



REGULATORY SERVICES COMMITTEE

24 August 2017

REPORT

Subject Heading:

P0863.17: 31 High Street, Hornchurch

Variation of condition 2 of planning permission P1373.16 to construct a Lidl food store. Amendments include: changes to the site gradient and finished floor levels increasing the height of the store by 0.58 metres; steps and access slope added to front of the store; internal alterations to store layout; relocation of trolley bays. (Application received 17 May 2017)

Ward:

St. Andrews

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is for a variation to planning permission P1373.16 for the construction of an A1 food store within Hornchurch town centre, which was approved on 12 May 2017.

The variation concerns changes to the site gradient and finished floor levels, which would increase the height of the store by 0.58 metres; the addition of steps and an access slope to front of the store; internal alterations to the store layout, and; the relocation of the trolley bays within the car park.

The variation raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the residential amenity of neighbouring residents.

On balance the proposal is considered to be acceptable in all material respects subject to conditions and the applicant entering into a Deed of Variation under Section 106A, and it is recommended that planning permission is granted.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 747 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £14,940 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 12 May 2017, in respect of planning permission P1373.16 by varying the definition of Planning Permission which shall mean either planning permission

P1373.16 as originally granted or planning permission P0863.17 and any other changes as may be required from this, to secure the following:

- A financial contribution of £48,750 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of pavement improvements to High Street.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- 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 Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, 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 Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

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. External Materials

No above ground 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) are 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.

4. Construction Methodology

The Construction Methodology shall be carried out in accordance with the details approved under condition 4 of P1373.16; under discharge of condition reference Q0068.17, as detailed in the Demolition and Construction Statement.

Reason: To 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..

5. 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.

6. Refuse and Recycling

Prior to the retail store first trading details of refuse and recycling facilities shall be 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 supplied with the application to judge how refuse and recycling will be managed on site. 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 amenity of occupiers of the development

and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

Prior to the retail store first trading details of cycle storage shall be provided to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. 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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

8. Car Parking

Prior to the retail store first trading the car/vehicle parking area shown on the approved plans shall be completed to the full satisfaction of the Local Authority, 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.

9. Accessible Parking Spaces

Prior to the retail store first trading the accessible parking spaces shown on the approved plans shall be completed to the full satisfaction of the Local Authority, 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 accessible parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

10. Loading

Prior to the retail store first trading the facilities for loading, unloading, circulation and manoeuvring shall be completed in accordance with the approved plans, to the full satisfaction of the Local Authority. 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.

11. 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 11:00 hours to 13:00 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.

12. Landscaping

No above ground works 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.

13. 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.

14. Screen fencing

No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority details of screen fencing, walls and other

boundary treatment. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

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.

15. 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.

16. Contaminated Land

Prior to the commencement of development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas

protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane. The gas protection measures shall be carried out in strict accordance with the agreed details. Upon completion of installation, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Reason: Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and/or vapour in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC53.

17. Opening Hours

The retail store shall not be open to customers outside of the following times: 07:00 hours to 23:00 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.

18. 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. External Lighting

Prior to the occupation of the store details of external lighting, including for all car parking areas, shall be 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.

20. 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.

21. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, 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.

22. Road Safety Audit

Prior to commencement, the proposed vehicular access shall be subjected to a combined Stage 1/2 Road Safety Audit. Prior to occupation, the proposed vehicular access shall be subjected to a Stage 3 Road Safety Audit. In both cases, recommendations shall be reasonable dealt with. The Road Safety Audit should be undertaken in accordance with Transport for London standard SQA-0170 (May 2014) or HD19/15 of the Design Manual for Roads and Bridges.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

23. Fairkytes Avenue Retaining Structure

Prior to commencement, details of the proposed method of retaining Fairkytes Avenue shall be submitted for approval in accordance with the requirements of BD2/05 of the Design Manual for Roads and Bridges.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

24. New Plant and Machinery

No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority details of a scheme for the new plant or machinery to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property 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 assess the noise levels of the plant or machinery to be used on site. 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 prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

25. Noise and Vibration

No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority details of a suitable mechanical ventilation system to be installed to control the transmission of noise and vibration. Thereafter, the equipment shall be properly maintained and operated in accordance with the scheme during normal working hours.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. 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 protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

26. 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.

