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Lidl, 137 Cowley Road, Uxbridge, UB8 2AG

Planning Statement

(including Fire Safety Reasonable Exception Statement, BNG Statement, Heritage Impact Assessment and Flood Risk Assessment)

Introduction and Purpose

1. This statement represents a Planning Statement submitted in support of the planning application submitted to the London Borough of Hillingdon (The 'Council') for the installation of 1 x EV Charger upstands and associated feeder pillar cabinet and car parking layout amendments (the 'proposed development') at Lidl, 137 Cowley Road, Uxbridge, UB8 2AG (the 'site').
2. Planning law¹ requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The purpose of this statement is therefore:
 - to identify development plan policies that may be relevant in the assessment of the development proposal; and
 - to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the development plan.
3. The Courts² have determined that it is enough that a proposal accords with the Development Plan when considered as a whole. It is not necessary to accord with each and every policy contained within the Development Plan. Indeed, it is not at all unusual for development plan policies to pull in different directions.
4. The position was confirmed by Patterson J in his judgement in *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC [2015] EWHC 2489 Admin* at paragraph 31:

I do not accept, lest it be thought to establish the proposition, that the case of Hampton Bishop (supra) establishes that a breach of one key policy was sufficient to find conflict with the development plan as a whole.

¹ Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004

² *Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001]*; *R. v Rochdale MBC ex parte Milne [2000]* & *City of Edinburgh Council v. Secretary of State for Scotland [1997]*

5. In addition, *R (Kverndal) v Hounslow LBC [2015] EWHC 3084 (Admin)* confirms that the Development Plan must be read as a whole so that conflict with one or more policies does not mean that planning permission should be refused.
6. Furthermore, the NPPF (2024) also recognises this where it is made clear that the Framework should be read as a whole.
7. The Planning & Compulsory Purchase Act 2004 defines the Development Plan for the purposes of this assessment process as the strategy for the region in which the site is located and Development Plan documents, taken as a whole, which have been approved or adopted for the area.
8. It is an established principle that planning policies should be interpreted objectively, in accordance with the language used, read in its proper context. They should not be interpreted as statutes or contracts³.
9. The purpose of this statement is therefore to identify Development Plan policies that are relevant in the assessment of the development proposals. Then to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict.

Background and Proposed Development

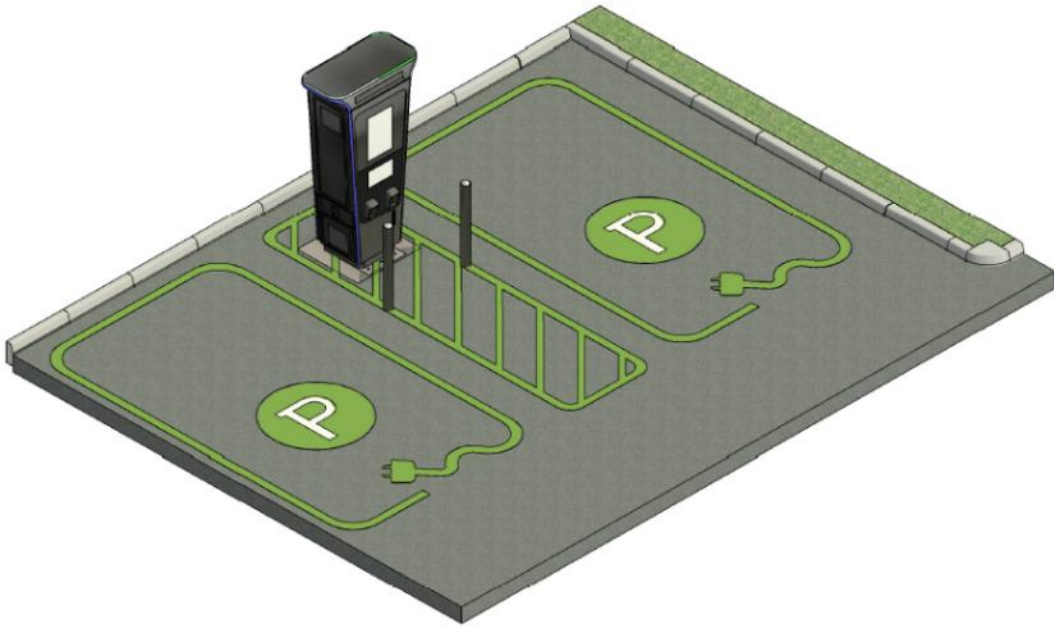
10. The application has been prepared by J Butterworth Planning and Parco Civil Engineering & Groundworks Ltd on behalf of Lidl GB and as part of our engagement with Lidl GB to date, we understand that as a supermarket committed to sustainability and customer service, Lidl are proud to host one of the highest proportions of rapid EV chargers in the retail sector, and are eager to grow this further.
11. In 2024, Lidl became the first supermarket in Britain to launch integrated EV charging payments through the Lidl Plus rewards app. This innovation allows customers to power up their vehicles while they shop, with seamless payment and loyalty benefits, a model that has been well received and continues to grow in popularity.
12. Lidl are keen to expand their EV charging network and see the following benefits:
 - Support for National Targets: The UK government has set a goal of installing 300,000 public EV charge points by 2030. Their expansion directly contributes to this target and demonstrates leadership in sustainable transport.
 - High-Density Areas: The proposed stores to retrofit are in densely populated areas in London, making them ideal hubs for convenient charging, especially for residents without private driveways or garages.

