

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 28 March 2017	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.		
Agent	Indigo Planning Limited		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	16/05525/FULL	Date amended/ completed	14 June 2016
Date Application Received	14 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside conservation area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

A decision on this application was deferred by the Planning Application Committee on 22 November 2016 so that the applicant could come back with firm measures to address the following issues:

- i) light pollution,
- ii) servicing and
- iii) the location of the ATM machine

in order to reduce the impact of the proposed extended operational hours on local residents.

The Committee also requested that the applicant revert to displaying their current lawful operational hours on their signage and abide by those hours.

Sainsbury's have responded as follows:

i) light pollution

As previously reported to Committee, a timer device will be fitted to the store signage so that it is only illuminated during store opening hours to avoid attracting customers when the store is not open. This can be secured by condition (see recommended Condition 14 on the draft decision letter).

Sainsbury's have also undertaken to manually switch off or cover the self-scan till lights each day (this is already being done) and to replace the internal store lighting with new LED lights which emit lower levels of light pollution (there is no timescale for this).

ii) servicing

The store, depot and drivers have all been reminded to adhere to the approved delivery plan (Condition 5 of planning permission 12/03886/FULL dated 11 September 2012) which requires all deliveries to the store (with the exception of newspapers and periodicals) to be undertaken from the dedicated servicing bay at the rear between 10.00 and 17.00 daily. Sainsbury's have confirmed that the proposed extension of store opening times would not generate any additional deliveries to the store and in their view the most appropriate way to deal with any breach of this condition would be for the Council to take enforcement action.

