in ground levels;
- 3.b No materials or plant shall be stored;
- 3.c No buildings or temporary buildings shall be erected or stationed.
- 3.d No materials or waste shall be burnt; and.
- 3.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).

## **6 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 with boundary planting to include a 1200mm high planted buffer zone and tree planting stock to be specified at 20-25cm girth (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

### **2. Details of Hard Landscaping**

- 2.a Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts (including details of 2 active rapid electric charging points and 2

passive rapid electric charging points)

2.e Hard Surfacing Materials

2.f External Lighting

2.g Other structures (such as play equipment and furniture)

3. Living Walls and Roofs

3.a Details of the inclusion of living walls, roofs and screens. The scheme shall provide details of the types of living material to be used and the locations and methods of maintenance where necessary.

3.b Justification as to why no part of the development can include living walls, roofs or screens.

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 (March 2016).

## **7 COM10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the



buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

### **8 NONSC Non Road Mobile Machinery**

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

#### REASON

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

### **9 NONSC Construction Management Plan**

A Construction Management Plan, to include an air quality and dust management plan, in accordance with the Control of Dust and Emissions during Construction and Demolition SPG (GLA) with full implementation of the identified mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

#### REASON

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

### **10 NONSC Low Emission Strategy**

Prior to the commencement of development, a Low Emission Strategy, with accompanying air quality action plan, demonstrating the the management, control and reduction of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> ('the emissions') shall be submitted to and approved in writing by the Local Planning Authority. The action plan shall identify all sources for the emissions and the measures and technology to reduce and manage them. The measures shall include but not limited to:

#### Vehicular Traffic

Setting targets for, and incentivising the use of, Euro V and Euro VI standards for operational traffic associated with the development. This should include the measures to be taken to take account of future cleaner technologies and standards as appropriate throughout the life of the development;

Travel plan for employees incentivised to ensure the use of sustainable modes of transport;

Provision of rapid electric vehicle charging points with access for the public;

#### Technology

Use of low emission boilers and energy technology, including low NO<sub>x</sub> boilers, that comply with the GLA Sustainable Design and Construction SPD;

Consideration of the use of green infrastructure to ensure the protection of sensitive

receptors from pollution emissions associated with the operation of the development;

#### Emissions

The action plan must include forecasts for the emissions associated with the development and set annual reduction targets.

#### Monitoring

The action plan must include details for monitoring the vehicular types and recording the percentage of Euro V/5 and Euro VI/6 vehicles as well as progress against the emission reduction targets.

#### Reporting

The action plan must include details for reporting the results of the monitoring to the Local Authority.

#### REASON

To ensure the development reduces and manages its air quality impacts in line with Policy EM8 of the Local Plan and 7.14 of the London Plan (March 2016).

### **11 NONSC Operating Hours**

The premises shall not be used except between:-

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

#### REASON

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

### **12 NONSC Delivery Hours**

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

#### REASON

To minimise vehicular and pedestrian conflict and to safeguard the free flow of traffic on the adjoining highway during the evening peak period in the interests of highway safety, in accordance with Policy AM7(i) of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### **13 NONSC Car Park Management Plan**

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

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

#### REASON:

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

### **14 NONSC Park Mark Accreditation**

The proposed store car park shall achieve Park Mark accreditation before being brought into use.

**REASON:**

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

**15 NONSC Minimum Period of Car Park Stay**

The store car park shall allow users to have free parking for 90 minutes.

**REASON:**

To ensure that the car park is available for users of the town centre, in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**16 NONSC Car Park Management Scheme**

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

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

**REASON:**

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

**17 NONSC Ecological Enhancement Scheme**

Prior to commencement of development a scheme for the inclusion of measures to promote and support flora and fauna shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly detail measures to promote and enhance wildlife opportunities within the landscaping and the fabric of the building. These shall include bat and bird boxes, habitat walls and a range of plants to encourage and support wildlife. The development must proceed in accordance with the approved scheme.

**Reason**

To ensure the development contributes to ecological enhancement in accordance with Policy EM7 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy 7.28 of the London Plan (March 2016).

**18 NONSC Sustainable Water Management Scheme**

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

**Manages Water**

The scheme shall incorporate the whole of the application site and be based upon the strategy set out in 'Flood Risk Assessment' and 'Surface Water Drainage Strategy',

produced by PBA dated Nov. 2015 Revision B and demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

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

b) Receptors:

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

c) Minimise water use:

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

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

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

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

e) During Construction

- i. How temporary measures will be implemented to ensure no increase in flood risk from commencement of construction.

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

REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (March 2015) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014). To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan

(March 2015). To conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016). To ensure developments have suitable infrastructure in place to support them and improve water quality in accordance with Policy 5.14 Water quality and wastewater infrastructure, (March 2016).

**19 OM7 Refuse and Open-Air Storage**

Details of on-site refuse storage (including any open-air storage facilities) for waste material awaiting disposal, including details of any screening, shall be indicated on plans to be submitted to and approved by the Local Planning Authority. Such facilities shall be provided prior to occupation of the development and thereafter permanently retained.

**REASON**

To ensure that visual amenities are not prejudiced, in accordance with policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**20 NONSC External Storage**

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

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

**21 NONSC Trolley Traps**

Prior to the commencement of use of the new food store, a trolley trap(s) to prevent shopping trolleys leaving the site shall be implemented and thereafter retained for so long as the development remains in existence.

**REASON**

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

**22 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); and To protect the ecological value of the area in accordance with Policy EC3.

**23 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 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.

(iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

#### REASON:

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

#### **24 COM31 Secured by Design**

The building(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be brought into use 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 (2016) Policies 7.1 and 7.3.

## INFORMATIVES

### 1 I52 **Compulsory Informative (1)**

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

### 2 I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding coastal
NPPF11	NPPF - Conserving & enhancing the natural environment
LPP 2.15	(2015) Town Centres
LPP 4.7	(2015) Retail and town centre development
LPP 4.8	(2015) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 5.2	(2015) Minimising Carbon Dioxide Emissions
LPP 5.3	(2015) Sustainable design and construction
LPP 5.7	(2015) Renewable energy
LPP 5.10	(2015) Urban Greening
LPP 5.11	(2015) Green roofs and development site environs
LPP 5.12	(2015) Flood risk management
LPP 5.13	(2015) Sustainable drainage
LPP 5.14	(2015) Water quality and wastewater infrastructure
LPP 5.15	(2015) Water use and supplies
LPP 6.3	(2015) Assessing effects of development on transport capacity
LPP 6.5	(2015) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2015) Cycling
LPP 6.10	(2015) Walking
LPP 6.13	(2015) Parking
LPP 6.14	(2015) Freight
LPP 7.1	(2015) Lifetime Neighbourhoods
LPP 7.2	(2015) An inclusive environment
LPP 7.3	(2015) Designing out crime
LPP 7.4	(2015) Local character
LPP 7.5	(2015) Public realm
LPP 7.6	(2015) Architecture

LPP 7.14	(2015) Improving air quality
LPP 7.15	(2015) Reducing noise and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.19	(2015) Biodiversity and access to nature
LPP 7.21	(2015) Trees and woodland
LPP 8.2	(2015) Planning obligations
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
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
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
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
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002



**3            115            Control of Environmental Nuisance from Construction Work**

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

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

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

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

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

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

**4**

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

**5**

Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur.

**6**

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

**3.      CONSIDERATIONS**

**3.1    Site and Locality**

The application site comprises an approximately 1.27 hectare irregularly shaped plot, located on the north corner of the junction of Central Avenue and Botwell Lane and on the northern side of Central Avenue, Hayes. The corner plot formerly accommodated the old Hayes Swimming Pool which was set within landscaped grounds, with the pool building being located centrally within the site, with associated car parking to the north. The site has been cleared following the demolition of the building and security hoarding erected around the periphery of the site. Further along Central Avenue, the site comprises a public

car park. The site is level and its Botwell Lane / Church Road 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 and to the north of the site are residential gardens of the properties fronting Holmbury Gardens and Central Avenue.

The site falls within the Hayes Town Centre as defined by the Hillingdon Local Plan Proposals Map, but lies outside of its 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 southern boundary of the Central Avenue, Hayes Area of Special Local Character adjoins the car park to the north east along Central Avenue. There are also 2 Tree Preservation Orders that affect the site, along the northern boundary of the swimming pool site, to the rear of properties on the southern side of Holmbury Gardens (TPO 750 refers) and at Nos. 10 and 11 Holmbury Gardens (TPO No. 488 refers). The area also forms part of an Air Quality Management Area and has a PTAL score ranging from 3 to 4.

### **3.2 Proposed Scheme**

The proposal is for a part single storey, part two storey Lidl foodstore on the eastern side of the site, adjoining Central Avenue with car parking on the western side, together with associated landscaping, mainly on the site boundaries and the re-configuration of the Council car park, including the re-siting of its access/exit and its re-surfacing. The rectangular store building would have a total GIA of 2,741sqm, including 201sqm GIA on the first floor, and includes a 1,687sqm sales area. The store entrance would be at its southern (Botwell Lane) end with servicing at the northern end. The warehouse, preparation and welfare facilities (including staff room and toilet facilities on the small area of first floor) would run along the west side of the building and wrap around at the rear.

The building would have a mono-pitched roof which would have a maximum height of some 7.6m along the western frontage reducing to 5.3m along its eastern frontage, with a roof top plant area in its north eastern corner, rising to a 7.0m height. The southern elevation would be mainly glazed and include the store entrance on its south western corner, with glazing returning along 8m lengths of the eastern and western frontages.

