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| <b>Application Reference:</b>          | <b>P1700.18</b>  |
| <b>Location:</b>                       | <b>31 HIGH STREET, HORNCHURCH,<br/>RM11 1TP</b>  |
| <b>Ward</b>                            | <b>SAINT ANDRWES</b>   |
| <b>Description:</b>                    | <b>AMENDMENT OF PLANNING<br/>CONDITIONS 2 AND 36 OF<br/>PERMISSION P1373.16, TO ENABLE<br/>REMOVAL OF THE CURRENT LEFT<br/>TURN ONLY SITE ACCESS<br/>ARRANGEMENT</b> |
| <b>Case Officer:</b>                   | <b>ELIZABETH REYNOLDS</b>  |
| <b>Reason for Report to Committee:</b> | <b>The Assistant Director Planning<br/>considers committee consideration to<br/>be necessary.</b>  |

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## 1 BACKGROUND

- 1.1 Background: Vehicle Access / Egress Arrangements. Planning permission reference P1373.16 was approved at committee on 22/12/2016. The application was scheduled to be reported to an earlier committee meeting but deferred as Members were concerned about the risk of the proposal exacerbating traffic congestion in the surrounding network, especially High Street, and asked officers to seek that the applicant design a workable and enforceable scheme to address the impact of vehicle movement into and from High Street, likely to involve a left turn in and left out only configuration. Members set out that this should consider physical engineering solutions, including for example reconfiguring the access layout, its detailed position, restrictions at the site entrance/ exit to restrict direction of vehicle travel, and potentially highway based measures such as road markings, CCTV and signage with these to be met at the developers cost and covered by legal agreement as necessary. Members also wished to see potential use of signage and promotion of restrictions to store users to optimise enforcement of the measures.

- 1.2 Members requested that a traffic arrangement be chosen through a process of option appraisal. In response, the applicant considered a range of options for the site access arrangements and prepared an accompanying appraisal. When considering the merits of the options, alongside commentary provided by LBH Highways, the fourth option was considered to represent the most appropriate solution. Option 4 can be summarised as having signage, road markings and a central road island on the High Street to enforce a 'left-turn only' arrangement – all secured via planning conditions and a Section 106 Agreement with the Local Highway Authority.
- 1.3 The (Lidl) supermarket approved by permission P1373.16 is constructed and in use, however the approved traffic arrangements and several minor aspects of the approved development are not operating as hoped. This application has been made partly to improve operation of the store, but primarily as the result of extensive engagement between Lidl's transport consultant and Havering's Highways team regarding vehicular access to the car park.

## **2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The proposal is for the amendment of conditions 2 and 36 of permission P1373.16 to facilitate better operation of the supermarket, principally through the removal of a requirement for 'left-turn only' egress and access to the site.
- 2.2 Other minor changes to the approved plans are sought, but the core consideration for this application is the safety of vehicular access arrangements and traffic congestion. Details of the current access arrangements (as approved by permission P1373.16) are explained within the 'Background' section at the start of this report.

## **3 RECOMMENDATION**

- 3.1 That the proposal is acceptable subject to a Deed of Variation amending the terms of the existing legal agreement signed under Section 106 of the Town and Country Planning Act 1990 (as amended).

The Developer/Owner to pay the Council's reasonable legal costs associated with amending the Legal Agreement.

That the Assistant Director of Planning be authorised grant planning permission subject to the conditions set out below:

Pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended), The London Borough of Havering as Local Planning Authority has determined to allow your application (Ref P1700.18), being satisfied that the applied for changes are not material.

Permission is to be subject to the following::

## Conditions

1. Time Limit
2. Accordance with plans
3. Materials
4. Construction Methodology
5. Hours of Construction
6. Refuse and Recycling
7. Cycle Storage
8. Parking Provision
9. Accessible Parking Spaces
10. Deliveries
11. Loading
12. Landscaping
13. Open Storage
14. Boundary Treatment
15. Wheel Washing
16. Contaminated Land
17. Opening Hours
18. Travel Plan
19. External Lighting
20. Highway Agreements
21. Visibility Splay
22. Road Safety Audit
23. Fairkytes Avenue Retaining Structure
24. New Plant and Machinery
25. Noise and Vibration
26. Sustainable Construction
27. Drainage
28. Enclosure of Car Park
29. Car Park Controls
30. Clear Glazing
31. Ground Levels
32. Towers Lettering
33. Permitted Development Restriction – Change of Use
34. Permitted Development Restriction – Additional / Mezzanine
35. No Access from Fairkytes Avenue
36. Road Signage & Turning Restriction

