

Report of the Head of Planning, Sport and Green Spaces

Address WAITROSE, 9 KINGSEND RUISLIP

Development: Variation of condition 9 (Delivery Times) of planning permission ref: 36969/APP/2013/918, dated 16/03/2013, to extend the stores delivery hours (Variation of condition 1 of planning permission ref: 36969/APP/2011/2450 dated 02/12/2011 to extend opening hours).

LBH Ref Nos: 36969/APP/2015/2159

Drawing Nos: Delivery Management Plan
Noise Report
15109

Date Plans Received: 10/06/2015

Date(s) of Amendment(s):

Date Application Valid: 10/06/2015

1. SUMMARY

The application seeks planning permission for variation of condition 9 (Delivery Times) of planning permission ref: 36969/APP/2013/918, dated 16/03/2013, to permit deliveries between 0600 and 2300 Monday to Saturday and 0800 and 2300 on Sundays and Bank Holidays, and to allow deliveries by freezer container vehicles, articulated HGVs and other HGVs.

The applicants have demonstrated by way of submission of a noise survey that the noise resulting from the extended delivery hours outside the approved hours of operation would not significantly detract from the residential amenities of occupants of nearby properties.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

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

Unless otherwise first agreed in writing by the Local Planning Authority, prior to the implementation of the extended hours hereby agreed 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 (November 2012).

3 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). 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 (November 2012).

4 NONSC Non Standard Condition

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 (November 2012).

5 NONSC Non Standard Condition

The turning/loading 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 (November 2012).

6 NONSC Non Standard Condition

All deliveries including refrigerator container vehicles, articulated HGV's and other HGV's shall only take place between the hours of 06.00 and 23.00 Mondays - Saturdays, and 08.00 - 23.00 Sundays and Bank Holidays and at no other times.

Reason:

To safeguard the amenity of surrounding areas in accordance with Policies OE1 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012) and Policy 4A.20 of the London Plan (2015).

7 NONSC Non Standard Condition

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).

8 NONSC Non Standard Condition

Where external machinery/equipment or external 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).

9 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 (2015) 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 (2015). 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.

COLUMNS

Decision: 11-09-2001 Approved

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/2003/216 Waitrose, 9 Kingsend Ruislip

EXTENSION TO EXISTING CAR PARK TO REAR OF NO.21 KINGSSEND

Decision: 31-08-2004 Withdrawn

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/APP/2013/918 Waitrose, 9 Kingsend Ruislip

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 7 Kingsend)))

Decision: 07-08-2013 Approved

36969/APP/2015/2167 Waitrose, 9 Kingsend Ruislip

Variation of condition 1 (Delivery Times) of planning permission ref: 36969/APP/2002/133, dated 10-07-02, to extend the stores delivery hours (Removal of condition 13 of planning permission ref: 36969C/88/982 and condition 9 of planning permission ref: 36969G/89/2037, and replacement delivery hours condition)

Decision:

Comment on Relevant Planning History

There is various planning history in relation to this site. An application reference 36969/APP/2013/918 to vary the hours of opening was approved by the Council with conditions.

The above application sought for variation of condition 8 of planning permission 36969/G/89/2037 dated 30/11/1993, to extend the permitted trading hours of Waitrose Supermarket by one hour on Monday to Fridays, to permit trading between 0700 hours and 2200 hours; to extend the permitted trading hours by two hours on Saturdays, to permit trading between 0800 hours and 2200 hours on Saturdays; and to extend the permitted trading hours by one and a half hours on Bank and Public Holidays, to permit trading between 0830 hours and 1800 hours.

Planning application reference: 36969/APP/2015/2167 for variation of condition 1 (Delivery Times) of planning permission ref: 36969/APP/2002/133, to state: "all deliveries including refrigerator container vehicles, articulated HGV's and other HGV's shall only take place between the hours of 0600 and 2200 Mondays and Saturdays, and 0800 and 2200 Sundays and Bank Holidays and at no other times" is pending consideration.