27. Drainage

The retail store shall not open to customers until the proposed drainage strategy has been implemented in accordance with the details set out in the Sustainable Design and Construction Statement report dated August 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 retail store shall operate in full accordance with the details of the Car Park Management Plan approved under condition 29 of planning permission P1373.16; under discharge of condition reference Q0115.17. The approved management strategy shall be implemented throughout the lifetime of the development.

Reason: To help minimise any overflow car parking onto local roads and to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

30. Clear Glazing

The glazing in the shop front elevations of the building hereby permitted, shall not be obscured at any time, including items attached to the glazing or placed nearby. The glazing shall remain clear and un-obscured at all times.

Reason: In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

31. Ground Levels

No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application to judge proposed ground and finished floor levels. Submission of details prior to commencement will ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

32. Towers Lettering

The proposed retail store shall not open to customers until a detailed scheme for the re-use to the front of the site of the 'Towers' lettering, taken from the frontage of the former building, has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

33. Permitted Development Restriction - Changes of Use

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.

34. Permitted Development Restriction - Additional/ Mezzanine Floors

The total of floorspace within the building shall not exceed 2,747 square metres at any time. No additional internal floors or mezzanine levels other than those shown on the approved plans shall be installed. 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 Hornchurch town centre, and to protect the amenities of local residents and the character of the area

in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

35. No access from Fairkytes Avenue

Fairkytes Avenue shall not be used by any development traffic during the construction of the development hereby approved, nor shall it be used at anytime by customer vehicles or vehicles associated with the operations of the food store as a means of entering or leaving the site.

Reason: To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

36. Road Signage & Turning Restriction

The proposed retail store shall not open to customers until a detailed scheme for additional road signage and road markings to enforce the site entrance turning restrictions has been submitted to and approved in writing by the Local Planning Authority. Prior to the retail store opening to customers, the 'left-turn only' site access arrangement, as indicated on drawing no. 16/0705/SK04B, and agreed signage and road markings shall be installed to the full satisfaction of the Local Planning Authority and thereafter maintained.

Reason: Insufficient information has been submitted with the application to demonstrate the proposed signage and road markings to be used at the site entrance. The submission and implementation of the measures prior to the store trading would ensure that there are adequate entrance and exit arrangements to serve the development and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
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 £14,940 (this figure may go up or down, 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. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
4. **Changes to the public highway (including permanent or temporary access)** 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 as 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.

Highway legislation

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 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.

Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

The developer is advised that if 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. Please note that unauthorised use of the highway for construction works is an offence.

5. Before occupation of the food store hereby approved, it is a requirement to have the property officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the site of the former 'Mecca Bingo' hall at 31 High Street, Hornchurch.
- 1.2 The former premises, previously known as the Towers Cinema, was vacated in late 2015, and planning permission to demolish the building was granted in August 2016. The building has now been demolished and building works on a new food store are currently underway.
- 1.3 The site comprises an 'L-shaped' plot of 0.63 hectares. The main vehicular access to the site is from High Street. There is also a north to south pedestrian route between Fairkytes Avenue and High Street which crosses the former car park.
- 1.4 The land is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre, although the site is also surrounded by residential accommodation to the north, south and west.

2. Description of Proposal

- 2.1 Planning permission was granted on 12 May 2017 under application reference P1373.16 for the construction of an A1 food store, which will be operated by Lidl. The current proposal is seeking a variation to the planning permission.
- 2.2 The variation concerns changes to the site gradient and finished floor levels, which would effectively increase the height of the food store building by 0.58 metres in comparison to the previously approved scheme; the addition of steps and an access slope to main entrance on High Street at front of the store; internal alterations to the store layout, and; the relocation of the trolley bays within the car park.
- 2.3 As with the previous planning permission the proposed food store would be located on the south west portion of the site, in a similar position to the former building, and would incorporate a mono-pitched roof design. Under the variation overall dimensions of the building would still stand at approximately 7.6 metres high sloping west down to a height of approximately 5.3 metres. An additional single storey flat roof section with a height of approximately 4.3 metres would wrap around to rear of the building adjacent to the boundary with Fairkytes Avenue. The main difference is that less of existing ground level would be excavated as originally intended due to a high voltage electricity cable which runs through the site. This will result

in the finished floor level of the building being approximately 0.58 metres higher than the previously approved scheme. As a consequence a set of steps and a ramp access would need to be installed to the entrance at the front of the store, adjacent to the High Street elevation.

