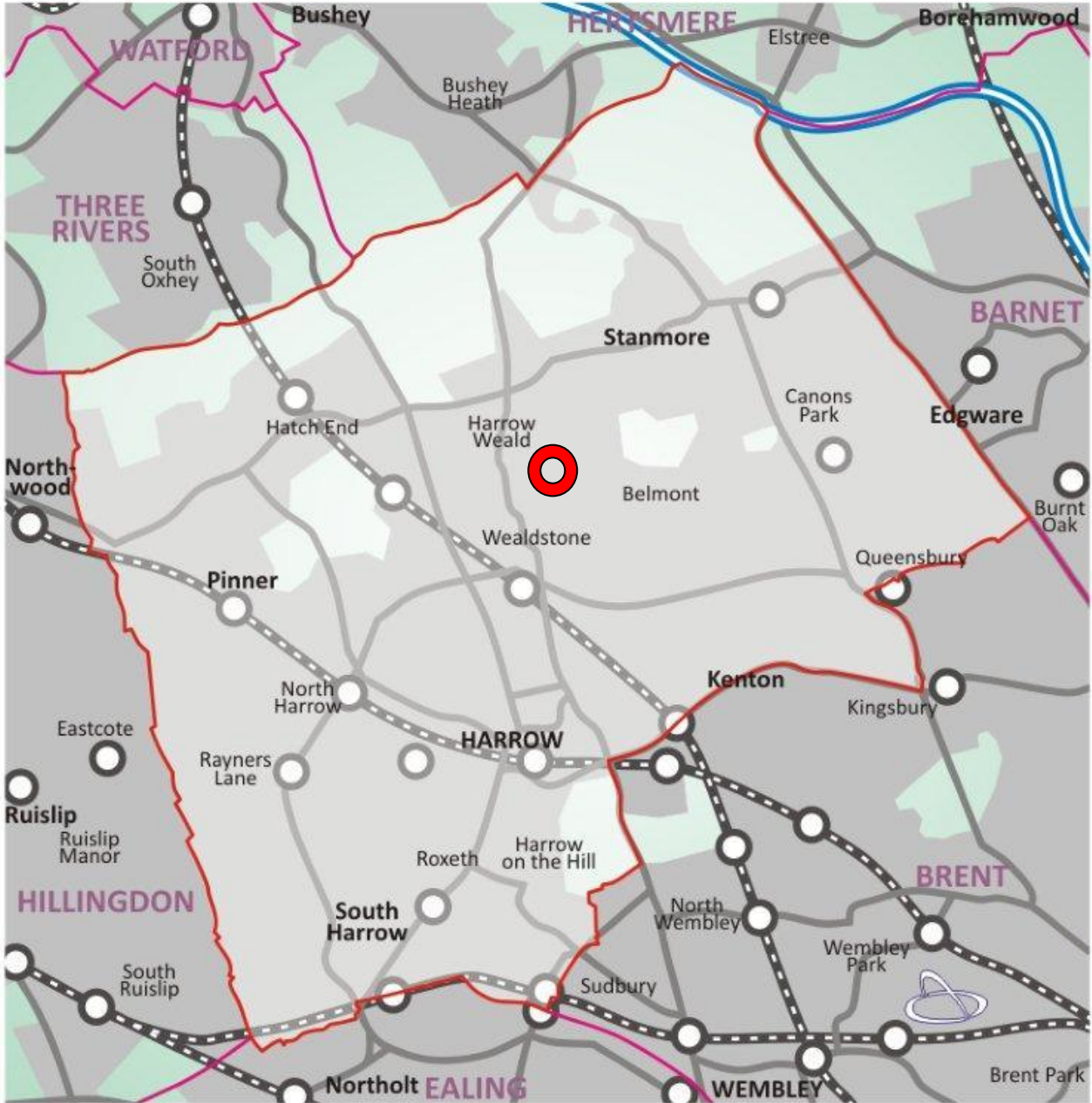
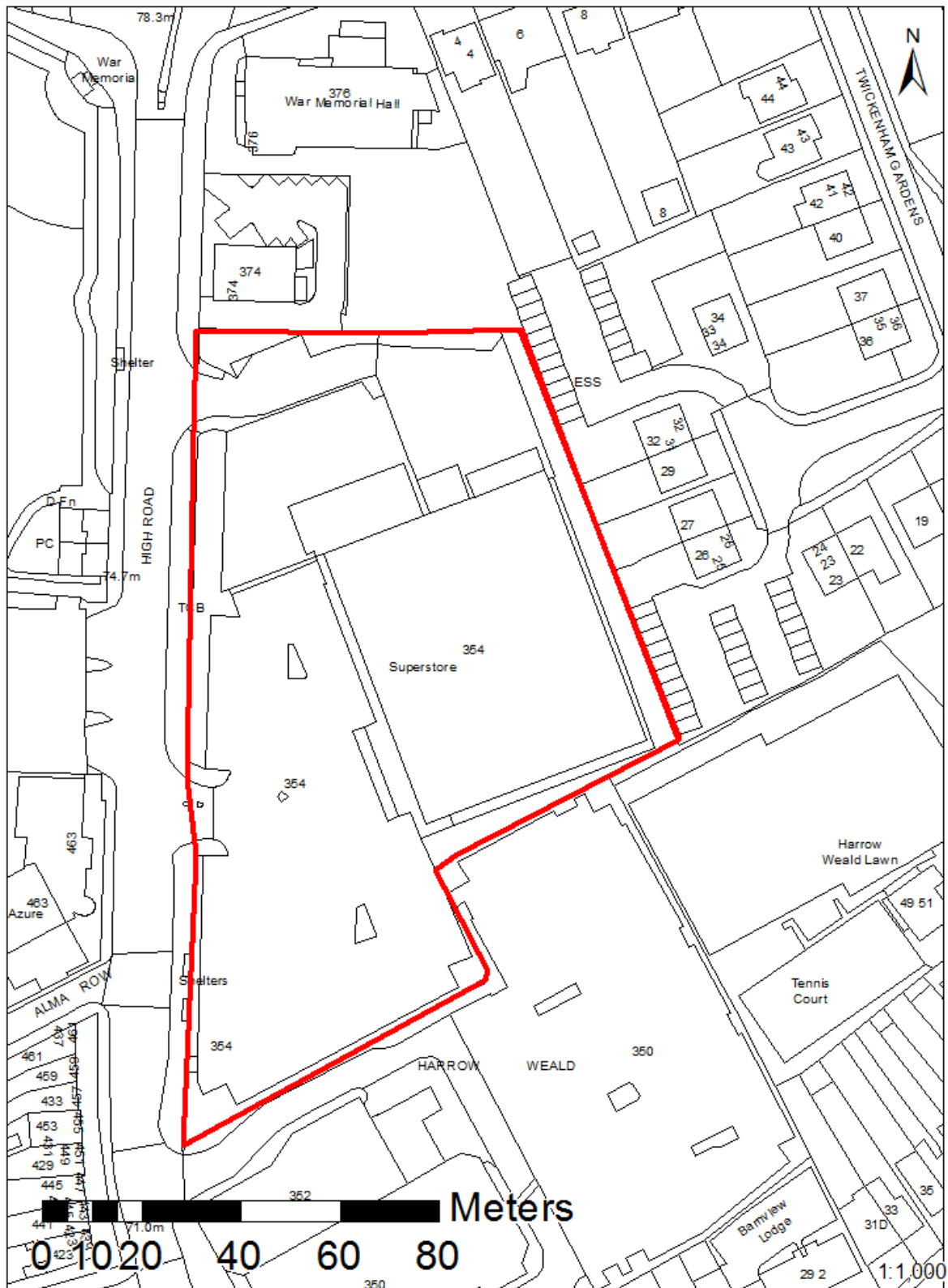


