



REGULATORY SERVICES COMMITTEE

17 November 2016

REPORT

Subject Heading:

Construction of a 1,661 sqm. foodstore
with 55 car parking spaces

131 Gooshays Drive, Romford

Ward: Gooshays

(Application received: 24-12-2015
Revised Plans Received: 21-10-2016

Lead officer

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Local Development Framework

Policy Context:

The London Plan
Local Development Framework
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

None

The subject matter of this report deals with the following Council Objectives:

Havering will be clean and its environment will be cared for [x]
People will be safe, in their homes and in the community [x]
Residents will be proud to live in Havering [x]

SUMMARY

The proposed development is for an A1 foodstore on a brownfield site outside of any allocated town centre. Planning permission has previously been granted for a smaller store on the site. This new development is considered acceptable in accordance with the retail policies of the NPPF and the development plan, including the sequential test. Whilst there would be some impact on the Harold Hill Minor District Centre this would not be significantly adverse. As a matter of judgement the scale and design is considered acceptable in terms of the impact on character of the area and the impact on nearby residents. This impact would not be materially greater than the store as approved. The development is considered acceptable in highway terms, including car parking, subject to a review of overflow parking and highway works.

Staff consider that the proposals are acceptable in all material respects and that planning permission should be granted subject to the prior completion of a S106 planning obligation and planning conditions.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £37,560 (subject to indexation). This is based on the creation of 1,878 square metres of new gross internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £10,000 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of site access parking controls and traffic management orders required for their implementation as shown within Transport Assessment ;
 - ii) a parking survey of the highway within 100m either side of site entrance for a period of 24 months following opening of store and

implementation of parking controls on Gooshays Gardens; Gooshays Drive and Trowbridge Road (subject to option for developer to undertake survey to an agreed programme and supplying monitoring information at an agreed interval) should the survey identify the need for further parking restrictions.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- That the Assistant Director of Regulatory Services be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions set out below.

1. *Time limit* - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed below:

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development during the approved opening hours.

Reason:-

To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

4. *Disabled spaces* - No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason:-

To ensure that there is adequate on-site disabled parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

5. *Loading* - No building shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason:-

To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

6. *Deliveries* - No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 08:00 hours to 21:00 hours on Sundays, Bank or Public Holidays.

Reason:-

To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. *Materials* - No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

8. *Landscaping* - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and

shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

9. *Open Storage* - No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

Reason:-

In the interests of visual amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

10. *Screen fencing* - No building shall be occupied or use commenced until screen fencing, walls and other boundary treatment is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

Reason:-

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. *Vehicle cleansing* - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter within the site and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is

deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:-

Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;

- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- j) Details of the method of demolition of existing buildings and structures and the removal/recycling of materials.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an

appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

Reason:-

Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. *Refuse and recycling* - No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

Insufficient information has been submitted with the application with regard to the storage of refuse and materials for recycling the agreement of details prior to opening of the store is considered necessary in the interests of amenity of occupiers of properties adjoining the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. *Opening hours* - The retail store shall not be open to customers outside of the following times: 08:00 hours to 22:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and for any 6 hours between these times on Sundays.

Reason:-

To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

17. *Permitted development restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of retail floorspace in excess of that shown on drawing 3268 205 Q without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason:-

The application has been assessed on the basis of a single food retail unit and any changes could materially affect the vitality and viability of Collier Row shopping centre.

18. *Staff Travel Plan* - The retail store shall not commence trading until a staff travel plan to reduce single occupancy car journeys and to promote sustainable means of transport for staff has been submitted to and agreed in writing by the local planning authority. The plan shall include details for monitoring of the approved measures and shall be implemented in accordance with the agreed details throughout the life of the store.

Reason:-

To reduce reliance upon the private motor car and to encourage the use of other means of transport.

19. *Permitted development restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development under Part 7 Class A, B, C, D or E shall be erected or carried out without the express permission in writing of the local planning authority.

Reason:-

To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

20. *Permitted development restriction* - Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development consisting of a change of use under Part 3 Class D, G or J shall be carried out without the express permission in writing of the local planning authority.