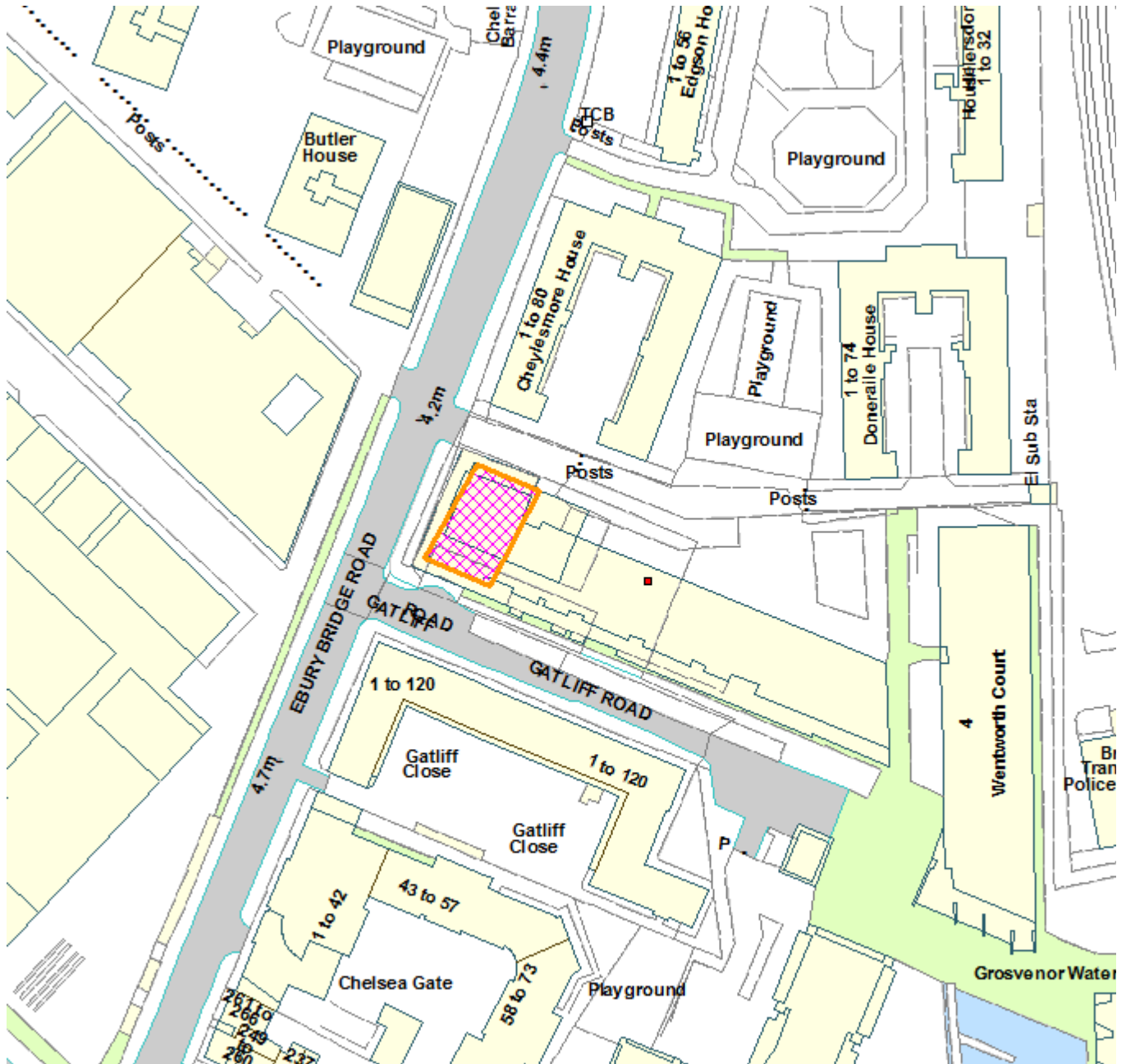
iii) relocation of the ATM

Options for the relocation of the ATM have been considered by Sainsbury's but they consider that this is best positioned adjacent to the store entrance door (where it is at present) for security reasons. The ATM cannot be relocated to the rear of the store as this area is poorly lit and has limited natural surveillance. In Sainsbury's view the ATM is separate to the general operation of the store and they do not consider that this should be a material consideration in the determination of this application.

Notwithstanding Committee's request regarding the existing store signage, Sainsbury's have continued to display the store opening hours as 7am to 11pm daily on the vinyl advertisements applied to the inside face of the store windows.

The application is accordingly reported back to Committee for decision, recommended for approval subject to conditions as previously.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

None since last reported to Planning Applications Committee on 22 November 2016

6. BACKGROUND PAPERS

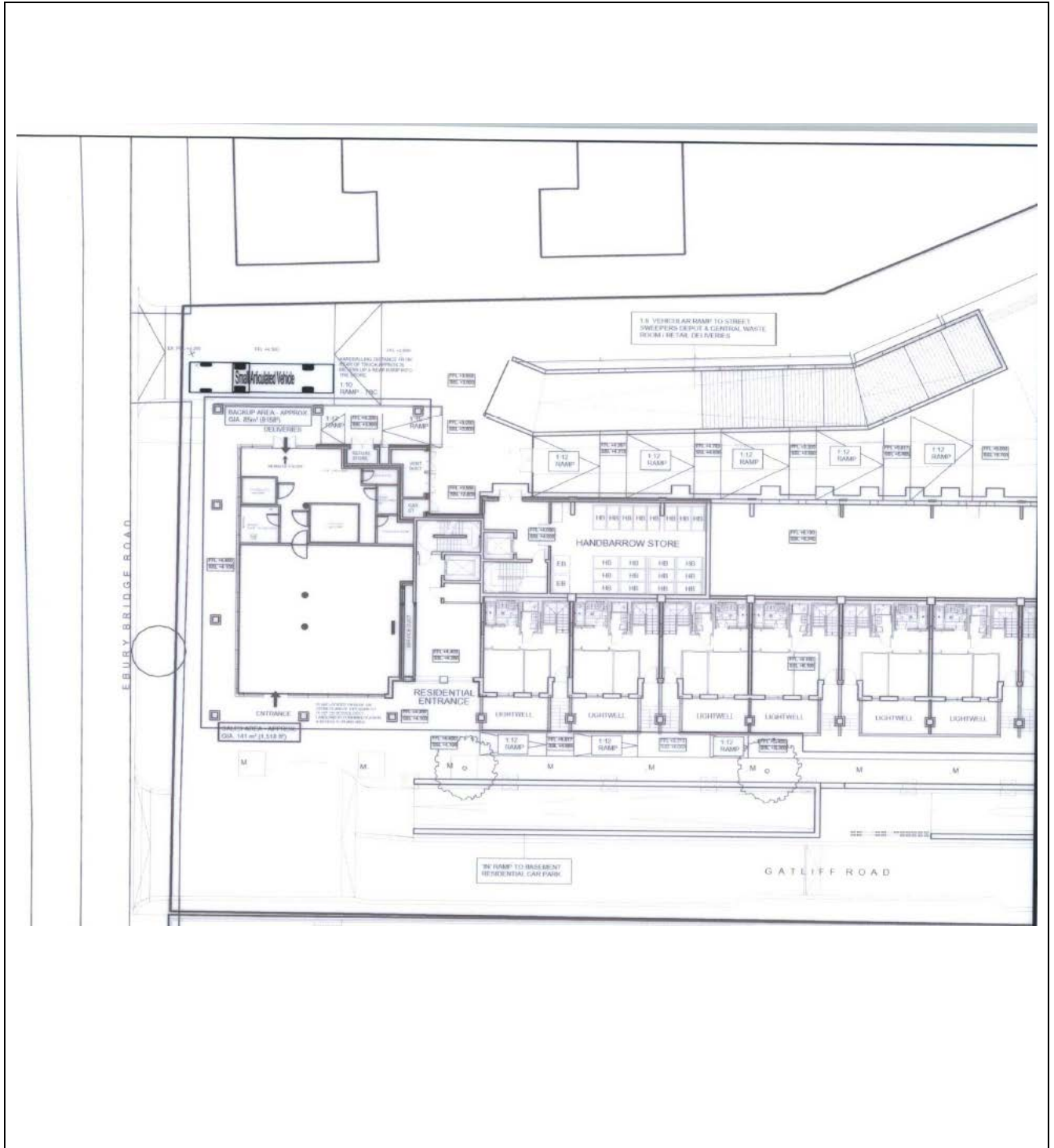
1. Planning Applications Committee report and background papers dated 22 November 2016
2. Indigo Planning emails dated 20 December 2016 and 16 February 2017

