

Report of the Head of Planning, Transportation and Regeneration

Address TESCO STORES LTD GLENCOE ROAD HAYES

Development: Variation of Condition 2 (Security Barriers) and Condition 3 (Service Deliveries) of allowed appeal decision ref. 94/236865 (dated 10.01.95) relating to refused application ref 36999/T/93/0878 (dated 08-03-94) for the Variation of Condition 12 (Trading Hours) of planning permission ref. 36999E/89/1214 (dated 01.05.90). This current application seeks to enable service deliveries between the hours of 1000 and 2100 on Sundays and bank holidays.

LBH Ref Nos: 36999/APP/2018/3016

Drawing Nos: 1817940 Environmental Noise Assessment (29th June 2018)
GV9324/RML/SML Covering Letter (Submitted 4 October 2018)
Tesco Yeading Site Location Plan
Email Dated 28 September 2018 -Existing and Proposed Delivery Numbers

Date Plans Received:	14/08/2018	Date(s) of Amendment(s):	14/08/2018
Date Application Valid:	14/08/2018		28/09/2018
			23/08/2018

1. SUMMARY

This Section 73 application seeks to vary Condition 2 (Security Barriers) and Condition 3 (Service Deliveries) of allowed appeal decision ref. 94/236865 (dated 10.01.95) relating to refused application ref 36999/T/93/0878 (dated 08-03-94) for the Variation of Condition 12 (Trading Hours) of planning permission ref. 36999E/89/1214 (dated 01.05.90). The proposed change of service delivery hours would enable deliveries between the hours of 1000 and 2100 on Sundays and bank holidays.

It is considered that the applicant has failed to demonstrate that the proposal would not adversely impact on the amenities of surrounding properties and area, by way of noise arising from traffic movements, loading and unloading activities, customer and staff activities and other general disturbance. The noise mitigation proposed as part of this application is also considered to be insufficient and un-enforceable, adding further weight to the potential noise disturbance and detrimental impacts to surrounding residents. As such, the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The applicant has failed to demonstrate that the proposal would not adversely impact on the amenities of surrounding residents by way of noise arising from traffic movements, loading and unloading activities, customer and staff activities and other general disturbance. As such, the application is considered contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two (November 2012), Policy DMT 1 of the emerging Local Plan Part 2: Development Management Policies (May 2018), the Noise Supplementary Planning Document (April 2006) and the Noise policy statement for England (March 2010)

2 NONSC Non Standard Condition

The noise mitigation proposed as part of this application is considered to be insufficient

and un-enforceable, adding further weight to the potential noise disturbance and detrimental impacts to surrounding residents. As such, the application is considered contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two (November 2012), Policy DMT 1 of the emerging Local Plan Part 2: Development Management Policies (May 2018), the Noise Supplementary Planning Document (April 2006) and the Noise policy statement for England (March 2010).

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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
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
SPD-NO	Noise Supplementary Planning Document, adopted April 2006

3 I71 LBH worked applicant in a positive & proactive (Refusing)

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 is located on the northern side of Glencoe Road, Yeading, and falls within the Willow Tree Lane Local Centre as designated by the Hillingdon Local Plan - Saved UDP Policies (November 2012). The site is occupied by a part one, part two storey Tesco superstore located in the North-East portion of the site, and a petrol filling station, which is located in the Southern corner of the site. An internal service road runs along the

Eastern and Southern boundaries of the site. The remainder of the site is occupied by a 543-space car park for customer use.

The surrounding area is predominantly residential, characterised by terraced houses. There are 8 retail units with flats above (4-34 Jollys Lane) located immediately to the North of the application site. A number of gardens directly abut the site boundaries.