Reason:-

To protect the retail function of the development, the amenities of local residents and the character of the area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

21. *External lighting* - No building shall be occupied or use commenced until external lighting, including for all car parking areas, is installed in accordance with a scheme of lighting that has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting shall be retained thereafter for the lifetime of the development.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

22. *Highway agreements* - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the retail store shall not open to customers until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

23. *Plant and machinery* - No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within the new building is submitted to and agreed in writing by the local planning authority to achieve the following noise standard: noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from any noise arising from plant and machinery within the

development. The approval of details prior to commencement of the use is necessary to prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

24. *Sustainable construction* - The retail development hereby permitted shall achieve a BREEAM rating of 'very good' and shall not be opened for trading until a BREEAM certificate has been issued and a copy provided to the local planning authority certifying that a rating of 'very good' has been achieved.

Reason:-

Insufficient information has been supplied with the application to judge sustainability of the development. The approval of details prior to commencement of the use is necessary to ensure that a high standard of sustainable construction and environmental performance is achieved in accordance with Development Control Policies Development Plan Document Policy DC49.

25. *Visibility splays* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access to Gooshays Drive and on the north side to the Royal Mail access to Trowbridge Road, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

26. *Highway safety* - The proposed access shall not be constructed until its layout has been subject to both a Stage 2 and Stage 3 road safety audit procedure in accordance with Transport for London standard SQA-0170 or HD19/15 of the Design Manual for Roads and Bridges and any recommendations in the audits accommodated within the layout/design. Details of both the audits shall be submitted to the local planning authority prior to any access works commencing.

Reason:-

In the interests of securing good design and ensuring public safety and to comply with policies CP10, CP17 and DC61 of the Core Strategy and Development control Policies DPD.

27. *Drainage* - The retail store shall not open to customers until the proposed drainage strategy has been implemented in accordance with the details and plans set out in the report by Peter Brett Associates reference 37630/01/ dated April 2016 submitted as part of the application.

Reason:-

Surface water drainage works are required on site to prevent the risk of flooding. The measures detailed in the drainage strategy are considered to be technically sound and need to be implemented as part of the development to ensure that it accords with Development Control Policies Development Plan Document Policies DC49 and DC61.

28. *Enclosure of car park* - The proposed retail store shall not open to customers until measures have been implemented to secure the car park during the period when the store is closed in accordance with details that have previously been submitted to and agreed in writing with the local planning authority.

Reason:-

Insufficient information has been submitted with the application to demonstrate how the car park would be secured to minimise the risk of crime and anti-social behaviour to ensure that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC63.

29 *Car park controls* - The proposed retail store shall not open to customers until a car parking management strategy to restrict the maximum length of stay for customers to 60 minutes per visit has been implemented in accordance with details that have previously submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development.

Reason:-

Insufficient information has been submitted with the application to demonstrate how the proposed car parking restrictions will be achieved. The submission and implementation of the measures prior to the store trading to help minimise any overflow car parking onto local roads to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Olu Johnson and Luisa Janisch of Lidl by e-mail and telephone during August-October 2016. The revisions involved changes to the building design, height and footprint. The final amendments were subsequently submitted on 20th and 21st October 2016.
- 2 The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the

CIL payable would be £37,560(subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. The planning obligations required been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
5. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
6. *Highway works* - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
7. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
8. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.

REPORT DETAIL

1. Site Description

- 1.1 The site lies at the junction of Gooshays Drive and Trowbridge Road and amounts to 0.27 hectare. It is currently vacant but was formerly occupied by a local police station with an associated pair of semi-detached dwellings which have since been demolished. To the north and south of the site are residential properties. To the west is a Royal Mail sorting office with further residential properties beyond. To the east is the Harold Hill Health Centre and Community Centre. Currently access to the site is taken from Gooshays Drive and Trowbridge Road, shared with the adjoining Royal Mail site.

