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Planning Department  
London Borough of Richmond upon Thames  
Civic Centre  
44 York Street  
Twickenham  
TW1 3BZ

Dear Sir / Madam,

**APPLICATION TO VARY CONDITION (C) ATTACHED TO PLANNING PERMISSION REF: 87/2171 TO EXTEND THE PERMITTED DELIVERY HOURS AT THE WAITROSE FOODSTORE, 4 SHEEN ROAD, RICHMOND, TW9 1AE**

We are instructed by our client, Waitrose Ltd, to submit the enclosed planning application to extend the permitted delivery hours at the Waitrose foodstore, 4 Sheen Road, Richmond, TW9 1AE.

This Section 73 application seeks to vary Condition (C) attached to planning permission 87/2171. Currently, deliveries are permitted between 07:00 – 20:00 Monday to Saturday and 09:00 – 17:00 on Sundays pursuant to permission 00/2516/FUL, which itself was a variation of permission 95/2838/FUL, which relaxed the delivery hours allowed under permission 87/2171. The application proposes to extend the Monday to Sunday hours to 06:00 – 22:00, which will result in a modest increase in the morning and evening hours by one and two hours respectively on Monday to Saturday and by three hours in the morning and five hours in the evening on a Sunday.

At present, Waitrose Partners have just one hour each Monday to Saturday morning before the store opens to unload products and stock the shelves in time for customers arriving for store opening. Partners are under extreme pressure to move stock in a short time period, which can result in the first customers of the day either not being able to purchase the full range of goods expected at a Waitrose foodstore, or being obstructed by Partners working with stock trolleys. In addition, perishable goods, such as dairy and meat, which are subject to cold chain delivery timings required by Waitrose food safety guidelines, must be prioritised during the delivery window.

Early morning trade is particularly important for this busy town centre Waitrose store, which currently opens at 08:00 Monday to Saturday and 11:00 on Sundays, as being located near Richmond railway station and many homes and businesses, is particularly popular with early morning commuters and is well used by the public throughout the day, meaning additional evening hours are required. The Click and Collect service is also experiencing high demand; this requires customer shopping to be collectable throughout the day, including at the beginning and end of the trading day.

In support of the application and in accordance with national and local validation requirements, the following documents are attached:

- Completed Application Forms;
- Completed Certificate B;
- Delivery Management Plan; and
- Noise Impact Assessment, prepared by EEC.

The requisite statutory fee of £293.00 has been paid online via the Planning Portal.

## Site and Surrounding Area

The Waitrose foodstore was constructed in the late 1980s and is located on the northern side of Sheen Road.

The store is situated within a busy town centre location and mixed-use area. The nearest residential properties are situated to the east at Lichfield Crescent / Lichfield Court, to the north-east at Northumbria Court and west at Waterloo Place. Directly adjacent to the rear service yard to the east is an existing substation. To the north and west lies largely commercial and town centre-related development, including commercial operators such as Greggs and McDonalds. The Railway Tavern Pub also lies within close proximity. Richmond Railway Station lies approximately 100m to the north.

It is pertinent to note that the store, which is at ground level, has no restrictions on its opening times and is capable of being open 24 hours day. On the upper floors, there is a multi-storey car park. The opening hours for the car park are weekdays 08:00 - 21:30, Saturdays between 08:00 - 20:30 and Sundays between 11:00 - 17:30. The service yard is situated to the rear and north of the store with access through an undercroft entrance beneath the car park access lanes.

## Planning History

The foodstore was originally approved on 23/05/88 pursuant to the planning application ref: 87/2171, which allowed for the following:

***“Erection of a supermarket and multi-storey car park (Revision to development previously approved in October 1986 ref. 86/1029).”***

Condition (C) attached to 87/2171, states that:

***“No deliveries to or from the supermarket shall take place between the hours of 8pm and 7am Monday to Saturday or at any time on Sundays.”***

Since the original permission was granted, a number of applications have been submitted and approved to vary the delivery hours originally controlled by Condition (C). These include:

- **94/1563/FUL** – Granted 06/10/94 for *“Amendment to condition c) of planning permission 87/2171 to allow deliveries to and from the supermarket on Sundays.”*
- **95/2838/FUL** – Granted 07/12/95 for *“Alteration Of Condition (c) To The Planning Permission 87/2171, Dated 23/5/88, To Allow Deliveries To And From The Supermarket Between 9am And 3pm On Sundays”*
- **00/2516/FUL** – Granted 06/11/00 for *“Alteration of condition NS01 of Planning Permission 95/2838/FUL dated 7 December 1995 to allow deliveries to and from supermarket between 9 am and 5 pm on Sunday.”*

It is relevant to highlight that none of these applications were approved subject to a Delivery Management Plan (DMP) controlling delivery activities.