3.2 Proposed Scheme

This application seeks to vary Condition 2 (Security Barriers) and Condition 3 (Service Deliveries) of allowed appeal decision ref. 94/236865 (dated 10.01.95) relating to refused application ref 36999/T/93/0878 (dated 08-03-94) for the Variation of Condition 12 (Trading Hours) of planning permission ref. 36999E/89/1214 (dated 01.05.90). This current application seeks to enable service deliveries between the hours of 1000 and 2100 on Sundays and bank holidays. The applicants statements advise that the proposal would not involve the provision of additional deliveries to the Tesco Store but would entail that 6 more deliveries are made on Sunday and 6 fewer deliveries are made on Monday. However, this application only seeks a change to the hours for service deliveries, not the number of service deliveries. As a result, the proposed change to delivery hours could increase the number of deliveries.

It is noted that informal emails from the applicants agent indicate that service deliveries would only take place between 1000 and 1500 on Sundays and bank holidays. Despite this, the application form and cover letter submitted apply for a variation of hours to allow for service deliveries between 1000 and 2100 on Sundays and bank holidays. The consideration of this application is based on the change of hours stated within the application form and cover letter.

3.3 Relevant Planning History

36999/APP/2006/659 Tesco Superstore Glencoe Road Hayes

VARIATION OF CONDITION 1 (TO ALLOW THE FOODSTORE AND ASSOCIATED FILLING STATION TO TRADE 24 HOURS, 7 DAYS A WEEK SUBJECT TO SUNDAY TRADING RESTRICTIONS ON THE FOODSTORE) OF PLANNING APPEAL REF.T/APP/R5510/A/94/236865/P2 DATED 10/01/1995 (PLANNING APPLICATION REF.36999/T/93/878).

Decision: 12-07-2006 Refused

36999/APP/2007/803 Tesco Store Glencoe Road Hayes

VARIATION OF CONDITION 1 (TO EXTEND TRADING HOURS OF THE TESCO STORE AND PETROL FILLING STATION FROM 0800 - 21:00 HOURS BY 1:45 HOURS TO 0800 - 22:45 HOURS MONDAY TO SATURDAY EXCEPTING BANK HOLIDAYS) OF APPEAL DECISION REFERENCE: T/APP/R5510/A/94/230865/P2 DATED 10 JANUARY 1995. (PLANNING APPLICATION REF: 36999T/93/878 DATED MARCH 1994)

Decision: 11-01-2008 Refused **Appeal:** 12-09-2008 Dismissed

36999/APP/2010/1361 Tesco Store Glencoe Road Hayes

Variation of condition 1 (hours of opening) of the Secretary of State's Appeal Decision ref: T/APP/R5510/A/94/236865/P2 (LBH ref: 36999/T/93/0878) dated 10/01/1995, to extend the opening hours of the food superstore from 07.00 hours to 22.30 hours on Mondays to Saturdays

Decision: 15-09-2010 Refused

36999/E/89/1214 Willow Tree Ln/ Glencoe Rd Jollys Lane Hayes

Erection of retail store, 12 shop units, with residential accommodation over, surgery, public house/restaurant, public conveniences, petrol filling station, community facilities, car parking and landscaping

Decision: 01-05-1990 Approved

36999/P/92/0596 Willow Tree Ln/ Glencoe Rd Jollys Lane Hayes

Variation of condition 12 of planning permission ref:36999E/89/1214 to allow opening of the store on Sundays between 10.00am and 6.00pm

Decision: 12-06-1992 Refused

36999/T/93/0878 Tesco Superstore & Petrol Station Glencoe Road Hayes

Variation of condition 12 of planning permission ref. 36999E/89/1214 dated 1.5.90 to allow trading on Sundays between 1000 and 1800 hours

Decision: 08-03-1994 Refused

Appeal: 10-01-1995 Allowed

Comment on Relevant Planning History

The original planning permission (reference 36999E/89/1214) was subject to a variation of condition application to change the trading hours under application reference 36999/T/93/0878. This was refused but was allowed at appeal under reference 94/236865. Relevant to this application is Condition 3 (Service Deliveries) of allowed appeal decision ref. 94/236865 which states:

"On Sundays and bank holidays there shall be no service deliveries to the superstore save for newspaper deliveries."