Vehicular access to the site would be taken from Central Avenue, at the northern end of the former swimming pool site. Additional pedestrian and cycle access would be provided from Botwell lane to the south, adjacent to the store entrance and on the Botwell Lane/Central Avenue corner of the site to accommodate the desire line from/to Station Road/Hayes town centre. The Lidl car park would provide a total of 142 parking spaces of which 14 would be disabled spaces, 7 brown badge spaces and 5 parent and child spaces. In addition, 2 spaces provide active electric vehicle charging and 2 would have passive capacity. Parking for 7 motorcycles would also be provided within the car park, with storage provision for 44 bicycles (18 of which would be long stay) provided along the western frontage of the site, adjacent to the store entrance in the south eastern corner.

The Council car park would be re-configured, with its entrance/ exit moved some 50m to

the north along Central Avenue to avoid conflict with the new access to the Lidl store. This would involve works on the highway, including the removal of the existing zebra crossing and new provision made to the south of the new Lidl access. An existing traffic calming feature would also have to be removed outside of the new entrance to the Council car park. The re-modeled car park would provide a total of 76 spaces, of which 5 would be disabled spaces and 4 brown badge (as compared to the total of 71 spaces in the existing car park, including 4 disabled spaces and 2 brown badge spaces).

The application is supported by the following documents:-

#### Design and Access Statement:

This provides an introduction to the proposals, and provides an assessment of the proposals in terms of their context, use, amount, layout, appearance/ scale, soft and hard landscaping and access and offers a concluding statement.

#### Planning Statement:

This provides an introduction to the statement, advising that the Lidl trading format has evolved so that, although there has only been a slight increase in the sales area from 1,407sqm to 1,689sqm, the whole of the site is now required since the previous permission. The statement goes on to list the supporting documents. and describes the planning background, including a description of the site, its accessibility and the planning history. The application proposal is described, together with the Lidl business model. Relevant national, regional and local planning policy is assessed. The statement then focuses on retail planning issues, and notes that although the principle of retail on this site has already been established with the previous approval and this scheme would only involve a small increase in the sales area, for completeness, as this site does not form part of the retail frontage (the primary frontage being some 100m away), taking this site to be edge of centre, retail policy issues are considered, using a sequential assessment and appraisal of the town centre impacts. The report goes on to consider other planning issues, including the loss of leisure facilities, potential loss of housing, together with the regeneration benefits, including additional car parking for the town, design, amenity, transport, sustainability, drainage and flood risk, arboricultural, air quality management, noise, Mayoral and Council CIL. The statement concludes that the scheme would achieve a number of key improvements on the approved scheme and is fully compliant with policy.

#### Transport Assessment, November 2015:

This introduces the assessment, describes relevant transport policy, the site's location, history and character of the surrounding area. The site's accessibility by various means of transport is assessed. Baseline transport data is then presented and the development proposals described. The impact of the development proposals are assessed in terms of traffic generation and junction capacity. The assessment does not identify any highway network impacts that would have a material impact on the highway, so capacity improvements are considered necessary. However the assessment does identify mitigation measures in the form of a travel plan that can reduce reliance on the car and improve highway safety. The assessment concludes that there are no traffic and/ or transport related reasons to prevent permission being granted.

#### Addendum Transport Assessment, September 2016:

This provides an introduction to the addendum, advising that it updates the originally

submitted Transport Assessment, given there is a need to reassess the impacts of the development using Central Avenue and seeks to address a number of points raised in post-application discussions with Council officers. It goes on to assess planning policy as it relates to transport issues, describes the existing site and its accessibility by non-car modes. The assessment then goes on to provide baseline transport data, based on traffic surveys, to identify peak periods and describes committed development schemes and the accident record within the area. The proposed development including access arrangements, parking standards, electric charging provision, cycle parking and servicing arrangements are described. It then describes the proposed car park operation, with a 90 minute free duration of stay for Lidl customers, monitored through an ANPR camera system, linked to a database that matches arrival and departure times. demand is then assessed, using other Lidl stores, including an edge of town centre store in Edmonton. The assessment calculates that parking occupancy would peak at 108 spaces during the Friday peak period of operation which can be accommodated in the car park, with 34 spaces to cope with peak trading periods, such as the lead up to Christmas and to allow for linked trips within the town centre. The impact of the proposal is then assessed in terms of trip generation and junction capacity. The assessment provides a summary and conclusions, advising that capacity modeling demonstrates that the Central Avenue/Botwell Lane junction and the Botwell Lane/Church Road mini-roundabout junction operate with their theoretical capacity in the existing, 2016, and 2021 scenarios assessed. The results demonstrate that the proposed development would not have a material impact on queuing, delays or the capacity on the highway network. Also the proposals would not result in a material increase in vehicle movements on the surrounding highway network, with the majority of trips being pass-by, diverted, linked or transferred and therefore already present on the highway. Therefore, there are no highway reasons why consent should not be granted.

#### Impact Assessment Report, dated 5/8/16:

This assesses the impact of the proposed store on the surrounding road network in Hayes town centre, to take account the proposed re-opening of Station Road. The methodology is described, which uses a revised VISSIM version 5.4 computer model. This concludes that the increase in development trips has a minimal impact on the surrounding network in both the PM and Saturday Peaks, with the PM peak being the worst affected, with an overall increase in delay per trip of 3.08%, compared to a 2.36% increase to delay per trip on Saturday.

#### Draft Travel Plan, November 2015:

This provides the framework for an action plan that would put specific physical and management measures in place to encourage staff and customers to utilize alternative means of travel to the store than the private car.

#### Environmental Noise Report, October 2015:

This report assesses the noise issues in relation to plant noise, delivery operations and car park activity associated with the proposed development. It concludes that the impact of noise levels will not be significant in terms of the nearest noise sensitive receptors on Holmebury Gardens when compared to the existing noise climate.

#### Noise & Acoustic Report for BREEAM 2011:

This report advises on the internal ambient noise levels and plant noise calculations that

would be needed to allow the building to be credited on noise and reverberation criteria under BREEAM 2011. The report concludes that with the proposed external building facade constructions and the recommended ventilation provision, the credits would be achieved.

#### Noise Impact Assessment, March 2016:

This is a further report which has been submitted following review of the initial noise reports by the Council's EPU officer. It mainly presents the results of a new noise survey carried out over the weekend of Friday 11/3/16 to Monday 14/3/16, following concerns raised by the Council's EPU officer that no weekend monitoring had been undertaken.

#### Flood Risk Assessment:

This assesses the risk of flooding on the site, provides the policy context and formulates a drainage strategy for the development, including appropriate mitigation works.

#### Air Quality Assessment, dated 28/7/16:

This report provides an introduction to the assessment, describes relevant air quality legislation and policy, and the assessment methodology for the construction and operational phases. Baseline air quality conditions are presented and the assessment goes on to consider the air quality impacts of the proposed development during the construction phase and once the development is fully operational. Mitigation measures are described for dust prevention during the construction phase, and notes that the Mayor of London's SPG recommends that mitigation is secured by condition or a S106 Agreement and no mitigation is required for the operational phase. 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 national or local policies.

#### Soft Landscape Management and Maintenance Plan, Revision E:

This describes the groundworks, planting specifications and maintenance regimes to ensure the establishment of the landscaping scheme.

#### Soft Landscape Specification, August 2014, Revision B:

This provides a specification for the landscape works in terms of site preparation and earthworks, topsoiling and cultivation, plants and planting and trees.

#### Tree Works Report, dated 19/2/16:

This provides a list of all the trees surveyed on and near to the swimming pool site, assigns a classification and describes the proposed store works.

#### Land Management and Maintenance Plan:

#### Arboricultural Impact Assessment Report:

This assesses the impact of the development proposals on existing trees, on and close to the site.

#### Revised Arboricultural Method Statement:

This document sets out the methodology for any proposed works that may have an effect upon the trees on and adjacent to the site.

#### Sustainability and Energy Statement:

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

#### Preliminary Ecological Appraisal:

This describes the background to the study, the context and status of the site and the development proposals. Relevant planning policies are cited and the methodology for the appraisal is provided, including details of a badger survey, tree assessment for bats and habitat suitability assessment for reptiles. Results of a desktop study, preliminary ecological appraisal, tree assessment and habitat suitability appraisal for protected species are presented. The results are discussed, and conclusions and recommendations are made.

#### Geo-Environmental Ground Investigation Report:

This provides an introduction to the report and describes the site. Results of a desk study are presented using various sources of information, including historical maps. A preliminary conceptual model for contamination is then presented. An investigation methodology is then described and results are presented. An assessment of the report's findings are then provided, together with recommendations for the site.

#### Carpark Lighting Proposals Report:

This describes the external lighting scheme.

#### Statement of Community Involvement:

This describes the consultation process, noting that the details of the consultation undertaken on the previously approved application have been included, but the statement does not go on to describe any new consultation undertaken on the current (original) proposal. It therefore appears that the statement only re-states the results of the consultation undertaken on the previously approved scheme which are not that relevant in terms of the current proposals.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

The most relevant planning history to this application is a previous permission granted for a 2,085sqm GIA, including a 1,407sqm sales area single storey Lidl store on the eastern part of the site in September 2014 (App. No. 1942/APP/2013/3565 refers). This had 62 car parking spaces which, together with the servicing bay, would have been served by an access off Central Avenue.

Prior to this, a scheme for the redevelopment of the whole of the 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 was approved in December 2012 (App. No. 1942/APP/2010/31 refers). Details of access, layout and scale were provided at this stage with those of appearance and landscaping reserved for future consideration.

Other historic applications at the site relate to its use as a swimming pool and are considered to have no relevance to the current proposal.