 = application site



354 High Road	P/2158/19
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354 High Road



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

20th November 2019

APPLICATION NUMBER: P/2158/19
VALIDATE DATE: 10TH JUNE 2019
LOCATION: 354 HIGH ROAD, HARROW
WARD: HARROW WEALD
POSTCODE: HA3 6HF
APPLICANT: LIDL GREAT BRITAIN LTD
AGENT: N/A
CASE OFFICER: NABEEL KASMANI
EXTENDED EXPIRY DATE: 22ND NOVEMBER 2019

PROPOSAL

Use of premises for retail (Use Class A1); alterations to shop front; external alterations; provision of additional car parking spaces; landscaping and removal of garden centre;

RECOMMENDATION A

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

Transport and Highway

- Permit the general public to park in the car park for up to two hours without being charged to encourage linked trips within the Local Town Centre
- Travel plan and contribution of £5,000 for monitoring

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 21st February 2020, or as such extended period as may be agreed by the Interim Chief Planning Officer in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to REFUSE planning permission to the Interim Chief Planning Officer on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area secure the necessary agreements and commitments in relation to the development, contrary to the National Planning Policy Framework (2019), Policies 4.8, 6.3, and 8.2 of the London Plan (2016), Policies CS1 of the Harrow Core Strategy (2012) and Policies DM37, DM43 and DM50 of the Local Plan (2013), and the provisions of the Harrow Planning Obligations supplementary planning document (2013).

REASON FOR THE RECOMMENDATIONS

The proposal would provide an alternative retail use within the Harrow Weald Local Town Centre and safeguard the primary retail designations of the Town Centre. The proposal is likely to complement and facilitate linked trips with other retailing functions within the Town Centre and would not have a detrimental impact on the functioning or safety of the highway network. Appropriate, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental impacts are adequately managed.

Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the proposed development is worthy of support.

INFORMATION

This application is reported to Planning Committee as it would result in a change of use of more than 400m² of floorspace and therefore falls outside category 1(f) of Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	E.10 Major Retail
Council Interest:	n/a
Net Additional Floorspace:	n/a
GLA Community	
Infrastructure Levy (CIL):	n/a
Local CIL requirement:	n/a

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the proposed access does not adversely affect crime risk.

1.0 SITE DESCRIPTION

- 1.1 The application site comprises the existing Homebase Store located at 354 High Road, Harrow Weald. The building is located against the eastern part of the site. The outdoor garden and external storage area is located to the north of building with the loading bay entrance beyond.
- 1.2 The application site is adjoined to the south by the vehicular entrance and car park serving the adjacent Iceland and Waitrose stores. The residential properties of Twickenham Gardens are sited to the east of the application site while a KFC drive-through restaurant is sited to the north of the application site. Harrow Weald Bus garage is located on the opposite side of High Road.
- 1.3 The application site has a public transport accessibility PTAL rating of 3/4 and currently provides 150 car parking spaces.
- 1.4 The application site is located the Harrow Weald Local Centre and is allocated as a designated frontage within the Local Centre. Part of the site is also located within Surface Water Flood Zone 3a.

