

Report of the Head of Planning, Sport and Green Spaces

Address	LAND COMPRISING THE FORMER IMPERIAL HOUSE VICTORIA ROAD RUISLIP
Development:	Variation of conditions 3 (Supporting plans and/or documents) and 20 (No more than 2 deliveries/collections in the servicing hours) of planning permission ref. 5039/APP/2015/4395 dated 17/10/2017: Construction of a 2,554sqm. GIA (1,687sqm sales area) Class A1 discount food store with associated access arrangements, car parking and landscaping (involving the demolition of Imperial House, former Comet building and vacant Value Windows Ltd building) and external refurbishment / re-cladding of Bensons for Beds unit to allow unrestricted numbers of deliveries/ collections during the servicing hours (outside of the hours 07:00 to 23:00, Mondays to Saturdays and 10:00 to 18:00 on Sundays, Public and Bank Holidays).
LBH Ref Nos:	5039/APP/2017/4163
Drawing Nos:	Flood Risk Assessment, November 2015 Geo-Environmental Site Investigation Report Technical Note, July 2016 Planning and Retail Statement, November 2015 Response to GLA Stage 1 Report Energy Statement, Rev. 4 dated 11/11/15 response to Highway Officer's Comments, February 2016 South Ruislip Industrial Market and SIL Study, August 2016 Transport Assessment, November 2015 BS5837:2012 Tree Survey Underground Services Search Report Cover Letter Lidl18941-11g Noise Impact Assessment, November 2017 12998/T/01-03 12998/T/02-03 12998/T/03-03 Rev. A 3096/302 Rev. B 3096/405 Rev. A 3096/409 3096/410 Rev. A 3096/415 3096/416 3096/426 Rev. G 3096/436 Rev. A 3096/426 Rev. P (layout with tracking) Arbtech TCP 02 Carpark Lighting Layout, Rev. A Soft Landscape Specification, dated October 2015 Design and Access Statement Lidl Service Management Plan, November 2017 Walsingham Planning letter dated 17/11/17 Air Quality Assessment 12998/T/02-02 (Arboricultural Impact Assessment)

Carpark Lighting Proposal, dated 30/10/15
Draft Travel Plan, dated November 2015

Date Plans Received: 17/11/2017

Date(s) of Amendment(s): 17/11/2017

Date Application Valid: 18/12/2017

Reason for Urgency

The LIDL store has opened for business and officer's are aware the applicant seeks a quick decision. Of particular relevance officer's consider that there is a high risk unless this application is determined on the 5th April that a non-determination appeal will be lodged. Given that there is no major planning committee meeting scheduled between 5 April and 23 May an urgent decision is warranted.

1. SUMMARY

Planning permission was granted for the new Lidl store on Victoria Road which has recently opened on 17/10/17 (App. No. 5039/APP/2015/4395 refers). As access to the servicing bay for the store is through the customer car park, in order to avoid delivery/servicing lorries conflicting with customer vehicles, a condition of the planning permission restricts deliveries/collections to take place during the night, outside of the store's opening hours. Following agreement with Lidl, the numbers of deliveries/collections has been restricted to a maximum of 2 per night in order to safeguard the amenities of surrounding residents.

This application seeks to vary two conditions to allow an unrestricted number of deliveries/collections during the night.

It is considered that the noise impact assessment submitted with the application is not sufficiently robust to demonstrate that surrounding residents would not be affected by the increased numbers of servicing movements, little justification has been put forward for the need for unrestricted deliveries and collections, and no information has been submitted to indicate what mitigation measures would be put in place to mitigate the noise impacts during the night. Furthermore, in the absence of any information concerning number of HGVs involved, there is the potential for multi deliveries to occur, which may involve HGVs backing up onto the public highway, prejudicial to highway efficiency and safety.