2. Description of proposal

- 2.1 This is a full application for the redevelopment of the site for a new foodstore with 55 car parking spaces. The total floorspace proposed is 1,661 sqm over a single floor with a net sales area of 1,073 sqm located on the first floor. The building would also accommodate a warehouse, bakery, cold store, office and staff welfare areas. The proposed store would extend over most of the site area with the proposed car parking located under the first floor accommodation, with a small amount in the open to the south of the building.
- 2.2 A single storey service/delivery bay would be located on the south eastern corner of the parking area close to the site access from Gooshays Drive. The access from Trowbridge Road, currently shared with Royal Mail would be closed and a new access formed from Gooshays Drive.
- 2.3 The building would be constructed in white painted render panels on the ground floor between grey piers and above a grey low level plinth. The panels would extend to first floor soffit level. There would be glazing to the Gooshays Drive and Trowbridge Road first floor elevations to the full height of the building. There would also be high level glazing in the western elevation adjacent to Royal Mail. The entrance doors would be grey powder coated aluminium and the first floor shop front would be in similar materials. The roof would comprise aluminium sheeting. The ground level parking area would be open along the Trowbridge Road and Royal Mail boundaries giving views through the site.
- 2.4 The proposed store has been reduced in scale since the original application to address Staff concerns about the adverse impact on adjoining residents and the visual impact of the building. The footprint has been reduced by moving the first floor 11.8 metres further away from the boundary with properties in St. James Drive to the south of the site. The height has also been reduced by 1.845 metres to 11.025 metres. The delivery area would be located adjacent to properties in Gooshays Gardens on the south east corner of the site would now be fully enclosed. There have also been changes to the proposed elevations with the introduction of brick on the south elevation and additional glazing of the

west elevation. The car parking under the store would have a mesh enclosure so that it could not be accessed from the Trowbridge Road. The car park would be closed outside of opening hours.

- 2.5 There would be 40 full and part time jobs created. Proposed opening hours would be 07:00 to 22:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays.

3. **Relevant History**

- 3.1 P0808.14 - Redevelopment of former Police Station comprising the erection of a 1,153 sqm foodstore with 40 car parking spaces which had been previously approved. This permission is for a smaller store of 1,153 square metres with a net sales area of 736 square metres. The proposal is for a building on the northern side of the site over two storeys with open parking to the south. There would be 30 part and full time staff employed.

4. **Consultations/Representations**

Representations:

- 4.1 The application has been advertised by way of a site notice and newspaper advertisement. In addition 232 neighbour notification letters were sent out. Additional notifications were sent out following revisions on two separate occasions. In response there have been 20 letters of representation (six to the revised plans). Objections have been raised on the following grounds:

- i) large building is out of keeping with the area;
- ii) not enough car parking; would increase traffic in the area and lead to overspill parking;
- iii) would damage trade at local shops in Hilldene;
- iv) would dwarf adjoining properties;
- iv) significantly greater impact than original scheme;
- v) impact from illuminated signs;
- vii) impact on local residents from traffic noise and pollution

- 4.2 Six letters of support have been received raising the following:

- i) a low cost supermarket is very much needed in Harold Hill - helps people on low incomes and without a car;
- ii) new store needed given recent population growth;
- iii) would help local competition;
- iv) the plans look much better than those originally submitted;
- iv) goodwill gesture should be offered to those living adjacent to the site.

- 4.3 A detailed objection has also been received from the One Source Property Strategy Manager. Property Services manages the Harold Hill District Shopping Centre which is owned by the Council. Objections were raised to the earlier application following a report from retail consultants engaged to consider the effect of the proposal on the vitality and viability of the shopping centre and to

assess the retail statement submitted with that application. Objections were raised in respect of the likely adverse impact on the vitality and viability of the shopping centre. While permission was granted for a smaller store as a matter of judgement in relation to the level of impact, the larger store would have a much greater impact. It could potentially sell a wider range of goods than previously as limitations could not be effectively controlled through conditions. The likely extended range of goods and services would adversely impact on the shopping centre. The submitted retail statement does not refer to some other Aldi stores in the area with which it would be comparable. The anticipated turnover of the store would be significantly higher than previously. The trade diversion from the local shopping centre would, consequently be higher, leading to a significantly adverse effect.

These objections are addressed within the body of the report.

Consultations:

- 4.4 Public Protection - recommends conditions covering ground contamination, noise, delivery hours, opening hours and air quality;
- 4.5 London Fire and Emergency Planning Authority - No objections, fire access should comply with relevant Building Regulations and there should be fire vehicle access to 50% of the perimeter of the building;
- 4.6 Metropolitan Police Designing out Crime Officer - original raised objections on the grounds of lack of enclosure of much of the car parking area which could lead to anti-social behaviour and provide multiple escape routes. The car park should be fully enclosed. Also objected to the lack of parking which would lead to street parking which could lead to conflicts with local residents;
- 4.7 National Grid - has apparatus in the vicinity of the development;
- 4.8 London Fire Brigade - no additional fire hydrants required;
- 4.9 Thames Water - no objections, requests piling method statement and petrol/oil interceptors;
- 4.10 Essex and Suffolk Water - no objections;
- 4.11 Historic England - proposals unlikely to have significant effect on heritage (archaeological) assets.
- 4.12 Streetcare (Highway Authority)- following initial objections further details have been submitted which compares the parking and site usage with a similar sized store in Longbridge Road, Barking. There are no objections subject to the following:
 - i) Parking controls in Gooshays Drive being implemented that would help to keep the site access clear. This would ensure free flow and assist with right turns into the site and help mitigate concerns about queuing through the zebra

crossing. There should be a S106 contribution for a parking review within 100m of the access to be paid prior to use and run for 24 hours.