## Application Proposal

Waitrose require the extension of delivery hours in response to the unprecedented demand for its online services and customers undertaking instore shopping. This application seeks to vary Condition (C) of planning permission 87/2171 to extend the Monday to Sunday hours to 06:00 – 22:00 inclusive.

Waitrose takes its responsibility as a considerate retailer extremely seriously. Accordingly, for the first time at the store, a DMP has been prepared setting out the guidelines under which Partners will undertake and manage deliveries. The company is proposing to secure the DMP by condition.

To assist officers, the following condition wording is suggested:

***“No deliveries to or from the supermarket shall take place outside the hours of 06:00 and 22:00. All deliveries will be undertaken in accordance with the approved Delivery Management Plan (DMP)”***

### **Planning Policy**

The statutory Development Plan for the site comprises the Richmond Upon Thames Local Plan (2018) and the London Plan (2021). The National Planning Policy Framework (NPPF) (2023) and National Online Planning Practice Guidance (NPPG) are also material considerations.

There is a new Local Plan for LB Richmond currently under examination. Given its advanced status, the weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. As the Council considers the emerging Local Plan to be sound and legally compliant, Officers should accord relevant policies and allocations significant weight in the determination of applications, taking account of the extent to which there are unresolved objections to relevant policies.

The ‘Development Control for Noise Generating Development’ (2018) and ‘Transport’ (2020) Supplementary Planning Documents are also of relevance.

The site lies within Richmond Town Centre and a Key Shopping Frontage.

The relevant policies are referred to in the section below:

#### **National Planning Policy Framework (NPPF) (2023)**

The National Planning Policy Framework (NPPF) at Paragraph 86 states that planning policies should set out a clear economic vision and strategy, which positively and proactively encourages sustainable economic growth, and should be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working practices to enable a rapid response to changes in economic circumstances.

NPPF Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 191 of the NPPF requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so, they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development– and avoid noise giving rise to significant adverse impacts on health and the quality of life

#### **The London Plan (2021)**

The London Plan (published 2021) provides the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of the capital.

**Policy SD6 ‘Town centres and high streets’** states that for the vitality and viability of London’s town centres, the varied role of London’s high streets should be supported and enhanced.

**Policy SD7 ‘Town centres: development principles and Development Plan Documents’** states that when considering development proposals, boroughs should take a town centres first approach, discouraging out-of-centre development of main town centre uses.

**Policy SD8 ‘Town Centre Network’** states that International, Metropolitan and Major town centres should be the focus for higher density employment, leisure and residential development in a high-quality environment. The vitality and viability of town centres should be protected and enhanced.

**Policy D3 ‘Optimising site capacity through the design-led approach’** states that development proposals should deliver appropriate outlook, privacy and amenity. Development proposals should ensure that it is suitable in terms of form and layout, experience, quality and character.

**Policy E9 ‘Retail, markets and hot food takeaways’** advises that LPA should support convenience retail in town centres to secure inclusive neighbourhoods and a sustainable pattern of provision where there is less need to travel.

**Policy T7 ‘Deliveries, servicing and construction’** states that development proposals should facilitate sustainable freight movement by rail, waterways and road.

**Policy D14 ‘Noise’** requires that proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life, and reflecting the Agent of Change principle as set out in **Policy D13 ‘Agent of Change’**, which places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

Adopted Richmond Local Plan (2018)

**Policy LP 25 ‘Development in centres’** states that development in the borough's centres, as defined in the centre hierarchy, will be acceptable if it is in keeping with the centre's role and function within the hierarchy and is of a scale appropriate to the size of the centre. Richmond is defined as a Main Centre in the borough's centre hierarchy.

**Policy LP 26 ‘Retail Frontages’** states that the Council has designated parts of centres as Key Shopping Frontage or Secondary Shopping Frontage, which are the main focus for retail development.

