

Our Ref: 22094/TW/TMW
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Date: 10 March 2022

Planning Services
London Borough of Hillingdon
3N/04
Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Dear Sir/Madam,

**APPLICATION TO VARY CONDITION 7 ATTACHED TO PLANNING PERMISSION
36969/APP/2015/2159 TO EXTEND THE PERMITTED OPENING HOURS AT THE WAITROSE
FOODSTORE, 9 KINGSEND, RUISLIP, HA4 7DS**

We are instructed by our client, Waitrose Ltd, to submit the enclosed planning application to vary condition 7 attached to planning permission ref. 36969/APP/2015/2159 to extend the stores opening hours at the Waitrose Store, 9 Kingsend, Ruislip, HA4 7DS.

Currently, the condition allows the store to open between the hours of 08:30-18:00 on Bank Holidays and Public Holidays. Owing to increased competition from the rise of online shopping and due to the upcoming Platinum Jubilee in June, Waitrose now seek permission to extend opening hours to between 07:00 and 21:00 to allow greater flexibility for customers to shop at the store. The existing window outside of Bank Holidays and Public Holidays will remain the same.

Given that Bank Holiday and Public Holiday opening hours make up only small proportion of the store's trading profile across the year, the proposals are considered acceptable.

By way of background, the store has widened its opening hours on numerous occasions since the store was originally permitted in 1989, without having any adverse impact on adjoining amenities. Waitrose would like to extend the opening hours on Bank and Public Holidays to enhance the customer's experience ensuring the continued success of the store, which plays a vital anchor role in Ruislip town centre.

The application is submitted online via the Planning Portal (ref: PP-11103150), and is comprised of the following information:

- Completed Planning Application Forms;
- Completed CIL forms;
- Site Location Plan.

A payment of the Council's requisite application fee of £234.00 has been made online via the planning portal.

Site and Surrounding area

The Waitrose store is located between Wood Lane, Kingsend and West End Road within the defined town centre. The customer car park to the west of the store is accessed off Wood Lane, with separate access to the delivery yard and staff car park provided via Kingsend to the north.

The site is bounded to the south by London Underground railway lines (overground at this point). Ruislip tube station is located approximately 50m to the east of the Waitrose store with an existing dedicated pedestrian route from the store to the station via West End Road. Residential properties are located to the north and west of the site.

A dedicated service yard is located to the north of the store with access taken from Kingsend. The nearest noise sensitive property is the house located approximately 40m northwest of the service area on Kingsend. There are also flats located to the east of the site on the opposite side of West End Road at a distance of approximately 80 metres.

Planning History

The store was originally built pursuant to planning permission ref: 36969/C/88/0982 which was granted on 15 September 1989 for:

“Erection of a supermarket and retail unit with associated parking; and erection of Health Centre with associated parking (by conversion/extension of “Pax”)”

The Waitrose store was then extended under permission ref: 36969/G/89/2037, which was granted on 30 November 1993 for:

“Erection of 13 unit shopping mall; extension to supermarket; and provision of additional parking (involving demolition of Kingsend Court and 5 & 7 Kingsend)”

Subsequently various permissions have been granted to vary conditions attached to the above permissions to extend delivery hours, and indeed opening times, of the store. The following applications are the most relevant:

- **Ref. 36969/AC/94/1248, granted 1st March 1995** - *“Variation of condition 10 of planning permission ref. 36969C/88/982 dated 15/09/89; condition 8 of planning permission ref. 36969G/89/2037 dated 30/11/93; condition 13 of planning permission ref. 36969C/88/982 dated 15/09/89; and condition 9 of planning permission ref. 36969G/89/2037 dated 30/11/93 to allow Sunday/Bank Holiday opening and deliveries.”*
- **Ref. 36969/APP/2004/803**, granted 13/07/2004 (Approved for one year period) - *“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)”*
- **Ref. 36969/APP/2004/2834**, granted 10/01/2005 - *“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 01.03.1995 (to allow for Sunday and Bank Holiday opening)”*.