4.13 Streetcare (drainage) - the submitted drainage details are acceptable subject to TWU licence.

5. **Relevant Policies**

5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP3 (employment); CP4 (Town Centres); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC1 (Loss of Housing); DC15 (Retail and Service Development); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC55 (Noise); DC56 (Light); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

5.2 London Plan

- Policies 2.15 (Town centres); 4.7 (Retail and town centre development); 4.8 (Supporting a successful and diverse retail sector); 5.21 (Contaminated land) 6.10 (Walking); 6.13 (Parking); 6.9 (Cycling); 7.3 (Designing out crime); 7.4 (Local character).

5.3 National Policy Documents

- National Planning Policy Framework
- National Planning Practice Guidance

6. **Staff Comments**

6.1 This application follows the grant of planning permission for a smaller store on the site. The main reasoning behind the size of store currently proposed is to meet a commercial imperative for a larger store format aimed at making it more like Lidl's upmarket rivals. This scheme differs from that approved as the proposed building would utilise more of the site area with the parking accommodated mainly under the building with all the retail space on the first floor resulting in a much larger building. The proposed access from Gooshays Drive would be the same. The proposed floor space would increase significantly with a 48% increase in net retail floor area. The maximum height of the building would increase by 2.905 metres to 11.025 metres. Revisions were

made to the application following concerns regarding scale and impact on adjoining residents.

Principle of the development

- 6.1 The site lies within the existing urban area of Harold Hill. Policy CP1 of the LDF Core Strategy and Development Control Policies DPD states that in order to provide land for new residential development outside town centres and the Green Belt, non-designated land should be prioritised for housing. The site is on land which is not designated land, therefore its use for housing would normally be the preferred option. Policy DC27 also seeks to protect community facilities from redevelopment. Policy CP8 includes police facilities within this definition. Prior to demolition the site included two dwellings (police houses) and Policy DC1 seeks to ensure that when sites are redeveloped there is not a net loss in housing. The use of the site for police purposes ceased some years ago when the facilities were transferred to other sites resulting in it no longer be required for police purposes.
- 6.2 Notwithstanding these policies the redevelopment of the site for retail use was considered acceptable in principle when the 2014 application for a smaller store was determined. The proposal was judged to satisfy the relevant NPPF and development plan policies for new retail development. This application needs to be considered in the same way.
- 6.3 LDF Policy DC15 allows the development of sites outside of town centres for retail use subject to meeting the sequential test and satisfying other parts of the policy. Policy DC15 also sets out other requirements that need to be met to make proposals for out of centre sites acceptable, including need, there being no other sequentially preferable sites and the impact on the vitality and viability of nearby town centres.
- 6.4 The NPPF seeks to promote through Local Plans policies for competitive town centres that provide customer choice and a diverse retail offer. New retail development should be in town centres but if suitable sites are not available other accessible locations that are well connected to the town centre should be considered. The issue for new retail proposals is one of impact rather than meeting a demonstrable need. The aim should be to provide customer choice whilst at the same time protecting existing town centres. Any proposed main town centre use which is not proposed in an existing town centre should, where possible, be in locations that support the vitality and vibrancy of town centres, and where it would not be likely to have significant adverse impacts on them.
- 6.5 Both development plan policies and the NPPF recognise that it may not always be possible to accommodate new town centre uses in existing centres and the most appropriate site should be identified in accordance with the sequential and impact tests. Therefore, whilst housing would normally be the preferred use of the site following redevelopment, retail use is considered to be acceptable in principle subject to meeting the relevant NPPF and development plan retail policies, in particular the sequential test. Development proposals also need to be acceptable in terms of impact on the public highway, impact on the character

and appearance of the area and on the amenities of adjoining residents. The 2014 application was judged to be acceptable in these terms, however, given the much larger scale of the development now proposed, it needs to be reassessed.