2.0 PROPOSAL

- 2.1 The application seeks to convert the existing Homebase store (Use Class A1) to Lidl, a discount convenience retail store (Use Class A1).
- 2.2 Planning permission is sought because there is a restrictive condition attached to the approved permission EAST/527/93/FUL for the existing store which prevents the use of the building for the purpose of food and grocery retail. The reasoned justification for the condition related to inadequate parking for a food and grocery retail use and the overspill parking which would occur outside the site, to the detriment of highway safety.
- 2.3 The proposed net sales area for the proposed store would be 1,898m² of which 80% of net floor space would be for convenience goods sales and 20% of net floor space for comparison goods sales.
- 2.4 The proposed opening hours are 07.00-23.00 Monday to Saturdays (including Bank Holidays) and 10.00-16.00 on Sundays. The application also seeks to allow 24 hour deliveries, 7 days a week, However, it is likely the store would have only one or two dedicated deliveries per day.
- 2.5 The proposal would provide a further 18 parking spaces (168 in total) with 17 blue-badge parking spaces and 8 parent and child parking spaces.

3.0 **RELEVANT PLANNING HISTORY**

EAST/45790/92/OUT: Redevelopment to provide retail warehouse and garden centre (class A1) with parking, landscaping
Grant: 21/01/1993

EAST/527/93/FUL: Redevelopment to provide retail warehouse garden centre (class a1) with parking landscaping and access
Grant: 05/01/1994

EAST/379/94/FUL: Extension to Garden Centre
Grant: 02/08/1994

4.0 **CONSULTATION**

- 4.1 A total of 42 consultation letters were sent to neighbouring properties regarding this application on 10th June 2019 with the minimum statutory consultation period expiring on 1st July 2019.
- 4.2 A site notices was placed outside the application site on 28th June 2019. The application was advertised in the local press on 27th June 2019.
- 4.3 Four objections were received to the application.
- 4.3 A summary of the responses received are set out below with officer comments in Italics:

Summary of Comments on original consultation

Principle of Development

Homebase has played a successful complementary role to Waitrose and Iceland; a new Lidl foodstore would not be consistent with the role or function of Harrow Weald Local Centre and is likely to have a harmful effect on its overall vitality and viability; Lidl would 36% larger than the Waitrose store and would compete with the smaller stores thereby undermining their role as an anchor to the local centre; increased opening hours and delivery times would give it an unfair trading advantage; no evidence to demonstrate the proposal will incorporate a significant number of linked trips with other facilities; threatens the balance of shopping within the Harrow Weald Local Centre; unsustainable for such a centre to have three major foodstores; no evidence that existing use is unviable; negative effect on small retail traders; Homebase do not have any plans to vacate this store, which trades well; Harrow Homebase was not included in the list of store closures within the Approved Company Voluntary Arrangement; No weight can be attached to any of the employment and investment benefits that the supporting documents contend would be secured by the Lidl development.

Highways

Travel by car should be reduced, not increased; increase in volume of traffic; increased pollution;

4.4 Applicant Reply to Consultation Responses

Principle of A1 retail use is already established; discount food retail operation of Lidl is entirely in accordance with the role and function of a local centre, providing additional choice and competition to local shoppers; limited range of product lines (circa. 2,000-2,200) stocking predominantly own range products, compared to all-category superstores stocking up to 40,000 product lines; limited in-store facilities which can potentially conflict with other local centre provision such as fresh meat/fish counter, delicatessen, hot food counter, pharmacy etc; car park reconfigured and consolidated and will not result in an oversupply of parking spaces;

4.5 Statutory and Non Statutory Consultation

The following consultations have been undertaken and a summary of the consultation responses received are set out below.

LBH Planning Policy

No objections from a Policy perspective as the proposal ultimately seeks a change of operator within the A1 use class. The conditions (cited within the planning statement) restricting the use from being a food and grocery outlet appear to be in relation to the car parking quantum, and as such do not relate to the principle of development

LBH Highways

This proposal has the potential to increase traffic movements considerably. Our main concern relates to the operation of the access junction with High Road. The location is already busy with the A409 being a major route through the borough. Opposite the site is Harrow Weald bus garage meaning that there are a significant number of buses operating in the area throughout the day. To the north of the site there is a KFC drive-through which is known to cause queuing issues at peak times; to the south are supermarkets Iceland and Waitrose and a number of smaller retailers.

The junction assessment indicates that despite a large increase in vehicular trips at peak times, there would be virtually no queuing. With 218 additional arrivals and departures in the Friday peak hour, it is likely that some queuing would occur but as flows are generally smooth running along High Road, it is not expected that this would lead to any significant problem as there is already a right turn pocket to allow turns in whilst through traffic continues un-hindered although there may be short delays for traffic turning right out.

The proposed level of parking far exceeds the level permitted within the draft London Plan standards at 168 spaces. 2016 London Plan standards allow for a maximum of 1 space per 18-25 sqm (GIA) which would total 150 spaces; 2019

draft London Plan standards allow for a maximum of 1 space per 50 sqm (GIA) which would total 54 spaces. Whilst we would anticipate this store being popular and well used, excessive parking can encourage unnecessary car use and exacerbate congestion problems.

The additional information is much appreciated and helps give a better understanding of likely activity at this store. The table demonstrates the highest demand experienced by similar stores and their parking capacity which could be considered as presenting a worst case scenario. As the majority of stores show at capacity or over capacity parking demand, this does suggest that the proposed parking provision should be sufficient to accommodate all of the likely demand at the Harrow Weald store, even at peak times eg. Christmas.

