



## REGULATORY SERVICES COMMITTEE

26 April 2018

**Subject Heading:**

**P1216.17: 131 Gooshays Drive,  
Romford**

**Variation of condition 29 (car park controls) of planning permission P1905.15 (Construction of a 1,923sqm food store) to extend the maximum length of stay for customers from 60 minutes per visit to a maximum of 90 minutes per visit. (Application received 21 July 2017)**

**Ward:**

**Gooshays**

**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

Planning permission P1905.15 was granted in May 2017 for the construction of a of 1,923sqm Lidl food store.

This application is seeking to vary condition 29 (Car parking controls) of the planning permission under Section 73 of the Town and Country Planning Act, 1990.

The variation concerns extending the car park maximum length of stay for customers, from 60 minutes per visit to a maximum of 90 minutes per visit.

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 1,878 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £37,560 Mayoral CIL payment (subject to indexation).

That the variation of condition 29 of planning permission P1905.15 under Section 73 of the Town and Country Planning Act, 1990 is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act, 1990 (as amended) to vary the existing legal agreement, completed on 11 May 2017, in respect of the previous planning permission P1905.15 by varying the definition of Planning Permission, which shall mean either planning permission P1905.15 as originally granted or planning permission P1216.17 and any other changes as may be required from this, to secure the following obligations, by 24 August 2018, and in the event that the deed of variation is not completed by such date then the Planning Manager has delegated authority to refuse planning permission:

- 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.

- 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 Planning Manager 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. Parking Provision

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. Provision of 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

The external elements of the development shall be constructed in the materials approved under condition 7 of P1905.15; under discharge of condition reference Q0120.17.

Reason: To 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

The landscaping measures shall be implemented in accordance with the details approved under condition 8 of P1905.15; under discharge of condition reference Q0118.17. 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: To 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.

## 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

The screen fencing measures shall be implemented in accordance with the details approved under condition 10 of P1905.15; under discharge of condition reference Q0127.17. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

Reason: To 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. Wheel washing

The vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be implemented in accordance with the details approved under condition 11 of P1905.15; under discharge of condition reference Q0067.17.

Reason: To 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 Method Statement

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 Authorities;
- 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) Piling method statement

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 and Phase II (Site Investigation) Report discharged in part under discharge of condition application reference Q0121.17) the following:

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

The refuse and recycling measures shall be implemented in accordance with the details approved under condition 15 of P1905.15; under discharge of condition reference Q0119.17.

Reason: 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 - Retail floor space

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 the 1,073 sqm. sales area shown on drawing 3268 205 Q (Option B) 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 Harold Hill minor district shopping centre and affect the suitability of the access and parking provision.

#### 18. Staff Travel Plan

The staff travel plan shall be implemented in accordance with the details approved under condition 18 of P1905.15; under discharge of condition reference Q0140.17.

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

#### 19. Permitted development restriction - Part 7

Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) 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 express planning permission being granted by 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 - Changes of use

Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) 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, J or M shall be carried without express planning permission being granted by 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

The external lighting measures shall be implemented in accordance with the details approved under condition 21 of P1905.15; under discharge of condition reference Q0126.17.

Reason: To 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 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.

#### 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 Splay

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. Implementation of Drainage Strategy

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. Car Parking Closure

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 **90 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. and to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

### 30. Light controls

The proposed retail store shall not open to customers until blinds have been provided in accordance with the details shown on approved drawings 3268 202 AC and 3268 203 AC. The blinds shall be lowered during the hours of darkness when the store internal lights are illuminated. The store shall be illuminated internally in accordance with the details set out in the light spill report dated 22.12.2016.

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

### **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 £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. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

5. 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.
6. Temporary use of the highway - 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 432563 to make the necessary arrangements. Further details are available on the Council website.

Highway alterations - 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.

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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application relates to land at the junction of Gooshays Drive and Trowbridge Road and amounts to 0.27 hectare.
- 1.2 The site was formerly occupied by a local police station with an associated pair of semi-detached dwellings which have since been demolished. The site is currently being redeveloped with the construction of a new Lidl food store and an associated car park.