Further, Condition 1 (Hours of Opening) of allowed appeal decision ref. 94/236865 states:

"The food superstore shall not open for the sale of goods on Christmas Day, before 0800 hours and after 2100 hours on Mondays to Saturdays, and before 1000 hours and after 1600 hours on Sundays and bank holidays".

Planning application ref: 36999/APP/2006/659 to vary Condition 1 (to allow the foodstore and associated filling station to trade 24 hours, 7 days a week subject to Sunday trading restrictions on the foodstore) of planning appeal ref: T/APP/R5510/A/94/236865/P2 dated 10.1.1995 (planning ref: 36999/T/93/878) was refused on 12/07/06 for the following reason:

-

"The applicant has failed to demonstrate that the proposal would not adversely impact on the amenities of surrounding residents by way of noise arising from traffic movements (including deliveries), loading and unloading activities, customer and staff activities and other general disturbance, an increase in crime and anti-social behaviour within the locality

and vibration, and light pollution, particularly during more sensitive night time hours. As such, the applicant has failed to demonstrate compliance with Policies OE1 and OE3 of the adopted Unitary Development Plan."

Planning application ref: 36999/APP/2007/803 to vary Condition 1 (to extend trading hours of the Tesco store and petrol filling station from 0800 - 2100 by 1.45 hours to 0800 to 2245 hours Monday to Saturday excepting Bank Holidays) of appeal decision ref: T/APP/R5510/A/94/236865/P2 dated 10.1.1995 (planning ref: 36999/T/93/878) was refused on 11/01/08 for the following reason: -

"The proposal fails to demonstrate that the extension of hours would not have a detrimental impact on residential amenity by reason of noise and disturbance created by customers, vehicles, parking and other related activities associated with the use and operation of the store. The proposal is therefore contrary to Policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007."

This decision was appealed and the appeal upheld at a Hearing in 2008. The inspector concluded that -

'an extension to the trading hours of the store would be likely to be detrimental to the amenities of the residents of nearby properties because of noise, contrary to the requirements of saved Unitary Development Plan Policy OE1(iv). In my opinion, the restriction imposed by the existing condition is necessary and proportionate to protect the interests of these residents, and only by such a condition is the potential for noise annoyance adequately mitigated, as provided for in Saved Local Plan Policy OE3.'

Planning application ref: 36999/APP/2010/1361 to vary Condition 1 (to extend the opening hours of the food superstore from 07.00 hours to 22.30 hours on Mondays to Saturdays) of appeal decision ref: T/APP/R5510/A/94/236865/P2 dated 10.1.1995 (planning ref: 36999/T/93/878) was refused on 15.09.10 for the following reason: -

"The applicant has failed to demonstrate that the proposal would not adversely impact on the amenities of surrounding residents by way of noise arising from traffic movements (including deliveries), loading and unloading activities, customer and staff activities and other general disturbance, particularly during more sensitive night time hours. As such, the application is considered contrary to Policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and with the advice contained within Planning Policy Guidance Note No.24."

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

- | | |
|------|--|
| AM14 | New development and car parking standards. |
| AM7 | Consideration of traffic generated by proposed developments. |
| BE13 | New development must harmonise with the existing street scene. |

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
SPD-NO	Noise Supplementary Planning Document, adopted April 2006

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd October 2018**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Letters were sent to neighbouring properties, a site notice was erected towards the front of the application site and an advert was posted in the local paper. All consultations expired on the 04/10/2018.