³ See paragraph 19 in the Court of Appeal Judgement 'Kinnersley and Maidstone Borough Council', [2023] EWCA Civ 172

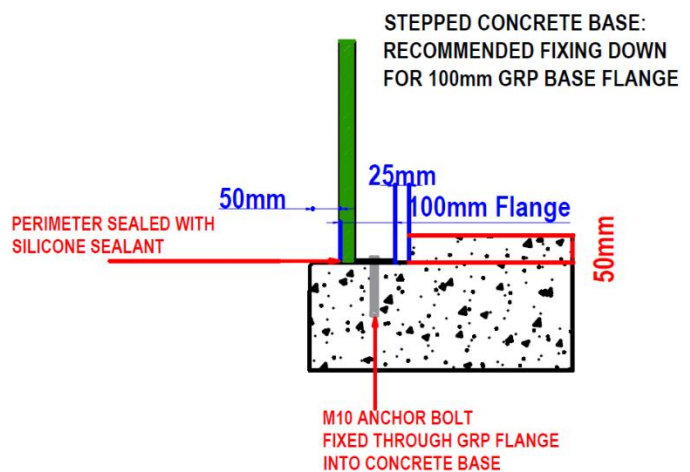
- Customer Convenience: Providing rapid charging options while customers shop enhances the overall retail experience and encourages EV adoption. Rapid charging provides a meaningful charge based on an average Lidl customer shop time.
 - Environmental Impact: Supporting EV use reduces carbon emissions and improves air quality.
 - Futureproofing: Expanding infrastructure now ensures readiness for the future growth of the EVs projected in GB.
13. In this regard, the application proposes the installation of 2 x EV Charger upstands and associated feeder pillar cabinet and car parking layout amendments to provide charging for 4 x electric vehicles.
14. The proposed development will be set within the area currently occupied by six parking spaces. In this regard, there is a net loss of two parking spaces.
15. Each Terra 60 EV Charger will be capable of charging 2 vehicles and will be 1,210mm in width, 2,215mm in height and 656mm in depth, sitting on a concrete plinth.



16. The chargers will be set in between 2 car parking spaces and protected by bollards, similar to the arrangement as shown below:



17. The proposed W2 GRP Walk-In Cabinet will be 2m in width, 2m in height and 1m in depth, sitting on a concrete plinth, as shown below:



Site Location and Description

18. The application site comprises part of the car parking area of a single-storey detached retail supermarket occupied by Lidl.
19. The site is located on the western side of Cowley Road.
20. To the north are three storey terraced houses and flats which front Hogarth Close. To the south is car dealership, the Ford SMC garage and the rear gardens of dwellings in Ferndale Crescent.
21. To the west are the Frays River and a small, wooded area, beyond which lie a designated industrial area and the Grand Union Canal. The wooded area to the west of the site is designated

as an area forming a link in a green chain and a Nature Conservation Site of Metropolitan or Borough Grade I Importance.

22. The proposed EV charging equipment will sit adjacent to Cowley Road, close to the site entrance.
23. The site does not contain a listed building and is not located within a Conservation Area. However, the site is opposite The Greenway Conservation Area and 1-4 Hogarth Close are Grade II listed. There are no locally listed buildings in the immediate area. The site is also within an Archaeological Priority Area.
24. The site is not within an area at risk of flooding.



Car park site in street scene

Planning History

25. The planning history of the site shows an approval in 2013 for installation of 5 air conditioning units and 1 fan chiller unit (retrospective) (Ref: 7008/APP/2013/1198).
26. This followed an application which was allowed on appeal in 2012 for a 'change of use from car sales and repair (mixed use sui generis and Class B2) to supermarket (Class A1), involving demolition of existing building and erection of single storey supermarket building, associated car parking and landscaping' (Ref: 7008/APP/2010/2758).
27. A Non-Material Amendment to appeal decision APP/R5510/A/11/2158101 dated 29/02/2012 to (i) relocate the entrance lobby; (ii) reduce size of sales area to 1,284sq.m; (iii) remove poor quality trees on southern boundary; and (iv) extend non-retail storage space by 71 sq.m on southern boundary, including enhanced welfare/cyclist facilities and associated amendment to fenestration was approved in April 2012 (Ref: 7008/APP/2012/787).

