

Report of the Head of Planning, Sport and Green Spaces

Address WAITROSE, 9 KINGSEND RUISLIP

Development: Variation of condition 1 of planning permission ref: 36969/APP/2011/2450 dated 02/12/2011 to extend opening hours (Variation of condition 8 of planning permission ref. 36969/G/89/2037 dated 30/11/1993 to extend Saturday opening hours (Erection of 13 unit shopping mall; extension to supermarket; and provision of additional parking (involving demolition of Kingsend Court and 5 & 7 Kingsend)))

LBH Ref Nos: 36969/APP/2013/918

Drawing Nos: SL01 (Site Location Plan)
Letter dated 9 April 2002
901/L1/A/D
901/004
002E
0003E
TPC/W400140

Date Plans Received: 15/04/2013 **Date(s) of Amendment(s):**
Date Application Valid: 15/04/2013

1. SUMMARY

Planning permission is sought to extend the hours of opening of the Waitrose store at Ruislip. The sought opening hours have been reduced by the applicant during consideration of the application. The proposed hours are now:

Monday to Friday 0700-2200

Saturday 0800-2200

Sundays 0830-1800

Bank Holidays 0830-1800

Opening between the hours of 0700 - 2300 on December 17 - 23 and 29 - 30 inclusive, except on any Sunday falling within these dates.

The store is located outside Ruislip High Street on the edge of the town centre, and the site is in close proximity to established residential areas.

It is considered that the proposed opening hours would not have any unacceptable impacts on the nearby residential occupiers and the proposals are considered to strike the correct balance between protecting the amenities of these occupiers and supporting economic growth.

2. RECOMMENDATION

APPROVAL subject to the following:

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 NONSC Non Standard Condition

Development shall not begin on the supermarket extensions; and thereafter on the shopping mall; until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan Part 2 - Saved Policies September 2007.

3 NONSC Non Standard Condition

Before any part of the shopping mall of the development is commenced, a landscaping scheme shall be submitted to and approved by the Local Planning Authority.

REASON

To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenity of the locality in accordance with Policy BE38 of the Hillingdon Local Plan Part 2 - Saved Policies September 2007.

4 NONSC Non Standard Condition

All planting, seeding and turfing in the approved landscaping scheme shall be completed within eight months of development commencing (or such period as agreed in writing by the Local Planning) or prior to the occupation of the building(s) whichever is the earlier period. The new planting and landscaping operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and BS 4428 (1989) 'Code of Practice for General Landscape Operations Excluding Hard Surfaces'.

Thereafter areas of amenity space shall be permanently retained and any trees or other planting which die within a period of 5 years from the completion of development, are removed or become seriously damaged or diseased shall be replaced in the next planting season in accordance with the details approved by the Local Planning Authority.

REASON

To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenity of the locality in accordance with Policy BE38 of the Hillingdon Local Plan Part 2 - Saved Policies September 2007.

5 NONSC Non Standard Condition

Before development commences on the shopping mall part of the development hereby approved, a 2 metre high wall (or other means of enclosure as may be agreed in writing with the Local Planning Authority) shall be erected and permanently maintained to the site boundary with nos. 13-25 Kingsend.

REASON

To safeguard privacy of adjoining properties in accordance with Policy BE24 of the

Hillingdon Local Plan Part 2 - Saved Policies September 2007.

6 NONSC Non Standard Condition

The turning/locading facilities/sight lines shown on the approved plan No. 901/L1/A/D received 8 November 1993 shall be constructed prior to occupation of the supermarket extension (unless otherwise agreed in writing by the Local Planning Authority). The additional parking areas shown on the said plan including the marking out of spaces, shall be constructed prior to the occupation of any of the units of the shopping mall. All shall be permanently retained and used for no other purposes.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM2, AM7 and AM14 of the Hillingdon Local Plan Part 2 - Saved Policies September 2007.

7 NONSC Non Standard Condition

Before any part of this development is commenced, details of a scheme for the disposal of surface water and sewage shall be submitted to and approved by the Local Planning Authority.

All works which form part of this scheme shall be carried out before any part of the approved development is occupier (unless otherwise agreed in writing by the Local Planning Authority).