On this basis, the application can not be supported and is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The application fails to demonstrate that unrestricted numbers of deliveries/collections during the night would not result in a significant loss of residential amenity from noise and

general disturbance to surrounding residential properties and inadequate safeguards would be put in place to mitigate the harm, contrary to Policy 7.15 of the London Plan (March 2016), Policies BE19, OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and DoT Quiet Deliveries Good Practice Guidance (February 2015) and the Council's Supplementary Planning Guidance - Noise.

2 NON2 Non Standard reason for refusal

In the absence of any details which provide clarification of the nature of unrestricted deliveries/collections, in the event of multi deliveries occurring, there is the potential for HGVs to back up onto the adjoining highway which could interrupt the free flow of traffic and prejudice highway safety, contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to REFUSE 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
NPPF10	NPPF - Meeting challenge of climate change flooding costal
LPP 2.17	(2016) Strategic Industrial Locations
LPP 4.7	(2016) Retail and town centre development
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.7	(2016) Renewable energy
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure

LPP 6.9	(2016) Cycling
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 6.14	(2016) Freight
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.2	(2016) An inclusive environment
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.21	(2016) Trees and woodlands
LPP 8.2	(2016) Planning obligations
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
LE2	Development in designated Industrial and Business Areas
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004

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In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms a 1.0ha rectangular shaped corner plot located within an industrial/ commercial area on the southern side of Victoria Road. The site forms the western corner of Victoria Road's eastern junction with Stonefield Way, a road which forms a one-way route around three sides of a block within the industrial estate, with vehicles entering Stonefield Way from its eastern junction before re-emerging onto Victoria Road at its western junction, some 120m to the west of the application site. The commercial units on this side of Victoria Road are mainly in use for retail purposes, with residential properties opposite.

The site has been re-developed to provide a Lidl store at the back of the site and car parking to the side and in front of the store, with the existing Bensons for Bed unit within the car parking area being retained and refurbished.

Traffic on Victoria Road is segregated by central island road markings and there is a zebra crossing immediately in front of the eastern part of the site. There is also a wide grassed verge/segregated service road in front of the site.

The application site forms part of the Stonefield Way IBA and has a PTAL score of 1b. It is also located within Flood Zone 2.

3.2 Proposed Scheme

This application seeks to vary condition 3 (Supporting plans and/or documents) and delete Condition 20 (No more than 2 deliveries/collections in the servicing hours) in order to allow unrestricted numbers of deliveries/collections to take place outside of the store's opening hours of 07:00 to 23:00 hours, Mondays to Saturdays and 10:00 to 18:00 hours on

Sundays, Public and Bank Holidays. The reason for the imposition of the condition was to prevent delivery/collection vehicles conflicting with customer movements during the store's opening hours so as to safeguard public and highway safety.

The covering letter advises that with a GIA of 2,755sqm, the retail unit represents Lidl's latest store format and will be one of the largest stores in the retailer's portfolio. It goes on to advise that:-

'following a review of the operation of its larger format stores, Lidl require flexibility in its servicing arrangements in order to respond to greater consumer demand for goods, and to be able to react to daily, weekly and seasonal fluctuations in trade. The current cap on no more than two deliveries per day will remove this flexibility and impact Lidl's ability to respond to customer demand. This has the potential to detrimentally affect the proper operation of the Victoria Road store.'

The application is supported by the following amended document:-

Noise Impact Assessment, November 2017

This provides an introduction to the assessment and describes and assesses relevant national noise policy and guidance. The report goes on to identify appropriate guidance to assess delivery noise levels and describes the assessment methodology which compares existing daytime and night time noise levels with the predicted noise levels of vehicles arriving/departing, based at recordings another similar store and the change in noise levels provides the overall impact. The baseline noise monitoring which was undertaken is described which took place over the long weekend of 9/12/16 to 12/12/16 using a noise sensitive receiver placed at the front of the site. Baseline noise levels are presented and the assessment uses modeling software to predict the changes in sound levels during arrival, unloading and departure events and presents this in map form and calculates that the predicted noise level at the noise receiver would be below the Observed Adverse Effect Level (OAE) of the NPPG and therefore the assessment demonstrates that noise emissions of deliveries would be acceptable at the sensitive receivers in the area, 24 hours a day, 7 days a week.