In addition, the development of a leisure centre complex at Botwell Green, on the opposite side of Central Avenue is of relevance, but only in so far as alternative leisure provision has now been made for the former Hayes pool on the application site.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

###### **Part 1 Policies:**

PT1.E5	(2012) Town and Local Centres
PT1.E7	(2012) Raising Skills
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM7	(2012) Biodiversity and Geological Conservation
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.T1	(2012) Accessible Local Destinations
PT1.CI1	(2012) Community Infrastructure Provision

###### **Part 2 Policies:**

NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding costal
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OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
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SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **17th October 2016**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

On the initial submission, 67 neighbouring properties were consulted, the application was advertised in the local press on 9/12/15 and 4 site notices were displayed around the site on 17/12/15, with a closing date of 7/1/16. A 20 signature petition in support and 47 individual responses, 21 objecting to the proposals and 26 in support were received.

The petition states:-

'We, the undersigned, fully support Lidl's application for the provision of a neighbourhood food store on the former Hayes Swimming Pool site, Botwell Lane, Hayes, UB3 2BG.

We agree to our petition data being used by Lidl to lobby local Councillors and London Borough of

Hillingdon to aid progression of the planning application.

Address data may also be used to provide updates on the progress of the development/ planning process. Information will not be passed to a third party, nor be used for sales purposes.'

As part of the petition, a section has been included for individual comments which have been provided by 18 individuals, of which 7 are not valid signatories of the petition. These comments can be summarized as:-

- (i) Great to have a Lidl which has become very successful over the years - much cheaper and better quality than most supermarkets,
- (ii) Larger Lidl store will add to the choice of supermarket in the Hayes Town area
- (iii) Store would be welcomed by local residents for their daily shopping, which will be much more convenient than the Uxbridge Roach branch, particularly for pensioners, disabled and those who do not drive as would not now have to catch a bus to access nearest supermarket. Access via Church Road would be very convenient,
- (iv) Store will create many jobs, boosting the local economy and make town friendlier for young people,
- (v) Store would encourage other shoppers to shop locally.

Individual response comments can be summarised as follows:-

Objection comments:-

Highway Safety/ Parking

- (vi) This store will add to already significant, 7 days a week traffic and pedestrian congestion and parking problems in Hayes, particularly at school times due to proximity of Botwell Church and parents needing to park safely. On certain days town centre is inaccessible. There is a danger to pedestrians using the leisure centre and children from Botwell School,
- (vii) The layout of the store will cause problems and a danger to pedestrians and car drivers alike,
- (viii) Church Road and Central Avenue do not have the capacity for increased traffic and additional housing being built in area, including at the old Hungry Horse pub will result in further increase in traffic and parking demand in the area,
- (ix) Use of the Botwell Lane/Church Road mini roundabout is close to theoretical capacity. What has not been factored in is that traffic will be increasing each year on the roundabout because of the new Lake Farm school which is currently at 25% capacity and will be in full use up to Year VI in 5 year's time,
- (x) Bottleneck of traffic already exists on Botwell Lane as a major bus route with buses trying to pass through between parked cars. This already causes long delays so that the store's vehicle entrance on Church Road, next to the roundabout and a bus stop, will not work making it hard for cars to exit. This needs to be resolved (especially at peak times) by widening of the road for a bus lane (or bus stop that does not block traffic flow), redesigning the roundabout, provision of pedestrian walkway through town, cycle lane provision at the Botwell end of the store, stopping parking on the stretch leading up from the roundabout to the school and store entrance should be moved to Central Avenue as was the case for the swimming pool,
- (xi) The document labelled Gateway TSP ref: MF/LF/15-0302 TA v1.0.docx implies in 4.22 that the parking management plan is to be drawn up later. The detail of this plan is important for the church opposite because it has 70 free parking spaces. If Lidl charge for their parking spaces as do all other town centre car parks, we can expect more problems of shoppers using our private car park. The church would need to know what the parking plan of Lidl will be in good time so that we can install infrastructure to prevent unauthorised parking,
- (xii) This type of store must go out of town due to road constraints and small stores like Sainsbury local and track express should be given permission,

(xiii) The parking spaces will not be sufficient as Hayes town is now suffering a shortage of parking spaces after the new road plans and gym opening. Town needs more parking for the already over populated area.

(xiv) The car park will be used by parents taking their children to school and people who work in Hayes town parking there all day,

#### Character/Appearance

(xv) Store is basically a square box that would detract from the scenic tree lined road and add nothing to the character of the neighbourhood. A company like Lidl should be able to afford good architects.

#### Need

(xvi) There is already a large Lidl store by the Grapes junction, Tesco at Bullsbridge, Tesco Express at Station Approach, Asda on Station Road, Sainsburys Local on Coldharbour Lane, Wilko on Pump Lane, Sainsburys at Lombardy which include plenty of cheap supermarkets within walking distance, including Asda and the Lidl Uxbridge Road store which has just been extended.

(xvii) There are plenty of independent traders selling groceries within walking distance of the proposed site. The inclusion of Lidl in Hayes Town will have an adverse affect on any attempt to regenerate the high street and surrounding areas. Support for local business is badly needed, not another large grocer in an already over served area.

(xviii) It is a shame Hayes town is not attracting better retail operators such as Waitrose and M & S as some of us do not want cheap shops. This is a result of Hillingdon Council deliberately running down Hayes town,

#### Amenity/ health

(xix) The car park should also be locked at night to stop anti-social behaviour adjacent to rear gardens like we had previously before site was boarded up,

(xx) Tree loss should be avoided as provide privacy and block some of the noise from the road. Trees also important for health of the local residents to counter increase in traffic pollution,

#### Tree/wildlife

(xxi) Tree loss should be avoided as support wildlife, including 2 rare Black Squirrels. Loss of Lake Farm site (which was important for schooling places) has already resulted in the loss of green space, minimizing and replacing any trees would be important for the environment,

#### Other

(xxii) Site should be developed for public use, such as cinema / car park / school or industrial use to replace lost jobs,

(xxiii) This scheme is all about money and greed.

(xxiv) Local residents have received an audacious letter from Lidl asking residents to support scheme,

#### Supporting comments:-

(xxv) A well thought out design for a quality retail development,

(xxvi) This new supermarket on this side of Hayes Town will benefit the town, as shopping facilities are very limited with Iceland being the only proper food store in the town. Other supermarkets more than a bus ride away,

(xxvii) A further supermarket may enhance this empty and disused site, which has been an eyesore for many years and, until recently, has attracted anti-social behavior (rough sleepers, drug users, etc),

(xxviii) Nice to finally see some money being spent on redeveloping Hayes. The use will provide more jobs, and will boost the town economy, together with the re-opening of Station Road,

Crossrail in 2018 and other projects across the town, and could attract other big names to the town, (xxix) Will make daily shopping easier, cheaper and more enjoyable in bright new store.

CLLR JANET GARDNER:

Concern that the entrance and exit will be on Church Road - clearly a survey hasn't been done as it is inappropriate due to bus stop/traffic island/nearby dwellings. Should use Central Avenue, as vehicles are already using the site for parking and this would seem ideal for an entrance and exit, and the only building opposite is the leisure centre.

CLLR LYNNE ALLEN:

First email:

This is not in my ward but is only one house from it. I have been inundated by telephone calls from very upset residents in Townfield asking why the Council are minded to refuse planning permission despite giving it planning permission previously for a slightly smaller store. Resident all state that this store is much needed as they have no big grocery store in the Town since Sainsbury's went and left us with only a local which charges far more than their other shop at Lombardy.

Second email:

Many residents have contacted me by phone stating that they are supportive of the Lidl planning application. Some also raised the issue regarding attending and speaking and I pointed out to them that none have a right to speak should they attend. I explained the process regarding petitions etc. The calls have continued throughout most of the day. I was out on the Townfield Estate tonight and every person I met all wanted to talk about it and wants the Council to approve the application not one resident said no to it.

HAYES CONSERVATION AREA ADVISORY PANEL (Summary):

On previous application by Lidl on this site (1942/APP/2013/3565), the proposals did not make good use of the opportunity presented by this pleasant and prominent site which lies at one of the gateways to Hayes town centre. The design of the proposed building and its position on the site is poor, and the proposed access off Church Road a recipe for grid-lock. With proposed increase in sales floor area compared with the approved scheme of 20%, this is not 'slight' as claimed by applicant.

Present proposals are less appropriate than the previous scheme because:

1. The building would be repositioned further to the south and east, coming close to the tree-lined boundaries of the site, detracting from the contribution the site makes to the spacious, open and green appearance of the street scene along both Botwell Lane and Central Avenue, the gateway to this Area of Special Local Character,
2. The elevations of the building are at best unmemorable and at worst monolithic and ugly; a cheaply-built warehouse that sits uneasily alongside its neighbours. If its design cannot be improved, it must be better screened from the surrounding roads,
3. The roundabout where Church Road meets Botwell Lane is often solid with traffic, in part due to on-street parking further west on Botwell Lane which can make for problems when buses need to stop or pass each other and traffic from the primary school opposite. Adding further traffic to this congested area can only make matters worse. A one-way system with entry from Church Road and exit to Central Avenue, or vice versa, might reduce congestion,
4. There is a tortuous entrance to the delivery bay via the public car park which is surely an

accident waiting to happen,

5. The parking spaces may be used by commuters from Hayes station. Careful management will be required if car-borne shoppers are to be encouraged to visit the town centre but not to stay all day.

