

Our Ref. 21-01790

18 March 2022

London Borough of Hillingdon
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Dear Sir/Madam,

Re: Application for Variation of Conditions 12 Under Section 73 of the 1990 Town and Country Planning Act (as amended) pursuant to the planning application Ref. 1942/APP/2015/4127 at the Lidl Supermarket, 1 Central Avenue, Hayes, UB3 2BN.

We are instructed to submit a variation of condition planning application on behalf of Lidl Great Britain ('Lidl') at the abovementioned site.

We enclose the following documents relevant to the planning permission, which was submitted via the Planning Portal (PP-10277308) on 15 October 2021:

- Completed application form.

The planning application fee in the amount of £234.00 has been paid via the Planning Portal.

In addition to the above enclosures, we would be grateful if you could take into account the contents of this letter in determining the application.

Site and Surroundings

The Lidl Supermarket is located on Central Avenue, which connects to Botwell Lane in Hayes, West London. The site and its car park are approximately 2.10 acres.

The sites surrounding area comprises Botswell Green Sports and Leisure Centre located to the east of the site, with its various sports facilities being adjacent to the delivery point of the Lidl Supermarket. Botswell Green Sports and Leisure Car Park is also located adjacent to the delivery access point of the Lidl Store to the north. Residential uses, comprising of houses on Holmsbury Gardens, are located to the north of the site.

Relevant Site Planning History

A search of the London Borough of Hillingdon online planning application portal reveals the planning history associated with the site. Planning applications of relevance to this planning application are summarised in the Table below:

Application Ref.	Description	Decision	Decision Date
1942/APP/2015/4127	Construction of an A1 discount food store with associated car parking and landscaping, re-configuration and resurfacing of Council car park with new site access/exit.	Granted	06-11-15

Lidl's Operational Requirements

Although this store is open 08:00 to 22:00, Lidl stores typically open for a core period of 07:00 to 23:00 on Mondays to Saturdays, including Bank Holidays.

With regard to deliveries, Lidl's foodstores are typically served by 1 to 2 HGV deliveries per day. These deliveries also take waste back to the Avonmouth regional distribution centre, helping to reduce the number of traffic movements at Lidl's sites and reducing emissions as a consequence. The number of deliveries may be higher at peak seasonal times but will remain, typically, no more than 2 to 3 per day during these periods.

Lidl are seeking to extend the delivery hours currently permitted on Sunday at this store.

By varying Condition 12 attached to planning permission 1942/APP/2015/4127, the store will be consistent with Lidl's standard operational requirements, given that it will allow deliveries to be made between 07.00 and 23.00.

This proposal will provide greater flexibility in terms of delivery times.

The Proposal

As outlined under Condition 12 attached to planning permission ref. 1942/APP/2015/4127, the current permitted delivery times are:

"Condition 12 - There shall be no delivery/servicing vehicles entering the site between:

- 07:30- 9:00 and 17:00 - 19:00 on weekdays*
- 11:00 - 15:00 on weekends."*

The proposed variation is sought:

*"Condition 12 - There shall be **no** delivery/servicing vehicles entering the site on weekdays between the hours of:*

- 07:30 - 09:00 and 17:00 - 19:00.*

*and delivery times **will only be permitted** during the following hours on weekends:*

- 11:00 - 18:00*

National and Local Planning Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was most recently updated in July 2021. It sets out the purpose of the planning system of achieving sustainable development and how these are expected to be applied.

The framework states that noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced).

Paragraph 55 states that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 81 states that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

National Planning Policy Guidance

The National Planning Policy Guidance (PPG) states that when preparing plans, or taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset (Paragraph: 001 Reference ID: 30-001-20190722).

When considering whether noise can override other planning concerns, the PPG is clear that noise must be considered alongside the economic, social, and other environmental dimensions of a proposed development; indeed, the level of concern over noise depends on the combination of these factors in any given situation (Paragraph: 002 Reference ID: 30-002-20190722).

The NPPG states that when determining applications, local authorities should consider:

- Whether or not a significant adverse effect is occurring or likely to occur.
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

Local Planning Policy

The Development Plan for London Borough of Hillingdon comprises the following:

- The London Plan (March 2021); and
- Local Plan Part 1 – Strategic Policies (adopted November 2012)
- Part 2: Development Management Policies (adopted January 2020)
- Part 2: Site Allocations and Designations (adopted January 2020)

- Local Plan Part 2 Policies Map

The relevant policies are outlined below.