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT: jasghar@westminster.gov.uk

7. KEY DRAWINGS



Unit A1 Moore House – ground floor plan

DRAFT DECISION LETTER

Address: Moore House, 2 Gatliff Road, London, ,

Proposal: Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.

Reference: 16/05525/FULL

Plan Nos: Original approved scheme:
9795-1-00-9105-Z00 01; 3085-00-271; 3085-00-273; 9947-D24; 120391/AR/C01; 120391_PD_01; Servicing Delivery Information (Points 1-4); Covering Letter dated 5 April 2012; Design and Access Statement dated April 2012; Supporting Servicing and Operational Statement dated March 2012.

Revised S73 application scheme:
Indigo Planning letter dated 6 June 2016 & email dated 17.10.16; site location plan

Case Officer: Amanda Jackson

Direct Tel. No. 020 7641 2934

Recommended Condition(s) and Reason(s)

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

2 Customers shall not be permitted within the supermarket premises before 07.00 or after 23.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

3 (1) Where noise emitted from the proposed plant and machinery approved as part of the 06/07097/FULL permission will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its

maximum.

(2) Where noise emitted from the proposed plant and machinery approved as part of the 06/07097/FULL permission will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment approved as part of the 06/07097/FULL permission, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

4 No vibration from the plant approved as part of the 06/07097/FULL permission shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or

vibration.

5 All servicing to the supermarket must be carried out from the service road accessed from Ebury Bridge Road as shown on drawings 120391-AR-C01 and 120391/PD/01.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

6 With the exception of newspapers/ periodicals, all servicing for the supermarket must take place between the hours of 10.00 and 17.00 daily

Reason:

To avoid blocking the access to the street sweepers depot at basement level of Moore House and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

7 Servicing must be carried out in accordance with points 1-4 of the Sainsbury's Delivery Information, as approved as part of the permission dated 11 September 2012 reference 12/03886/FULL.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

8 If Unit A1 is used for Class A3 restaurant/cafe purposes then it must only be used as a sit-down restaurant with waiter service. If you provide a bar and bar seating, it must not take up more than 15% of the floor area of each restaurant. You must use the bar to serve restaurant customers only, before, during or after meals.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

9 Customers shall not be permitted within the restaurant premises before 11.00 or after 23.00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

10 If Unit A1 is to be used for restaurant purposes then it shall be constructed and sound insulated and ventilated so as to ensure that there is no perceptible noise (including amplified and nonamplified music and human voices) or vibration transmitted through the structure to adjoining residential premises.

Reason:

To ensure that the plant/machinery hereby permitted which is outside the Central Activities Zone (CAZ), not on a CAZ Frontage and not in a Stress Area will be designed and operated so that noise generated by the plant/machinery hereby permitted will not exceed the background

noise outside the nearest noise sensitive property.