103 letters of public consultation were sent, 19 objections have been received from members of the public and a petition with 50 signatories has been received. The objections are summarised as follows:

- There is no need to change the hours.
- Tesco should make better use of the existing 6 days which deliveries can be made on.
- The existing noise levels are already unacceptable and extending the hours for delivery would remove the only remaining residential peace and quiet.
- The noise assessment document does not indicate the frequency of deliveries or vibration assessment.
- The noise assessment does not capture the impact of the noise caused to individuals in their home.
- The opening of the delivery lane will allow lorries to park in the lane awaiting their slot for the delivery yard, generating noise, fumes and vibration to the detriment of adjacent properties.
- The assessment data for Sunday 27 May is irrelevant because there are no deliveries on this day, so noise, fumes and vibration will be greatly reduced.
- Sunday is the only day residents can utilise their gardens.
- Problems on the Tesco site have increased since the improvements made to the B&Q site made it more secure. Local residents, and representatives from the Safer-Neighbourhood Team and Ward Panel, have attempted to engage with Tesco to solve these problems but no action has been taken.
- The site should be secured outside trading hours. Any increase in deliveries would make this more impractical, leading to a further anti-social behaviour.
- The proposed change is a stepping stone for further change of conditions leading to 24hr opening.
- Tesco deliveries are already made outside of permitted hours. This would be the case for any change to delivery hours also.
- Lorries have been left idling despite this not being permitted.
- The existing and proposed situation denies residents their rights under section 8 of the Human Rights Act 1998.
- The lorries which already operate disrupt the use of local roads and the unlawful use of such vehicles is putting other road users at risk.
- The proposed delivery arrangement would result in an area more characteristic of industrial land than residential.
- The proposal would reduce local property value.
- A similar application to vary delivery hours was refused previously and there have been no material changes that would merit a different outcome this time.

- Conditions should be imposed to secure the site from anti social behaviour.
- Potential for conflict with B&Q deliveries.

Officer Comment:

The impact on property value is not a material planning consideration. The submitted noise assessment is considered in further detail in the main body of the report.

Transport for London Comment:

No objection.

John McDonnell MP Comment:

Local residents have been subjected to unacceptable level of noise and air pollution due to the lorries making deliveries to Tesco. My constituents' have to shut their windows and doors and cannot enjoy their gardens due to the noise of engines and refrigerated units as well as the strong smell of fumes. To increase the deliveries only serves to increase the traffic, air and noise pollution for the residents and take away the respite days (Sundays and Bank Holidays). I would urge that this application is refused and that Tesco manage their current delivery schedule more efficiently

Internal Consultees

Environmental Protection Unit Officer Comments:

The ASB & Environment team are currently dealing with ASB issues around the mis-use of the Tesco car park at night which results in undue noise and nuisance to residents. This did not seem to show up in the submitted noise report and results in an unbalanced view of the actual situation.

The acoustic assessment is based on predictions and as the effects of noise and activities within the compound have not actually been assessed the information cannot be relied upon as accurate.

The applicant has not covered fully the management of loading and unloading late at night and the noise levels that will affect nearby properties. Given that there may also be greater access to the car park areas that already have ASB issues these situations would be heightened by later hours access.

I am not convinced that sufficient information has been submitted to justify later delivery hours for the store and believe better use of times during the week need to be explored first before giving extra hours I cannot support the application and suggest the application be refused.

Highways Officer Comments:

Having assessed the submitted information, I do not consider this scheme to have adverse impacts upon the safety and convenience of the network. On this basis, I do not have any objections to the variation of condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The existing retail use of the Tesco Store has long been established and would be maintained in the context of this proposal. It is noted that the proposal for a change to delivery hours would be considered an operational change, as opposed to a development.

7.02 Density of the proposed development

The density of the proposed operational change is not relevant to the determination of this

application.

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

The application site is not designated as or located near an Archaeological Priority Area, Conservation Area, Listed Building or Area of Special Local Character. This consideration is therefore not relevant to the determination of this application.

7.04 Airport safeguarding

Airport safeguarding is not relevant to the determination of this application.

7.05 Impact on the green belt

The impact on the Green Belt is not applicable to the determination of this application.

7.06 Environmental Impact

Environmental impacts are considered within the 'Impact on neighbours' section of the report.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

The proposed operational change would not alter the external appearance of any buildings on site. It is not, therefore, considered that the proposed works would result in an unacceptable impact on the street scene, appearance or character of the area. The proposal accords with policies BE13.