REASON

To ensure that the proposed development does not give rise to an increased risk of flooding, not to an overloading of the sewage disposal system in the locality in accordance with Policies OE7, OE8 and OE 9 of the Hillingdon Local Plan Part 2 - Saved Policies September 2007.

8 HLC3 Hours of Use

The premises shall not be open for customers except between 0700 and 2200 hours Monday to Friday, 0800 and 2200 hours Saturdays and 0830 and 1800 hours on Sundays and Bank and Public Holidays.

Notwithstanding the above opening hours, the store may be open for customers between 0700 - 2300 on December 17 - 23 and 29- 30 inclusive, except on any Sunday falling within these dates.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies(November 2012).

9 NONSC Non Standard Condition

All deliveries including refrigerated contain container vehicle, articulated HGV's and other HGV's shall only take place between the hours of 06:00 - 20:00 Mondays to Saturdays, and 08:00 - 17:00 on Sundays and Bank Holidays, and at no other times.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies(November 2012).

NONSC

~~Where external machinery or standard conditions~~ Where external machinery or standard conditions openings are proposed details of the siring and sound insulation of such works (for example, refrigeration and air conditions, ventilation units, air intake louvres, ducting, chimneys, mechanical extraction and disposal of fumes, dust and grit) shall be submitted to and approved in writing by the Local Planning Authority, implemented before the use hereby approved is commenced, and thereafter permanently retained. The noise emitted from such equipment should be inaudible in the nearest residence and be in compliance with BS4142/BS8223.

REASON

To ensure that the use does not detract from the amenities of local residents in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

11 NONSC Non Standard Condition

The submission to and approval by the Local Planning Authority of proposals to secure the site outside working hours.

REASON

To ensure that the use does not detract from the amenities of local residents in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012) and 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 (July 2011) Policies 7.1 and 7.3.

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 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).

3 I53 Compulsory Informative (2)

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

the London Plan (July 2011) and national guidance.

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

4

You are advised that where a condition corresponds to a condition on planning permission 36969G/89/2037 dated 27 September 1993 and appropriate details were approved in relation to the condition, or part of the condition, the Local Planning Authority will consider that approval to relate to the corresponding condition on this planning permission.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the Waitrose Supermarket at Ruislip. The store is between Wood Lane, Kingsend and West End Road approximately 50 west of Ruislip Station. The store car park is accessed off Wood Lane with the delivery and staff access to the rear accessed off Kingsend.

The store is located outside Ruislip High Street but within the defined town centre and is adjacent to residential properties on Wood Lane and Kingsend. The car park area backs onto the rear gardens of the properties on Kingsend, albeit that they are well screened by boundary landscaping.

Therefore, whilst the store is on the edge of Ruislip Town Centre there is a strong residential character to the area.

3.2 Proposed Scheme

The application seeks to vary condition 8 of planning permission 36969/G/89/2037 dated 30/11/1993, to extend the permitted trading hours of Waitrose Supermarket by two hours on Monday to Fridays, to permit trading between 0700 hours and 2300 hours; to extend the permitted trading hours by four hours on Saturdays, to permit trading between 0700 hours and 2300 hours on Saturdays; and to extend the permitted trading hours by two and a half hours on Bank and Public Holidays, to permit trading between 0800 hours and 2200 hours.

Following discussions with Council the applicant has amended the proposed opening hours as follows:

Monday to Friday 0700-2200
Saturday 0800-2200
Sundays 0830-1800
Bank Holidays 0830-1800

Opening between the hours of 0700 - 2300 on December 17 - 23 and 29- 30 inclusive, except on any Sunday falling within these dates.

3.3 Relevant Planning History

36969/85/1998 Waitrose, 9 Kingsend Ruislip

Erection of a supermarket.