**Policy LP 30 ‘Health and Wellbeing’** states that the planning plays a crucial role in creating environments that enhance people's health and wellbeing. Development should promote sustainable modes, provide access to green infrastructure and should provide access to local community facilities.

**Policy LP 44 ‘Sustainable Travel Choices’** seeks to ensure that new development does not have a severe impact on the operation, safety or accessibility to the local or strategic highway networks.

**Policy LP 45 ‘Parking Standards and Servicing’** states that proposals should create no severe impacts on the efficient and safe operation of the road network and no material harm to the living conditions of nearby residents.

**Policy LP 8 ‘Amenity and Living Conditions’** requires proposals to protect the amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties.

**Policy LP 10 ‘Local Environmental Impacts, Pollution and Land Contamination’** states that the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land.

Draft Richmond Local Plan (2023)

**Emerging Policy 2 ‘Spatial Strategy: Managing change in the borough (Strategic Policy)’** states that the Local Plan seeks to direct housing to sustainable areas such as town centres and previously developed land.

**The Emerging Place Based Strategy for Richmond and Richmond Hill** recognises the importance of Richmond Town Centre for retail uses.

**Emerging Policy 17 ‘Supporting our centres and promoting culture (Strategic Policy)’** states that the Council will support the vitality and viability of town centres. Essential shops will be protected.

**Emerging Policy 18 ‘Development in centres’** states that development proposals for town centre, community, healthcare, educational and cultural uses will be supported in the borough’s designated centres.

**Emerging Policy 20 ‘Shops and Services Serving Essential Needs’** states that the Council will support and protect essential shops and services which meet the day to day needs of communities.

**Emerging Policy 46 ‘Amenity and Living Conditions’** requires amenity and living conditions for occupants of new, existing, adjoining and neighbouring properties to be protected in proposals.

**Emerging Policy 47 ‘Sustainable travel choices (Strategic Policy)’** states the Council will work with others to bring about safe, sustainable, accessible transport solutions to reduce the proportion of trips taken by private car, reduce traffic congestion, reduce air pollution, including carbon dioxide emissions, improve public health, and improve access to services and employment. **Emerging Policy 48 ‘Vehicular Parking standards, Cycle Parking, Servicing and Construction Logistics Management’** promotes off-street servicing.

**Emerging Policy 51 ‘Health and Wellbeing’** states that the Council will support development that promotes healthy lifestyles and reduces health inequalities.

**Emerging Policy 53 ‘Local Environmental impacts’** states that the Council will seek to ensure that local environmental impacts of all development proposals do not lead to detrimental effects on the health, safety and the amenity of existing and new users or occupiers of the development site, or the surrounding land.

#### Development Control for Noise Generating Development (2018)

This document has been prepared to address noise issues affecting the Borough and assist in providing a consistent approach to development where noise is an issue.

#### Transport SPD (2020)

This document has been created to help applicants make successful planning applications. It provides additional guidance on Local Plan Policies related to roads and transport, detailing the expectations for planning applications and signposting to additional documents that may assist in the development of applications.

### **Planning Assessment**

#### Economic Consideration

Presently, Waitrose Partners have just one hour each Monday to Saturday morning and three hours every Sunday morning before the store opens to unload products, particularly fresh short life produce, and stock the shelves in time for customers arriving for store opening. This results in a highly unsatisfactory situation, whereby customers undertaking their shopping when the store opens in the morning are not able to choose from and purchase the full selection of goods item expected from a Waitrose store. In addition, customers are being obstructed in the aisles by Partners stacking shelves and manoeuvring stock replenishment cages during trading hours, including at the end of the day.

This application is intended to allow Waitrose to undertake deliveries for a longer period of time to meet increasing customer demand, including for online services such as Click and Collect, and to enhance customers' overall shopping experience.

Given its location close to Richmond Railway Station and within the heart of the town centre, it a busy and popular store which, since opening, has served an important role as acting as a main food and top-up shopping destination meeting

the needs of the local population in Richmond. The store plays a vital anchor role in supporting the vitality and viability of the centre by facilitating linked trips to and from the site to the rest of the Major Centre and Key Shopping Frontage, whilst also providing one of the centres largest car parks. To support the long-term health of the town centre and the future success of the store, it is therefore essential to ensure flexibility with regard to the store's retail offer and servicing window to enable it to meet the shopping needs of the modern customer.