7.08 Impact on neighbours

Policy DMT 1 of the emerging Local Plan Part 2: Development Management Policies (May 2018) requires that development proposals meet the transport needs of the development and must have no significant adverse transport or associated air quality and noise impacts on the local and wider environment.

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:

- "(i) The siting or appearance;
- (ii) The storage or display of vehicles, goods, equipment or other merchandise;
- (iii) Traffic generation and congestion;
- (iv) Noise and vibration or the emission of dust, smell or other pollutants, unless sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable."

Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within the acceptable levels by engineering, lay-out or administrative measures.

As detailed by the Email dated 28 September 2018, currently the following number of deliveries are carried out on each day:

- 16 deliveries on Monday between the hours of 0001 and 2400
- 11 deliveries on Tuesday between the hours of 0300 and 2400
- 11 deliveries on Wednesday between the hours of 0300 and 2400

11 deliveries on Thursday between the hours of 0300 and 2400
11 deliveries on Friday between the hours of 0300 and 2400
11 deliveries on Saturday between the hours of 0300 and 2300
0 deliveries on Sunday

The applicants agent has advised that the following number of deliveries would be carried out on each day:

10 deliveries on Monday between the hours of 0500 and 2400
11 deliveries on Tuesday between the hours of 0300 and 2400
11 deliveries on Wednesday between the hours of 0300 and 2400
11 deliveries on Thursday between the hours of 0300 and 2400
11 deliveries on Friday between the hours of 0300 and 2400
11 deliveries on Saturday between the hours of 0300 and 2300
6 deliveries on Sunday between the hours of 1000 and 1500

Although the email states that deliveries will be carried out between 1000 and 1500 on Sundays, the application form and cover letter detail that the application is for the change of service delivery hours to 1000 and 2100 on Sundays and bank holidays. The application is considered based on the application form and cover letter.

Notably, this application only seeks a change to the hours for service deliveries, not the number of service deliveries. As a result, the proposed change to service delivery hours could increase the number of deliveries and the application has been assessed accordingly.

The proposal would open up the existing access route for service delivery vehicles between the hours of 1000 and 2100 on Sundays and bank holidays. The submitted information indicates that this would entail that more deliveries are made on Sunday in order to better organise stock management and prevent the need for deliveries in the early hours of Monday morning. Theoretically, this could reduce the level of noise disturbance on Mondays but would also increase the level of disturbance on Sundays and bank holidays.

It is noted that the proposal would open the service road for use by delivery vehicles and could also allow access to the road by the public on Sundays and bank holidays. The acting agent for the application has agreed that the barriers would only be opened for delivery vehicles and would remain closed at other times to prevent customer use of the service road. The specific details of how this would work have not been submitted.

The following list of mitigation measures to reduce noise levels from delivery activity are recommended in the Noise Impact Assessment:

- Signage and instruction to ensure all drivers and staff follow noise management procedures.
- The service yard gate will be closed once the delivery vehicle has entered and departed from the service yard, with all engines to be switched off as soon as vehicles are parked at the unloading dock.
- Whilst vehicles remain stationary in the delivery, the Noise Impact Assessment states that no engines are to be left idling for more than 30 seconds, while refrigeration units are not to be operated whilst stationary in the delivery area.
- All delivery vehicles are to be driven in as quiet a manner as possible, avoiding unnecessary engine revving and no radios or stereos are to be left on in vehicles during deliveries or at other times.

- Staff are to be instructed to work quietly when outside the store or in the service yard - only performing essential tasks where noise could be generated whilst ensuring that all components of the delivery system are maintained in good working order.

There are significant concerns regarding the enforceability of the listed mitigation measures. Ensuring that vehicles are not left idling for more than 30 seconds, the restricted use of refrigeration units whilst stationary in the delivery area, the avoidance of unnecessary engine revving, the restricted use of radios and the general operation of staff in a quiet manner are not considered to be adequate or enforceable.