Retail Considerations:

- 6.6 The NPPF paragraph 24, policies 2.15 and 4.7 in the London Plan and LDF Policies CP4 and DC15 normally require retail development to be located in existing town centres. The site is outside of any of the shopping centres defined in the LDF, however, new retail development is acceptable in principle on such sites subject to meeting a number of retail policy tests. This includes where there are no available town centre sites and only then should edge of centre and then out of centre locations be considered. This is known as the sequential test. For out of centre sites preference should be given to accessible sites that are well connected to existing centres and with public transport. The NPPF defines sites that are within 300m of the primary shopping frontage as 'edge of centre' and those over 300m as 'out of centre'.
- 6.7 Policy DC15 requires that for out of centre retail proposals a sequential test should be undertaken which also accords with paragraph 24 of the NPPF. However, other parts of DC15 now carry much less weight given the more recent guidance in the NPPF. An assessment of need is no longer required and a default threshold of 2,500 sqm is set for the assessment of impact on existing shopping centres nearby, unless there is a locally set threshold. However, the LDF does not set a separate threshold so the default would apply, but indicates that all proposals should be assessed for impact.
- 6.8 The sequential test seeks to ensure that there are no suitable sites within the relevant town centre(s) that could accommodate the proposed development. If there are no town centre sites, edge of centre sites should be considered first and then out of centre sites. In this case it is considered that the Harold Hill Minor District Centre is the relevant town centre for the shopping zone in which the application site is situated.
- 6.9 The application includes an assessment of the availability of other sites within the Harold Hill District Centre and the existing retail offer. The entrance of the proposed store is over 300m from the retail core of the district centre, therefore, it is 'out of centre' in terms of the NPPF. The details submitted indicate that there are no vacant units within the shopping centre of sufficient size to accommodate the proposed store. The vacant units within the centre are all significantly smaller and could not be combined to form a larger unit. The form of store proposed could not be accommodated on a number of smaller sites.
- 6.10 Developers are expected to show flexibility in terms of form and scale. The main reasoning behind the current proposal is to meet a commercial imperative for a larger store format aimed at making it more like Lidl's upmarket rivals. The currently permitted store would not achieve this. By seeking to accommodate a larger store on the site this does demonstrate a degree of flexibility in terms of

form and scale. This has been further demonstrated by the reduction in floor area to address amenity impacts.

- 6.11 Consideration has also been given to other 'edge of centre' sites as part of the sequential assessment, but none of those large enough are available. This includes the site of the former Pompadours public house which is likely to be developed for housing. An appeal against a refusal of permission for housing was dismissed but the principle and scale of residential development was accepted, so a further residential proposal is anticipated.
- 6.12 Independent consultants were engaged to assess the applicant's sequential assessment and have concluded that the findings of the sequential test are reasonable and that there are no alternative sequentially preferable sites in the area. The NPPF advises that in assessing proposals local planning authorities may also require an impact assessment if the development is over a proportionate, locally set floorspace threshold (the default being 2,500sqm). There is no local set threshold and the proposal is below the default, however, DC15 has a general requirement for an assessment of impact. Whilst this carries less weight given the guidance in the NPPF staff consider that impact remains a material consideration.
- 6.13 The guidance in the NPPF is that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on a nearby town centre it should be refused. In this case the sequential test has been satisfied, a position that has been confirmed by independent appraisal and was accepted as part of the consideration of the earlier application.
- 6.14 Notwithstanding that the proposal falls below the threshold an impact assessment has been submitted with the application. This seeks to demonstrate that there would be no significant adverse impact on the Harold Hill District Centre in accordance with DC15. Whilst this requirement has largely been superseded by the NPPF, the assessment is important in that it seeks to address the concerns raised by OneSource Property Services, who are the landowners of the Harold Hill District Centre. The main objection, which was also raised in respect of the 2014 application, is that the retail assessment understates the impact on the centre which would be significantly adverse.
- 6.15 The retail consultants also considered the impact of the proposed store on the district centre. The independent report has verified the findings of the impact report. This was based upon the original application details which were for a larger retail floor area, however, this does not materially affect the findings of the assessment as the revised proposals would have a lesser impact.
- 6.16 The LDF retail policies are based upon the Havering 2006 Retail and Leisure Study which concludes that existing town centres can accommodate all the identified growth. No out of centre sites are, therefore, allocated in the LDF. However, the most recent assessment of retail need to inform the new Local Plan dates from April 2015. This notes that Harold Hill has limited convenience goods provision and that there is a requirement for an additional small to medium sized foodstore within or adjacent to the district centre. Staff have

considered this and the scope for further retail development is limited given the various redevelopments within or close to the existing centre boundary, such as the new library and the Hilldene east and north residential developments. Whilst located further away, in view of the lack of availability of sites closer to the centre, the application proposal would help address the requirement identified in the 2015 report.