28. A 2023 application was approved for installation of ground mounted dry cooler, followed by the removal of existing wall mounted cooler (Ref: 7008/APP/2023/3688).
29. In this regard, the 2023 approved site layout plan (6145-0101 P01) shows a car parking area containing 75 car parking spaces, as shown below:



30. In addition, the 2023 plan shows the supermarket has a sales area of 1,267sqm plus a warehouse area of 253sqm and ancillary space of 111sqm. Therefore, the current floorspace is assumed to be 1,631sqm.

Development Plan Context and Policies

31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.
32. The Development Plan context in Uxbridge is provided by the **London Plan (2021)**, the **Hillingdon Local Plan Part 1: Strategic Policies (2012)** and the **Hillingdon Local Plan Part 2: Development Management Policies (2020)**.
33. The Local Plan Policies Map identifies the site within an Archaeological Priority Zone. The site is within Flood Zone 1.

34. As a result of the above, the following policies Development Plan policies have been identified as most relevant to the proposed development:

- London Plan
 - D3: Optimising Site Capacity through the design led approach
 - D12: Fire Safety
 - D14: Noise
 - T2: Healthy Streets
 - T4: Assessing and mitigating transport impacts
 - T6: Car Parking
 - T6.3: Retail Parking
 - T7: Deliveries, servicing and construction
 - HC1: Heritage conservation and growth
 - G6: Biodiversity and access to nature
 - SI 12: Flood risk management
 - SI 13: Sustainable drainage
- Local Plan Part 1: Strategic Policies
 - HE1: Heritage
 - BE1: Built Environment
 - EM1: Climate change Adaption and Mitigation
 - EM6: Flood Risk Management
 - EM8: Land, Water, Air and Noise
- Local Plan Part 2: Development Management Policies
 - DMTC3: Maintaining the Viability of Local Centres and Local Parades
 - DMTC4: Amenity and Town Centre Uses
 - DMHB1: Heritage Assets
 - DMHB2: Listed Buildings
 - DMHB4: Conservation Areas
 - DMHB7: Archaeological Priority Areas and Archaeological Priority Zones
 - DMHB11: Design of New Development
 - DMEI2: Reducing Carbon Emissions
 - DMEI9 Management of Flood Risk
 - DMEI14 Air Quality
 - DMT1: Managing Transport Impacts
 - DMT6: Vehicle Parking

35. These policies are discussed in more detail below, where relevant.

Material Considerations

36. The Government's **National Planning Policy Framework (2024)** (the 'NPPF') is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.

37. The NPPF confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
 - *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
38. The NPPF emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.
39. The NPPF confirms that at its heart is a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
40. Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
41. Paragraph 168 of the NPPF states that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.
42. Paragraph 115 of the NPPF relates to sustainable transport and states that in assessing sites that may be allocated for development in plans, or specific applications for development, it

should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.

43. In addition, paragraph 117 of the NPPF confirms that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
44. The Glossary to the NPPF defines 'sustainable transport modes' as:

Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport
45. In addition, the Glossary defines low carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels).
46. In this regard, the use of EV chargers is encouraged by the NPPF as an important aid in both reducing emissions, encouraging low carbon technologies and promoting sustainable transport modes.
47. An assessment of the Framework confirms that the proposed development can be considered consistent with national planning policies, and this provides support for the proposed development. This is discussed in more detail below, where relevant.
48. The **Overarching National Policy Statement for Energy (EN-1)** (Department for Energy Security and Net Zero) (March 2023) sets out national policy for the energy infrastructure and has effect for the decisions by the Secretary of State on applications for energy developments that are nationally significant under the Planning Act 2008.
49. Therefore, although not directly relevant to the proposed development assists in the aspirations for Net Zero recognizing that the demand for oil and gas will be much reduced in the future and encourages low carbon technologies.

Planning Assessment

50. The following assessment considers the relevant Development Plan policies identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be as well as any material considerations.

Principle of Development

51. Schedule 2, Part 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) confirms that in some circumstances the installation of an 'electrical upstand etc for recharging vehicles' is permitted development and does not require planning permission.
52. This includes:

The installation, alteration or replacement, at ground level within a non-domestic area lawfully used for off-street parking, of—

(a) equipment necessary for the operation of an upstand the installation of which would be permitted by this Class;

(b) a unit of equipment housing for the storage of equipment necessary for the operation of an upstand the installation of which would be permitted by this Class

53. In this regard, there are two elements to the proposed development:

54. Class E confirms that the development is not permitted if the upstand and outlet would:

(a) in relation to an upstand and outlet—	
(i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or	It is not within a residential curtilage
(ii) in any other case, exceed 2.7 metres in height from the level of the surface used for the parking of vehicles;	The proposed upstand is 2.215m in height
Paragraph (b) was deleted by 2025 No. 560	
(c) be within a site designated as a scheduled monument	The site is not a scheduled monument
(d) be within the curtilage of a listed building; or	The site is not within the curtilage of a listed building
(e) result in more than 1 upstand being provided for each parking space.	The proposed development includes 1 upstand for 2 parking spaces and therefore complies.