3.2 Specifically, the following conditions are to be amended to read:

Condition 2 –

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans listed below:

- 3443 Jul15\_01 104D Proposed Roof Plan;
- 3443 Aug15\_01 107L Proposed Elevations 2;
- 3443 Jul16\_01 120 Site Location Plan;
- 3443 Sep16\_01 115D Street Elevation (Front);
- 3443 Nov18\_01 A1 200 Site layout;
- 3443 Nov18\_02 A3 200 Store plan;
- 3443 Nov18\_03 A1 200 Surface Water Plan;
- 3443 Nov18\_04 A1 200 Elevations;

- 3443 Nov18\_05 A2 200 Section V; and
- 3443 Nov18\_06 A0 100 Elevations Sections 3.

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.

Condition 36 –

A detailed scheme for additional road signage and road markings shall be submitted to and approved in writing by the Local Planning Authority. The site access arrangement, as indicated on drawing no's 1807078-03 A and 1807078-TK03 A, 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 to demonstrate the proposed signage and road markings to be used at the site entrance. The submission and implementation of the measures 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**

- 37. Fees
- 38. Highways
- 39. Street Naming and Numbering

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The application is seeking planning permission to vary Conditions 2 and 36 of permission P1373.16 as summarised below.

Condition 2

The condition is currently expressed as:

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).

To reflect Lidl's operational requirements the following changes are needed:

- Welfare area moved from first floor to ground floor;
- One trolley bay removed, other trolley bay relocated;
- Site levels changed due to high voltage electricity cable running through the site (existing and proposed levels set out in 'surface water' drawing);
- Steps and slope added to the front of the site due to new proposed levels (finished floor levels of store raised by 0.58m);
- Steps added at fire exit along east elevation and fire refuge provided; and
- Number of steps to access site from Fairkytes Avenue reduced due to level changes.

Approval is therefore sought to amend the wording of Condition 2 so that it reads:

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans listed below:

- 3443 Jul15\_01 104D Proposed Roof Plan;
- 3443 Aug15\_01 107L Proposed Elevations 2
- 3443 Jul16\_01 120 Site Location Plan
- 3443 Sep16\_01 115D Street Elevation (Front)
- 3443 Nov18\_01 A1 200 Site Layout
- 3443 Nov18\_02 A3 Store Plan
- 3443 Nov18\_03 A1 Surface Water Plan
- 3443 Nov18\_04 A1 Elevations
- 3443 Nov18\_05 A2 200 Section V
- 3443 Nov18\_06 A0 100 Elevations Sections 3

#### Condition 36

The condition is currently expressed as:

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 arrangements, as indicated on drawing no. 16/0705/SK04, and agreed signage and road markings shall be installed to the full satisfaction of the Local Planning Authority and thereafter maintained.

The site access arrangements are not working as intended and approval is therefore sought to amend the wording of Condition 36 with suggested wording provided as part of the application so that it reads:

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 site access arrangement, as indicated on drawing no's 187078-03 A and 1807078-TK03 A, and agreed signage and road markings shall be installed to the full satisfaction of the Local Planning Authority and thereafter maintained.

The wording of conditions as sought by the planning agent reflects the past tense (pre-commencement) and therefore further slight amendments have been made to the wording of conditions 2 and 36 – please refer to the Recommendations section of this report.

### **Site and Surroundings**

- 4.2 The application relates to a Lidl supermarket (Use Class A1) at 31 High Street, Hornchurch. The supermarket was constructed on land previously occupied by the Towers Cinema, which was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall.
- 4.3 The site comprises 0.63 hectares and the main vehicular access is from High Street. The supermarket building is located in the western portion of the site, with the car park to the east (located mostly behind a semi-detached double storey commercial building at 35 – 37 High Street).
- 4.4 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 (Fairkytes Avenue), south (Appleton way / Victor Close / Abbs Cross Gardens) and west (Grey Towers Avenue).