3.3 Relevant Planning History

Comment on Relevant Planning History

Following an initial refusal of planning permission and a subsequent recommendation for approval of a revised scheme (App. Nos. 5039/APP/2014/143 and 3715 refer), the current 2,554sqm. GIA Lidl store on site was granted planning permission on 17/10/17 (App. No. 5039/APP/2015/4395 refers).

Advertisement consent for Lidl's signage at the site was approved on 10/1/18 (App. No. 5039/ADV/2017/50 refers).

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.E1	(2012) Managing the Supply of Employment Land
PT1.E5	(2012) Town and Local Centres
PT1.E7	(2012) Raising Skills
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise
PT1.T1	(2012) Accessible Local Destinations
PT1.CI1	(2012) Community Infrastructure Provision

Part 2 Policies:

NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **17th January 2018**

5.2 Site Notice Expiry Date:- **25th January 2018**

6. Consultations

External Consultees

312 neighbouring properties and the South Ruislip Residents' Association were consulted on this application and 2 site notices were displayed, one on each of the road frontages of the site on 4/1/18 with a closing date of 25/1/18.

Comments from 7 properties have been received, 2 in support, 2 making general points and 3 in opposition. A petition of objection has also been received which has 54 local signatures. The petition states that the signatories object to the Lidl site being in operation for 24 hours a day opposite residential properties which is in breach of human rights. This is the fifth food superstore on Victoria Road and residents rights have been removed wrongly.

Objection Comments

Noise comments

(i) The unrestricted numbers of deliveries and collections during servicing hours would result in 24 hour use a day and my right to peaceful sleep during the 8 hours at night when the store is shut should be respected,

(ii) There would be unrestricted out of hours deliveries to the site with freight from the Polish War Memorial going along West End Road, Pembroke Road, then Victoria Road. This is a lot of residents being subject to massive HGV's noise at all times of the night past 23:00 hours, the accepted start of the quiet period,

(iii) Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. This proposal clearly violates the above as it is going to affect the health and quality of life for residents living on Victoria Road opposite Lidl,

(iv) On 8/1/18, between 5:00 and 6:00 AM, 3 Lidl delivery lorries arrived which woke all the family members due to the reverse noise made by the lorries. If this is to happen throughout the night, it will clearly impact upon health and quality of life,

(v) Lidl could have used the access road to the rear of the site which was at one time part of Value Windows where deliveries could be safely made so Lidl have created an unnecessary problem to justify opening the site 24 hrs a day at a later date,

(vi) Since the approval, there has been no change in the size of store so unable to understand why Lidl want to remove the restriction. This is a case of 'Residents First' before the approval of the initial

plan and once approved, 'Residents Last',

(vii) Report fails to address how the potential of the proposal to affect the residents on Victoria Road can be rectified,

(viii) As per the report, the current noise level is close to the British Standards. By not restricting delivery vehicles, this is going to increase the noise level and as per the assessment, I fail to understand how this will not impact on the noise level,

(ix) Noise Impact Assessment was carried out in perfect conditions which had least amount of impact. Report did not address more adverse weather conditions,

(x) Lidl have had plenty of time to comply with the conditions and all landscaping should be put in place as a matter of urgency to reduce noise noise travelling to local properties opposite and intrusion of headlights during hours of darkness intruding and spoiling quality of life,

Highway Issues

(xi) There is no safe entry or exit of or onto the Lidl site and urge Hillingdon Planning to stop the premature opening of the store. This will result in loss of amenity to borough residents due to grid locking of the area, restricting local buses and emergency vehicles will be impeded,

(xii) Modified junction of Stonefield Way and Victoria Road has no planning permission as planning permission has lapsed and changing the junction back to a two way junction ignores known safety concerns which include faulty and incomplete modelling. If junction so dangerous in 1995 that needed to be changed to one-way, dangers have increased in 2018 with 60% more traffic on British roads and the traffic from a Lidl superstore now mixing with heavy industrial traffic,

(xiii) Traffic Management Order has been applied for in an attempt to circumnavigate the lack of planning permission but these should be used on grounds of safety and for the purpose of free flowing traffic which is not the case here as would be changing a safe junction to a dangerous one as recognised by Council officials in 1995.