As stated by the Environmental Protection Unit Officer, the Tesco car park is subject to mis-use at night which results in undue noise and nuisance to residents. This has not been accounted for within the submitted noise report and results in an unbalanced view. Given that the acoustic assessment is based on predictions, the impacts of noise and activities within the compound have not actually been assessed. The applicant is not considered to have fully addressed the management of loading and unloading of vehicles and the management of anti-social behaviour which is likely to arise in conjunction with the increased accessibility proposed for the car park. It is considered that insufficient information has been submitted.

Notably, the proposed change to delivery hours would remove the only days of the week which residents have respite from the noise and disturbance caused by delivery vehicles. The resultant noise caused on Sundays and bank holidays would change the acoustic character of the area, could materially change the behaviour of local residents and could diminish quality of life.

Overall, it is considered that the applicant has failed to demonstrate that the proposal would not adversely impact on the amenities of surrounding properties and area, by way of noise arising from traffic movements, loading and unloading activities, customer and staff activities and other general disturbance. The noise mitigation proposed as part of this application is also considered to be insufficient and un-enforceable, adding further weight to the potential noise disturbance and detrimental impacts to surrounding residents. As such, the application is considered contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two (November 2012), Policy DMT 1 of the emerging Local Plan Part 2: Development Management Policies (May 2018), the Noise Supplementary Planning Document (April 2006) and the Noise policy statement for England (March 2010).

7.09 Living conditions for future occupiers

The living conditions for future occupiers of the proposed development is not relevant to the determination of this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) will be considered and requires that new development is only permitted where it is in accordance with the Council's adopted car parking standards.

As stated by the Highways Officer, the proposed change to service delivery hours would not entail any significant increase in the number of deliveries and would therefore be considered acceptable with regard to its impact on traffic generation and congestion. It is

noted that there would be no impact on the level of parking provision. Hence, the proposal accords with Policy AM7 and AM14.

7.11 Urban design, access and security

The proposed development would not alter the external appearance of any buildings on site. The design of the proposal is not, therefore, relevant to the consideration of this application.

7.12 Disabled access

Not applicable to the consideration of this application.

7.13 Provision of affordable & special needs housing

The provision of affordable and special needs housing for the proposed development is not relevant to the determination of this application.

7.14 Trees, Landscaping and Ecology

The consideration of trees, landscaping and ecology issues is not relevant to the determination of this application.

7.15 Sustainable waste management

The existing facilities and provisions relating to waste management would remain unchanged. This consideration is therefore not relevant to the determination of this application.

7.16 Renewable energy / Sustainability

The existing facilities and provisions relating to energy would remain unchanged. This consideration is therefore not relevant to the determination of this application.

7.17 Flooding or Drainage Issues

The consideration of flooding and drainage issues is not relevant to the determination of this application.

7.18 Noise or Air Quality Issues

The additional impact on air quality is not considered to be significant or unacceptable.

7.19 Comments on Public Consultations

Please see 'external consultees' section of this report.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

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

Not applicable to this application.

10. CONCLUSION

In conclusion, it is considered that the applicant has failed to demonstrate that the proposal would not adversely impact on the amenities of surrounding properties and area, by way of noise arising from traffic movements, loading and unloading activities, customer and staff activities and other general disturbance. The noise mitigation proposed as part of this application is also considered to be insufficient and un-enforceable, adding further weight to the potential noise disturbance and detrimental impacts to surrounding residents. As such,

the application is recommended for refusal.