- 1.3 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.

## **2. Description of Proposal**

- 2.1 Planning permission was granted under application reference P1905.15 in May 2017 for the construction of a of 1,923sqm Lidl food store.
- 2.2 This application is seeking to vary condition 29 (Car parking controls) of the planning permission under Section 73 of the Town and Country Planning Act, 1990. The variation concerns extending the car park maximum length of stay for customers, from 60 minutes per visit to a maximum of 90 minutes per visit.
- 2.3 The application proposes no other changes to the previously approved scheme.

## **3. Relevant History**

- 3.1 P1905.15 - Construction of a of 1,923sqm food store with 55 car parking spaces - Approved, 11 May 2017
- 3.2 P0808.14 - Redevelopment of former Police Station comprising the erection of a 1,153sqm food store with 40 car parking spaces - Approved, 1 September 2015

## **4. Consultations/Representations**

- 4.1 Notification letters were sent to 455 properties and one representation has been received. The comments can be summarised as follows:  
- Inconvenience to local residents due parking from construction traffic during the course of the development.
- 4.2 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement would be secured through condition, setting out measures to minimise disruption to neighbours during construction.
- 4.3 The following consultation responses have been received:  
- Local Highway Authority - no objection.

## **5. Relevant Policies**

- 5.1 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, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 The following London Plan policies are material considerations: Policies 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 to be acceptable in all material respects, which in turn led to planning permission being granted.
- 6.2 This application concerns the variation of condition 29 relating to car park controls, and seeks to extend the car park maximum length of stay for customers, from 60 minutes per visit to a maximum of 90 minutes per visit.
- 6.3 The application proposes no other changes to the previously approved scheme.

### ***Principle of Development***

- 6.10 The principle of the development was established under planning permission P1905.15. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

### ***Density/Layout***

- 6.11 The density and layout of the scheme was assessed under planning application P1905.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

### ***Design/Impact on Streetscene***

- 6.12 The design and impact on the streetscene was assessed under planning application P1905.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

### ***Impact on Amenity***

- 6.13 The impact on the amenity of neighbouring residents was assessed under planning application P1905.15 and judged to be acceptable. This application proposes no alteration to the previously approved details of the scheme and raises no additional considerations with regards to the amenity of neighbouring residents.
- 6.14 The proposed extension to the maximum length of stay for customers using the car park, from 60 minutes per visit to a maximum of 90 minutes per visit, will not unduly affect neighbouring residents.

### ***Parking and Highway Issues***

- 6.15 The amount of car parking provision, servicing arrangements, and highways implications were assessed under planning application P1905.15 and judged to be acceptable.
- 6.16 The maximum length of stay was originally restricted to 60 minutes to ensure that spaces were not occupied by customers staying for extended periods and that sufficient parking spaces remained available for all customers throughout the store opening hours.
- 6.17 Allowing customers to park their vehicles in the food store car park for a maximum of 90 minutes, rather than 60 minutes, would still uphold a reasonable restriction and prevent parking spaces from being occupied by long stay parking. The additional 30 minutes would also provide customers with a greater element of flexibility and more time to complete their shopping trip, whilst reducing the need for customers to park in alternative neighbouring locations should the time limit be exceeded. As a result the variation of the condition is considered to be acceptable.
- 6.18 The Local Highway Authority have raised no objections to the proposal.



## ***Mayoral Community Infrastructure Levy***

6.19 The proposed development will create 1,878 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £37,560 (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 differing from those subject to which the previous permission was granted and a deed of variation to the existing section 106 agreement.

7.2 Staff consider that the proposal is acceptable in all material respects and that planning permission be granted subject to conditions and the completion of a deed of variation legal agreement.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

Financial contributions will be sought through the legal agreement.

### **Legal implications and risks:**

Legal resources would be required to prepare and complete the required deed of variation. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating 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**

Application form, supporting statements, and drawings received 21 July 2017.