(xiv) Grid locking of area being ignored as the figures on the original planning application for the junction was based on Bensons for Beds and Comet and hid the fact that junction was going to benefit Lidl with many hundreds and thousands of vehicle movements a day including cars turning right out of Stonefield Way onto Victoria Road being in conflict with HGV traffic making a right turn onto Stonefield Way, resulting in chaos. I purpose built junction is needed which may have to involve Lidl shutting,

Other comments

(xv) Existing trees numbered 5 to 9 and described as "Trees of high quality with an estimated remaining life of at least 40 years" have been removed. Lidl should provide replacement trees before this application is considered for approval and store opens,

(xvi) Store is meant to be opening on 25th January

(xvii) Consultation period includes Christmas period and can only comment on application when know precisely what is being proposed

(xviii) Pylon signs should also respect restrictions on hours to prevent disturbance of peaceful sleep,

Comments in support

(xix) No reason not to allow access during these periods when there is little traffic in the area,

(xx) Lidl have complied with every request during the planning process and if need additional deliveries to make project viable, they should be allowed.

South Ruislip Residents' Association:

We are writing in support of local objections to extending the number of deliveries/collections in the set servicing hours to this site from a maximum number of two to an unrestricted number during the servicing hours which are outside of the hours 07:00 to 23:00, Mondays to Saturdays and 10:00 to 18:00 on Sundays, Public and Bank Holidays. There as far as we can see are no guidelines as to how many extra traffic movements there are likely to be which means that at the times that most people are sleeping there will inevitably be increased noise accentuated by the large vehicles now in use. thus causing undue disturbance. Whilst some modest increase in traffic movement be

considered reasonable it is crucial that the right balance is achieved particularly as to precedent that could be set. It is within our remit to express our concerns as Manor Ward forms part of the Ruislip Residents Association. It would be appreciated if our concerns could be fully taken into account in your deliberations and that we be informed of your decision in due course.

GLA:

Given the scale and nature of the proposals, the GLA conclude that the amendments do not give rise to any new strategic planning issues. Therefore the Mayor of London does not need to be consulted further on this application. Your Council may, therefore proceed to determine the application without further reference to the GLA.

Transport for London:

With regards to the proposed variation of Condition 3, TfL has no objection.

For Condition 20, the applicant shall clarify how they will manage increased deliveries during busy periods such as Christmas and New Year while ensuring all of the relevant guidance/ regulations are adhered to and provide a good indication of maximum number of deliveries it may expect to receive over the periods.

Environment Agency:

The application 5039/APP/2017/4163 Variation of conditions 3 (Supporting plans and/or documents) and 20 (No more than 2 deliveries/collections in the servicing hours) of Planning Permission ref. 5039/APP/2015/4395 dated 17/10/17 are not conditions recommended by the Environment Agency. As this is not our condition we are unable to comment on the discharge

MOD Safeguarding:

It is confirmed that the MOD has no safeguarding objections to conditions 3 and 20 of permission 5039/APP/2015/4395 being varied.

Internal Consultees

Environmental Protection Officer:

I have read through the submitted acoustic report Reference: 6596/BL/pw, dated Nov 2017. The report noise levels taken from a similar store in 2016 which is a reasonable practice to do. The noise predictions are generally for one noise operation activity.

As they are applying for unrestricted noise deliveries the applicant has not submitted information as to why the need for unrestricted deliveries are required given that they have not raised concerns in relation to store operation that they carry out.