55. In this regard, it is noted that the proposed upstand falls within the parameters of permitted development, and this element of the proposed development does not require planning permission.

56. In this regard, this element must be acceptable in principle.

57. In relation to the equipment housing, Class E states that development is not permitted if—

(a) it would result in there being more than 1 unit of equipment housing within a nondomestic area lawfully used for off-street parking;

(b) the unit of equipment housing would—

- (i) have a volume exceeding 29 cubic metres;*
- (ii) exceed 3 metres in height from the level of the surface used for the parking of vehicles;*
- (iii) be within 5 metres of a highway;*
- (iv) be within 10 metres of the curtilage of a dwellinghouse or block of flats;*
- (v) be within a site designated as a scheduled monument;*
- (vi) be within the curtilage of a listed building.*

58. In this regard, the proposed development only needs planning permission due to its location within 5 metres of a highway (approximately 5m) and within 10 metres of the curtilage of a dwellinghouse (approximately 0.5m from the rear garden boundary of 1 Hogarth Close).
59. In this regard Policy T6 and T6.3 of the London Plan sets out that where retail parking is provided for new developments, parking facilities for electric vehicles should also be made.
60. Local Plan Policy EM1 seeks to target areas with high carbon emissions for additional reductions through low carbon strategies. These strategies will also have an objective to minimise other pollutants that impact on local air quality. Targeting areas of poor air quality for additional emissions reductions.
61. Local Plan Policy DMEI2 states that all developments are required to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets.
62. In addition, Local Plan Policy EM8 states that all development should not cause deterioration in the local air quality levels and should ensure the protection of both existing and new sensitive receptors and Local Plan Policy DMEI14 states that development should actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.
63. In this regard, the provision of infrastructure supporting the provision of electric vehicles, which are more sustainable and less polluting than traditional vehicles, is therefore considered to be in accordance with the policy aims of the Development Plan and so should be acceptable in principle. As discussed above such technology is also encouraged in the National Planning Policy Framework.
64. Local Plan Policies DMTC3 and DMTC4 promote the retention of retail, and the proposed development does not result in the loss of any retail floorspace and supports the existing retail use without detriment to the amenity of the area.
65. Therefore, the principle of the proposed development is acceptable.

Design and Appearance

66. In respect of design considerations Paragraph 131 of the NPPF confirms that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
67. Paragraph 135 states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; are sympathetic to local character and history, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
68. Paragraph 139 advises that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
69. In this respect the NPPF offers support to the proposed development which is of a high-quality functional design and will not have any detrimental impact on the commercial character of the area.
70. Policy D3 of the London Plan seeks that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth.
71. Local Plan Policy BE1 states that the Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.
72. In addition, Local Plan Policy DMHB11 states that all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design.
73. The proposal would see the net loss of two existing customer car parking spaces with the site to serve the installation of the EV charging station, feeder pillar and ancillary equipment. Two bollards will be erected for the protection of the feeder pillar.
74. The application site has a low level of built form and primarily comprises of paved vehicle parking and circulation areas along with structures within the car park including a large, illuminated sign, lighting and other signage. Other charging equipment already exists in the vicinity of the proposed and the feeder pillar will be set back from the highway and screened by the boundary wall and existing trees.

75. It is considered that within this context, the proposed development would appear in keeping with the commercial appearance of the site and the character of the surrounding area. The structures are considered to be of an acceptable scale and design and would not appear visually dominating within the character of the application site or wider surrounding area.
76. Considering all the above, it is concluded that the proposed development is compliant with the relevant design policies. Heritage impacts are discussed in more detail below.

Impact on Neighbouring Amenity

77. London Plan Policy D3 states that developments should deliver appropriate outlook, privacy and amenity.
78. London Plan Policy D14 states that development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life and mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.
79. Local Plan Policy DMHB11 states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
80. The proposed structures would be of minimal scale at a substantial distance (approximately 14m) from the rear elevation of the neighbouring residential property and as such would not result in any adverse amenity impacts in terms of loss of outlook, daylight, sunlight or privacy as it will be partially screened by the low boundary wall.
81. The proposed development will be within the context of a commercial retail site and adjacent to a busy road and over 14 metres from the nearest part of the dwelling at 1 Hogarth Close.
82. Although adjacent to the garden boundary, the units are not noisy and have a maximum noise level of <65 dB(A) @ 1m (on front door) - the approximate volume of a normal conversation.
83. In this context, there is unlikely to be any noise or disturbance to any neighbouring properties.