4. Planning Policies and Standards

None.

UDP / LDF Designation and London Plan

Part 2 Policies:

OE1 The following UDP Policies are considered relevant to the application:-
Protection of the character and amenities of surrounding properties and the local area

Part 1 Policies:

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

5.1.1 Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Site notice was issued and displayed on 08.06.15.

An objection has been received stating that the current use is flouting the approved hours of delivery

Internal Consultees

EPU:

As the site already has permission for deliveries between the hours of 0600 and 2000 EPU would have no objection to extended delivery hours to 2300 on a trial basis for 18 months.

Conservation & Urban Design:

There do not appear to be any conservation matters related to this application. No comments are therefore forwarded.

Officer comments: Noted.

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 deliveries and whether these should be extended as requested by the applicant.

7.02 Density of the proposed development

Not applicable to this application.

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

None.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

None.

7.06 Environmental Impact

Not applicable.

7.07 Impact on the character & appearance of the area

Not applicable to this application.

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 off 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

Planning application reference 36969/APP/2013/918 to vary the hours of opening was approved by the Council with conditions, to extend the permitted trading hours of Waitrose Supermarket by one hour on Monday to Fridays, to permit trading between 0700 hours and 2200 hours; to extend the permitted trading hours by two hours on Saturdays, to permit trading between 0800 hours and 2200 hours on Saturdays; and to extend the permitted trading hours by one and a half hours on Bank and Public Holidays, to permit trading between 0830 hours and 1800 hours. This permission was implemented and is ongoing.

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. However, the noise assessment submitted demonstrates that the nearest properties would meet BS8233 and WHO guidelines with regards to internal noise; extending the permitted delivery hours will not increase the noise impact with regard to BS4142:2014 when compared to the existing situation. Further it is noted that the proposed change would only effect the day time period and there would be no additional impact within the night time period.

Having considered the likely impacts of the proposal and the short timescale of the additional hours sought in the evenings it is not considered that the proposed delivery 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 to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The reason that the condition was imposed on the original application related to the consideration of noise impacts and not highway matters. Accordingly, highway matters are not a key consideration in respect of this application.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

There will be no change in the existing disabled access arrangements on the site.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There would be no impact on trees on and around the site.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Discussed above.

7.19 Comments on Public Consultations

56 neighbours and the Ruislip residents Association were consulted on 15.06.15. 1 letter of comments has been received raising concerns in relation to the following:

1. The extended delivery until 23.00 hours on all days of the week is inappropriate
2. The site has a history of 'statutory nuisance'
3. Light flooding during deliveries through illuminating
4. Noise from the delivery lorries after 10pm is inappropriate for residents
5. Impact on conservation area where the character needs to be maintained

Officer comments: Issues relating to illegal parking are covered by different legislation. The rest of the issues raised are addressed within this report. In summary the delivery hours which originally, with extended to 2300 have been amended to 2200 following discussions with Council Officers. These hours do not extend into the sensitive night time period when the majority of people are asleep and the submitted noise report indicates that the deliveries will not have unacceptable impacts during daytime hours.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

None.

7.22 Other Issues

This application is a Section 73 application, which means that in determining this application the Local Planning Authority is, in effect, issuing a new planning permission which take precedence over the previous permission. Officers have therefore undertaken a review of conditions attached to the previous consent to establish if there are any operational conditions which need to be carried forward into this permission, the recommendation in this report is considered to include all such conditions.

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

None.

10. CONCLUSION

It is considered that the proposed delivery 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.