As they are proposing unrestricted delivery the report does not take into account any multi deliveries that may occur during busy periods and as stated within the report that the noise from HGV's maybe heard the fact of multi deliveries during the night may give rise to nuisance by its very nature.

By increasing the use of pallets and pallet transfer during the night may also increase nuisance and the applicant has not sufficiently shown the number of deliveries that may be required to support the operation of the store.

With the current submitted information I cannot agree to unrestricted deliveries as I feel there has been insufficient assessment made in the report for the case of multiple deliveries during the night as the focus is only on single events.

Highway Engineer:

Condition 20 Servicing hours

The Gateway Transport Assessment (November 2015) provided in support of the permitted

application stated that the operator's servicing policy was to limit deliveries to one and two deliveries per day and servicing would be conducted outside network and trading peak hours.

On the basis of the information provided and discussions undertaken the applicant was given approval with a condition (No.20) applied that was to protect highway safety and residential amenity.

The application now requires unrestricted numbers of deliveries/collections outside the 0700 to 2300 period Mondays to Saturdays and 1000 to 1800 on Sundays and Bank Holidays.

The DoT Quiet Deliveries Good Practice Guidance (February 2015) states that local communities need to be reassured and I am not aware that the operator has undertaken any such exercise with the local community based around the new store.

Condition 20 also includes a requirement that the operator requires the number of deliveries to be recorded.

I find it difficult to understand why the operator requires removal of the delivery restrictions unless it has changed its servicing policies. I also would have expected the applicant to provide residents with the reassurance that the DoT Guidance suggests.

The store has been open now for 2 months and on that basis I would have thought the applicant would have supported the application with recent data on the number of deliveries that have actually taken place which may help to demonstrate the level of activity that has taken place.

On the basis of the above comments I do not believe an unrestricted number of deliveries should be approved given the proximity of local residents to the new store.

Access Officer:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the variation of conditions.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable to the current proposal which seeks to vary the delivery /collection arrangements on a scheme which has already been implemented.

7.02 Density of the proposed development

Not applicable to this proposal.

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

Not applicable to this proposal.

7.04 Airport safeguarding

Not applicable to this proposal.

7.05 Impact on the green belt

Not applicable to this proposal.

7.06 Environmental Impact

Not applicable to this proposal.

7.07 Impact on the character & appearance of the area

Not applicable to this proposal.

7.08 Impact on neighbours

As the only potential impact upon neighbours would be through the potential for noise and general disturbance, this is dealt with in Section 7.18 below.

7.09 Living conditions for future occupiers

Not applicable to this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Highway Engineer does not raise any specific concerns with the proposal in terms of highway and safety issues, although he does note that the DoT Quiet Deliveries Good Practice Guidance (February 2015) states that local communities need to be reassured and Condition 20 also requires the operator to record the number of deliveries.

No evidence has been presented to the Council that the operator has undertaken any such exercise with the local community based around the new store and no records of the numbers of deliveries that are being made have been provided, despite the store already being opened for nearly 3 months.

However, as delivery numbers have not been specified, in the event of a number of HGVs arriving at the same time, the potential exists for HGVs to back up onto the public highway which would prejudice the free flow of traffic and be detrimental to highway safety, contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Not applicable to this proposal.

7.12 Disabled access

Not applicable to this proposal.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Not applicable to this proposal.

7.15 Sustainable waste management

Not applicable to this proposal.

7.16 Renewable energy / Sustainability

Not applicable to this proposal.

7.17 Flooding or Drainage Issues

Not applicable to this proposal.

7.18 Noise or Air Quality Issues

The covering letter submitted with the application advises that the servicing arrangements imposed by the conditions will be a significant burden to the store operating efficiently and successfully as a limit of two deliveries per day during the permitted hours does not provide any flexibility for Lidl to respond to daily, weekly or seasonal variations in demand for stock and condition 20 is unjustified.