This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted January 2007. (R39AB)

11 If Unit A1 is to be used as a restaurant, you must apply to us for written approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

12 If Unit A1 is to be used for restaurant purposes you must apply to us for written approval of details of a holding store for waste within the restaurant. The restaurant use must not begin until we have approved a waste holding store for that unit. You must then provide the waste holding store in line with the approved details and make it available to everyone using that restaurant unit.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

13 No customer car parking shall be provided or allowed within the Grosvenor Waterside development, including Gatliff Road or the service road. This shall be maintained and managed by both Sainsbury's Supermarkets Ltd and St James Group.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

14 In accordance with Indigo Planning email dated 17.10.16 a timer device shall be fitted to the illuminated signage of the store to ensure that the signage is only illuminated during store opening hours between 07.00 to 23.00 daily. The timer device shall be installed within two months of the date of this decision and shall thereafter be permanently retained for as long as Sainsbury's occupy the shop premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informatives

1 In dealing with this application the City 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 in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in

order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 You must still keep to the terms and conditions of the original planning permission dated 11 September 2012 unless this decision has changed those terms and conditions. (I15AA)

3 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, Unit A1 of Moore House can change between the Class A1 and Class A3 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

4 Conditions 3 and 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

5 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.



CITY OF WESTMINSTER

MINUTES

Planning Applications Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Committee (3)** held on **Tuesday 22nd November, 2016**, Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Andrew Smith (Chairman), Barbara Grahame, Robert Rigby and Angela Harvey.

Also Present: Councillor Jason Williams (for item 2 only).

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Andrew Smith explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and e-mails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Smith also declared that in respect of item 6, he had sat on the Committee that had considered a previous application.

2.3 Councillor Angela Harvey declared that she would be addressing the Committee as a Ward Councillor in respect of item 4, and so she would withdraw from the Committee during consideration of this application.

2.4 Councillor Robert Rigby declared that in respect of item 2, he had sat on the Committee that had considered a previous application.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 11 October 2016 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 30 UPPER GROSVENOR STREET, LONDON, W1K 7EH

Use of the ground floor as a restaurant (Class A3) including the installation of a full height extract duct to the rear elevation.

A late representation was received from MSP Puri of Restaurant Craft Ltd (18.11.2016).

RESOLVED:

That conditional permission be granted.

2 MOORE HOUSE, 2 GATLIFF ROAD, LONDON

Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.

Councillor Jason Williams addressed the Committee in his capacity as Ward Councillor to raise his concerns about the application.

RESOLVED:

That the application be deferred to permit the applicant to propose firm measures to address light pollution, servicing and to review the location of the ATM machine in order to reduce the impact of the proposed extended operational hours on local residents. The Committee also requested that the applicant revert to displaying their current lawful operational hours on their signage and to abide by those hours.

~~3 7-14 COVENTRY STREET, LONDON, W1D 7DH~~

Variation of Conditions 1 and 7 of planning permission dated 19 June 2012 (RN: 12/02627/FULL) for use of the first floor (mezzanine) as a restaurant (Class A3) with retail (Class A1) accommodation at ground floor level and associated external alterations including the installation of plant at roof level - namely, to vary the approved drawings to allow the relocation of the approved ancillary retail use (Class A1) from ground floor to first floor (mezzanine) level, and to enable the use of the ground floor level for Class A3 (restaurant) use in connection with the existing restaurant.

Agenda Item 2

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	Moore House, 2 Gatliff Road, London, SW1		
Proposal	Variation of Condition 2 of planning permission dated 11 September 2012 (RN: 12/03886/FULL) for use of ground floor (Unit A1) of Moore House/Building A as a 227m2 retail unit Class A1, with no conditions restricting food retail uses or as a Class A3 restaurant; namely to extend the permitted trading hours of the store from 07.00 to 22.00 Monday to Saturday & 08.00 to 21.00 on Sundays and Bank Holidays to allow the store to open to customers from 7am to 11pm daily.		
Agent	Indigo Planning Limited		
On behalf of	Sainsbury's Supermarkets Ltd		
Registered Number	16/05525/FULL	Date amended/ completed	14 June 2016
Date Application Received	14 June 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside conservation area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to Unit A1 on the ground floor of Moore House which is located on the corner of Ebury Bridge Road and Gatliff Road at the entrance to the St James Grosvenor Waterside development. The unit is occupied by Sainsbury's Supermarkets Ltd as a 'Sainsbury's Local' and comprises 227sqm of Class A1 retail floorspace. Immediately opposite the store on the south side of Gatliff Road is Gatliff Close, a block of residential flats which pre-dates Grosvenor Waterside.