The National Planning Policy Framework (NPPF) at Paragraph 86 states that planning policies should set out a clear economic vision and strategy, which positively and proactively encourages sustainable economic growth, and should be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working practices to enable a rapid response to changes in economic circumstances.

In this context, it is important that Waitrose is not so restricted by existing planning conditions, such that its ability to innovate, trade effectively and meet the reasonable needs of its customers is undermined. The extended delivery window simply seeks to respond to customer demand and will make a positive contribution in terms of creating and retaining employment opportunities for local people, whilst also strengthening the Richmond Town Centre and its Key Shopping Frontage.

The proposals are fully in compliance with the economic objectives set out in the NPPF, London Plan Policies SD6, SD7, SD8 and E9, adopted Local Plan Policies LD25 and LD26, the emerging Place Based Strategy for Richmond and Richmond Hill and emerging Policies 2, 17, 18 and 20.

### Impact on residential amenity

Paragraph 191 of the NPPF requires planning decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so, they should:

***“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.***

An important consideration in determining the acceptability of the proposed extended delivery hours is whether it would result in an unacceptably adverse impact on the amenity of surrounding occupiers with regard to noise and disturbance. In order to mitigate any perceived impacts, a Delivery Management Plan setting out a range of quiet delivery procedures has been submitted to support the planning application.

It is pertinent to note that the site lies within a very busy location in the heart of Richmond Town Centre, with plenty of activity and noise during large parts of the day and night, including the early morning. Directly to the east of the service station lies a large existing substation and to the north (circa 100m away) lies Richmond Railway Station, with McDonalds (trading 06:00 to 24:00 daily) and the Railway Tavern Pub located circa 25-35m away to the north and west.

A Noise Impact Assessment has been prepared by ECC. This concludes that, whilst the proposed extended delivery period could have an impact, when considered in the context of the site, which is under the Heathrow flight path, and exposed to regular and established ambient noise and events considerably higher than that associated with the delivery processes, the actual noise impact would be considered to be lower. Assessments were carried out demonstrating the typical noise levels from a single Waitrose delivery, which confirmed that it would satisfy the guidance for sleeping and resting as defined under BS 8233/WHO based on the glazing that would be required to achieve the same criteria from noise from the aircraft.

The change in ambient noise level when the aircraft are flying over and a delivery is occurring at the Waitrose store will be only 1Db; assessed as a negligible long term change. Even if the delivery process was to occur at a period when the

flights are not occurring, the change in ambient level would still only be assessed as minor. The residents are expected to have suitable noise mitigation already in place to protect themselves against the noisier period when aircraft are overflying, such that their exposure to noise from the delivery process will be significantly below the guideline values for acceptable conditions for resting and sleeping, as specified in the guidance.

Accordingly, it is considered that the proposal will not have a significant adverse impact on the local environment or residential amenity and is fully compliant with the NPPF, London Plan Policies D3, D13 and D14, adopted Local Plan Policies LP8, LP10 and LP30, emerging Local Plan Policies 46, 51 and 53 and the principles of the Development Control for Noise Generating Development SPD.

### Highways Considerations

The proposed extended delivery hours are either at the very beginning or end of each day, and outside of the peak period. Thus, highways impacts are expected to be limited.

The proposals are considered to be in accordance with Paragraph 115 of the NPPF, which states that:

***“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.***

The impact on the road network as a result of extending the permitted delivery hours will not be ‘severe’ and the proposals are in accordance with the NPPF, London Plan Policy T7, adopted Local Plan Policies LP44 and LP45, emerging Local Plan Policies 47 and 48 and the principles of the Transport SPD.

### Conclusions

This application proposals to amend the approved delivery hours will enable Waitrose to respond to the increased demand for its services and assist in meeting customers' expectations. The proposals can be achieved without detriment to residential amenity or highway safety, and is considered compliant with the NPPF, adopted Local Plan Policies LD8, LD10, LD25 and LD26 and emerging Local Plan Policies 17, 18, 46 and 53.

We trust that the enclosed information is sufficient to allow officers to approve the application 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 sincerely,



TIM WILLIAMS  
Director

Enc.