- **Ref. 36969/APP/2005/1565**, granted 19/08/2005 - *“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”.*
- **Ref. 36969/APP/2011/2450**, granted 02/12/2011 - *“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))”.*
- **Ref. 36969/APP/2013/918**, granted 16/08/2013 - *“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 5 & 7 Kingsend)))”.*

In November 2015, two consecutive permissions were granted to extend the stores delivery hours (ref: 36969/APP/2015/2159 & 36969/APP/2015/2167):

Ref: 36969/APP/2015/2159

“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)”

Ref: 36969/APP/2015/2167

“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)”

Condition 7 attached to ref: 36969/APP/2015/2159 specifically relates to store opening times and states:

‘The premises shall not be open for customers except between 0700 and 2200 hours Monday to Friday, 0800 and 2200 hours Saturdays and 0830 and 1800 hours on Sundays and Bank and Public Holidays.

Notwithstanding the above opening hours, the store may be open for customers between 0700 - 2300 on December 17 - 23 and 29- 30 inclusive, except on any Sunday falling within these dates’

For the purposes of this application, there is no other planning history of relevance.

Application Proposal

The application seeks permission for the variation of Condition 7 attached to permission ref. 36969/APP/2015/2159, which is the operative permission controlling opening hours, including on Bank and Public Holidays. The intention is to extend the permitted hours from between 0830 and 1800 hours to 0700 until 2100.

The following revised condition is suggested:

'The premises shall not be open for customers except between 0700 and 2200 hours Monday to Friday, 0800 and 2200 hours Saturdays, 0830 and 1800 hours on Sundays and 0700 and 2100 Bank and Public Holidays.'

'Notwithstanding the above opening hours, the store may be open for customers between 0700 - 2300 on December 17 - 23 and 29 - 30 inclusive, except on any Sunday falling within these dates'

Planning Policy

The Development Plan for the application site comprises the Hillingdon Local Plan Part 1 – Strategic Policies (November 2012), the Development Management Policies DPD (January 2020) as well as the London Plan (March 2021). The Proposals Map shows that the site is situated within the defined town centre. Ruislip is designated as a Major Centre in the adopted proposals map.

The relevant policies for this development are as follows:

Policy E5 'Towns and Local Centres' of the Local Plan Part 1 seeks to promote the growth of established centres and protect their vitality and viability in accordance with provisions of national guidance.

Policy DMTC1 'Town Centre Development' of the DMD DPD notes that the Council support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre.

Policy DMTC 3 'Maintaining the Viability of Local Centres and Local Parades' within the adopted DMD DPD states at part a that the Council will protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve.

The London Plan also looks to support the vitality of town centres, noting within **Policy SD6 'Town centres and High Streets'** that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. Part B of the policy states that the adaptation and diversification of town centres should be supported in response to the challenges and opportunities presented by multi-channel shopping and changes in technology and consumer behaviour, including improved management of servicing and deliveries.

London Plan **Policy D14 'Noise'** states that in order to reduce, manage and mitigate noise to improve health and quality of life development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

An assessment of the current application against these policies, along with relevant national planning policy set out in the National Planning Policy Framework (February 2021), is set out below.

Planning Assessment

a) Justification / principle of the extended trading hours

The existing Waitrose in Ruislip is a well-established and popular foodstore. As the only main food shopping facility serving the southern fringe of Ruislip's allocated Town Centre, it performs an important role in terms

of meeting main food shop and 'top up' convenience needs. The store also plays an important role in anchoring Ruislip town centre, by driving footfall and generating spin-off trade for other town centre businesses. This helps support its vitality and viability, which is a key aim of both local and national planning policy. Ruislip has a substantial surrounding population which relies on the store's ability to act as a principal food shopping outlet, ensuring it meets the needs of the residents. Therefore, the proposed extended hours will provide local residents with the opportunity to shop for essential items at more convenient times.