Decision: 31-07-1986 Withdrawn

36969/A/87/1659 Waitrose, 9 Kingsend Ruislip

Erection of a supermarket with associated parking

Decision: 08-12-1987 Withdrawn

36969/AC/94/1248 Waitrose Supermarket, 9 Kingsend Ruislip

Variation of condition 10 of planning permission ref. 36969C/88/982 dated 15/09/89; condition 8 of planning permission ref. 36969G/89/2037 dated 30/11/93; condition 13 of planning permission ref. 36969C/88/982 dated 15/09/89; and condition 9 of planning permission ref. 36969G/89/2037 dated 30/11/93 to allow Sunday/Bank Holiday opening and deliveries

Decision: 01-03-1995 Approved

36969/ADV/2001/102 Waitrose Supermarket, 9 Kingsend Ruislip

INSTALLATION OF SEASONAL DECORATIVE BANNERS ON EXISTING LAMP POSTS

Decision: 29-10-2001 Approved

36969/ADV/2003/89 Waitrose, 9 Kingsend Ruislip

INSTALLATION OF VARIOUS REPLACEMENT AND NEW SIGNAGE ON BUILDING

Decision: 28-01-2004 Approved

36969/AE/94/3127 Waitrose, 9 Kingsend Ruislip

Refurbishment and replacement of various internally illuminated signs

Decision: 10-04-1995 Approved

36969/AH/96/0275 Waitrose, 9 Kingsend Ruislip

Installation of external security shutters

Decision: 21-05-1996 Approved

36969/AL/98/0343 Waitrose Supermarket, 9 Kingsend Ruislip

Installation of security shutters

Decision: 06-05-1998 Approved

36969/AN/99/0285 Bounded By Kingsend, West End Road And Wood Lane Ruislip

Removal of conditions 15 and 16 (to close gates to the shopping area and service yard at

specified times) of planning permission ref.36969AJ/96/410 dated 08/11/97; Erection of 13 unit shopping mall and extension to supermarket

Decision: 05-05-1999 Approved

36969/AP/99/0287 Adj To Kingsend Court & Waitrose Store West End Road Ruislip
Erection of nine single domestic garages for Kingsend Court

Decision: 05-05-1999 Refused

36969/APP/2001/1664 Waitrose, 9 Kingsend Ruislip

INSTALLATION OF ADDITIONAL LIGHT TO CAR PARK EXTENSION, REPLACEMENT OF CAR PARKING SIGNAGE, INSTALLATION OF CAR PARK CONTROL SYSTEM AND TICKET MACHINE, REPLACEMENT OF LIGHTING HEADS TO EXISTING LOCAL AUTHORITY LIGHT COLUMNS

Decision: 11-09-2001 Approved

36969/APP/2001/295 Waitrose, 9 Kingsend Ruislip

VARIATION OF CONDITION 9 (TO ALLOW DELIVERIES BETWEEN 0600 HOURS AND 2000 HOURS MONDAY TO SATURDAY) OF PLANNING PERMISSION REF.36969/G/89/2037 DATED 30/11/93; RETAIL DEVELOPMENT

Decision: 25-07-2001 ALT

36969/APP/2001/296 Waitrose, 9 Kingsend Ruislip

VARIATION OF CONDITIONS 3 AND 4 (TO ALLOW DELIVERIES BETWEEN 0800 AND 1700 HOURS ON SUNDAYS AND BANK HOLIDAYS) OF PLANNING PERMISSION REF.36969AC/94/1248 DATED 01/03/95; RETAIL DEVELOPMENT

Decision: 25-07-2001 ALT

36969/APP/2002/133 Waitrose Supermarket Kingsend Ruislip

REMOVAL OF CONDITION 13 OF PLANNING PERMISSION REF.36969C/88/982 AND CONDITION 9 OF PLANNING PERMISSION REF. 36969G/89/2037 BOTH SUBSEQUENTLY VARIED BY CONSENTS REF.36969AC/94/1248, 36969/APP/2001/295 AND 36969/APP/2001/1296 AND THEIR REPLACEMENT BY A CONDITION TO PERMIT DELIVERIES BETWEEN 0600 HOURS AND 2000 HOURS MONDAYS TO SATURDAYS AND 0800 HOURS AND 1700 HOURS SUNDAYS AND BANK HOLIDAYS, AND TO ALLOW DELIVERIES BY FREEZER CONTAINER VEHICLES, ARTICULATED HGVS AND OTHER HGVS ON A PERMANENT BASIS