I am satisfied that the Technical note demonstrates that the level of parking proposed should be sufficient to meet the demand likely to be generated by the site. Whilst the draft London Plan standards are far exceeded, the higher number of spaces would offer some assurance against overspill parking on the surrounding roads.

Should the application be granted, a delivery and servicing plan and Car Parking Design and Management Plan will both need to be secured via pre-occupation conditions. Details of the proposed cycle parking facilities both long and short stay should also be provided (pre occupation condition).

LBH Travel Planner

The baseline survey will be undertaken with 6 months of the first opening of the store; the full travel plan will be submit to the council within 1 month of the baseline survey to have mode split target agreed. Monitoring surveys should be undertaken during the same month on years 1, 3 and 5 thereafter; monitoring reports should be submitted to the council within one month of each survey. The action plan should be revised accordantly and the developer will be required to fund the whole travel plan process during its live time.

A monitoring fee of £5000 will be required, and secured by way of a planning obligation. A bond fee will not be required for this site, however the travel plan should state that if targets are not met within the lifetime of the travel plan the developer will be funding whatever remedial measures will be necessary to achieve the targets. Remedial measures should be agreed with the Council.

LBH Drainage

Please request the applicant to provide surface water drainage details for the run-off from the additional car park. We suggest that the applicant uses permeable material for the additional car park. If they use permeable material full construction details of permeable paving with their maintenance plan should be submitted for our approval. If the applicant does not use permeable material, they will need to submit drainage plan with full details of outlet and cross section of proposed storage along with details of a flow restrictor provided for our approval. If the applicant wishes to discharge the surface water into the existing drainage system, please note that the discharge should be limited to 5l/s. No objection, subject to conditions.

LBH Landscape Officer

There are hard surface areas within the car park that could easily accommodate tree planting and raised kerbs could be used to create tree pits at the junction of four parking spaces, in a diamond shape, enabling car to still be parked but a tree to be planted. The underground tree pit could be enlarged using soil structure systems, as for example 'Green Blue urban', soil to enable a suitable and adequate growing medium for tree establishment and growth. Additional tree planting along the boundaries is required. No objections subject to appropriate hard and soft landscape conditions.

LBH Environmental Health

No objection, subject to conditions.

Transport for London

The site of the proposal is on A409 High Road, which forms part of the Strategic Road Network (SRN). While the Local Planning Authority is also the Highway Authority for those roads, TfL is the Traffic Authority and has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

TfL work to implement the draft London Plan, which was published on 29th November 2017 and is now been through Examination in Public and therefore holds high materiality in determining planning applications. It sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. TfL expect all new planning applications to give material consideration to the policies set out within this document.

TfL does not support the proposal for converting the existing garden centre into an additional car park providing a total of 168 car parking spaces as this does not support Policy 5 of the Mayor's Transport Strategies to: 'tackle congestion and improve the efficiency of streets with the aim of reducing overall traffic levels by 10-15% by 2041'

TfL have launched the Healthy Streets approach, which aims to improve air quality, reduce congestion and make attractive places to live work and do business. There are ten Healthy Streets indicators, which put people and their health at the heart of decision making, and aim to result in a more inclusive city where people choose to walk, cycle and use public transport. Providing more car parking spaces would not be in accordance with our approach.

If any car parking would be provided it should be in conformity with the maximum parking provisions outlined in the Draft London Plan policy T6. Up to 1 space per 50 sqm (GIA) is allowed in the rest of outer London. TfL would support the application if it met Draft London Plan car parking standards which for this development would be 55 car parking spaces. Our objection is based on the fundamental strategic policy 1 objective to reduce Londoner's dependency on cars in favour of active, efficient and sustainable modes of travel. The quantum of parking provision should have regard to this policy and the need to promote active modes and public transport use. As it stands, TfL cannot support this application

as it does not support the Mayor's Transport Strategy and is not in line with the London Plan.

5.0 ASSESSMENT

5.1 The main issues are;

- Principle of the Development
- Character and Appearance
- Residential Amenity
- Transport and Parking
- Flood Risk and Drainage
- Planning Obligations

5.2 Principle of Development

5.2.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 2.15, 4.8
- The Draft London Plan (2019): SD6, SD7, SD8, E9,
- Harrow Core Strategy (2012): CS1L/M, CS7
- Harrow Development Management Policies (2013): DM37

5.2.2 The application site is located within the Harrow Weald local town centre and is designated shopping frontage within the allocated centre. The shopping frontage designation forms the basis of policies for managing the mix of ground floor uses within allocated centres to ensure that a core, critical mass of retail uses is maintained and that a broader mix of appropriate town centre uses is achieved within secondary and tertiary parades.

5.2.3 Chapter 7 of the National Planning Policy Framework requires planning policies and decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

5.2.4 The retention of a critical mass of shopping uses remains the best way to sustain vitality and viability of the Borough's designated town centres and to ensure the retail capacity is properly protected. The right balance between retail and other appropriate uses ensures that town centres continue to function as interesting and attractive destinations for shoppers.

5.2.5 The proposal would seek to retain the existing retail use (Use Class A1) use of the site and would therefore ensure that a reasonable balance of retail and non-retail uses within the designated shopping frontage would be retained in accordance with the requirements of Policy DM37 of the Development Management Policies Local Plan (2013).