### **Planning History**

- 4.3 The following planning decisions are considered relevant to the current application:
- P0325.16 - Demolition of former Mecca Bingo Hall – Approved 31 August 2016
  - P1373.16 - Construction of a Lidl food store with associated car parking – Approved, 12 May 2017
  - P0863.17- Application to vary approved drawings, condition 2 of planning permission P1373.16 – Construction of a Lidl food store with associated car parking – Withdrawn, 12 November 2018
  - P1220.17 – 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 the hours of 07:00 to 21:00
    - Store opening on Bank / Public Holidays between the hours of 07:00 to 23:00Refused 17, October 2017
- 4.4 Conditions 16 (Ground Gas), 23 (Retaining Structure), and 32 (Towers Lettering) of permission P1373.16 are yet to be discharged.

## **5 CONSULTATION RESPONSE**

- 5.1 Notification letters were sent to 54 properties - one letter of objection (mistakenly for the construction of the supermarket itself) and two letters of support have been received.

5.2 Consultation responses were received from:

Street Management – No Objection

Neighbours

- Support as restriction has caused a large increase in the amount of traffic using Abbs Cross Gardens'
- Traffic congestion will not be made any worse by removing this "no right turn".

## **6 COMMUNITY ENGAGEMENT**

6.1 None undertaken.

## **7 LOCAL REPRESENTATION**

7.1 A Notification letters were sent to 54 properties - one letter of objection (mistakenly for the construction of the supermarket itself) and two letters of support have been received.

7.2 Consultation responses were received from:

Street Management – No Objection

Neighbours

- Support as restriction has caused a large increase in the amount of traffic using Abbs Cross Gardens'
- Traffic congestion will not be made any worse by removing this "no right turn".

### **Representations**

7.3 No objections were raised in response to the consultation.

### **Non-material representations**

7.4 No matters of a non-material nature were raised in the consultation responses.

### **Procedural issues**

7.5 No procedural issues are applicable to the assessment.

## **8 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main considerations relate to safe and efficient access to the site for vehicles associated implications for the surrounding highway network. Other, minor changes are also sought to address the deliverability of the scheme (slight level changes to the car park to accommodate an electricity cable), improve operation (relocation of a trolley bay) and officer welfare (relocating facilities from first to ground floor level).

- 8.2 It should be noted that the supermarket is operational, having been granted planning approval

#### Principle of Development

- 8.3 The principle of the proposed development is considered acceptable as it would improve vehicular access to the site, reducing the risk of congestion or accident on the High Street. All other aspects of the proposed use of the site as a supermarket remain unchanged.

#### Design / Impact on Streetscene

- 8.4 The appearance of the existing supermarket would not change and therefore is not considered to have a detrimental impact on the visual amenity of the Hornchurch High Street.

#### Impact on Amenity

- 8.5 It is not proposed to change the hours of operation or increase the scale of the existing Supermarket.
- 8.6 The neighbour consultation responses are generally supportive of the proposal, given the amended vehicular access arrangements would reduce current issues pertaining to traffic on the surrounding residential streets.

#### Environmental Issues

- 8.7 The proposal is not considered to give rise to any significant noise or other environmental issues.

#### Parking and Highway Issues

- 8.8 The site is within a town centre location and has a Public Transport Accessibility Level (PTAL) rating of 4; meaning that the premises has good access to a variety of public transport facilities. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.
- 8.9 The maximum parking standard for sites located in District Centres for A1 food supermarket uses is one space for every 18 to 25 square metres. At 103 spaces, the amount of on-site car parking provision proposed in the development is considered to be acceptable in terms of the adopted standards and the Local Highway Authority has raised no objections in this regard.
- 8.10 The proposed cycle parking would meet the London Plan and LDF requirements.



- 8.11 The application has consulted with the Havering's Highways Officers in advance of making this application, and has their support.

Mayoral Community Infrastructure Levy

- 8.12 The floor area of the supermarket would not increase and therefore, no Mayoral CIL is applicable.

Conclusion

- 8.13 Having had regard to all relevant factors and material planning considerations, the planning officer is of the view that this proposal would be acceptable subject to signing a Deed of Variation to the existing Section 106 legal agreement.

### **Financial and Other Mitigation**

- 8.14 None.

### **Other Planning Issues**

- 8.15 Legal resources will be required to prepare and complete a Deed of Variation to the existing S106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies.

### **Conclusions**

- 8.16 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.