- 6.17 Policy guidance is that out of centre proposals should be judged on a case by case basis, taking into account local circumstances. One of the relevant factors is the likelihood of linked trips with the nearest centre. The proposed site is 415 metres walking distance from the edge of the retail core of the Harold Hill District Centre but the shopping centre is reasonably accessible from it and is also accessible by public transport. Given the limited on site parking, shoppers would be restricted to one hour so there is no scope for extended stays so the opportunity for linked trips would be limited.
- 6.18 The 2015 study divides Havering into retail zones, Harold Hill being within Zone 6. For the purposes of the study retail is divided into two elements, convenience shopping (mainly food) and comparison shopping (e.g. clothes, white goods, furniture etc). In this case whilst the applicant does sell some comparison goods this is limited and often only for short promotional periods. The main impact of the store would be on the existing convenience shopping provision in the Harold Hill District Centre.
- 6.19 Within Zone 6 the study identifies that in 2012 the market share for convenience goods shopping in Harold Hill was 20% of the total expenditure of residents living in the zone. The remaining expenditure being at stores elsewhere, including Romford town centre. The largest share, however, being at Tesco's at Gallows Corner with a figure of over 50%. The Harold Hill convenience goods turnover was largely attributed to the Sainsbury's Local, the Co-op and Iceland. The report identifies that the sales density indicates a strong performance for a centre of the scale of Harold Hill and its position in the retail hierarchy. The proposed store would be likely to draw a high proportion of its trade from Tesco's at Gallows Corner, which means it would have less impact on the Harold Hill Centre. The impact on out of centre stores is not a material consideration in policy terms.
- 6.20 One of the important conclusions of the 2015 study is that the Gallows Corner is overtrading to a significant degree. It is considered reasonable to assume significant overtrading at the store still exists and that many of the residents in Zone 6 do their main food shopping there. This indicates that there is scope for additional local capacity. The size of the proposed store is not significantly larger than two of the existing stores in the Harold Hill District Centre. The applicant, Lidl states that its retail offer would complement the existing stores by providing a different 'deep discount' offer and a wider range of goods to the existing stores, including some non-food items. It would compliment the 'weekly shop' and 'top up' shopping.
- 6.21 In reaching an overall conclusion of the acceptability in principle of the proposed store Staff consider that the likely impact on the Harold Hill District

Centre is a material consideration. The main basis for the objection is that the retail assessment underestimates the impact of the new store on the shopping centre. This is because it underestimates the turnover of the proposed development and the level of trade that would be diverted from the existing centre. The application is for a retail foodstore that would operate as a 'deep discounter', but this could change overtime as competition in the food retail sector intensifies and there is potential convergence in the retail offer of rival stores. The method of trading could not be controlled through planning conditions to ensure that the proposed model is maintained. The objector is also concerned that the retail assessment does not properly consider the situation should one of the existing foodstores close or the impact on linked trips within the centre arising from the diverted trade.

6.22 The independent assessment concluded that there would only be a 4% impact on the convenience goods floorspace which would not result in a significant negative impact on the Harold Hill District Centre. The assessment considered that the trade diversion from Tesco was overstated and that from the District Centre understated. Their conclusion was that the impact on the District Centre would be 5% of its turnover. Notwithstanding this higher figure the impact was not considered 'significantly adverse' in terms of the NPPF guidance. The NPPF and NPPG do not provide any specific guidance on assessing linked trips, but this is expected to be directly related to trade draw, although some customers of the new store would continue to use the District Centre for other needs, such as banking and the new library would be an additional draw. The consultants also noted the significant investment in housing in the area by the Council which would increase the overall demand. No new retail space is proposed as part of these schemes.

6.23 Staff consider that the impact test has been undertaken in a proportionate way relating specifically to local circumstances. It is also relevant to bear in mind that there is no locally set threshold for the test and the proposal is below the nationally set default figure. Notwithstanding this staff consider that there would not be a significant impact on the Harold Hill District Centre. In the light of these matters the redevelopment of the site for a food retail store is considered to be acceptable in terms of the retail policies of the development plan and the NPPF.