- 5.2.6 A representation has been submitted on behalf of Waitrose Ltd which adjoins the application site to the south. The letter raises concerns with the removal of the current convenience goods restriction to allow a Lidl foodstore. Specifically, the proposed scale would not be consistent with the role or function of Harrow Weald local centre and would be likely to have a harmful effect on the overall vitality and viability of the local centre. Furthermore, the proposed store would be approximately 36% larger than the Waitrose Store and there is clear potential for the Lidl store to compete with the smaller Waitrose and Iceland stores which may undermine their role as an anchor to the Local Centre
- 5.2.7 The proposal seeks to reprovide a retail use within an allocated Local town centre and designated shopping frontage. While the supporting documents indicate that this would be one of the largest Lidl stores within the UK, the proposal would nonetheless replace an existing retail use of a similar size. Officers consider that the size of the store would not be the determinative factor in assessing whether or not the use would be consistent with the function of the local centre and the consequential impact on the vitality and viability of the local centre.
- 5.2.8 A strong presence of retail activity is important within designated frontages and forms the basis for safeguarding and consolidating the basic convenience retail function of local centres. In addition to the Planning and Retail Statement submitted with the application, a further supporting note was provided on behalf of Lidl. The statement details how the discount food operation of Lidl would be in accordance with the role and function of a local centre, providing additional choice to consumers and competition and a different offer to the main food retailers. Notably, there is a limited range of product lines (circa. 2,000-2,200) compared to all-category large scale superstores stocking up to 40,000 product lines, limited in store facilities which could conflict with other local centre provision (such as fresh meat/fish counter, hot food counter, pharmacy, café/restaurant) and limited non-food provision. On the basis of the information provided, officers are satisfied that the proposal would not inhibit linked trips with other retailers and would not harm the vitality or viability of the town centre in this regard.
- 5.2.9 The submitted Planning Statement also makes reference to the restructuring that is currently being undertaken by Homebase following the recent Compulsory Voluntary Arrangement. As a consequence, this includes the disposal of a number of existing Homebase Stores, including the application site. The supporting documents go on to state that the application proposal will secure the continued operation of the existing town centre retail unit.
- 5.2.10 However, a representation has been received on behalf of Homebase. The letter points out that Homebase do not have any plans to vacate the store which trades well and was not included in the list of store closures within the approved company Voluntary Arrangement. As the store is currently trading and the representation received from Homebase reasserts that the site is not due for closure, limited weight is attributed to the benefits of the proposal with regard to securing the vitality and viability of the Harrow Weald Local Centre as detailed in the supporting planning statement.

- 5.2.11 Notwithstanding this, the planning process is concerned with land use in the public interest. The effect of the proposal on the existing lease arrangements is a private matter and therefore not a material consideration. While the loss of the existing home and goods retailer which adds a different retail offering within the Local Town Centre is regrettable, the proposed use would safeguard the primary retail designation and function of the site and would accord with the relevant policies in this regard.
- 5.2.12 Furthermore, the Town and Country Planning (Use Classes) Order 1987 (as amended) allows for a change of use within the retail (A1) Use Class without the benefit of planning permission. Planning permission is however only sought because of a restrictive condition attached to the original permission that prevented the use for the purpose of food and grocery retail. Importantly, the condition was only included as it was deemed parking was inadequate for such a use and would result in unacceptable parking outside the site to the detriment of highway safety. This was on the basis of the particular circumstances and evidence in the appraisal of the application at that time. The condition was not however imposed to explicitly safeguard the existing grocery retail units or the vitality and offering of the Local Centre.
- 5.2.13 The highway impacts of the development are considered in detail elsewhere in this report and conclude that the proposal would not have a detrimental impact on the functioning or safety of the highway network. Furthermore, in order to help facilitate linked trips within the Local Town Centre, a planning obligation is included which would permit the general public to park in the car park for up to two hours without being charged.
- 5.2.14 The applicant proposes opening hours of 07:00 – 23:00 Monday to Saturday (including Bank Holidays) and 10:00 – 16:00 on Sunday. With the exception of the Bank Holiday opening hours which are recommended to be reduced, officers consider the opening hours to be acceptable in principle given the site circumstances and the prevailing opening hours of comparable stores within the borough. It is appreciated that the representation by Waitrose refers to the subsequent unfair trading advantage as a result of the increased opening hours. However, there is no compelling evidence to suggest that this would be the case and even so, each application is determined on its own merit. Should Waitrose consider amending their trading hours respectively, this could be considered accordingly.
- 5.2.15 On the basis of the information provided, officers consider that the proposed use would complement existing retailer uses and would not inhibit or harmfully prejudice linked trips with other retailing functions within the Local Town Centre. The proposed use would safeguard the primary retail designation of the Local Town Centre and would therefore accord with the respective policies in this regard. The application was referred to the Council's Planning Policy Team who have raised no objection to the proposal.
- 5.2.16 Subject to appropriate conditions and a s106 obligation, officers consider that the proposal would accord with the relevant policies in this regard.

5.3 Character and Appearance

5.3.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 7.4, 7.6
- The Draft London Plan (2019): D1, D2
- Harrow Core Strategy (2012): CS1B
- Harrow Development Management Policies (2013): DM1, DM22

5.3.2 No extensions are proposed to the existing building. The external garden enclosure would be removed and the hard-surfacing would be incorporated as part of the car park. External alterations are proposed to the main building which include new glazed windows and doors on the front elevation and the replacement of the green cladding on the gable frontage with light grey cladding, appropriate to Lidl's corporate identity. Officers consider that the proposed external alterations would be minor in scale and would not harmfully detract from the appearance of the host building or the character of the locality.