Planning permission is sought to vary Condition 2 of planning permission dated 11 September 2012 relating to the opening hours of the existing Sainsbury's Local store to extend the opening hours by an additional hour on Monday to Saturday so that the store can stay open until 23.00 instead of 22.00 as currently and by three additional hours on Sundays and Bank Holidays so that the store can open at 07.00 instead of 08.00 and stay open until 23.00 instead of 21.00 as currently.

Objections have been received from Cllr Williams and the Gatliff Close Residents Association on

amenity and highways grounds.

The key issue in the determination of this application is the impact of the extended opening hours on the amenity of neighbouring residential occupiers.

The proposal is considered acceptable in amenity terms and accords with Unitary Development Plan (UDP) policies and Westminster City Plan: Strategic Policies (City Plan) policies and is therefore recommended for approval.

Item No.
2

5. CONSULTATIONS

Ward Councillor Jason Williams – Objects. Has received objections from local residents relating to the impact of the store on the local community; issues including parking in Gatliff Road, noise and light pollution will be exacerbated by an extension of opening hours. Note there have been problems in the past with service deliveries arriving at the front entrance on Gatliff Road rather than to the delivery bay at the rear. Request that the application is turned down.

Westminster Society – No objection

Highways Planning – No objection

Cleansing – No objection

Environmental Health – No objection. Environmental Health/Noise Team files have only one recorded complaint; a security alarm which was resolved relatively quickly by the store operator and there has been no recorded recurrence. There are no records of any complaints relating to servicing deliveries or internal activity noise.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 350; Total No. of replies: 2

No. of objections: 2 (from a resident of Gatliff Close commenting as an individual and on behalf of Gatliff Close Resident's Association) on the following grounds:

Highways

- The store attracts car drivers who park illegally in Gatliff Road
- Road safety issues – cars that are turned away at the entrance to Grosvenor Waterside by Estate Management staff cause accidents/near misses on Ebury Bridge Road

Amenity

- Light pollution – caused by the headlights of turning vehicles, fluorescent strip lighting in the store and self-scan tills
- Noise - from cars/vehicles coming and going/turning/engines left idling; from people using the cash machine late at night; cash machine attracts vehicular traffic 24 hours a day

Other

- Anti-social behaviour – including street drinking (alcohol)
- Cycles chained to Gatliff Close railings
- Reference to problems experienced in the past i.e. servicing not carried out from the rear of the store (in dedicated delivery bay); store newspaper delivery left outside Gatliff Close flats (and not in delivery bay) and a period of unauthorised extended

store trading from 07.00 to 23.00; difficulty in contacting the relevant person within Sainsbury's to deal with any problems arising.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to Unit A1 on the ground floor of Moore House which is located on the corner of Ebury Bridge Road and Gatliff Road at the entrance to the St James Grosvenor Waterside development. The unit is occupied by Sainsbury's Supermarkets Ltd as a 'Sainsbury's Local' and comprises 227sqm of Class A1 retail floorspace. Immediately opposite the store on the south side of Gatliff Road is Gatliff Close, a block of residential flats which pre-dates Grosvenor Waterside. To the rear of the store is Cheylesmore House, another residential block of flats which forms part of the Council's Ebury Bridge Estate.

6.2 Recent Relevant History

The application property is located on the ground floor of Moore House which forms part of Grosvenor Waterside. The relevant planning history is as follows:

23.07.2007 - planning permission granted for the erection of two buildings: Building A (Moore House) - part five/part six/part seven/part ten storeys for use as 164 residential units, two retail/restaurant (Class A1/A3) units and a street sweepers depot; Building B (Caro Point/Wentworth Court) - rising in stages from six storeys to fourteen storeys with tower feature for use as a 159 residential units (including 71 affordable units) and a retail/restaurant (Class A1/A3) unit (06/07097/FULL)

In the absence of a detailed servicing strategy, the three Class A units if used for Class A1 retail purposes were restricted by Condition 2 of the above permission, to non-food Class A1 retail sales only.

If occupied for Class A3 restaurant purposes the three Class A units could open to customers between 11.00 and 23.00 daily (Condition 4 of the above permission).