Further Comments on a previous revised scheme:

We have previously submitted comments on this application (OWPC10206) but having now considered the additional plans recently added to the application we wish to add further comments to be read alongside those you already have.

a) We are concerned that the new landscape plan shows even fewer trees than the previous version, when we consider that the ugly building needs more rather than less screening.

b) We are not reassured by the traffic survey data as none of it appears to relate to the morning rush hour when lots of children will be arriving at the two nearby junior schools (Botwell Lane and Lake Farm). We reiterate our everyday experience that the roundabout where Church Road meets Botwell Lane is very often solid with traffic. Thus adding in extra traffic visiting the proposed Lidl shop would only make a poor situation worse.

c) The plans showing the sweep paths of the articulated delivery lorries are also deeply concerning as they barely fit into these narrow domestic-scale streets and would further disrupt the local traffic flow. The western part of Botwell Lane would also be a major problem as the current street parking on both sides of the road mean that if any vehicle larger than a small van wants to use the road the oncoming traffic has to stop to let it pass.

d) The sweep path plans fail to show how the articulated delivery lorries will manoeuvre within the public car park to reach the delivery bay, and how they will then turn round to exit the site. Can they actually make these manoeuvres when the car park is in use? This mix of delivery traffic with customers and their children must surely be an accident waiting to happen.

For all these reasons, and those we previously submitted, we consider the present proposals inappropriate and therefore hope they will be refused.

TfL:

Whilst TfL accepts that the proposed quantum of car parking complies with the latest London Plan car parking standards (Policy 6.13), it is recommended that car parking is reduced in order to minimise the transport impacts on the surrounding road networks.

TfL welcomes the proposal for 10% active and passive Electric Vehicle Charging Points.

TfL is pleased with the location and quantum of cycle parking on site, this complies with latest London Plan cycle parking standards (Policy 6.9).

Having reviewed the application, TfL is not minded to object to this proposal.

METROPOLITAN POLICE (SECURE BY DESIGN OFFICER):

There are no objections to this application providing security is factored into the development. The development will increase pedestrian and vehicle activity and should achieve Secure by Design Certification as per the Commercial 2015 Design Guide.

GLAAS:

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest as although the site lies close to medieval Botwell, it is previously developed and has not been identified as an Archaeological Priority Area.

No further assessment or conditions are therefore necessary.

A further consultation has been carried out on the revised proposals, 102 neighbours have been consulted/ re-consulted on 22/9/16, the application has been re-advertised in the local press and 4 site notices have been displayed around the boundary of the site on 23/9/16, with a closing date of 17/10/16.

To date, 6 responses have been received, raising the following:-

- (i) Information provided is not clear and not easy to understand for a standard citizen. Detailed basic comparison should be provided to the members of the public,
- (ii) Hayes town is congested enough with traffic and HGVs will only add to the problem.
- (iii) Parking is a constant nightmare already with a primary school opposite where parents have trouble parking and public car park is heavily used. Where will anyone park when Lidl build there?
- (iv) There is another Lidl in Hayes and there should not be two stores for Lidl, as only one store for ASDA, Sainsburys etc.
- (v) Lidl has the poorest customer service compared to other major super stores. Therefore should not be allowed to open in the old swimming pool.
- (vi) Why not make site a playground for the local children with a car parking area. Give something worthwhile to the community of Hayes, instead of trying to line your pockets and invest in the opposite side of the borough.

Supporting comment:

- (vii) This project really must go ahead without excess delay. At this time the proposed site is a disgrace and has been for some time now. This project would greatly improve the economy in Hayes along with the ongoing works to re-open Station Road as well as improve the visual impact locally.
- (viii) Fully support this scheme as there are, and will be, so many residents in the Hayes area and a new food store is needed.

## **Internal Consultees**

HIGHWAY ENGINEER:

### **1. Introduction**

A planning application has been submitted to the London Borough of Hillingdon for the construction of a new Lidl foodstore at the former Hayes Pool and Fitness Centre site, located along Central Avenue, Hayes Town at the corner with Botwell Lane.

The proposed food store would have a Gross External Area (GEA) of 2,639 m<sup>2</sup> and a Retail Floor Area (RFA) of 1,687 m<sup>2</sup>. The Gross Internal Area (GIA) has been calculated as 2,554 m<sup>2</sup>.

Access to the site would be granted through a new priority junction off Central Avenue; a section of the access road would make use of land currently owned by the council. The proposal would also include the construction of a car park with a total of 142 car parking spaces which, under the current proposals, would provide 90 minutes free parking to the general public.

The site, within Hayes Town Centre, has a PTAL of 4 and is close to local amenities such as the Botwell Green Sports & Leisure Centre and the Botwell Green Library.

### **2. Site Access and Geometric Layout**

Compared to the previous proposals, the access to the site is now granted through a priority junction with Central Avenue.

The junction designs and associated visibility spays are in line with current design standards. A Stage 1 RSA has been commissioned and a designer's response supplied.

The supplied swept paths suggest that predicted vehicles can safely manoeuvre in, out and within the site.

The new access arrangements make use of the existing access arrangement to the Hayes Pool (Central Avenue) and the adjacent pay & display public car park. As a result, part of the access route to the proposed Lidl store uses land that is currently owed by the council. The legal arrangements under which this piece of land is made available for the new access to the foodstore should be agreed between the Council Legal Department and the developer.

There are therefore no major concerns related to the geometric design of the car park and site access.

A condition should be applied to require the car park to achieve Park Mark award.

### 3. Offsite Works

Offsite works are proposed as part of the application, as shown on the submitted drawing no. 3176-407 Rev. Q. These are as follows:

- Adjacent pay & display car park, located immediately to the north of the new Lidl store site;
- Relocation of the entrance to the car park further north along Central Avenue;
- Removal of 2 London plane trees to allow for car park reconfiguration;
- Compete resurfacing and re-lining;
- Internal reconfiguration, with consequent provision of additional 5 parking spaces to bring the total to 76 spaces, of which 5 would be designated for blue badge holders and 4 for brown badge holders;
- Relocation of the existing zebra crossing on Central Avenue further south, along the expected pedestrian desire line between the Botwell Green Sports & Leisure Centre and the proposed foodstore;
- Existing traffic calming feature opposite the new entrance to the car park to be removed;

In addition footway reinstatement and the extent of footway and carriageway resurfacing will be required, the extent of which should be agreed with LBH.

A detailed plan showing all of the highways works should be submitted for approval and the highway works should be agreed before commencement of the development and completed occupation. This should be covered by way of a S106 obligation.

### 4. Car Parking Provisions / Trip Generation

The proposals include the provision of a car park for a total of 142 spaces.

Considering that the parking standards for retail use require 1 parking space for every 25-18 m<sup>2</sup> of GFA for PTAL levels between 2 and 4, and considering that the PTAL for this site is 4, it would be appropriate to use the more restrictive value and therefore calculate the parking provision as follows:

$2,554 \text{ m}^2 \text{ (GIA)} / 25 \text{ m}^2 \text{ (GIA) per parking space} = 102.16 \approx 102 \text{ parking spaces}$

The Council's main concern is that any increase in car parking provision above this level might result in the actual trip generation to exceed significantly the consultant's current estimates.

In this respect, current estimates appear to be based on an incomplete set of data, specifically:

- The proposed parking provision is justified on the basis of parking accumulation data collected at two Lidl stores located in Welling and Edmonton respectively. According to the supplied data, these two sites experience high levels of car park occupancy. Maximum observed occupancy rates at these two sites are 86.7% and 76% respectively. However, traffic flow data at these two sites has not been provided.

- The proposed trip rates are based on data collected at two different stores located in Tooting and Wallington respectively. However, no information is supplied with reference to parking provision or parking accumulation at these two sites.

As a result, on the basis of the supplied data, it is not possible to understand how the availability of parking spaces might affect car trip rates in that:

- The trip rates observed at the Tooting and Wallington stores could potentially occur because there is limited parking;

- The high parking usage observed at the Welling and Edmonton sites might potentially be associated with higher trip rates compared to those observed at Tooting and Wallington.

In addition, it should be noted that the trip generation derived from the data collected at the Tooting and Wallington sites suggests a maximum accumulation of 50 and 91 vehicles during a typical weekday and Saturday respectively. The provision of 102 parking spaces would therefore appear adequate and provide additional 11-52 car parking spaces to cater for exceptionally busy periods and reduce the likelihood of Lidl customers parking in the nearby roads.

Notwithstanding the above considerations, it is considered that Hayes town centre is likely to experience significant growth in the next few years. More locally, while the Botwell Green Sports and Leisure Centre, located opposite the application site is currently underutilised, this is expected to change expected to increase as the local population grows.

With this in mind, it is expected that the additional parking spaces proposed would help meet future short term parking demand at this specific location.

It is therefore concluded that the amount of parking spaces can be, in these particular circumstances and at this specific location, be accepted subject to the following requirements:

- The developer should undertake a traffic impact study to assess the overall impacts associated with the larger parking provision and contribute towards the costs of appropriate mitigation measures;

- Agree to retain in future, through the imposition of a planning condition, the current proposals for car park use, i.e. 90 minutes free parking.

- A car park management plan should also be secured through a planning condition.

## 5. Other Parking Provisions

Notwithstanding the comments included in the previous section it is considered that parking provisions for other users are adequate and in line with current standards. These are:

- 14 spaces for blue badge holders (10% of total parking spaces);
- 7 spaces for brown badge holders (5% of total parking spaces);
- 5 parent & child spaces;



- 7 spaces for motor cycles (1 space every 20 car spaces);
- 15 long stay and 25 short stay cycle parking spaces (above current minimum standards).