5.3.3 The layout of the existing car park would be slightly reconfigured to account for the increased parking capacity and blue-badge and parent/child parking bays. The existing designated pedestrian walkway linking the store and high road would be retained in a similar position with an allocated pedestrian refuge. The Council's Landscape Officer has advised that there is insufficient proposed tree planting along the boundaries to break up the large expanse of hard surfacing and the car parking spaces. It is considered that this could be readily achieved and would thereby enhance the setting for the building, impact of the streetscene and biodiversity of the local area, in accordance with Policy DM22 of the Development Management Policies Local Plan. Conditions are therefore attached to this effect.

5.3.4 Subject to conditions, the proposal would therefore have an acceptable impact on the character and appearance of the locality and would accord with the relevant policies in this regard.

5.4 Residential Amenity

5.4.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 3.5, 7.6,
- The Draft London Plan (2019): D2, D4
- Harrow Core Strategy (2012): CS1
- Harrow Development Management Policies (2013): DM1, DM27, DM45,
- Mayor's Housing SPG (2016)

- 5.4.2 The residential properties of nos. 25-32 Twickenham Gardens are adjacent to the east of the existing building. These neighbouring properties are sited at a higher level than the subject site and behind a tall retaining wall at the rear of the site. The proposal would retain a retail use would not result in an increase in height or footprint of the main building. For these reasons, the proposed visual impact would be commensurate with the existing established circumstances in relation to overshadowing, light and outlook.
- 5.4.3 The proposed change of use would provide new plant equipment. A noise report was submitted with the application which concluded that the set noise emission limits for future plant items would be in line with the relevant standards. The application was referred to the Council's Environmental Health Officer who has raised no objection to the proposal subject to suitable conditions to control noise and odour emanating from the site.
- 5.4.4 Subject to conditions, officers consider that the proposal would not have a detrimental impact on the residential amenities of the adjoining occupiers.

5.5 Traffic and Parking

5.5.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 6.3, 6.9, 6.11, 6.12, 6.13
- The Draft London Plan (2019): T4, T5, T6, T6.3
- Harrow Core Strategy (2012): CS1R/S
- Harrow Development Management Policies (2013): DM42, DM43, DM44

5.5.2 The subject site is located off High Road (A409) which forms part of the Strategic Road Network and opposite the Harrow Weald TFL Bus Garage. The application site has a public a public transport accessibility PTAL rating of 3/4 and currently provides 150 car parking spaces. The application proposes to increase the parking to 168 spaces, but would also include 17 blue-badge parking bays, 8 parent and child spaces and 4 electric vehicle charger spaces.

5.5.3 The main point of vehicular access to would remain via the existing junction serving the Homebase store onto High Road. A separate access for deliveries and servicing is located to the north of the existing customer access which would also be retained. The dedicated footway leading into the site with a marked route through the car park to the store entrance would be the main pedestrian access into the site.

5.5.4 The London Plan (2016) standards allow for a maximum of 1 parking space per 18-25m² Gross Internal Flood Area (GIA) which would total 150 spaces; The draft London Plan (2019) standards allow for a maximum of 1 parking space per 50m² (GIA) which would total 54 spaces. The proposed level of parking therefore exceeds the level permitted within the draft London Plan.

- 5.5.5 A Transport Assessment has been provided with the application which concludes that the redevelopment of the site could generate an additional 218 vehicular trips during the Friday evening peak hour and 150 vehicle movements during the Saturday peak hour. The junction assessment indicates that despite a large increase in vehicular trips at peak times, there would be virtually no queuing.
- 5.5.6 A further Technical Note was provided to identify whether the proposed level of parking would be necessary to accommodate demand. This detailed various Lidl stores within Greater London, many of which have a similar PTAL and evidenced that the maximum parking demand largely exceeded parking capacity. While the subject site would have a comparatively higher number of parking spaces than compared to existing Lidl Stores, stores with a comparatively similar level of parking provision still exceed 100% parking capacity. The Technical Note concludes that the proposed level of parking is necessary to manage anticipated parking demand based on evidence compiled at other Lidl foodstores within Greater London.
- 5.5.7 The application was referred to the Council's Highways Officer who has advised that despite a large increase in vehicular trips in the Friday peak hour, it is not expected that this would lead to any significant problems on the functioning and flow of the highway network. With regard to parking demand, the Highways Officer is satisfied that the technical note demonstrates that the level of parking proposed would be sufficient to meet the demand likely to be generated by the site. Therefore, while the draft London Plan standards are far exceeded, this would offer some assurance against overspill parking on the surrounding highway network. The Council's Highway Officer therefore raises no objection to the proposal, subject to a delivery and servicing plan, a car parking design and management plan and details of proposed cycle storage, which could all be secured by condition.
- 5.5.8 The application site is located on the Strategic Road Network (SRN). Transport for London (TfL) has a duty under the Traffic Management Act 2004 to ensure that development does not have an adverse impact on the SRN and were therefore consulted on the application. TfL have raised an objection to the proposal on the basis that the additional car parking spaces do not support; the Mayors Transport Strategy which aims to reduce overall traffic levels by 10-15% by 2041, the Healthy Streets approach which aims to improve air quality and reduce congestion, and draft London Plan Policy T6 which sets out maximum parking standards.
- 5.5.9 The new London Plan standards seek to encourage people to choose more sustainable modes of travel. The proposal would result in approximately 113 more car parking spaces than the desired standards as prescribed in Policy T6 of the Draft London Plan and a fundamental strategic policy is to reduce Londoners dependency on cars in favour of active, efficient and sustainable modes of transport. However, the proposal would only provide a further 18 parking spaces than the parking provision provided for the existing store.