Scale, Density and Site Layout

Design/Impact on the streetscene

6.24 The layout of the proposed development is determined by the requirement to provide a larger store format that increases the retail floorspace by 48% of that previously permitted. This would result in a much larger buildings that would occupy much of the site area. The smaller store granted permission was to be located on the northern boundary of the site at the junction of Gooshays Drive and Trowbridge Road. That building would be located in a prominent junction location, but this was judged to be acceptable in terms of the impact on the area and on amenity. The design quality was judged acceptable within the context of the other buildings in the area, including the community buildings

opposite the site and was considered that it would make a positive contribution to the character and appearance of the area. However, the revised scheme would result in a significantly larger and bulkier building that would have a materially greater impact on the character and appearance of the area.

- 6.25 The NPPF places significant emphasis on good quality design and architecture. Paragraph 58 sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture.
- 6.26 There are other large buildings within the vicinity and most are set back from site boundaries. This setback is generally characteristic of the Harold Hill Estate, especially along Gooshays Drive and Trowbridge Road. The new Health Centre opposite the site is an exception, but it is a well-designed building that fits appropriately within its site and does not appear visually dominant. It is lower and of less bulk, but is also set close to the Gooshays Drive frontage. To the north of the site are two storey residential properties and to the west is the Royal Mail building which is mainly two-storey and is set well back from the highway. There are four-storey flatted blocks further to the west, but these are set well back from the road frontage and from part of the overall residential character of that part of Trowbridge Road.
- 6.27 Notwithstanding the increase in size Staff consider as a matter of judgement that the revised proposals would fit acceptably within the streetscene. The design of the building, including significant areas of glazing would be acceptable in the corner location in the context of the other larger buildings in the area. It is considered to have an acceptable scale and bulk and would not be overly visually dominant. The changes to the scale of the building and its relationship with nearby properties means that it would not now appear unacceptably dominant in the context of existing community buildings and there would be clear separation between the new store and the adjoining flats in Gooshays Gardens. However, should members judge that the new building would have a harmful impact then this would amount to a material objection to the proposal.

Impact on amenity

- 6.28 The application site has already been cleared of all buildings, however, its former use as a police station would have had a limited impact on the amenities of nearby residents. The nearest properties are those to the south which comprise 2-3 storey flats and houses built as part of the redevelopment of former Council housing offices. The 2014 application was judged to be acceptable in terms of its impact on amenity as it was located on the northern part of the site with the area closest to this housing being open and proposed for car parking.
- 6.29 The current proposal brings the building to within 12 metres of the boundary with these properties. However, prior to changes negotiated, this would have been three metres. The height would range from between 10.3 metres to 11.025 metres and prior to the increase in separation would have appeared

visually dominant and overbearing when viewed from the rear windows, balconies and garden areas of these properties. The back to back distance is now about 25 metres which would be comparable to an acceptable separation between residential properties. In these circumstances Staff judge that the relationship would be acceptable and not unduly impact on the visual amenities of adjoining residents. The enclosed delivery bay whilst closer to the boundary would be single storey and judged to have an acceptable impact on adjoining residents.

- 6.30 In terms of other impacts the enclosure of the site would reduce any adverse impacts arising from noise from the parking areas and from deliveries and from external lighting.

Parking and Highway Issues

- 6.31 There would be a single access/egress point on the east side of the site, in a similar location to that approved for the smaller scale store. The car park would provide 55 spaces, an increase of 15 over that previously proposed, which would not accord with the maximum of spaces required in the Annex 5 of the LDF and Table 6.2 of the London Plan. The LDF requirement is one per 18 square metres of gross internal floorspace (GIA) which gives 92 spaces and the London Plan requirement one space per 20-30 square metres for PTALs 2-4. This gives a range of 55- 83 spaces. As the site is in PTAL 2 the upper end of the range is probably more appropriate.
- 6.32 Streetcare (highways) originally expressed concerns that the level of parking could lead to overspill on local roads and in car parks for local community uses as well as congestion at the site access. In order to assess the likely impact, the applicant's traffic consultant carried out a survey of a comparable store in Longbridge Road in Barking. This has a similar floorspace and parking, and is also in an area with a PTAL of 2. This indicated that overspill onto local roads would be of lower risk than had been anticipated. In view of this lower risk, Streetcare have request a parking survey following opening of the store and, if necessary the implementation of parking controls with 100 metres of the entrance. The parking review would run for 24 months and would be funded by the applicant. There would also need to be a sum to cover the costs of any parking controls should these be required as an outcome of the review. Any parking controls introduced would require separate Highway Advisory Committee approval. The agreed sum is £10,000. The Metropolitan Police Designing Out Crime Officer still has some concerns that overspill could give rise to conflicts between local residents. However, the review referred to above could help address this.
- 6.33 In order to ensure that parking is not restricted by extended stays the applicant now proposes a limit for customer stays of 60 minutes and the implementation of a number plate recognition system to monitor parking stays.
- 6.34 The layout also includes two disabled spaces. The parking provision also includes staff spaces, although many staff are expected to be recruited locally.