Highways and Parking Impacts

84. Policy T2 of The London Plan (2021) states that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.
85. Policy T4 of the London Plan sets out that developments should not increase road danger.
86. Policy T6 of The London Plan states that where electric vehicle charging points are provided on-street, physical infrastructure should not negatively affect pedestrian amenity and should ideally be located off the footway. Where charging points are located on the footway, it must remain accessible to all those using it including disabled people. Adequate provision should also be made for efficient deliveries and servicing and emergency access.

87. London Plan Policy T6.3 also outlines the retail parking standards as shown below:

Table 10.5 - Maximum retail parking standards

Location	Maximum parking provision*
Central Activities Zone and all areas of PTAL 5-6	Car-free^
Inner London Outer London Opportunity Areas Outer London retail below 500 sq.m.	Up to 1 space per 75 sq.m. gross internal area (GIA)
Rest of outer London	<u>Up to 1 space per 50 sq.m. (GIA)</u>

88. Local Plan Policy DMT1 states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.
89. Local Plan Policy DMT6 states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.
90. The Parking Standards for retail as outlined in the Local Plan state that for food retail up to 2,500sqm in size (the store is 1,267sqm sales area) the parking standards are based on PTAL.
91. The PTAL for the site is 1b and therefore the parking standards require 1 space per 18sqm.
92. This therefore requires a parking provision of 70 spaces based on the Local Plan or 25 spaces based on the London Plan.
93. In this regard, the 2023 approved site layout plan (6145-0101 P01) shows a car parking area containing 75 car parking spaces (as shown above).
94. Therefore, the proposed development proposes a net loss of 1 car parking spaces with 3 spaces being used for 2 spaces plus the EV charger.
95. Therefore, the loss of space will have no material impact on the car park which is larger than the current modern parking standards and will still have 74 spaces which is well in excess of the London Plan standards (which post-dates the Local Plan).
96. There will be no impact on servicing and deliveries to the store and therefore no conflict with London Plan Policy T7.
97. In addition, the replacement parking spaces would only be used by EVs requiring charging and therefore the proposed development is promoting travel through the use of sustainable energy sources, which would reduce exhaust fumes and pollution from transport.
98. As the charging spaces would be located in the existing parking space, it would not encroach into the existing passageway and affect pedestrian traffic flow unacceptably.

99. The location of the chargers and housing equipment will not result in any loss of visibility for vehicles entering or exiting the car park.
100. Therefore, it is considered that the development would not result in any unacceptable parking impacts or impacts on the operation of the road network.

Fire Safety Statement (Reasonable Exception Statement)

101. London Plan Policy D12 states that

In the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1. identify suitably positioned unobstructed outside space for fire appliances to be positioned on appropriate for use as an evacuation assembly point*
- 2. are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3. are constructed in an appropriate way to minimise the risk of fire spread*
- 4. provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5. develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
- 6. provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

102. It is noted from the above policy that the policy relates to 'building users'. In addition, the supporting text of the London Plan states that:

How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using.

103. In this regard, it is considered that the provisions of Policy D12 relate to new or amended buildings and the need for safe evacuation.
104. The proposed development is for EV chargers with associated infrastructure, and no new buildings are created.
105. The proposed charger equipment will be outside and therefore should a fire occur there is easy escape from the area.

106. The site consists of a car parking area which serves an existing retail store in which a fire safety plan will already exist, and the proposed equipment will not interfere with any current evacuation points and sufficient space will remain available within the car parking area for fire appliances.
107. In this regard, there would be no conflict with Policy D12.

Biodiversity Net Gain

108. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) confirms that developers must deliver a mandatory Biodiversity Net Gain (BNG) of 10%.
109. London Plan Policy G6 also states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
110. However, there are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations [2024].
111. These exemptions include:

Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.

112. In this regard, the proposed development involves the installation of EV chargers and associated equipment within an area that does not impact a priority habitat, impacts less than 25 square metres of habitat and does not impact any linear habitats such as hedgerows.
113. The proposed development does not result in the loss of any trees (which will be retained) and although some small area of landscaping will be lost this is below the BNG threshold.
114. Therefore, the proposed development, is exempt from biodiversity net gain requirements.