- 5.5.10 As the application forms part of the SRN, the Council is also the Highway Authority for those roads. The Council's Highways Officer is concerned that if insufficient parking is provided on site, this could have a negative impact on the surrounding highway network as people may just park on the streets. There is also a concern that the Waitrose car park, which has a historic obligation to provide 2 free hours parking, would also be under increased pressure, should the subject site not have sufficient capacity.
- 5.5.11 The Council's Highways Officer has reviewed the submitted Transport Statement and additional technical note and is satisfied that the level of parking proposed should be sufficient to meet the demand likely to be generated by the site. Within an outer London location such as this, it is unlikely that many people would undertake a modal shift from cars to cycles/buses to do their weekly shop. Therefore, while the proposal would not meet the aspirations of the Draft London Plan and is therefore not supported by TfL, given the marginal increased car parking provision within the site, the suburban location and use, officers consider that the proposal would ensure the functioning and safety of the highway network is maintained, in accordance with the relevant policies.
- 5.5.12 The Council's Travel Planner has advised that the submitted travel plan in support of the application requires updating. The adoption of the revised travel plan will be secured by way of a planning obligation and is therefore considered acceptable in this regard.

5.6 Flood Risk and Drainage

5.6.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 5.13, 5.14
- The Draft London Plan (2019): SI13
- Harrow Core Strategy (2012): CS1W
- Harrow Development Management Policies (2013): DM10

5.6.2 The application site is partially located within Surface Water Flood Zone A and is also within a Critical Drainage Area.

5.6.3 The application was referred to the Council's drainage officer who has raised no objection to the proposal, subject to surface water drainage details for the run-off from the additional car park. If permeable paving is not used for the additional car park, then a drainage plan is requested with details of outlet and proposed storage along with details of a flow restrictor.

5.6.4 Subject to appropriate conditions, it is considered that the proposal would comply with the relevant policies in this regard.

5.7 Planning Obligations

5.7.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan (2016): 8.2
- The Draft London Plan (2019): DF1
- Harrow Core Strategy (2012)
- Harrow Development Management Policies (2013): DM50

5.7.2 The Travel Plan would promote sustainable travel choices and support staff working at the proposed development to make informed decisions about their travel to work. The S106 would secure a revised Travel Plan to be submitted to the Council to secure the implementation of the measures set out in the Travel Plan in addition to £5,000 monitoring fees to cover the cost of monitoring the travel plan.

5.7.3 In order to protect the vitality and viability of the Harrow Weald Local Town Centre and encourage linked trips within the Local Town Centre, an obligation is included which permits the general public to park in the car park for up to two hours without being charged.

6.0 CONCLUSION AND REASONS FOR APPROVAL

6.1 The proposal would provide an alternative retail use within the Harrow Weald Local Town Centre and safeguard the primary retail designations of the Town Centre. The proposal is likely to complement and facilitate linked trips with other retailing functions within the Town Centre and would not have a detrimental impact on the functioning or safety of the highway network. Appropriate, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental impacts are adequately managed.

6.2 For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant.

CHECKED

Interim Chief Planning Officer	Beverley Kuchar	8/11/2019
Corporate Director	Paul Walker	11/11/2019

APPENDIX 1: Conditions and Informatives

Conditions

1. Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site location plan, 3920 101 N, 3920 102 S, 3920 103 E, 3920 104 D, 3920 106 B, 3920 110, 3920 111 A, 3920 112, 3920 113, 19-027-02 Rev B, 19-027-03 Rev A, Noise Survey Report (Revision 1 dated 07 May 2019), Transport Assessment (Final2 dated 01/05/2019), Travel Plan (Final2 dated 01/05/2019), Planning Statement (May 2019), Design and Access Statement (May 2019), Technical Note 1: Parking Review (28th August 2019)

REASON: For the avoidance of doubt and in the interests of proper planning.

Pre-commencement Conditions

3. Surface Water Attenuation and Disposal

The development shall not be commence until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk and to ensure that sustainable urban drainage measures are exploited, in accordance with Policies 5.13 and 5.15 of the London Plan (2016). This is a pre-commencement condition to ensure that measures are agreed and built-in to the development to manage and reduce surface water run-off

4. Landscaping

Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until a landscape masterplan and scheme for the hard and soft landscaping of the development has been submitted to, and agreed in writing by, the local planning authority. Details shall include

- a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development

- planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme;
- details of hard surface materials including permeable paving and their maintenance plan
- Boundary treatment
The development shall be carried out in accordance with the approved scheme or any amendment or variation to it as may be agreed in writing by the local planning authority, and maintained in accordance with the approved scheme.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies DM1 and DM22 of the Harrow Development Management Policies (2013). This is a pre-commencement condition to ensure that measures are agreed and built-in to the development to provide a satisfactory form of development

5. Inclusive Access Strategy

Notwithstanding the details shown on the approved plans, the development hereby approved shall not commence until an inclusive access strategy has been submitted to, and agreed in writing by, the local planning authority. The strategy shall:

- a) the levels and layout of a pedestrian route from High Road detailing all gradients, ramps and steps
- b) demonstrate inclusive access within the proposed retail unit;

The development shall be carried out in accordance with the strategy so agreed and shall be retained as such thereafter.