11.09.2012 - planning permission granted for use of the ground floor (Unit A1) of Moore House/Building A as a 227sqm retail unit (Class A1) with no conditions restricting food retail uses *or* as a Class A3 restaurant (12/03886/FULL). This is the permission which allowed Sainsbury's to occupy Unit A1 in Moore House.

Condition 2 of this permission restricted the supermarket trading hours to between 07.00 to 22.00 Monday to Saturday and 08.00 to 21.00 on Sundays and Bank Holidays.

Condition 3 of this permission allowed the restaurant (if Unit A1 was occupied as a Class A3 restaurant) to open to customers from 11.00 to 23.00 daily.

Item No.
2

8.04.2016 - planning permission granted for variation of Condition 4 of permission dated 23.07.2007 (06/07097/FULL) to allow the cafe/restaurant in Unit A2 of Moore House to open to customers from 07.00 to 23.00 daily.

7. THE PROPOSAL

This is a S73 planning application to vary Condition 2 of planning permission 12/03886/FULL dated 11 September 2012 relating to the opening hours of the existing Sainsbury's Local store at 2 Gatliff Road.

Permission is sought to extend the store opening hours by an additional hour on Monday to Saturday so that the store can stay open until 23.00 instead of 22.00 as currently and by three additional hours on Sundays and Bank Holidays so that the store can open at 07.00 instead of 08.00 and stay open until 23.00 instead of 21.00 as currently.

8. DETAILED CONSIDERATIONS

8.1 Background

Sainsbury's occupy Unit A1 Moore House as a Sainsbury's Local by virtue of the conditional planning permission granted on 11 September 2012.

In addition to Condition 2 which controls the opening hours of the store, there are a number of other conditions which are relevant to the operation of the store namely; Condition 5 which requires that all servicing to the supermarket must be carried out from the service road accessed from Ebury Bridge Road at the rear of the store; Condition 6 requires that all servicing for the supermarket with the exception of newspapers/periodicals must take place between the hours of 10.00 and 17.00 daily; Condition 7 requires that all servicing must be carried out in accordance with the approved deliveries plan which sets out the servicing procedures for the store and the responsibilities of the store manager, staff and delivery vehicle drivers; and Condition 13 which prohibits customer car parking within Grosvenor Waterside, Gatliff Road and the service road.

Objections to the current application have been received from and on behalf of Gatliff Close residents and from Cllr Willams on highways and amenity grounds. A meeting attended by representatives of Sainsbury's, Gatliff Close Resident's Association, Cllr Williams and a council planning officer took place on site on 3 October 2016 to try to resolve some of the resident's on-going concerns relating to the operation of the Sainsbury store.

8.2 Highways issues – Servicing and Parking

The development has been designed to allow a large servicing vehicle of up to 10.7m in length to enter and leave the site in forward gear. The approved servicing arrangements for the supermarket require that all deliveries and servicing take place via the service road and dedicated bay at the rear of the store. There are up to four delivery vehicle visits each day plus a weekly cigarette delivery. All deliveries with the exception of newspapers/periodicals take place between the hours of 10.00 and 17.00 daily. It is the responsibility of the store manager to ensure that the delivery plan (approved as part of

the September 2012 permission) is adhered to. There have been two instances where the Planning Enforcement Team have investigated the breach of servicing conditions at this store; in 2013, the newspaper delivery was being left in Gatliff Road rather than in the servicing bay and in 2015 there was a further complaint about servicing taking place from the front of the store. However neither of these complaints resulted in the need for the Council to take formal enforcement action

There is no customer car parking for the supermarket either within Grosvenor Waterside or on Gatliff Road. Gatliff Road is a private road and the enforcement of parking controls along here is the responsibility of the Grosvenor Waterside Estate Management Team. Condition 13 of the September 2012 permission prohibits customer car parking and requires that this is managed by St James and Sainsbury's. There are double yellow lines on Ebury Bridge Road immediately in front of the supermarket. This is public highway and therefore normal traffic regulations apply to anyone wishing to stop or park along here.

In response to complaints from residents of both Gatliff Close and Grosvenor Waterside, about the noise and nuisance associated with the large volume of traffic using the entrance and exit from Ebury Bridge Road and the parking/drop-off area near the security hut adjacent to the flats in Gatliff Close, St James have had to take a more proactive approach to traffic management. This can involve Estate Management staff turning vehicles away at the entrance of Gatliff Road. However it should be noted that these vehicles may not be attempting to visit the supermarket but could be visiting the other commercial activities within Grosvenor Waterside, including Purple Dragon (private children's day nursery) or residents. Furthermore there is no evidence to suggest that the vehicles which are prevented from entering and are required to turn round have led to an increase in road traffic accidents at the junction of Gatliff Road/Ebury Bridge Road. Accordingly the Highways Planning Manager is satisfied that the extension of store opening hours would not give rise to any additional road safety issues.