The proposals allow for the provisions of 4 ECV points, 2 active and 2 passive, which would be of the rapid type, allowing vehicles to be charged in about 30 minutes. Current standards require 10% of the total parking spaces to be active ECV, and 10% passive ECV but do not specify the type of infrastructure.

Considering that the developers are offering to enable at the proposed charging points the rapid equipment, it is considered that the proposed provisions are acceptable.

The above parking numbers and provision of rapid charging equipments at the ECV points should be secured through a condition imposed on the planning permission.

## 6. Trip Generation and Distribution

The trip generation has now been revised and is based on trip rates derived from surveys undertaken at two Lidl sites in Tooting and Wallington. The trip rates have now been expressed, as request by the previous comments, in terms of 100 sqm of Gross External Floor Area.

It is considered that the developers have not addressed previous comments regarding trip generation methodology. In previous comments dated 10 Feb 2016, the Council requested trip rates to be estimated for general foodstore use and these new trip rates compared to those estimated using Lidl stores only. Following this comparison, it was suggested that the highest trip rates be used for the assessment, in order to have confidence that the worst case scenario was used in the assessment. In this respect, it should be noted, that planning permission is granted for a particular user class and not to a specific retail group.

It was further suggested that, when selecting comparison sites, care should be taken in including only sites with levels of parking comparable to those proposed in the current application.

The proposed trip rates presented in the Addendum are not estimated using this methodology: in fact, these are estimated using, as comparison sites, two Lidl stores in Tooting and Wallington respectively. To complicate matter further, there is no information regarding the level of parking at these two sites, so that it is not possible to estimate the potential impact, on trip rates, deriving from the provision of the proposed number of parking spaces (142).

In conclusion, there are still reservations as to the accuracy of the overall trip generation, specifically related to:

- A comparison between trip rates derived from other Lidl stores and generic foodstores has not been undertaken, so there is no confidence that the worst case scenario has been considered in the assessment;
- There is no confidence that the proposed flow generation takes into account the level of parking proposed at the site and how this could impact on trip rates.

All the other assumptions related to multimodal trips and trip distribution within the network appear to be sufficiently accurate for the purposes of this assessment.

## 7. Traffic Modelling

It is noted that most of the previous comments related to traffic modelling have not been incorporated in the latest submission. It is therefore concluded that the traffic modelling produced in support of the application is still sub standard and does not give the necessary confidence that the

likely impacts of the proposals are estimated with a sufficient degree of accuracy.

The main concerns are as follows:

- It is not clear how flow redistributions caused by the opening of the town centre link (Station Road) were estimated or, indeed, if these were at all taken into account
- There is no indication that the base junction capacity models have been validated. As a result, there is no confidence that the baseline results are actually representative of current traffic operations;
- The comment at the paragraph above does not apply to the model developed for the site access, as this junction does not currently exist;
- There is very little information relating to the development of the VISSIM model. Specifically, there is no evidence that the base model has been validated. As this model has been extracted from a wider area model it should be re validated to ensure that it is still representative of current traffic conditions;
- It is not clear what base flows were used in the base VISSIM model, i.e. the flows included in the original town centre model or those collected for the present study;
- The proposed VISSIM models do not include a future year assessment to 2021;
- Some essential VISSIM outputs have not been submitted, such as: error files (if any) and journey times along main routes within the study network.
- There appear to be discrepancies between the results of different modelling packages, especially in terms of queues along junction approaches, which cast serious concerns as to reliability of the submitted models.

It is therefore recommended that the models be thoroughly reviewed in line of the comments above, in order to provide the Council with a reasonably accurate estimate of future year network performance and allow for the development, as necessary, of a suitable package of mitigation measures.

The Council is available to provide to the developers, if required, detailed guidance as to the expected standards to which the traffic models should conform. As a general rule, the MAP process and TfL Modelling Guidelines should be followed during the development of the traffic models.

In order to move forward we suggest the Section 106 should require the developer to carry out a study of the network, scope to be agreed with LBH, to be completed before commencement of development and a sum with an upper limit of £ 150,000 set aside for any mitigation works which ought to be completed prior to occupation. These costs are in addition to any other highway works, at and adjacent to the site access, already proposed by the developer and shown on plans.

#### TREE AND LANDSCAPE OFFICER:

The amended scheme addresses the issue of the proposed car park access off Church Road. The new proposal involves a new access to Lidl's car park, off Central Avenue. This has resulted in minor amendments to the site layout. The site plan incorporates the Council car park which will have a new dedicated access off Central Avenue.

Impact on trees

The most recent Tree Works Report by Landmark Trees is dated 19 February 2016. This was prepared in response to a previous submission and does not consider the additional trees affected by the current proposal.

Specifically, the Proposed Site Layout (Option 1) plan ref. 407 Rev Q will affect council-owned trees and require the removal of London Planes from the avenue in Central Avenue, to facilitate the new access to the public car park.

#### Landscape proposals

Detailed landscape discussions had taken place (ending in February 2016) with Lidl regarding tree loss / replacement and the landscape strategy for the previous scheme.

ACD's drawing ref. 18911-11 Rev T, dated 13/04/2016 fails to reflect the outcome of previous landscape comments discussed with Lidl and provides a weak site layout with only sparse planting within the site and along the boundaries, despite significant tree removal - including trees to be removed from Council land. The increased land take has provided additional areas for potential planting. Only 11 No. replacement trees have been specified with boundary planting specified at 14metre centres. The proposed tree cover / replacement strategy - and sizes at the time of planting - is inadequate.

No landscape strategy has been provided.

The proposals include the re-planting and management of soft landscape areas on the highway verge of Botwell Lane. Working on the Council's land and maintaining the newly planted areas will require a Licence Agreement /Landlord's Consent.

If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals replace the tree cover to re-instate and enhance the landscape character and appearance of the area.

#### Recommendations

There is insufficient updated information to recommend approval for this scheme.

If the application is recommended for approval, the following conditions should be imposed: COM6, COM8 (the Tree Report needs to be updated and a new Arboricultural Method Statement and Tree Protection Plan submitted, prior to work commencing), COM9 (parts 1 (boundary planting to include a 1200mm high planted buffer zone, tree planting stock to be specified at 20-25cm girth), 2, 3, 4, 5 and 6) and COM10.

The developer will be required to obtain a Licence to carry out work on highway land (verges) and maintain the soft landscape thereafter.

#### FLOOD AND WATER MANAGEMENT OFFICER:

Following the submission of the Flood Risk Assessment by PBA this demonstrates that the site lies in Flood Zone 1 and the site will be controlled to greenfield run off rates through a sustainable scheme through an outline scheme. Subject to a recommended condition, requiring the submission of the detailed design of the sustainable water management scheme, there are no objections.

#### SUSTAINABILITY OFFICER:

#### Energy Comments

I have no objections to the proposed development.

The proposals do not meet the London Plan CO2 reduction targets on site and the submitted assessment recognises a need for an offsite contribution.

I have no objections to the use of energy efficiency measures, but the lack of recourse to renewable technology has resulted in a shortfall of 5.5tCO2/annum as recognised in the assessment.

Accordingly, for the development to be compliant with the London Plan CO2 reduction targets, a contribution of £9,900 needs to be secured through the S106 to provide carbon reduction solutions offsite.

I have no further objections subject to the development being carried out in accordance with the approved energy strategy and subject to the S106 contribution outlined above.

In addition, the conditions need to be added to secure the use of living walls, roofs and screens and an ecological enhancement scheme.

#### ENVIRONMENTAL PROTECTION OFFICER (NOISE):

The revised noise report addresses my previous concerns/comments regarding the baseline noise survey period not including a weekend period and the distance corrections applied that were raised in my previous email. The revised assessment suggests noise levels from plant noise and delivery noise will be below the background noise levels and therefore complies with our requirement for commercial/mechanical noise criteria. There are no further objections. Subject to the recommendations in the reports, including the provision of an acoustic fence along the edge of the loading bay ramp and conditions restricting loading and unloading operations, including collection of refuse except between: 0700 and 2300, Mondays to Saturdays and 0900 to 1800 Sundays, Public or Bank Holidays and details of any floodlighting to be submitted and construction informative, the scheme is acceptable on noise grounds.

#### ENVIRONMENTAL PROTECTION OFFICER (AIR QUALITY):

Having reviewed the submitted air quality assessment on the revised proposals (signed as authorised on 28/7/16), I have the following comments:-

The development site is within the declared Air Quality Management Area within an area where the air quality is already poor with concentrations of nitrogen dioxide exceeding the annual mean objective along a number of the roads around the development. The area is also identified by the GLA as an Air Quality Focus Area requiring improvements.

The air quality assessment concludes that the overall air quality impact is described as negligible with a resulting effect as "not significant" therefore no mitigation measures are considered necessary.

The additional traffic associated with the proposed development requires the use of residential roads and there is also a local primary school in close proximity. The impact of the traffic has been assessed as increasing pollution at a number of receptors around the site including at a receptor on Botwell Lane where the assessment indicates pollution levels are already above the air quality standard.

The Council considers any increases in pollution at sensitive receptors already above the air quality

standards as significant and therefore requires mitigation, this is supported by the identification of the area as a GLA Air Quality Focus Area which requires the borough to report on actions taken in such areas to reduce pollution and reduce public exposure to unacceptable levels of pollution. The report has not included an assessment of any associated energy provision in terms of air quality impacts and an air quality neutral assessment has not been provided within the air quality assessment.

These comments are made in the absence of information from the transport team. Should the transport team comments indicate that the traffic impacts are worse than the assessment indicates, for example, the development causes more congestion than has been identified. In these circumstances a traffic and air quality study should be secured which incorporates measures for implementation which relieve congestion and improve air quality.

