

Report of the Head of Planning, Sport and Green Spaces

Address WAITROSE, 9 KINGSEND RUISLIP

Development: 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)

LBH Ref Nos: 36969/APP/2015/2167

Drawing Nos: Noise Report
15109
Delivery Management Plan

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 the variation of condition 1 (Delivery Times) of planning permission ref: 36969/APP/2002/133, dated 10-07-02, to permit deliveries between 06.00 and 23.00 Monday to Saturday and 08.00 and 23.00 on Sundays and Bank Holidays, and to allow deliveries by freezer container vehicles, articulated HGV's and other HGV's.

The applicant has 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

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).

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.

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. The delivery and staff access are 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 is for variation of condition 1 (Delivery Times) of planning permission ref: 36969/APP/2002/133 to permit deliveries between 06.00 and 23.00 Monday to Saturday and 08.00 and 23.00 on Sundays and Bank Holidays, and to allow deliveries by freezer container vehicles, articulated HGV's and other HGV's.

The current approved delivery hours are between 06.00 and 20.00 Monday to Saturday and 08.00 and 20.00 on Sundays and Bank Holidays. As such, the proposal is essentially for deliveries to be carried out for an additional 3 hour period.

3.3 Relevant Planning History

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/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/2015/2159 Waitrose, 9 Kingsend Ruislip

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).

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.

Planning application reference: 36969/APP/2015/2159 for variation of condition 9 of ref: 36969/APP/2013/918 to state: "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 and Saturdays, and 08.00 and 23.00 Sundays and Bank Holidays and at no other times" is pending consideration on this agenda.

4. Planning Policies and Standards

None.

UDP / LDF Designation and London Plan

Part 2 Policies:

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

Part 1 Policies: area

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

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area. Replaced by PT1.10 (2012)

5. 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.

Internal Consultees

EPU:

As the site already has permission for deliveries between the hours of 06.00 and 20.00 EPU would have no objection to extended delivery hours to 23.00.

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

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. 2 letters of comments have 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

6. High-pitched beeps of vehicles impacts on sleep and quality of life
7. Waitrose articulated trucks are regularly parked on the pavement do restrict pavement width

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

Officer comments: Issues relating to illegal parking are covered by different legislation. The rest of the issues raised are addressed within this report.

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. In this case there were no other conditions on the original permission and accordingly no other conditions could be reasonably imposed on this permission.

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.

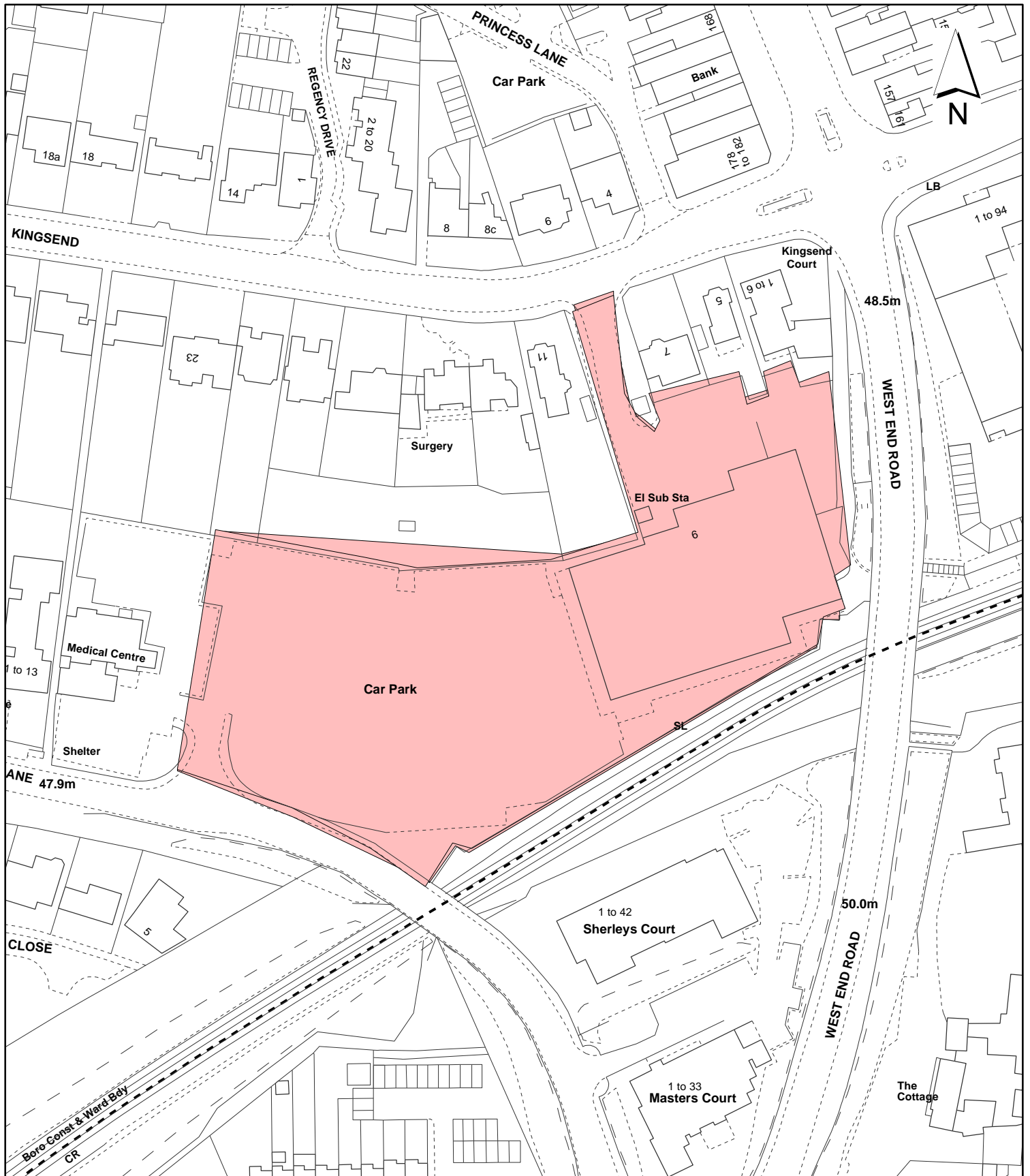
The proposal would comply with Policies OE1 and OE3 of the Hillingdon Local Plan Part 2 - Saved Policies (November 2012) as well as the National Planning Policy Framework and is therefore recommended for approval.

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

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Notes:

 Site boundary

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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/2015/2167

Scale:

1:1,250

Planning Committee:

North

Date:

October 2015



HILLINGDON
 LONDON