Decision: 10-07-2002 Approved

36969/APP/2002/134 Waitrose, 9 Kingsend Ruislip

REMOVAL OF CONDITION 2 (TO ALLOW DELIVERIES BETWEEN 0600 HOURS AND 2000 HOURS MONDAY TO SATURDAY AND 0800 HOURS AND 1700 HOURS SUNDAY AND

BANK HOLIDAYS AND TO ALLOW DELIVERIES BY HGVS AND REFRIGERATOR CONTAINER VEHICLES ON A PERMANENT BASIS) OF PLANNING PERMISSION REF.36969/APP/2001/ 295 DATED 25/07/2001; VARIATION OF CONDITION 9 OF PLANNING PERMISSION REF. 36969G/89/2037 DATED 30/11/1993 (RETAIL DEVELOPMENT)

Decision: 09-04-2002 Withdrawn

36969/APP/2003/216 Waitrose, 9 Kingsend Ruislip
EXTENSION TO EXISTING CAR PARK TO REAR OF NO.21 KINGSEND

Decision: 31-08-2004 Withdrawn

36969/APP/2004/2834 Waitrose Supermarket, 9 Kingsend Ruislip
DETAILS OF SCHEME FOR MONITORING NOISE LEVELS IN COMPLIANCE WITH
CONDITION 2 OF PLANNING PERMISSION REF. 6969/APP/2004/803 DATED 21.07.2004:
VARIATION OF CONDITION 2 (TO ALLOW SUNDAY/BANK HOLIDAY OPENING BETWEEN
09.00 AND 16.00 HOURS INCLUSIVE) OF PLANNING PERMISSION REF. 36969AC/94/1248
DATED 1 MARCH 1995 (TO ALLOW FOR SUNDAY AND BANK HOLIDAY OPENING)

Decision: 04-01-2005 Approved

36969/APP/2004/803 Waitrose Supermarket, 9 Kingsend Ruislip
VARIATION TO CONDITION 2 (TO ALLOW SUNDAY/BANK HOLIDAY OPENING BETWEEN
0900 AND 1600 HOURS INCLUSIVE) OF PLANNING PERMISSION REF.36969/AC/94/1248
DATED 01/03/1995 (TO ALLOW FOR SUNDAY AND BANK HOLIDAY OPENING)

Decision: 13-07-2004 ALT

36969/APP/2005/1565 Waitrose, 9 Kingsend Ruislip
REMOVAL OF CONDITION 2 OF PLANNING PERMISSION REF.36969/AC/94/1248 DATED
21/07/1994, TO ALLOW PERMANENT OPENING BETWEEN 08:30 AND 18:00 HOURS ON
SUNDAYS AND BANK HOLIDAYS

Decision: 04-08-2005 Approved

36969/APP/2007/275 Waitrose, 9 Kingsend Ruislip
INSTALLATION OF 4 ADDITIONAL CHILLER SYSTEM PLANT UNITS.

Decision: 26-03-2007 Approved

36969/APP/2011/2450 Waitrose, 9 Kingsend Ruislip
Variation of condition 8 of planning permission ref. 36969/G/89/2037 dated 30/11/1993 to
extend Saturday opening hours (Erection of 13 unit shopping mall; extension to supermarket;
and provision of additional parking (involving demolition of Kingsend Court and 5 & 7 Kingsend))

Decision: 02-12-2011 Approved

36969/C/88/0982 Waitrose, 9 Kingsend Ruislip

Erection of a supermarket and retail unit with associated parking; and erection of Health Centre with associated parking (by conversion/extension of "Pax")

Decision: 15-09-1989 Approved

36969/PRE/2004/127 Waitrose Supermarket Kingsend Ruislip

T P PRE-CORRES: DEVELOPMENT OF SITE

Decision:

36969/R/91/1454 Waitrose Supermarket, 9 Kingsend Ruislip

Siting of 3 Durabank bottle banks

Decision: 02-06-1992 ADH

36969/W/92/2069 Waitrose Car Park, Wood Lane Ruislip

Installation of one can bank, one paper bank and one textile bank

Decision: 25-03-1993 ALT

Comment on Relevant Planning History

An application to vary the hours of opening was approved by the Council on 2 December 2012 reference 36969/APP/2011/2450. This limited the current opening hours to:

Mon - Fri	0700-2100
Saturdays	0800-2000
Sunday and Bank Holiday	0830-1800

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.BE1 (2012) Built Environment

Part 2 Policies:

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

53 letters were sent to local residents and the Residents Association on 17 April 2013, and a site notice was posted on 17 April 2013. 3 representations have been received objecting to the proposal. The grounds of objection can be summarised as follows:

- (i) Potential noise and disturbance caused by associated vehicle movements in the car park, and movement of shopping trolleys.
- (ii) Increased likelihood of noise and anti-social behaviour.
- (iii) If open to 11pm, the car park will necessarily close later than that.
- (iv) This will mean car doors slamming, car alarms, shopping trolleys being corralled and loud voices disturbing residents in the surrounding flat and houses until 11:30 or later, not good for early-rising workers or families with young children.
- (v) They are clearly indicating in the application that they will open ordinarily until 10pm, which will then ordinarily have the disturbance from the car park up to 10:30 or later.
- (vi) Their claim that the extended hours to 11pm will only be used on certain high days can not be believed. If approved for any weekday and Saturday, Waitrose will doubtless open for extended opening hours on other days and on approval of this application there will be nothing we can do about it retrospectively. If they truly only want certain days, I can see no reason why they simply seek approval for those days.
- (vii) The 10pm plan for public holidays will result in greater disturbance for local residents and their families on the very days when they are most likely to want to make use of their gardens or otherwise quietly enjoy their homes.
- (viii) Young people are likely to be attracted to Waitrose to buy alcohol and then make use of the car park as a late-night, liquid-picnic hangout. It does already get some similar use after around 9pm for remote-controlled-car parties and it is likely that this would be pushed to later.
- (ix) Ruislip High Street already has Tesco and other convenience stores open late for forgotten essentials and booze top up, so I can see no benefit to the community to having another.
- (x) Waitrose claim that they are seeking parity with other foodstores and retail outlets, but I don't think they are comparable stores. Were they in the High Street I might agree, but they are not a convenience store, they are a large supermarket away from the main retail area.
- (xi) Given that Waitrose have refused to take any sort of realistic action to deal with the two eyesores that are 5 & 7 Kingsend, I would be horrified if the Council were to entertain any planning application from them, particularly one that is detrimental to their nearest neighbours.

One letter of objection misunderstood the development and thought the proposal would involve significant development of properties on Kingsend. This objection has been discussed with the author and is not a material consideration to the application.

A Ward Councillor has requested that the application be referred to the Planning Committee for determination.

Internal Consultees

Environmental Protection Unit:

No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the retail development is not a consideration of this application, the supermarket benefits from planning permission and has been operating for a long period of time. The issue for consideration is only regarding the hours of opening and whether these should be extended as requested by the applicant.

7.02 Density of the proposed development

Not Applicable.

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

Not Applicable.

7.04 Airport safeguarding

Not Applicable.

7.05 Impact on the green belt

Not Applicable.

7.06 Environmental Impact

Not Applicable.

7.07 Impact on the character & appearance of the area

Not Applicable.

7.08 Impact on neighbours

Policy OE1 states that planning permission will not normally be granted for uses that are, or will become, detrimental to the character or amenities of surrounding properties by reason of traffic generation and congestion, noise and vibration, or the emission of dust, smell or other pollutants.

Policy OE3 states that uses which have the potential to cause noise annoyance will only be permitted where the impact is mitigated to an acceptable level by engineering, layout or administrative measures.

The proposed site is located outside Ruislip High Street with the access off Wood Lane and the delivery access of Kingsend. The car park of the store is located up to the boundary of properties on Kingsend. In addition, the store entrance is located at that end of the car park.

At its closest point the car park is located approximately 29m from the rear of the properties on Kingsend and 28m from the frontage of residential properties on Wood Lane. Although the store is close to the town centre it is considered that the areas around the properties on Wood Lane and Kingsend would benefit from a relatively quiet environment in late evening and night time.

The proposed changes in opening times effectively seek an additional evening opening hour Monday to Friday, an additional 2 hours of evening opening on Saturdays and opening from 07:00 to 23:00 from the 17th-26th and 29th-30th December (a maximum of 9 days).