Should the development be recommended for approval, conditions are required to ensure i) non road mobile machinery (NRMM) must meet Stage IIIA criteria of EU Directive 97/68/EC and registered online on the NRMM website at <http://nrmm.london/>, ii) the Construction Management Plan must include an air quality and dust management plan, in accordance with the Control of Dust and Emissions during Construction and Demolition SPG (GLA) with full implementation of the identified mitigation measures and iii) a low emission strategy.

Further comments:

I have reviewed the comments made by the Transport Team in regards to this planning application. My previous comment above in relation to transport stated:

These comments are made in the absence of information from the transport team. Should the transport team comments indicate that the traffic impacts are worse than the assessment indicates, for example, the development causes more congestion than has been identified. In these circumstances a traffic and air quality study should be secured which incorporates measures for implementation which relieve congestion and improve air quality.

The Transport Team have put forward concerns in relation to the traffic generated by this proposal. Given that this development is within an area already subjected to poor air quality and that the access to the site is through residential areas I would recommend that the scope of the traffic study requested via s106 includes:

the scope of traffic study must include an assessment of the resulting air quality impacts:

the mitigation works must include, and evaluate, specific measures which will reduce pollution emissions and consider specific measures to be incorporated to protect existing receptors, for example but not restricted to, the use of green infrastructure.

EPU (LAND CONTAMINATION) OFFICER:

The site investigation report is the same report as reviewed previously and looks the same in terms of contamination information. No contamination of concern was found using the commercial end use contaminant targets, however I do advise a condition in case the areas of deeper fill in the swimming pool being contaminated. The imported soil for the landscaped areas requires verifying by chemical testing. A recommend a combined contaminated land and imported soil condition.

ACCESS OFFICER:

This development application is a resubmission (of a previously withdrawn application) for a new

Lidl store to occupy the former Hayes Swimming Pool site. The Design & Access Statement reports on the provision of 146 car parking spaces of which 14 would be accessible. 7 wide bays would be allocated for Hillingdon's older residents who hold a Brown Badge.

The submitted plans raise no concerns from an accessibility standpoint.

#### Recommended Informatives

1. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance.
2. Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur.
3. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

Conclusion: Acceptable

#### S106 OFFICER:

1. Highways: S278/S38 to secure highways works as indicated on the approved drawings with final details to be agreed by the Local Planning Authority,
2. A traffic and air quality impact study to assess the overall impacts associated with the overall parking provision within the store's car park and contribute towards the costs of appropriate mitigation measures,, including highway works and to include and evaluate, specific measures which will reduce pollution emissions and consider specific measures to be incorporated to protect existing receptors, for example but not restricted to, the use of green infrastructure, with an upper limit of £150,000 for mitigation works,
3. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,
4. Delivery and Servicing Management Plan,
5. Tree planting and landscaping works on public highway, to include a licence agreement (to plant and maintain the landscape on highway land),
6. £9,900 carbon offset contribution
7. Employment Training Strategy. For the commercial operations an employment training initiative will be required to address employment training matters as a result of the proposal if approved. It is our preference to deliver in-kind employment training schemes over a financial contribution.
8. Construction training: A financial contribution to the sum of: Training Costs: £2500 per £1m build cost + Coordinator costs -  $3256/7500 \times £71,675 = £31,116.50$ ,
9. Project Management & Monitoring Fee: equal to 5% of total cash contributions

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

#### **LOSS OF LEISURE FACILITY**

The former Hayes swimming pool site is currently vacant and its last use was 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 land or buildings used for (or where the last authorized use was for) sports, community, religious, cultural and entertainment activities, including leisure facilities unless adequate, alternative facilities are available.

The principle of the loss of a leisure use from this site has been established with the granting of outline permission on 2/11/10 for a 72 unit housing re-development of the site (App. No. 1942/APP/2010/31 refers) and then by the granting of permission for a Lidl store on the eastern part of the site on 11/9/14 (App. No. 1942/APP/2013/3565 refers) which involved the removal of the pool. The leisure use, including a new 25m long pool has now been re-provided on the opposite side of Central Avenue with the opening of the Botwell Green Sports and Leisure Centre in May 2010.

## LOSS OF POTENTIAL HOUSING

This scheme is now for the retail re-development of the whole former swimming pool site. As part of the justification for the consented store, Lidl advised at that time that the western part of the site could still be utilized for housing and that this potential had not been prejudiced due to the careful design of the foodstore.

As regards this application and the loss of the remainder of the site where housing had previously been granted, the submitted Planning Statement advises that:-

1. The site was marketed for housing with the benefit of planning permission (albeit only for a number of months) but without success, so doubt as to whether housing scheme was viable,
2. The Council's 5 Year Supply of Deliverable Housing Sites 2014/2015 - 2019/2020 published in March 2015 identifies a healthy supply of deliverable sites that can provide 2,781 additional dwellings over the next 5 years, 153% of the minimum 5 year supply target of 1,810 dwellings.
3. Concerns raised as part of the consultation process on the previous housing scheme such as impact on existing infrastructure such as schools and services and the lack of car parking facilities in the town centre would not arise with this development.

In contrast, the regeneration benefits would include bringing this edge of centre site which has been vacant for a number of years back into use and will act as an anchor to Hayes Town Centre improving its viability through linked trips and increased footfall. The store would also generate approximately 30 new jobs for local people and is likely to improve investor confidence and may attract new retailers. This scheme would also provide for the comprehensive re-development of the vacant site.

Officers consider that as the site not been specifically allocated for housing, Hillingdon already satisfies its housing targets and the Hayes area in particular has experienced significant existing and proposed housing growth, no objections could be raised to no provision being made for housing on this site.

## THE PRINCIPLE OF THE RETAIL USE

The principle of a 2,085sqm GIA (1,407sqm sales area) Lidl store has already been established on part of this site with the grant of planning permission on 11/9/14 (App. No. 1942/APP/2013/3565 refers).

The previous officer's report advised that:-

'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 accompanying Planning Statement with this application advises that although the net sales area is only marginally increasing by 282sq. m, the current proposal is acceptable in retail planning terms but for the sake of clarity and completeness, retail policy issues are re-assessed. This includes an assessment of existing convenience provision on which the statement concludes that whilst 'Hayes remains relatively vibrant, it is inhibited by the limited retail offer and experiences continued pressure from new and existing out of centre convenience provision. An anchor foodstore in the town centre would clearly assist Hayes in fulfilling its role as a District Centre.'

The statement provides a detailed retail assessment of the scheme in accordance with the NPPF, including the consideration of alternative, more sustainable sites as part of a sequential assessment. As advised on the previous scheme, 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 area a deep discounter such as Lidl typically serves.

Lidl's business model requires a minimum size of store for trading operations to be viable. Only one of ten sites considered, referred to as the Western Core, Hayes Town Centre site was considered to be sequentially preferable which is identified in the adopted UDP (1998) as a potential development site. As previously considered, 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 car parking spaces required to serve the store and to allow for access by service vehicles.

In conclusion, the sequential test, has again 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 within but 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). Having regard to the requirements of the NPPF at paragraph 24, it is considered that that there are no preferable sites following the sequential approach to site selection.

The NPPF also covers the requirement for impact assessments. Paragraph 26 requires that this should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. In addition, paragraph 26 requires the impact assessment to include an assessment of the impact of the proposal on town centre vitality and viability.

As mentioned above, impact assessments are only required for developments which are



not 'in centre' and therefore such an assessment is not required by policy. Notwithstanding this, as on the previous Lidl application, the applicant has provided an assessment for robustness.

The Planning Statement advises that as noted in the 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 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.

The Impact Assessment does not identify any planned investment/commitments which the application would have an impact upon. 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 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 development.

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 statement suggests that the Inspectors 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.

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 upermarket 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.

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. Concerns were raised on the previous application that the 62 spaces proposed were insufficient. This proposed development will include 142 spaces, which will be able meet the demands of the foodstore and also support the wider town centre with spaces located within two minutes walk from the Primary Shopping Area.

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**

The application site, although it lies close to medieval Botwell, is not located within an Archaeological Priority Area. English Heritage have been consulted on the application and advise that the site has been previously developed and therefore is unlikely to have a significant effect on heritage assets of archaeological interest. As such, no further assessment or conditions are required.

The site does not fall within an area of Special Local Character or Conservation Area, although the site does immediately adjoin the Central Avenue, Hayes Area of Special Local Character to the north. The works immediately adjoining this site involve those to the public car park which will not have any material impact in terms of visual amenity, whilst the new store would be sited a sufficient distance and largely screened by trees so that it would not materially impact upon views from the area of special character.

In terms of surrounding listed buildings, 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. The previous report noted that 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. Also, in terms of the locally listed Hayes Library building on Golden Crescent, this building would be largely screened by adjoining buildings so that the proposal would not adversely affect its

setting.

It is therefore considered that the proposal would be unlikely to have an adverse impact on the architectural interest of the site or have a detrimental impact on the setting of the listed buildings or conservation area, in accordance with Saved Policies BE3, BE4 and BE10 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

#### **7.04 Airport safeguarding**

The application raises no airport safeguarding issues.

#### **7.05 Impact on the green belt**

The application site does not form part of nor is it located close to the Green Belt. As such, no Green Belt issues are raised by this application.

#### **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 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 forms a prominent corner plot located on the edge of Hayes Town Centre and benefits from an attractive setting, including tree avenues along Central Avenue and 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, 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 is approximately 13.5m high.