- 2.4 The total floorspace proposed is 2,747 square metres over two floors with a net sales area of 1,690 square metres located on the ground floor. The building would also accommodate an ancillary warehouse and storage area, bakery, office, and staff welfare areas. The main variation in this regard would be moving the staff welfare area from the first floor level to the ground floor level.
- 2.5 The development would include an associated car park providing 104 parking spaces. The car park would be laid out in the northern and eastern sections of the site similar to the current arrangement. The development would use the existing vehicular entrance point from High Street. The existing pedestrian route from Fairkytes Avenue through to High Street would be maintained. The main variation in this regard would be the relocation of the trolley bay to a more central position within the site.
- 2.6 A single storey service/delivery bay would be located adjacent to the northern boundary with Fairkytes Avenue in the north western section of the site.
- 2.7 The new food store would create 40 full and part time jobs. The proposed opening hours would be 07:00 to 23:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays.

3. Relevant History

- 3.1 Variation of condition 10 (delivery times) and condition 17 (store opening hours) of planning permission P1373.16 (construction of a Lidl food store) to allow: Deliveries on Bank/Public Holidays between hours of 7:00 to 21:00, and; Store opening on Bank/Public Holidays between the hours of 07:00 to 23:00 – Application received 20 July 2017, undetermined.
- 3.2 P1373.16 - Construction of a Lidl food store with associated car parking - Approved, 12 May 2017
- 3.3 P0325.16 - Demolition of former Mecca Bingo Hall - Approved, 31 August 2016

4. Consultations/Representations

- 4.1 Notification letters were sent to 84 properties and no representations have been received.
- 4.2 The following consultation responses have been received:

- Environmental Health - no objection.
- Local Highway Authority - no objection.

5. Relevant Policies

- 5.1 Local Development Framework Core Strategy and Development Control Policies Development Plan Document Policies: CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental management), CP17 (Design); 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).
- 5.2 Other relevant documents include the Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 The following London Plan policies are material considerations: 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).
- 5.4 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant to these proposals.

6. Staff Comments

- 6.1 When considering the previous application for the food store, Staff took into consideration issues in relation to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network. Under the previous application these considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.
- 6.2 It should be noted that planning permission had previously been granted to demolish the former bingo hall building which used to occupy the site.
- 6.3 This application concerns changes to the site gradient and finished floor levels increasing the height of the store by 0.58 metres; steps and access slope added to front of the store; internal alterations to store layout;

relocation of trolley bays. The new material considerations with regard to the proposed variation to the scheme relate to the impact on the character and appearance of the streetscene and the impact on the residential amenity of neighbouring residents

Principle of Development

- 6.4 The principle of the development was established under planning permission P1373.16. The NPPF seeks to promote through Local Plans policies for competitive town centres that provide customer choice and a diverse retail offer. 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.
- 6.5 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.
- 6.6 The site is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre.
- 6.7 Policy DC16 of the Havering Core Strategy and Development Control Policies DPD states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail core and fringe areas) at ground floor level. Enhancing the retail offer in the borough's town centres is regarded as critical to ensuring vitality and viability. The policy also advises that it is important that a 'critical mass' of retailing uses are maintained within the core areas of the borough's town centres.
- 6.8 As with the previous application the proposed development would introduce an active frontage to this section of High Street and help to maintain visual and functional retail continuity to aid in enhancing the vitality of the town centre. As such the proposed redevelopment of the site to provide an A1 retail store would be considered acceptable in principle in landuse terms, subject to scale, layout and detailed design and highways considerations.