In terms of the background to the imposition of Condition 20, the need to service the store outside of the store's opening hours was in response to Lidl's inability to provide a layout that provided a segregated servicing access and therefore there was a need to minimize the conflict of delivery lorries having to cross the customer car park whilst it was in use. The restriction to a maximum of two deliveries/collections a night was mutually agreed in order to allow the application to be approved.

This application was submitted before the new store opened and the precise nature of delivery requirements at the store known.

The Council's Environmental Protection Officer has reviewed the submitted acoustic report. The officer also makes the point that the reason for the change in delivery requirement has not been made clear when this was previously agreed, although the methodology that is used in the noise assessment is generally acceptable, albeit the information is based on a different store and not the application site.

The officer does however note that a significant omission of the report is that it does not take into account multi deliveries taking place at the site which would be more liable to occur with unrestricted deliveries, particularly during busy periods. The submitted report acknowledges that noise from HGVs may be heard and multi deliveries during the night may give rise to nuisance by its very nature. Multi deliveries would also be likely to result in lorries backing up, bringing them closer to the residential properties which has not been assessed. The officer also notes that increasing the use of pallets and pallet transfer during the night may also increase nuisance and the applicant has not sufficiently shown the number of deliveries that may be required to support the operation of the store.

The officer concludes that with the current submitted information, unrestricted deliveries cannot be supported as there has been insufficient assessment made in the report for the case of multiple deliveries during the night as the focus is only on single events.

As the submitted noise assessment is not sufficiently robust, the need and nature of the unrestricted deliveries is not known and it appears that good practice guidance has not been followed, the proposal is contrary to Policy 7.15 of the London Plan (March 2016), Policies BE19, OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) and DoT Quiet Deliveries Good Practice Guidance (February 2015) and the Council's Supplementary Planning Guidance - Noise.

7.19 Comments on Public Consultations

The petitioner objections and those from the South Ruislip Residents' Association have been dealt with in the main report, as have the comments from individuals (i), (ii), (iii), (vi), (vii), (xvi), (xvii) as are the comments in support (xix) and (xx). Points (iv), (v), (ix) and (x) are noted. In terms of points (xi), (xii), (xiii), (xiv), the new junction layout at the top of Stonefield Way was included as part of the works for the new Lidl store (App. No. 5039/APP/2015/4395 refers) and therefore these works do have planning permission which was granted after all the highway impacts were carefully considered by both TfL's and the Council's Highway Engineers using traffic generated by the Lidl store and levels predicted into the future as is standard procedure. As regards point (xviii), illuminate signage at the store, including the pylon signs was granted advertisement consent on 10/1/18 with a condition restricting the hours of illumination to store opening hours.

7.20 Planning Obligations

Not applicable to this application which seeks to vary 2 conditions.

7.21 Expediency of enforcement action

No enforcement issues are raised by this application.

7.22 Other Issues

No other issues are raised by this application.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including

regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

It is considered that the noise impact assessment submitted with the application is not sufficiently robust to demonstrate that surrounding residents would not be affected by the increased numbers of servicing movements, little justification has been put forward for the need for change, and no information has been submitted to indicate what mitigation measures would be put in place to safeguard noise impacts, including those sought by condition 14 of the original planning permission.

Also, in the absence of any information concerning number of HGVs involved, there is the potential for multi deliveries to occur, which may involve HGVs backing up onto the public highway, prejudicial to highway efficiency and safety.