The overall bulk and design of the building is very similar to the Lidl store previously granted permission (App. No. 1942/APP/2013/3565 refers) and follows the general design model developed by the company over recent years. The main change to the building is that the store would now have a larger footprint, be sited closer to the southern corner of the site adjoining the Botwell Lane and Central Avenue road frontages and the store's entrance would be positioned in the south western corner of the building where it would adjoin the store's car park, as opposed to the south east corner.

In terms of the store's siting, although it would be sited closer to the road frontages, there

are no uniform building lines within this part of the town centre. The building would maintain a minimum set back of some 3.6m to the Central Avenue frontage and 2.3m from the corner of the building roof over the entrance to the Botwell Lane frontage. Given the modest size of the building (with a maximum height of 7.6m), these distances are sufficient to ensure the building would not appear unduly prominent within the street scene and enable landscaped beds of a suitable depth to be provided/retained along parts of this corner frontage that will supplement the retained shrubs and trees on the highway. Importantly, along the Botwell Lane frontage, the store would provide more of an attractive and active frontage with the area in front of the store providing an open landscaped public area that would link the store entrance and its car park with Central Avenue and Hayes town centre beyond, assisting in the encouragement of linked trips with the town centre and surrounding leisure and community uses.

It will be necessary to thin out and remove various trees and shrubs along the road frontages to accommodate the accesses and provide views into the site. Whilst some tree loss will be acceptable, it will be important to ensure that any loss is kept to a minimum to maintain the character of the road frontages. It will also be important to ensure that replacement trees are provided and a comprehensive landscaping scheme is provided.

The re-modeling and resurfacing works to the public car park would not have significant implications for the street scene, and tree loss associated with the scheme is dealt with in Section 7.14.

#### **7.08 Impact on neighbours**

Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to prevent development which would be detrimental to the amenity of nearby occupiers by way of its 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 development does not have an adverse impact on the amenity of existing residential properties due to a loss of privacy.

The proposal does include first floor staff and service accommodation but this is on the western side of the building which faces over the proposed car park. The nearest residential properties to the proposed development are located on the southern side of Holmbury Gardens which back on to the site's northern boundary. The nearest of these residential properties to the proposed building, no. 9 would have its main rear elevation sited over 50m from the nearest part of the proposed store building, the side of the service bay which at this point drops down to a maximum 7.1m height. Although there are no relevant standards for commercial development, this distance significantly exceeds the Council's minimum separation distances for residential development in the Council's Supplementary Planning Document: Residential Layouts which requires minimum distances of 15m and 21m between two storey property (which would be comparable to the 7.1m height) and their facing habitable room windows to prevent properties being adversely affected through dominance and loss of privacy.

Residential properties are also located in Church Road, Botwell Lane, Golden Crescent and Nield Road to the east of the site, on the opposite side of Botwell Lane / Church Road. The nearest of these to the proposed store would be No. 102 Nield Road, but this would be separated from the nearest 7.6m height of the south west corner of the building by some 37m and its orientation would result in it not directly facing the application site. In addition, the existing mature tree planting around the site boundaries would be retained and provides screening for surrounding residential properties.

Given the distances between the proposed building and the nearest residential properties, in addition to retained screening provided around many of the site boundaries by existing mature trees, 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 commercial development.

#### **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 the 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.

Policies AM2 and AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) advise respectively that proposals for development will be assessed against their contribution to traffic generation and congestion, particularly on principal roads, although having regard to the present and potential capacity of public transport and that the traffic generated by proposed developments would need to be accommodated on principal roads without increasing demand along roads or at junctions already used to capacity, not prejudice the free flow of traffic, nor diminish environmental benefits brought about by other road improvement schemes or infiltrate local roads. Policy AM9 supports cycle provision, including the need for cycle storage provision within development schemes and Policy AM14 advises that development should accord with adopted car parking standards.

#### **Parking**

A total of 142 car parking spaces are proposed including 14 disabled spaces, 7 brown badge spaces and 5 parent & child spaces. In the case of foodstore developments over 2,500 square metres GIA with a PTAL of between 2-4, the London Plan car parking standards stipulate a maximum of one space per 25-18sqm, giving a maximum standard for a store of this size of 102 and 142 spaces. However, the Council's Highway Engineer advises that as the site has a PTAL score of 4, the lower end of the parking range should apply, as inferred by TfL in their comments. Furthermore, the submitted parking accumulation assessment suggests that a maximum accumulation of 50 and 91 vehicles would occur during a typical week day and Saturday respectively, demonstrating that the car park would have ample capacity to deal with typical peak periods on a typical weekday and Saturday with a spare capacity of 11 and 52 spaces during these times to deal with exceptionally busy periods such as the lead up to religious holidays.

Given the town centre location of this development, there is clearly the potential of this site to generate linked trips with surrounding leisure and community facilities and the town centre that may justify a higher level of parking. In this context, it is likely that Hayes town centre is likely to experience significant growth over time and more, locally, the Botwell Green Sports and Leisure Centre, located opposite the application site, is currently

underutilized and use is expected to increase as the local population grows. The Highway Engineer advises that with this in mind, the additional parking capacity in these particular circumstances and at this particular location could be supported. However, the developer would need to undertake a traffic impact study to assess the overall impacts associated with the larger parking provision at the site and a contribution towards the cost of mitigation measures, if appropriate, would be needed. This would also require that the current proposals allow for 90 minutes of free parking and a car parking management plan would be needed, which should be controlled by conditions. A S106 Heads of Terms and the conditions have been included in the officer's recommendation.

It is noted that disabled parking provision, motorcycle and cycle parking provision with 15 long stay and 25 short stay spaces are sufficient to satisfy current standards. As regards electric charging points, London Plan standards require 10% of spaces to have active provision and a further 10% of spaces being capable of providing provision in the future. The applicant argues that typical chargers take too long to be effective in this situation, where a typical visit would last for no more than an hour. Therefore, rapid type chargers are proposed which can charge vehicles in around 30 minutes. The proposal includes provision for 2 active and 2 passive spaces which given a standard charger can take around 4 hours, is comparable and can be supported.

#### Traffic Generation, Distribution and Modelling

Transport Assessments have been submitted in support of this revised application which up-date the previous assessments undertaken, which includes a specific Lidl assessment which makes use of London based Lidl user data and operational information. The assessment notes that in terms of the wider highway network, the majority of trips made to the foodstore will be pass-by, linked or diverted trips and would therefore already be on the surrounding highway network in some form at present.

The Council's Highway Engineer has reviewed the reports and advises that there are reservations in terms of the accuracy of the overall trip generation predicted as this does not relate to the overall provision for parking provided at the site which would be over and above the demand generated by the store. Therefore, further assessment as detailed above is required. The Engineer also raises concerns with some of the other modeling undertaken and advises that these be reviewed as part of the new assessment.

#### Access and Servicing

The Highway Engineer has reviewed the application in terms of the access arrangements and confirms that the proposed layouts of both the proposed store and public car park are acceptable and no concerns are raised in terms of access to the store and in terms of the highway alterations, which need to form the subject of a legal agreement. A condition to ensure the new car park satisfies Park Mark standards is also recommended which forms part of the officer's recommendation.

### **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 Metropolitan Police Crime Prevention Officer has reviewed the application and raises no objections providing security is factored into the development. The development will increase pedestrian and vehicle activity and should achieve Secure by Design Certification as per the Commercial 2015 Design Guide.

The Secure by Design accreditation requested by the Metropolitan Police has been secured by a recommended condition.

#### **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.

Policy 7.2 of the London Plan and Policy R16 of the Hillingdon Local Plan: Part Two - Saved UDP Policies provide that developments should seek to provide the highest standards of inclusive design and accessibility and this advice is supported by the Council's Supplementary Planning Document - Accessible Hillingdon.

The revised proposal would provide 142 car parking spaces of which 14 would be for disabled persons, a further 7 would be brown badge spaces and 5 would be parent and child spaces. The application is also supported by a Design and Access Statement.

The Council's Access Officer has reviewed the application and advises that the scheme makes adequate provision in terms of inclusive access, subject to informatics to advise on specification of induction loops, minimizing interference with induction loops and flashing lighting associated with fire alarms should avoid affecting those with epilepsy. These have been included in the officer's recommendation.

As such, the scheme is considered to comply with Policy R16 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), London Plan Policy 7.2 and the Council's Supplementary Planning Document 'Accessible Hillingdon'.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this development.

#### **7.14 Trees, landscaping and Ecology**

Trees and Landscaping

Policy BE38 of the Hillingdon Local Plan advises that new development should retain topographical and landscape features of merit and that new planting and landscaping should be provided wherever it is appropriate.

The swimming pool site is surrounded by hoardings. On the southern and western side of the site in front of the hoardings is a highway verge of varying width which contains mature trees, shrubs and grass which is currently managed by Hillingdon Council. The northern site boundary adjoining Holmbury Gardens is defined by a mature mixed buffer of conifers and Hornbeam trees which effectively screen views into the site from the residents of Holmbury Gardens. Along Central Avenue, the character of this space is dominated by the large roadside London Plane trees 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 screening to the site. The majority of the trees, in particular those close to the boundaries of the site, have high amenity values.

The Tree and Landscape Officer advises that no discussions relating to the effects of the revised proposals on trees / landscape has taken place. The most recent Tree Works

Report by Landmark Trees is dated 19 February 2016 and was prepared in response to a previous submission and does not consider the additional trees affected by the current proposal. Specifically, the Proposed Site Layout plan ref. 407 Rev Q will affect council-owned trees and require the removal of London Planes from the avenue in Central Avenue, to facilitate the new access to the public car park.