Having considered the likely impacts of the proposal and the short timescale of the additional hours sought in December, it is not considered that the proposed opening hours would have an unacceptable impact on the residential amenity enjoyed by the occupiers of the nearby properties at Kingsend and Wood Lane. As such the proposal is considered to comply with policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012).

7.09 Living conditions for future occupiers

Not Applicable.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Not Applicable.

7.11 Urban design, access and security

Not Applicable.

7.12 Disabled access

Not Applicable.

7.13 Provision of affordable & special needs housing

Not Applicable.

7.14 Trees, Landscaping and Ecology

Not Applicable.

7.15 Sustainable waste management

Not Applicable.

7.16 Renewable energy / Sustainability

Not Applicable.

7.17 Flooding or Drainage Issues

Not Applicable.

7.18 Noise or Air Quality Issues

Not Applicable.

7.19 Comments on Public Consultations

The applicant has amended the opening hours sought following discussions with Council Officers. Comments on the concerns arising from the public consultation are provided below:

Issues (i), (iii) and (iv) raise concerns regarding noise and disturbance within the car park and that if the store is open until 23:00 activity within the car park would continue later than this. The opening hours sought have been reduced to end at 22:00 throughout the majority of the year (opening until 23:00 hours would be limited to a maximum of 9 days), it is considered that the proposals would not cause unacceptable noise during nighttime hours and would strike the correct balance between protecting residential amenity and encouraging vitality and economic growth within the Town Centre.

Issues (ii) and (ix) are considered to raises concerns relating to increased likelihood of noise and anti-social behaviour. There is no evidence that later opening hours would increase anti-social behaviour, and the proposals would mean that the site was subject to activity and surveillance during the additional opening hours which is likely to discourage such behaviour during these times.

Issue (vi) raises concern regarding activity within the car park until 22:30. 22:30 does not fall within the times which are considered night time, and therefore more noise sensitive, in terms of considering noise. Accordingly, it is not considered that the proposal would result in unacceptable impact on the amenity of nearby residential occupiers.

Issues (vii) raises concerns that the store will open until 23:00 on all days. The amended hours and condition wording now sought would prevent this from occurring.

Issue (viii) raises concern that opening until 22:00 for public holidays will result in greater disturbance for local residents and their families. The amended hours and condition wording now sought do not seek to open until 22:00 on bank holidays except for a limited

no. of days around Christmas and New Year when the store would open until 23:00. It is not considered that later opening during this limited period would have unacceptable impacts on the amenity of neighbouring occupiers.

Concern (x) states that Ruislip High Street already has Tesco and other convenience stores open late for forgotten essentials and booze top up, so I can see no benefit to the community to having another. The National Planning Policy Framework seeks to ensure competitive high streets offering greater choice to consumers. Allowing extended opening hours would increase competition and choice in line with the objective of national planning policy.

Concern (xi) states a view that this store should be treated differently to other stores within the high street. The application site is within the designated town centre and the proposals must be considered in the context of the development plan which applies to all development. The main issues are considered within the body of the report and the application is considered to accord with the development plan.

Issue (xii) indicates a view that as the applicant have not taken any sort realistic action to deal with the two eyesores that are 5 & 7 Kingsend, the Council should not entertain their planning applications. The Local Planning Authority has a statutory duty to consider and determine applications it received in accordance with the development plan, it is also noted that issues relating to 5 & 7 Kingsend fall outside the scope of material matters which can be considered as part of this application.

7.20 Planning Obligations

Not Applicable.

7.21 Expediency of enforcement action

Not Applicable.

7.22 Other Issues

Not Applicable.

8. Observations of the Borough Solicitor

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

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

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

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

infringed and must not go beyond what is needed to achieve its objective.

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

9. Observations of the Director of Finance

Not Applicable.

10. CONCLUSION

It is not considered that the proposed opening hours would not have any unacceptable impacts on the nearby residential occupiers and the proposals are considered to strike the correct balance between protecting the amenities of these occupiers and supporting economic growth.