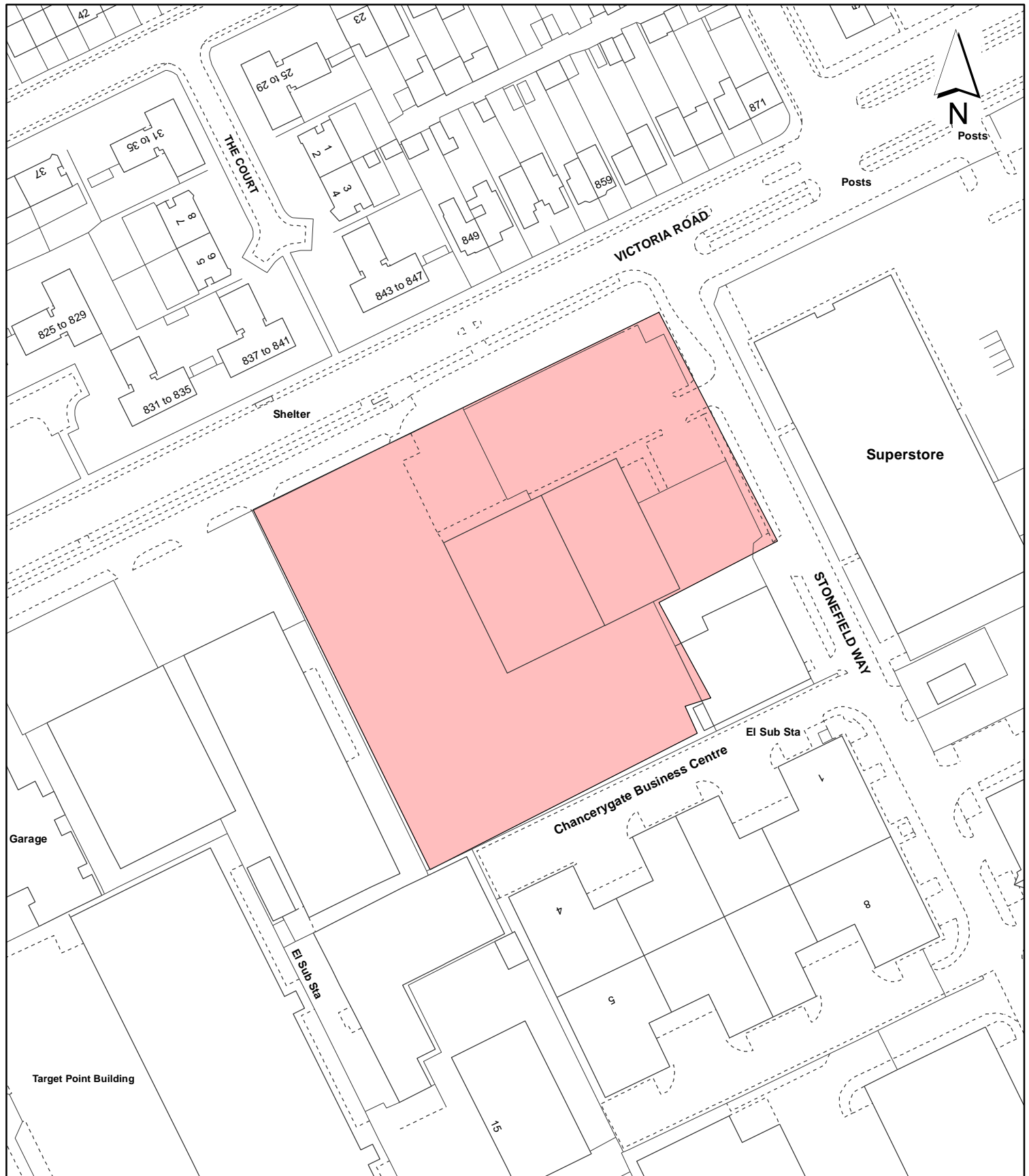
On this basis, the application is recommended for refusal.

11. Reference Documents

National Planning Policy Framework (March 2012)
London Plan (March 2016)
Hillingdon Local Plan (November 2012)
Supplementary Planning Guidance - Noise

Contact Officer: Richard Phillips

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Notes:

 Site boundary

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Site Address: **Land Comprising the Former Imperial House
Victoria Road
Ruislip**

Planning Application Ref:
5039/APP/2017/4163

Planning Committee:
Major

Scale:
1:1,250

Date:
April 2018

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