Given the importance of the store to Ruislip and the wider area, it is essential that there is flexibility with regard to trading hours to enable the store to meet the shopping needs of the modern customer. In particular, changes in working practices such as flexible shift patterns have created significant demand for undertaking food shopping earlier in the morning and later in the evening, including on Bank Holidays when many people continue to work.

The extended opening hours will help Waitrose compete effectively with other foodstores within Ruislip Town Centre, such as Sainsbury's, Tesco and Iceland. The proposed hours will improve customer accessibility to the store, allow greater opportunities for customers to undertake their shopping at a convenient time and ensure the continued economic success of the Waitrose store to the benefit of the vitality and viability of Ruislip Town Centre. This is consistent with the objectives of Policies E5, DMTC1 and DMTC3 of the adopted Local Plan, which seeks to enhance and safeguard town centres.

This application, if granted, will enhance the store's overall offer and contribute to its future success, particularly during extended Bank Holidays, such as the upcoming Platinum Jubilee. Maintaining the vitality and viability of town centres is particularly pertinent given the rise of online shopping habits and following an incredibly difficult period since the start of the pandemic. As such, there is a clear rationale behind the application, which is fully in accordance with the aims and objectives of the National Planning Policy Framework (2021), namely paragraph 86 which seeks to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

b) Impact on Surrounding Residential Amenity

The other issue for consideration is whether the proposal would cause significant harm to the amenity of neighbouring residents in terms of noise.

The extended hours will only take place on a very limited number of days a year on Bank and Public holidays. Importantly, the store has already been permitted to trade longer hours over the Christmas period from 0700 until 2300 hours to assist with the increase in demand from customers. The extended hours are carried out without issue or to the detriment of local surrounding residents.

The proposed extended hours are at the beginning and end of each day, and will not be peak trading times. As such, customers using the store during these times will be able to park their cars close to the store entrance, away from the residential properties on Wood Lane and Kingsend located over 80 metres from the store entrance to the east. Furthermore, it is notable that this is a town centre store, which experiences activity both early in the morning and into the evening beyond the hours proposed as part of this application. As such, local surrounding residents will not be affected by the extended hours through the arrival and departure of customers.

It is useful to note the surrounding land uses in this respect, notably the railway line located immediately to the south of the site that results in background noise early in the morning until late into the night 365 days a year. The extended hours of the store, in this respect will have very little bearing, if any against existing background noise levels in the area.

In light of this, the proposed opening of the store 1.5 hours earlier in the morning and three hours later on a limited number of days each year, would not cause a significant amount of noise disturbance over and above that generated by existing deliveries, or road traffic and railway lines.

Accordingly, it is our view that the application proposal will not have any adverse negative effect on the local environment in amenity terms and therefore meets the objectives of policy D14 of the adopted London Plan, whilst going to the very heart of national policy objectives by ensuring that residential amenity is protected and uses are compatible with the character of the surrounding area.

Conclusion

The application only seeks to extend the hours of opening on Bank and Public Holidays.

Bank Holidays are on weekdays when it is common for food stores to be busy. Waitrose need to meet their customers' expectations to be able to shop for longer periods, as they do at their other stores and ultimately, the proposed extension of trading hours is minimal and falls within recognised daytime hours. It will not have any noticeable impact on the amenities of the surrounding residential properties.

The store occupies a town centre location, and the local policy aims to make Ruislip town centre more attractive to shoppers and improve its viability. Policy DMTC 3 'Maintaining the Viability of Local Centres and Local Parades' aims to protect and enhance the function of centres by retaining uses that support their continued viability and attractiveness to the locality they serve. The extension of opening hours on Bank and Public Holidays will make the store more attractive and thus attract more shoppers to the town centre in compliance with the objectives of these policies.

Accordingly, we trust the enclosed information is sufficient to allow officers to support the proposals and for permission to be granted without delay. In the meantime, we look forward to receiving confirmation that the application has been registered.

Please do not hesitate to get in touch should you have any queries.

Yours faithfully



TIM WILLIAMS

Director

Enc.