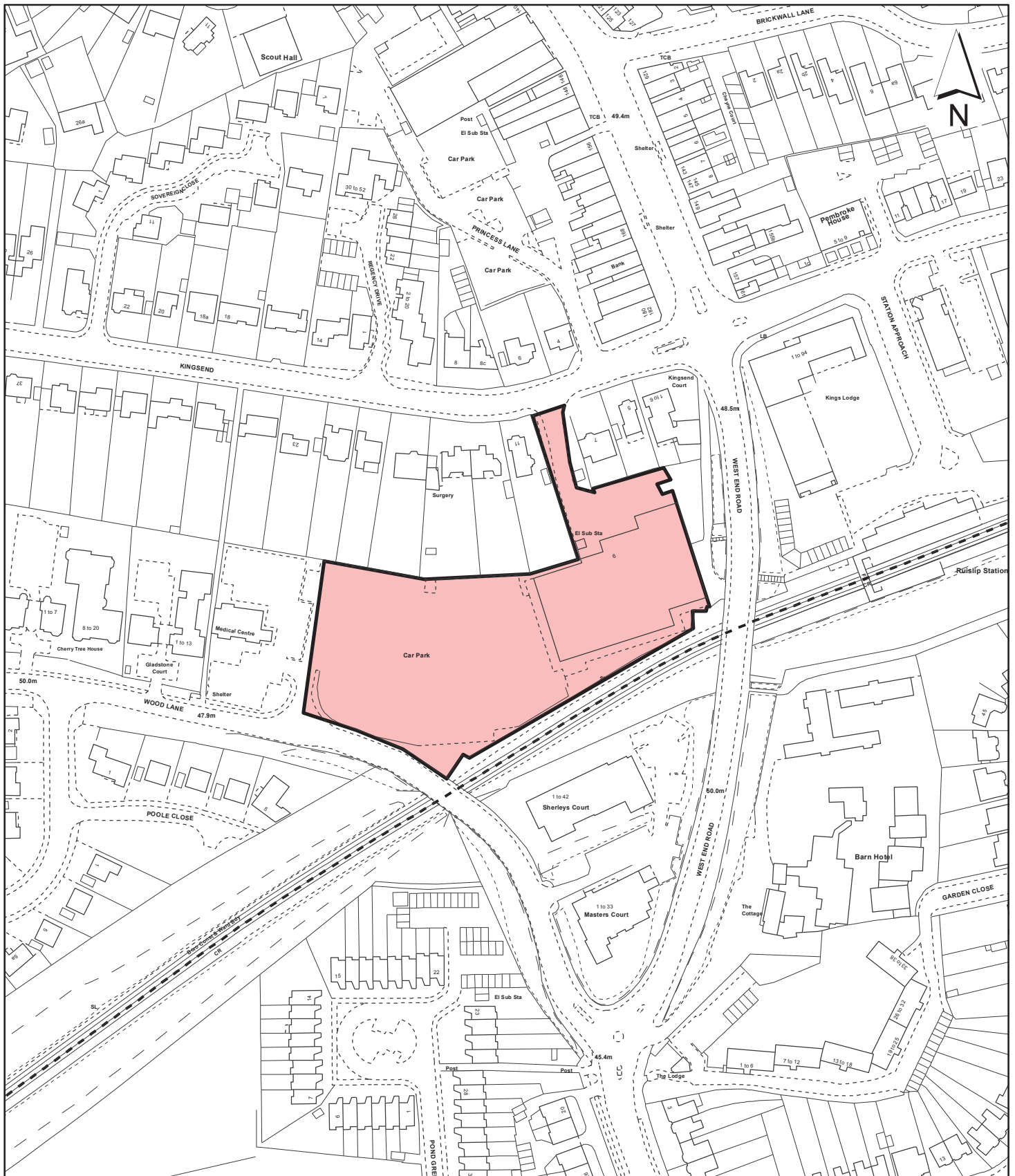
The proposal would comply with Policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012) as well as the National Planning Policy Framework and is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan Part 1 2012.
Hillingdon Local Plan Part 2 - Saved Policies (November 2011).
The London Plan 2011.
National Planning Policy Framework.

Contact Officer: Mark Jones

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**Waitrose
 9 Kingsend
 Ruislip**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services**

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

Planning Application Ref:
36969/APP/2013/918

Scale
1:2,000

Planning Committee
North

Date
**June
 2013**



HILLINGDON
 LONDON