Design/Impact on Streetscene

- 6.9 The design and impact on the streetscene was assessed under planning application P1373.16 and judged to be acceptable.
- 6.10 The gradient across the application site gradually rises from High Street to the south through to Fairkytes Avenue towards the north. The development would involve the excavation of sections of the ground across the site to create a similar level to High Street. Under the proposed variation less of the existing ground level would be dug out due to a high voltage electricity cable which runs through the site. This will result in the finished floor level of the

building being approximately 0.58 metres higher than the previously approved scheme. As a consequence a set of steps and a ramp access would need to be installed to the entrance at the front of the store, adjacent to the High Street elevation. The rear section of the food store building would still be set some 1.9 metres below the ground level at Fairkytes Avenue.

- 6.11 It is considered that the proposed variation would form a relatively minor alteration to the appearance of the building and the additional steps and ramp would not detract from the streetscene at High Street. The proposed changes in ground level would be relatively minor in comparison to the overall scale of the development and in Staff's view would result in a minimal impact on the streetscene at Fairkytes Avenue in comparison to the previously approved scheme.
- 6.12 It is considered that the proposed variations to the scheme would still be sympathetic to the development in the surrounding area and would serve to maintain and enhance the character and appearance of the streetscene along this section of High Street and Fairkytes Avenue.

Impact on Amenity

- 6.13 The impact on the amenity of the neighbouring residents was assessed under planning application P1373.16 and judged to be acceptable.
- 6.14 As with the previous application the main consideration in terms of overshadowing and over-dominance relates to the impact on the occupants of 8 Fairkytes Avenue, located to the north west of the application site.
- 6.15 The proposed food store would be positioned directly adjacent to the eastern side boundary of No.8 and as part of the proposed variation the building would sit some 0.58 metres taller, from 3.6 metres to 4.18 metres, in comparison to the Fairkytes Avenue ground level. Despite the changes to the proposed finished floor levels the food store building would still sit at a much lower ground level to the adjacent houses at Fairkytes Avenue. As a result Staff are still of the view that the height and prominence of the building adjacent to the boundary with No.8 would be acceptable. Crucially, the rear section of the building, which lies closest to No.8 has also been designed with a low profile flat roof which would serve to further reduce any overbearing impact on the adjacent occupiers.
- 6.16 Whilst it is acknowledged that the proposed new building would be considerably lower in terms of its height and bulk, it would have a much greater footprint and depth. The new building would occupy the western side of the site adjacent to the side boundaries with 8 Fairkytes Avenue, the new flatted accommodation at Arias Court, and 23a to 27a High Street to the north. The windows in the side elevation of the food store would be high level to allow daylight into the shop floor area and would not provide any outlook for employees or customers towards the adjacent residential

properties. A condition will also be carried over from the previous consent removing permitted development rights for additional internal floors and mezzanine levels which will help to mitigate any future privacy or overlooking issues.

- 6.17 As with the previous scheme the proposal would also involve the installation of dry cooler and heat pump plant adjacent to the northern boundary, and within close proximity to 8 Fairkytes Avenue. To mitigate against noise it is proposed that the plant would be installed within a specialist acoustic enclosure. A condition requiring a detailed scheme for controlling noise emission from plant will be carried over from the previous planning permission.
- 6.18 As with the previous scheme the proposed opening hours would be 07:00 to 23:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays. Deliveries and servicing of the site would be restricted to 07:00 to 21:00 Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays. The current application proposes no alteration to the operating and delivery hours. The impact on the amenity of the neighbouring residents was assessed under planning application P1373.16 and judged to be acceptable.
- 6.19 On balance it is not therefore considered that the proposed development would present undue issues in relation to loss of daylight and overshadowing in accordance with policy DC61.

Environmental Issues

- 6.20 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended a precautionary condition in relation to gas protection measures.
- 6.21 The site is not located within a flood zone and as such presents no issues in relation to flood risk or sustainable urban drainage.
- 6.22 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Parking and Highway Issues

- 6.23 The parking provision, site access arrangements, and wider highways implications were assessed under planning application P1373.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Mayoral Community Infrastructure Levy

6.24 The proposed development will create 747 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £14,940 (this may go up or down, subject to indexation) based on the calculation of £20.00 per square metre.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a legal agreement.

7.2 Staff consider that the proposed development raises considerations in relation to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network. In this instance the proposal is considered to be acceptable in all material respects.

7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Deed of Variation to secure a financial contribution towards highway works.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 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:

None

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 17 May 2017.