8.3 Residential Amenity issues

The meeting on site on 3 October 2016 with Sainsbury's, Cllr Williams and a representative of Gatliff Close Residents Association sought to address resident's concerns about light pollution.

With regard to the nuisance caused to residents by the headlights of turning cars shining into their lower ground floor flats, it was acknowledged that this is a general Grosvenor Waterside traffic management issue and would need to be taken up with St James's Grosvenor Waterside Estate Management Team. With regard to light pollution emanating from the store itself, Sainsbury's have undertaken to do the following:

- Place a timer on the illuminated signage of the store. This would limit the illumination of the signs to the opening hours of the store and thus reduce the chance of attracting customers when the store is not open.
- Fast track the replacement of the existing in-store strip lighting with new LED lights (currently being rolled out in all Sainsbury stores)
- Find out if it is possible to turn off the lights on the self-scan checkouts during out of hours

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Other issues discussed at the meeting include i) the possibility of moving the cash machine (ATM) from Gatliff Road and ii) placing vinyls on the south facing (Gatliff Road) shopfront window of the store. However these could give rise to other issues; if the ATM was moved to Ebury Bridge Road this may cause highway safety issues with drivers tempted to park on the double yellow lines whilst using the ATM; if the ATM was moved to the rear of the store (the delivery area) there could be an issue with personal safety/potential for crime as this area has limited natural surveillance and is less well lit.

The possibility of installing vinyls to the inner face of the shopfront window on Gatliff Road was discussed as a way of reducing the nuisance caused by the lights on the self-scan checkouts in this part of the store. However as there are already vinyls on the north and west facing shopfront windows, this is the only elevation of the store which has an active frontage. Vinyl advertisement displays, although they do not require express advertisement from the council, are not generally encouraged because of the dead frontage they create at ground floor level for pedestrians. Sainsbury's willingness to find a way of turning off the lights to the self-scan checkouts is therefore welcomed as a better solution to the problem.

The meeting on 3 October was attended by Sainsbury's Town Planning Manager who is responsible for all the Sainsbury stores in Westminster. He has now provided the Gatliff Close Residents Association with his contact details (name, email and mobile number) so that should any further problems arise in the future the residents can contact him directly.

Given that the adjacent restaurant in Unit A2 of Moore House has approved opening hours of 07.00 to 23.00 daily and that this unit (Unit A1 of Moore House) could also be occupied as a restaurant under the terms of the flexible A1/A3 2012 permission with permitted opening hours of 11.00 to 23.00 daily, it is not considered that the one additional store opening hour on Mondays to Saturdays and the three additional hours on Sundays and Bank Holidays would have a significant impact on the amenity of adjoining residents subject to the conditions on the original permission controlling servicing and subject to an additional condition requiring the illuminated store signage to be controlled by a timer switch.

8.4 Economic Considerations

The economic benefits associated with the supermarket in terms of the service it provides for local residents and the local employment opportunities it offers to Westminster residents are welcomed.

8.5 London Plan

The proposal does not raise strategic issues and does have significant implications for the London Plan.

8.6 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.7 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.8 Environmental Impact Assessment

The proposal is of an insufficient scale to require environmental impact assessment.

9. BACKGROUND PAPERS

1. Application form and Indigo Planning letter dated 14.6.2016 and email dated 17.10.16
2. Planning permission dated 11.9.2012 (12/03886/FULL)
3. Councillor Jason Williams (Churchill Ward Councillor) email dated 1.8.2016
4. Westminster Society on-line comment dated 5.7.2016
5. Highways Planning memorandum dated 7.7.2016
6. Cleansing memorandum dated 13.7.2016
7. Environmental Health on-line comment dated 15.07.2016
8. Occupier of 9 Gatliff Close, Gatliff Road on-line comments on behalf of Gatliff Close Residents Association dated 29 July 2016
9. Occupier of 9 Gatliff Close, Gatliff Road on-line comments dated 29 July 2016

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT: ajackson@westminster.gov.uk