Flood Risk Assessment

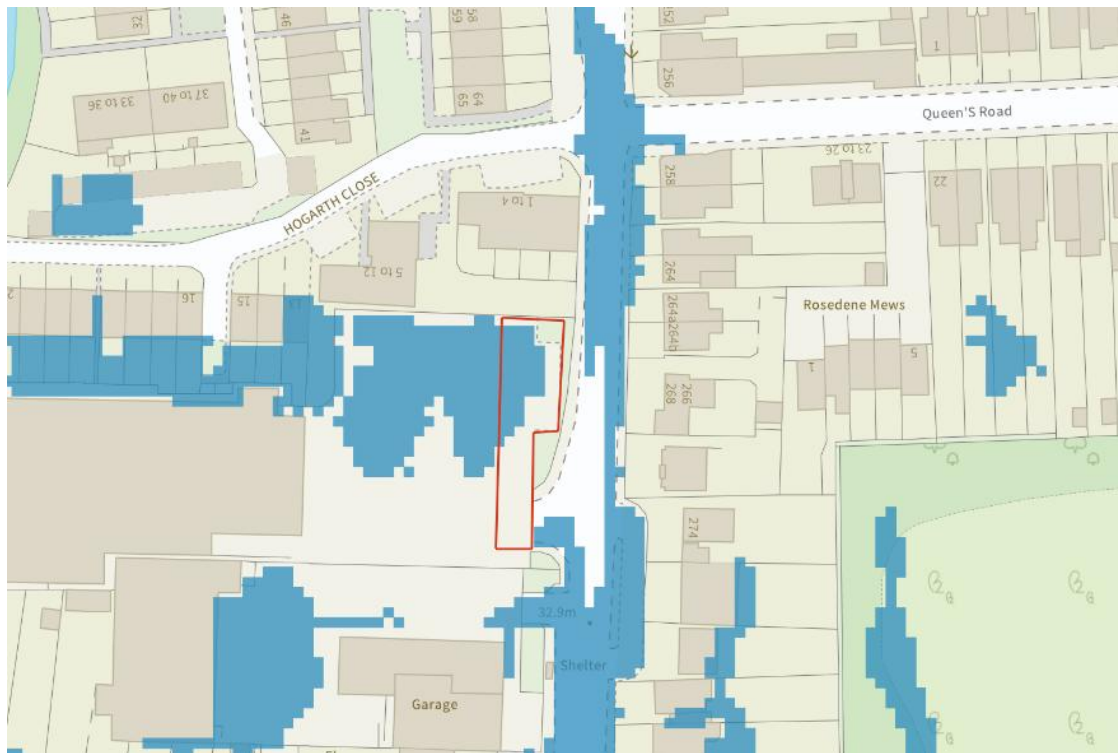
115. NPPF paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
116. London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. London Plan Policy SI 13 also

states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

- 117. Local Plan Policy EM6 The Council will require all development across the borough to use sustainable urban drainage systems (SUDS) unless demonstrated that it is not viable. In addition, Local Plan Policy DMEI9 states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.
- 118. As shown on the below extract from the Environment Agency Flood Map the site lies within Flood Zone 1 which has a low probability of flooding from rivers and the sea.



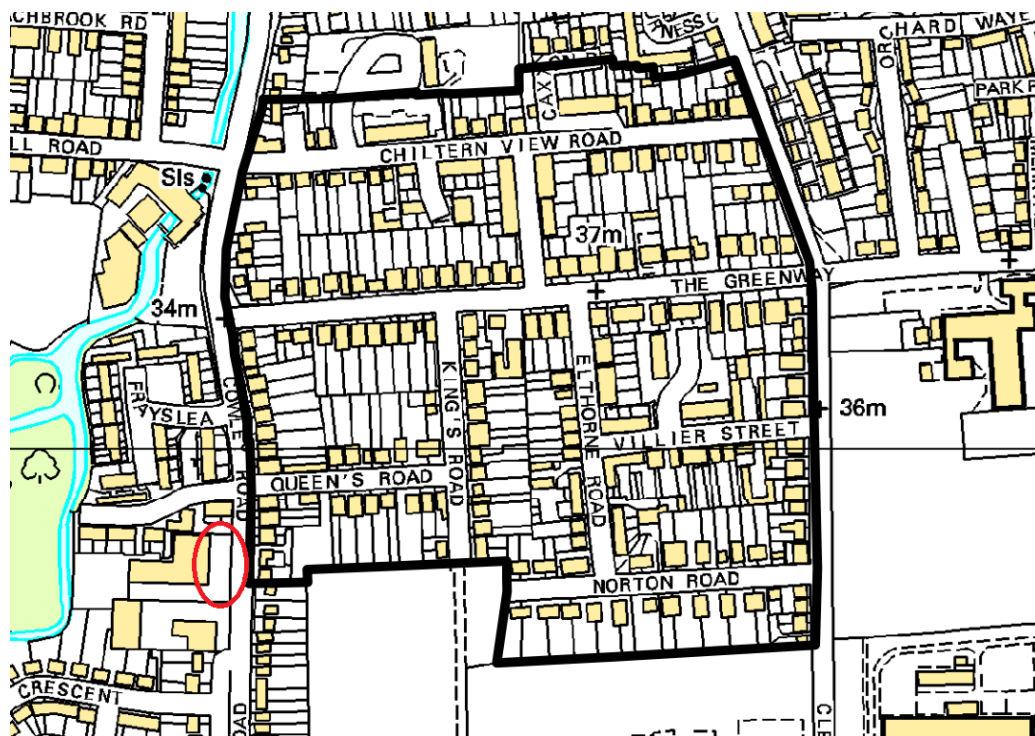
- 119. In addition, although the site is within an area with a likelihood of surface water flooding (1 in a 1,000 annual likelihood) the proposed equipment is not within this area, with the EV chargers and feeder cabinets outside of this risk area, as shown below:



120. In this regard, the proposed development will not have any impact in relation to the flooding risks or drainage on the application site and the surrounding area.
121. The existing parking spaces are already tarmac, and this will not be changed. There will be a small amount of concrete installed for the foundations of the units. However, this will be less than 3sqm in total and therefore will not have any material impact on the surface runoff associated with the site.
122. The drainage which already occurs on the site will continue to operate as normal and will not be affected by the proposed development.
123. Given the scale of the development is small and the change to surface materials is very minor, there will be no impact on the existing drainage and therefore no increase in flood risk to the surrounding area.
124. In addition, DNO installation guidelines require all equipment in the feeder pillar to be at least 500mm above ground level which would be above the level of any flooding.
125. Further to this, there are many safety features built into the chargers which mean they would shut down in the event of a flood to protect the equipment.
126. The chargers are also able to be shut down remotely, if required.
127. In this regard, the proposed development should not lead to any flood risk or drainage impacts.

Heritage Impact Assessment

128. As noted above, the application site falls within the Colne Valley Archaeological Priority Zone.
129. In addition, although not within a Conservation Area, the site is close to the Greenway Conservation Area and 1-4 Hogarth Close are Grade II listed.



Conservation Area in relation to the site

130. London Plan Policy HC1 deals with heritage conservation and growth. According to the Policy, development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance.
131. Local Plan Policy HE1 seeks to conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape. Local Plan Policy DMBH1 expects development proposals to avoid harm to the historic environment.
132. Local Plan Policy DMHB2 states that planning permission will not be granted for proposals which are considered detrimental to the setting of a Listed Building.
133. Local Plan Policy DMBH4 states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area.
134. Local Plan Policy DMHB7 states that the Council, as advised by the Greater London Archaeological Advisory Service, will ensure that sites of archaeological interest within or, where appropriate, outside, designated areas are not disturbed. If that cannot be avoided, satisfactory measures must be taken to mitigate the impacts of the proposals through

archaeological fieldwork to investigate and record remains in advance of development works. This should include proposals for the recording, archiving and reporting of any archaeological finds.

135. Section 16 of the NPPF confirms that for development proposals, applicants must describe the significance of any heritage assets affected, with the level of detail proportionate to the asset's importance.
136. The NPPF outlines that a sensible approach should be taken to assess the impact of a proposal, weighing any harm against the public benefits of the development.
137. The NPPF encourages putting heritage assets to viable uses consistent with their conservation.
138. New development should aim to make a positive contribution to local character and distinctiveness.
139. In summary, the NPPF seeks to ensure that proposals affecting a Heritage Asset first make an assessment of the impact of the proposal on the significance of the asset and should be granted if there is no harm to the significance. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that there are substantial public benefits that outweigh that harm or loss.
140. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
141. There is no published Conservation Area Appraisal, but a review of the area shows that the Conservation includes buildings of varying ages, with several locally listed buildings that contribute significantly to the street scene and local character. It features a mix of architectural styles, including early to mid-19th-century properties and reflects the historic growth of the area.
142. The area is characterised by large rear gardens, often containing mature trees.
143. The nearby listed buildings are former stables and a coach house building to Cowley Grove. The listing description states:

Late C17 or early C18 range at right angles to road. Painted brick with dentil cornice. High pitched hipped tiled roof. 2 storeys, 9 bays, irregular. Off-centre pediment with blocked round window. Many round windows, some blocked, and some sash windows. Below pediment round arches flank a blocked lunette. Modern shop and garage fronts on ground floor.

144. However, in terms of its relationship with the Greenway Conservation Area and the Grade II listed terrace, the Lidl site as a whole provides no contribution to their significance as heritage assets.
145. The existing Lidl development provides no contribution to the historic built form of the Conservation Area, nor does it reveal or enhance an appreciation of the surrounding heritage assets.
146. The application site sits within a car park which already has EV charging equipment along with other prominent signage.
147. The EV housing cabinet will be sited close to a boundary wall which is of no historic interest and is not within the same view as the listed terrace.