London Plan (2021)

The Greater London Authority formally adopted the new London Plan on the 3rd of March 2021.

The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the mayor's vision for Good Growth

The policies of relevance to this application are set out below:

Policy D14 (Noise) – This seeks to reduce, manage, and mitigate noise to improve health and quality of life.

Policy T7 (Deliveries, servicing, and construction) – This states that developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or nighttime.

London Borough of Hillingdon Local Plan (2012)

The Hillingdon Local Plan (2012) is the key strategic planning document for Hillingdon and will support the delivery of the spatial elements of the Sustainable Community Strategy. The policies of relevance to this application are set out below:

Policy EM8: Land, Water, Air and Noise: The Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

London Borough of Hillingdon Local Plan Policies Map (2012)

The site is located within an identified Town Centre area.

Development Management Policies (adopted January 2020)

Policy DMT 1: Managing Transport Impacts: Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:

- Have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.

Planning Assessment

The proposals seek permission to change the existing opening hours delivery restrictions attached to the planning permission ref. 1942/APP/2015/4127. The application aims to permit Saturday and Sundays delivery hours to 11:00 – 18:00.

Varying Condition 12 will ensure consistency with Lidl's standard delivery times and will provide greater flexibility, especially during busier periods such as Easter, Christmas, and other promotional occasions.

Lidl are mindful of the need to minimise any disturbance to neighbouring residents and landowners. To assist in achieving this, each store has only one or two dedicated deliveries per day, with up to three during peak seasonal times.

This provides all the necessary products for the store, including frozen and chilled goods, which are carried using individual temperature-controlled units that can be loaded on to the vehicle. This ensures minimum disruption by removing the need for noisy air conditioning units on the vehicle. During deliveries, it is company policy that vehicle engines are switched off to reduce noise and disturbance.

Due to the location of the site, a noise assessment has been deemed unnecessary. The delivery bay is located to the rear of the Lidl store and is not in close proximity to any sensitive receptors. The nearest residential use is located in Holmsbury Gardens approximately 30m away, however a car park and bordered fence separate the site and this noise sensitive area. Therefore, the noise associated with the extended delivery times will have a negligible impact on the amenity of surrounding residential occupiers.

It is also important to note that Botswell Lane is located in front of the Lidl store and generates noise throughout the day, including during the proposed extended opening hours. As such, the noise generated by the deliveries during the proposed opening hours will likely not exceed the existing background noise.

Therefore, it can be concluded that the proposed variation of condition 14 complies with planning policies D14 (Noise) of the London Plan and Policy EM8, London Borough of Hillingdon Local Plan and Policy DMT 1 of the Development Management Policies, which state that all proposed developments should have no adverse effect on the amenities of all adjacent occupiers. The proposal is also compliant with London Plan Policy T7 (Deliveries, servicing, and construction) which states that developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or nighttime.

Given that the proposal would allow the store to operate flexibly in accordance with Lidl's standard operational requirements, Paragraph 81 of the NPPF is applicable. This states that planning decisions should help create the conditions where businesses can expand and adapt.

NPPF Paragraph 55, which states that planning conditions should be kept to a minimum and only imposed where they are necessary and reasonable in all other respects is also of relevance to the application.

Given that it is considered that the proposed delivery hours are acceptable as outlined, condition 14 should therefore be varied as proposed.

Conclusion

The application seeks to extend the permitted delivery hours to 11:00am to 18:00pm on Saturday and Sundays. This scheme represents an operational requirement to ensure that the store is prepared for opening which avoids any detrimental effect on customer experience. The extended delivery hours will also facilitate safer manoeuvrability as deliveries can be made outside store opening hours and peak periods.

After consideration of relevant national and local planning policies, it is considered that this application for the variation of Condition 12 policy will not result in an unacceptable impact on the amenity of neighbouring properties. The application is therefore considered acceptable in planning terms and there is a compelling case for the granting of permission without delay.

We trust that the enclosed information is sufficient to enable you to validate the application and look forward to receiving your confirmation in due course. Rapleys will be pleased to address any matters raised through the consultation process.

Please contact the undersigned in the first instance should you require any further information.

Yours sincerely,

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Rapleys

Planner

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