The proposed cycle parking would meet the London Plan and LDF requirements.

- 6.35 Subject to the applicant entering into a legal agreement to fund the review and any parking restrictions should they be necessary the development is considered to be acceptable in highway terms and accord with LDF policies DC32, DC33 and DC34.

Contamination and ground conditions

Designing out crime

- 6.36 The Metropolitan Police Designing out Crime Officer has raised issues concerning the openness of the car parking area under the building to which there would be pedestrian access from Trowbridge Road as well as Gooshays Drive. This would increase the risk of crime and anti-social behaviour, especially during the hours of darkness. This has now been addressed through proposals to provide a mesh along the Trowbridge Road frontage to restrict access other than via the main entrance. Security gates should be provided to prevent access to the car park when the store is closed and it should be lit during opening hours. There are still concerns that the lack of parking could lead to on-street parking and conflicts with local residents, however, this has largely been addressed by the survey of a comparable store which did not identify a problem. During peak periods the car park did not reach capacity. It is also proposed to restrict customer stays to 60 minutes to ensure that there would be no long term parking. There has been further consultation with the officer and an update will be given at the meeting.

Energy efficiency

- 6.37 The proposed development would incorporate a range of energy saving and efficiency measures to minimise energy demand and reduce CO2 levels. The proposed building would meet the BREEAM standard of 'very good'. Waste arising from the store would be sorted for recycling.

6.31

7. **Mayor's Community Infrastructure Levy (CIL)**

- 7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The previous police station buildings have been demolished therefore, no allowance can be taken of this floorspace. The new build proposed would amount to 1,878 square metres and at the CIL rate of £20 per square metre the CIL liability is £37,560 (this figure may go up or down, subject to indexation).

8. **Conclusions**

- 8.1 The proposed development is for an A1 foodstore on an 'out of centre' site as defined in the NPPF. The development is considered acceptable in accordance with the retail policies of the NPPF and the development plan, including the sequential test. Whilst there would be some impact on existing convenience outlets in the Harold Hill Minor District Centre, assessments carried out by the applicant and independently appraised of these has demonstrated that this would not be significantly adverse such as to warrant refusal on these grounds. In reaching this conclusion account has been taken of the detailed objections raised by the manager of the Harold Hill Centre regarding trade loss.
- 8.2 The applicant has demonstrated flexibility in terms of store size in accordance with national planning guidance. There is already shopping leakage to stores outside of the district centre to other larger stores, such as Tesco at Gallows Corner, but the centre is generally performing well. The 2015 retail needs assessment identifies the need for further convenience retail floorspace within the centre which the proposal would help to address given its proximity to the centre and the lack of available sites closer to it. The proposal is below the NPPF threshold for consideration under the impact test, although the LDF requires all out of centre retail development to be assessed. A new store would provide wider customer choice and a more diverse retail offer in accordance with the NPPF. The proposed store is, therefore, considered acceptable in retail terms. This is the position reached in relation to the already approved scheme.
- 8.3 Notwithstanding the retail position the proposed store would now be significantly larger than that already approved. Staff have raised these concerns which has resulted in design changes and a reduction in the scale of the proposed building. As a consequence Staff now consider, as a matter of judgement that the scale and design is acceptable in terms of the impact on character of the area and the impact on nearby residents to the south of the store. This impact would not be materially greater than the store as approved. The concerns raised by the Designing Out Crime Officer regarding the accessibility of the undercroft car parking have also been addressed through design changes.
- 8.4 Therefore, it is recommended that planning permission be granted subject to the prior completion of a legal agreement to secure a financial contribution towards highway works and monitoring overflow car parking and the conditions set out at the beginning of the report.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form received 24th December 2015 and revised plans received 21st October 2016.