148. In this regard, the proposed development has no impact on the significance of the Conservation Area or its character and appearance or the setting of the listed terrace. This same view was reached by the Council in the determination of the original application.
149. In relation to archaeology, the Greater London Historic Environment Record (GLHER) confirms that:

This APZ includes the APAs of Harefield North, West Drayton and parts of Uxbridge. The APA of West Drayton Station is immediately adjacent and Harefield South lies just to the east of the APZ extent. There are a few Palaeolithic findspots scattered throughout the area. The most significant site is that at Three Ways Wharf which produced evidence of in situ Palaeolithic and Mesolithic occupation. Other Palaeolithic and Mesolithic finds have been made in the area around Three Ways Wharf including bones and further Mesolithic flint

scatters under peat layers to the south of Three Ways Wharf. Records on the Buckinghamshire HER for a buffer area along the Buckinghamshire/ Hillingdon border stress the importance of the Three Ways Wharf area for Palaeolithic and Mesolithic material, with Palaeolithic and Mesolithic activity recorded at the Sanderson site on the other side of the River Fray to Three Ways Wharf, and at Denham, further south. A Mesolithic occupation site and lithic working area have also been recorded at Dewes Pit with other scattered records in the northern half of the area. There is more limited evidence for Neolithic activity in the area with few findspots. There is also limited evidence for the Bronze Age, with a possible ring ditch and burial urns at Dewes Pit, and a field system in central Uxbridge as well as further ditches of possible Bronze Age-Iron Age date at Townmead School by West Drayton. In the Colne Valley as a whole there is evidence for increased activity during the Neolithic and Bronze Age. There is very little recorded evidence for the Iron Age and Roman periods, with a few stray finds and a possible Roman causeway in the centre of Uxbridge. This is in line with limited evidence for these periods in the Colne Valley in general, though there is a slight increase in Roman activity. There is very limited evidence for activity in the early medieval period throughout the whole area with just a spearhead found near Dewes Pit and the suggestion that settlement at Uxbridge began in this period. A number of manors, parks and mill were listed in the Domesday survey. Into the medieval period a similar pattern as found in the rest of the Borough is repeated, with a number of manors and farmsteads becoming established and much of the land given over to agriculture. These farms included Dewes Farm, Baldwin's Hall farm, Northall Grange, Cowley Hall and a manor house at Beaudesert Mews. There were also a number of mills along the length of the River Colne including at Coppermill Lock, Ravenyng Mill, Cowley, Yiewsley and Thorney Mill. The Coppermill at Harefield (Coppermill Lock) was identified in the 2003 London Schedule Review as worthy of consideration for scheduling. The Buckinghamshire HER records a number of fisheries along the Colne and fisheries can be anticipated on the Hillingdon side of the Colne as well. Rocque's 1754 map shows the landscape was made up of a mixture of open moors, enclosed fields, some enclosed parks, a few settlements including mills and dominated by the Colne and Fray Rivers. The 1813 Harefield and 1825 Hillingdon Enclosure maps show a landscape of enclosed fields with few settlements and the land predominantly held by a few large landowners, even with the arrival of canals in the late 18th century. The Grand Union Canal initially did not have a huge impact, though a greater level of mineral extraction did start to develop. The landscape by the time of the 1866 Ordnance Survey remained predominantly agricultural, with a few quarries. Mineral extraction really started to have a significant impact from the 1920s and coupled with the extensive inter-war development that many existing settlements experienced meant that parts of the Colne Valley within Hillingdon, particularly the south, started to change in character. The increased development around Uxbridge particularly can be seen in the 1945 aerial photograph. In the northern part of the APZ, continued mineral extraction up to 1960 and into the 1990s continued to change the area, especially as many of the former gravel pits were flooded to create lakes for recreational use. This is particularly noticeable on the 2010 aerial photograph. Significance of the APZ This APZ is particularly significant for remains dating from the prehistoric periods, particularly the early prehistoric.

It could also provide information on the use and exploitation of riverine environments into the post-medieval period.

150. The site has been occupied by the supermarket and hardstanding since 2012 and prior to this was also a previously developed site.
151. Therefore, whilst there is the potential for archaeological remains, it is likely that they will have been previously impacted upon by its 19th and 20th Century development and the original excavation of the car parking area for its original construction.
152. Any cabling required will be relatively close to the surface.
153. Therefore, it is unlikely to harm any potential items of significance, and this view was reached in the 2020 Delegated Report, which stated:

The application site is previously developed, and it is not considered that the proposed development is likely to result in any significant harm to archaeological remains.

154. It is therefore considered that archaeological mitigation could be adequately secured through an appropriately worded planning condition. If required.

Summary and Conclusion

155. In summary, the purpose of this statement is to identify Development Plan policies that are relevant in the assessment of the development proposal; and to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the Development Plan.
156. There are no issues identified in respect of the principle of development, design and impact on the character of the area, residential amenity or highways.
157. In addition, there are no issues identified in relation to fire safety or flood risk.
158. There are no other technical matters which would prevent a legitimate conclusion that the application is both technically sound and policy compliant.
159. The proposed development is exempt from Biodiversity Net Gain as it falls below the de minimis threshold.
160. There are no impacts on any heritage assets.
161. In conclusion, this assessment confirms that the development proposal accords with the provisions of the Development Plan and consequently a presumption in favour of a grant of planning permission is derived. It is also noted that the upstands are considered to fall under the provision of permitted development.



162. Material considerations in the form of the NPPF provide further support to justify a grant of planning permission.

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March 2026