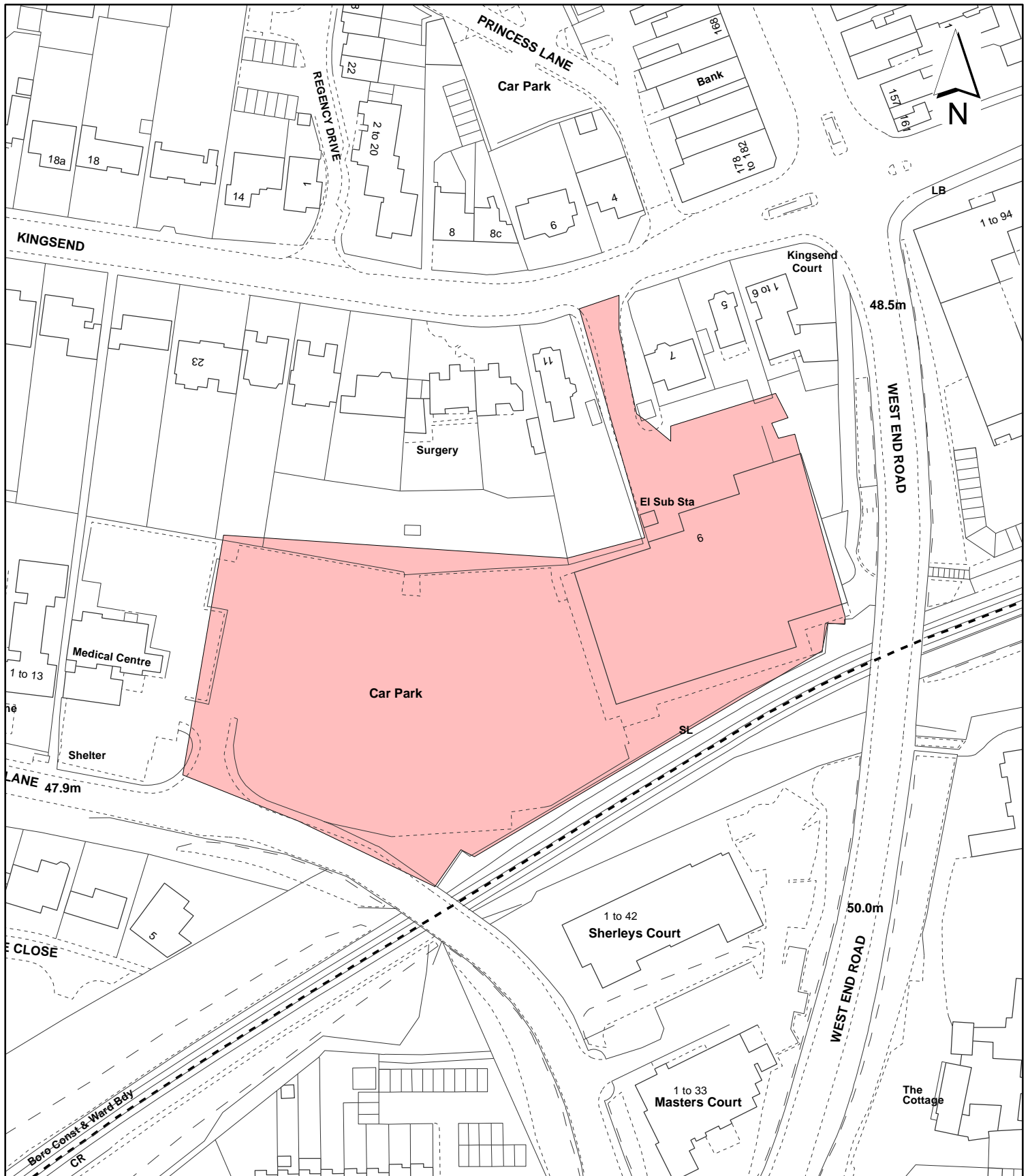
The proposal would comply with Policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012) as well as the National Planning Policy Framework and is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
London Plan 2015
NPPF

Contact Officer: Peter Korankye-Gyabong

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2015 Ordnance Survey 100019283

Site Address:

**Waitrose
 9 Kingsend
 Ruislip**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

36969/APP/2015/2159

Scale:

1:1,250

Planning Committee:

North

Date:

October 2015



HILLINGDON
 LONDON