11. Reference Documents

National Planning Policy Framework

The London Plan (2016)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)

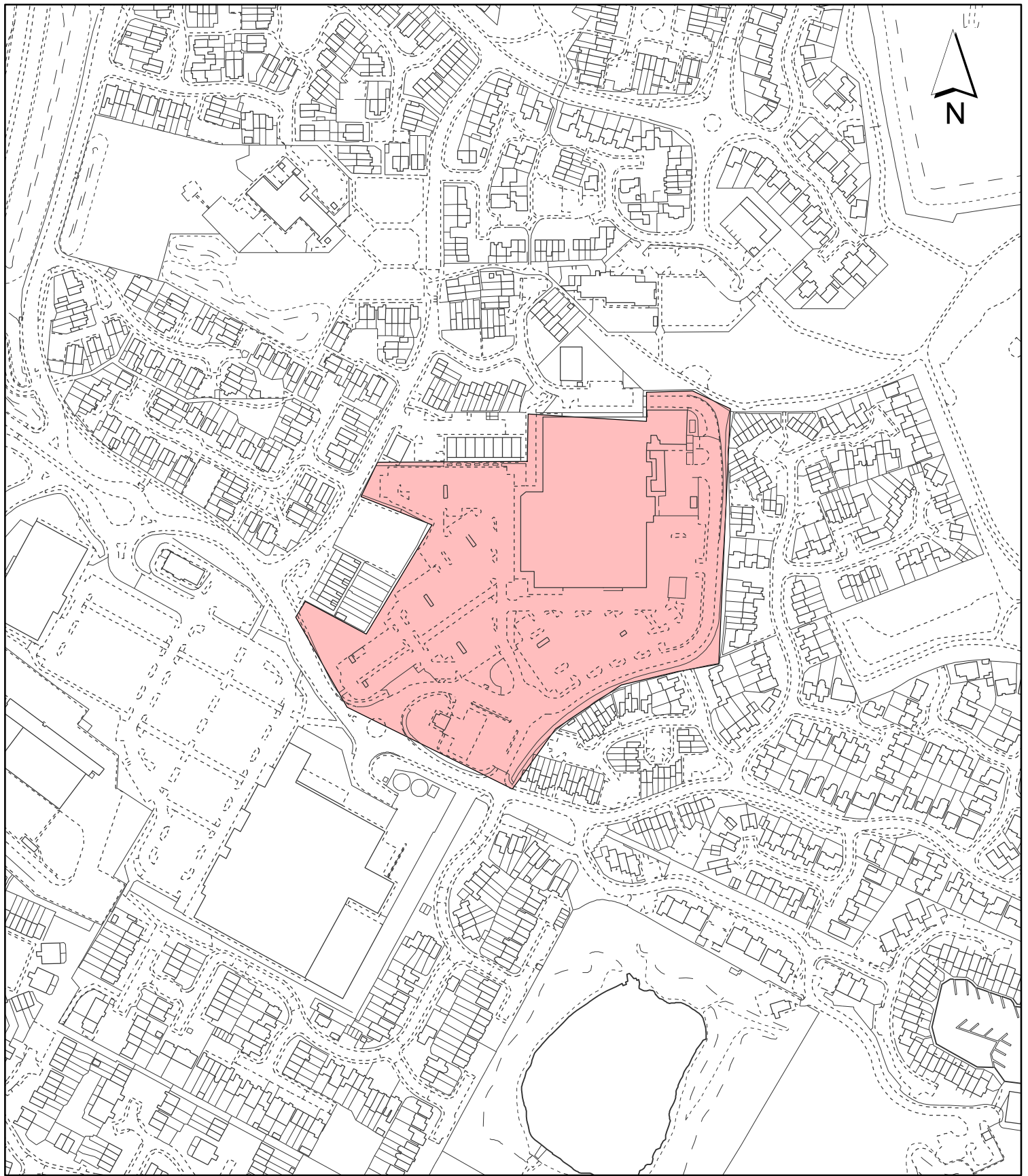
Emerging Local Plan Part 2: Development Management Policies (May 2018)

Noise Supplementary Planning Document (April 2006)

Noise policy statement for England (March 2010)

Contact Officer: Michael Briginshaw

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Tesco Stores Ltd
 Glencoe Road
 Hayes**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

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

Planning Application Ref:

36999/APP/2018/3016

Scale:

1:3,250

Planning Committee:

Major

Date:

November 2018



HILLINGDON
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