In terms of the landscape proposals, the officer advises that the current application provides a weak site layout with only sparse planting within the site and along the boundaries, despite significant tree removal, including trees to be removed from Council land.

No landscape strategy has been provided.

The proposals include the re-planting and management of soft landscape areas on the highway verge of Botwell Lane. Working on the Council's land and maintaining the newly planted areas will require a Licence Agreement /Landlord's Consent.

If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals replace the tree cover to re-instate and enhance the landscape character and appearance of the area. These conditions form part of the officer's recommendation.

#### - Ecology

Saved Policy EC2 of the Hillingdon Local Plan seeks the promotion of nature conservation interests and Saved policy EC5 seeks the retention of features, enhancements and creation of new habitats as part of development proposals as necessary. London Plan Policy 7.19 seeks ecological enhancement.

The proposal has been accompanied by a Preliminary Ecological Appraisal. This advises that the site is not designated for its nature conservation interest value, nor does it lie adjacent to any such area or any site of local ecological interest. Habitats on site are considered to be common and widespread so as to be of site interest only, particularly the mature trees. No evidence on site was found of badgers, the site, due to its isolation from other habitats, including ponds and other water bodies minimizes the potential of the site to support common reptiles and great crested newts and the trees did not support features associated with bats. As such, no further surveys were recommended for protected species. The report concludes that as many of the mature trees should be retained as possible and some new native trees are to be planted within the site, and any site clearance should be undertaken outside of the bird nesting season. Ecological enhancements should include invertebrate boxes and bird boxes and planters for public open spaces should include nectar options and good amenity value.

The Council's Sustainability Officer raises no objection to the proposal, subject to a scheme of ecological enhancement which is included as part of the officer's recommendation.

### **7.15 Sustainable waste management**

The submitted plans do not show any specific provision being made for waste and recycling, although there is a separate utility room with a separate external door which could be used for waste and recycling storage.

Commercial site operators do have a duty of care to contain waste safely until it is



collected by a licensed waste carrier. A condition has been included in the officer's recommendation, requiring details of waste and recycling storage to be submitted.

#### **7.16 Renewable energy / Sustainability**

##### **Sustainability/Energy**

The application has been supported by a Sustainability and Energy Statement which advises that it is not feasible to meet the 35% policy target of CO2 savings on site, as the scheme can only make a 26% saving, but an offsite contribution of £9,900 is offered to offset the shortfall.

The Council's Sustainability Officer advises that although the statement does not consider renewable technology, no objections are raised to this approach, providing the £9,900 carbon offset contribution is secured through a S106 Agreement and subject to the development being carried out in accordance with the approved energy strategy. The officer also advises of the need for a condition to require the scheme to incorporate green walls/roofs/screens and this has been incorporated in the landscaping scheme condition.

#### **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) has been submitted on the former Swimming Pool site as part of the original application which provides an assessment of the flood risk and provides a drainage strategy. It advises that the site will be controlled to greenfield run off rates through a sustainable drainage scheme. The Council's Flood and Water Management Officer advises that the FRA and the proposal is acceptable, subject to a condition requiring the submission of the detailed design of the sustainable water management scheme. The officer has advised verbally that the revised scheme is also acceptable from a flooding perspective, providing sustainable water management measures are also employed on the public car park. This has been controlled by recommended condition.

#### **7.18 Noise or Air Quality Issues**

##### **NOISE**

The National Planning Policy Framework (NPPF) at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by, amongst other matters, "preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability." Paragraph 123 states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and that other adverse impacts on health and quality of life arising from noise from new development should be mitigated and reduced to a minimum, including through the use of conditions.

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.

Noise reports assessing the noise arising from operations associated with the proposed development have been submitted. They describe a noise survey which was carried out to determine the existing baseline noise climate and a modelling exercise was undertaken to assess the plant, delivery operation and car park activity equivalent noise levels at the facade of the nearby noise sensitive receivers. The Assessments conclude that the proposed plant, servicing operation and car park activities are considered acceptable in terms of noise emission to the dwellings in the vicinity. Following review by the Council's EPU officer, a further assessment has been submitted, which mainly assesses noise impacts at the weekend. The EPU officer raises no further objections to the scheme on noise grounds, subject to the recommendations in the reports, including the provision of an acoustic fence along the edge of the loading bay ramp and conditions restricting loading and unloading operations, including refuse to between the hours of 0700 and 2300, Mondays to Saturdays and 0900 to 1800 Sundays, Public or Bank Holidays and on a somewhat different issue, details of any floodlighting to be submitted and the construction informative. 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.

These conditions form part of the officer's recommendation.

## 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 Council's Environmental Protection Officer advises that the development site is within the declared Air Quality Management Area within an area where the air quality is already poor with concentrations of nitrogen dioxide exceeding the annual mean objective along a number of the roads around the development. The area is also identified by the GLA as an Air Quality Focus Area requiring improvements.

The revised air quality assessment concludes that the overall air quality impact is described as negligible with a resulting effect as "not significant" therefore no mitigation measures are considered necessary.

The additional traffic associated with the proposed development requires the use of residential roads and there is also a local primary school in close proximity. The impact of the traffic has been assessed as increasing pollution at a number of receptors around the site including at a receptor on Botwell Lane where the assessment indicates pollution levels are already above the air quality standard.

The EPU Officer advises that any increases in pollution at sensitive receptors already above the air quality standards is significant and therefore requires mitigation, which is supported by the identification of the area as a GLA Air Quality Focus Area which requires the borough to report on actions taken in such areas to reduce pollution and reduce public exposure to unacceptable levels of pollution. The officer advises that the revised report has not included an assessment of any associated energy provision in terms of air quality impacts and an air quality neutral assessment has not been provided within the air quality

assessment.

The officer has clarified that having considered the Highway Engineers comments, the scope of the traffic study must include an assessment of the resulting air quality impacts and any mitigation works must include, and evaluate, specific measures which will reduce pollution emissions and consider specific measures to be incorporated to protect existing receptors, for example but not restricted to, the use of green infrastructure. Furthermore, conditions are required to ensure i) non road mobile machinery (NRMM) must meet Stage IIIA criteria of EU Directive 97/68/EC and registered online on the NRMM website at <http://nrmm.london/>, ii) the Construction Management Plan must include an air quality and dust management plan, in accordance with the Control of Dust and Emissions during Construction and Demolition SPG (GLA) with full implementation of the identified mitigation measures and iii) a low emission strategy. These form part of the officer's recommendation.

#### **7.19 Comments on Public Consultations**

This application is subject to a revised consultation.

The petition in support of the initial application and the individual comments received in support are acknowledged, together with the comments from the ward councillors.

A number of the comments raised objecting to the proposals, particularly many of the comments raising highway issues have, to some extent, been superseded by the revised scheme. Point (xvii) concerning competition is noted, but the NPPF advises that competition is encouraged and competition between stores can not be a reason for refusal. Points (xxii), (xxiii) and (xxiv) do not raise material planning considerations. Other issues raised have been dealt with in the officer's report.

#### **7.20 Planning obligations**

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. This saved UDP policy is supported by more specific supplementary planning guidance.

The Council's S106 Officer has reviewed the proposal. The officer advises that the following contributions or planning obligations to mitigate the impacts of the development would be needed:

1. Highways: S278/S38 to secure highways works as indicated on the approved drawings with final details to be agreed by the Local Planning Authority,
2. A traffic and air quality impact study to assess the overall impacts associated with the overall parking provision within the store's car park and contribute towards the costs of appropriate mitigation measures,, including highway works and to include and evaluate, specific measures which will reduce pollution emissions and consider specific measures to be incorporated to protect existing receptors, for example but not restricted to, the use of green infrastructure, with an upper limit of £150,000 for mitigation works,
3. Green Travel Plan in accordance with TfL guidance to include a £20,000 bond,
4. Delivery and Servicing Management Plan,
5. Tree planting and landscaping works on public highway, to include a licence agreement

(to plant and maintain the landscape on highway land),

6. £9,900 carbon offset contribution

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

8. Construction training: A financial contribution to the sum of: Training Costs: £2500 per £1m build cost + Coordinator costs -  $3256/7500 \times £71,675 = £31,116.50$ ,

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

As the application is being recommended for refusal, the S106 Agreement has not been progressed and therefore forms a further reason for refusal.

#### **7.21 Expediency of enforcement action**

There are no enforcement issues raised by this application.

#### **7.22 Other Issues**

##### **GROUND INVESTIGATION ISSUES**

A Geo environmental report has been submitted 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 inert waste such as wood, concrete, plastic 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 Officer has reviewed the submitted documentation and recommends that a contaminated land condition and soil contamination 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. The condition forms part of the officer recommendation.

#### **8. Observations of the Borough Solicitor**

##### **General**

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

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

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

##### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent

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

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

## **9. Observations of the Director of Finance**

## **10. CONCLUSION**

The acceptability of the principle of the retail re-development of this site has already been established by previous planning history. This store would be slightly larger and sited in the south eastern corner of the site, but this is considered to be acceptable in the context of the site. The scheme has been revised in order to relocate the access to the north on Central Avenue which has involved the need to reconfigure the adjoining Council car park, including the relocation of its access/ exit further along Central Avenue. These works have now been incorporated into this application.

Subject to no material planning objections being raised on the consultation undertaken on the revised layout and access to the proposed store and the re-configured public car park, that have not been considered in the officer's report and could not be adequately dealt with by condition, the scheme is recommended for approval, subject to a S106 Agreement

and the recommended conditions.

## **11. Reference Documents**

The Hillingdon Local Plan: Part 1- Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
London Plan (March 2015)  
National Planning Policy Framework (NPPF)  
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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