REASON: This is a pre-commencement condition to ensure that the development contributes to the achievement of a lifetime neighbourhood, in accordance with Policies 3.8 and 7.1 of the London Plan, Core Strategy Policy CS1 and Policy DM 2 of the Development Management Policies Local Plan 2013

Progression Point Conditions

6. Landscape Management Plan and Maintenance

The development hereby approved shall not be operational until a scheme for the on-going management, management programme of works and maintenance of all the hard and soft landscaping within the development, to include a Landscape Management Plan, including long term design objectives, management responsibilities and landscape maintenance schedules for all landscape areas, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The Landscape Management Plan shall be carried out in a timely manner as approved unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies DM1 and DM22 of the Harrow Development Management Policies (2013).

7. Landscape Implementation

All hard landscaping shall be carried out prior to the occupation of any part of the development or in accordance with a programme that has been submitted to and agreed in writing by the Local Planning Authority. All soft landscaping works including planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out no later than the first planting and seeding season following the final occupation of the residential parts of the buildings, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged, diseased or defective, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies DM1 and DM22 of the Harrow Development Management Policies (2013).

Pre-Occupation Conditions

8. Delivery and Servicing Plan

Before the first use of the retail store hereby approved, a Delivery and Servicing Plan shall be submitted to, and approved in writing by, the local planning authority. The approved Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority, shall be adhered to throughout the operation of the store.

REASON: To minimise the impact of deliveries and servicing upon the amenity of neighbouring occupiers and to manage the impact upon the surrounding highway network, in accordance with Policies DM1, DM43 and DM44 of the Local Plan.

9. Car Parking Design and Management Plan

Before the first use of the retail store hereby approved, a car parking design and management plan which includes details of active and passive vehicle charging points shall be submitted and approved in writing by the Local Planning Authority. The approved Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority, shall be adhered to throughout the operation of the store.

REASON: To ensure a satisfactory car park layout and management protocol which accords with the requirements of policy 6.13 of The London Plan (2016) and policy DM43 of the Harrow Development Management Policies Local Plan (2013).

10. Cycle Storage

Before the first use of the retail store hereby approved, details of cycle storage on the site shall be submitted to the Local Planning Authority in writing for approval. The cycle storage thus approved shall be carried out and implemented in full on site for the sole use of the school in accordance with the approved details and shall be retained for the duration of this educational use on the site

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy 6.9B of The London Plan (2016) and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

Compliance Conditions

11. Noise

The rating level of the noise emitted from the site shall be at least 10dB below the existing background noise level. Noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with British Standard 4142 (or any document revoking and replacing British Standard 4142, with or without modification). If requested in writing at any time by the local planning authority, measurements of the noise from the plant must be taken and a report/impact assessment demonstrating that the plant (as installed) meets the design requirements shall be submitted to the local planning authority within three months of such request.

REASON: To ensure that neighbouring occupiers are not exposed to unreasonable noise and disturbance, in accordance with Policy 7.15 of the London Plan (2015) and Policy DM 1 of the Development Management Policies Local Plan (2013).

12. Air Extraction Systems

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the development achieves a high standard of amenity for future occupiers of this and the neighbouring buildings, in accordance with Policy 7.6 of the London Plan (2016) and Policy DM 1 of the Development Management Policies Local Plan 2013

13. Opening hours

Unless otherwise agreed in writing by the local planning authority, the retail store hereby approved shall only be open for customers outside the following hours:

07:00am and 23:00pm Monday to Saturday

10:00am and 16:00pm Sunday and Bank Holidays

unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the operation of the store is compatible with residential amenity and the surrounding retail uses, in accordance with policies DM1 and DM37 of the Development Management Policies 2013.

14. Delivery Hours

There shall be no delivery and the loading or unloading of goods outside the hours of

07:00am and 21:00pm Monday to Friday

09:00am and 21:00 Saturdays.

There shall be no deliveries and the loading or unloading of goods on Sundays or Bank Holidays.

REASON: To ensure that the noise impact of deliveries associated with non-residential uses within the development is minimised and that the development achieves a high standard of amenity for future and the neighbouring occupiers, in accordance with Policy 7.15 of the London Plan (2016) and Policy DM 1 of the Development Management Policies 2013.

15. Refuse Storage

The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage areas, as shown on the approved drawing.

REASON: To ensure a high standard of amenity for future occupiers of the development and to ensure that the bins do not impede inclusive access within the site, in accordance with Policies DM1 and DM2 of the Local Plan.

16. Restricting Retail Use

The development hereby approved shall be used for the grocery and retail use as detailed within the application, and shall not be used for any other purpose, including any other use that would fall within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that order with or without modification) without the prior written approval of the Local Planning Authority.

REASON: To ensure that the transport impacts of the development are satisfactorily mitigated, in accordance with Policy 6.3 of the London Plan (2016) and Policies DM42 and DM44 of the Harrow Development Management Policies

Local Plan (2013), and in the interests of the amenities of the neighbouring occupiers in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

Informatives

1. Planning Policies

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Local Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan: 2.13, 2.14, 3.1, 3.3, 3.5, 3.8, 3.9, 3.11, 3.12, 5.2, 5.3, 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.18, 5.21, 6.3, 6.9, 6.10, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.8, 7.12, 7.13, 7.14, 7.15, 7.19, 7.21, 8.2.

Draft London Plan: GG1, GG2, GG3, GG4, SD1, D2, D3, D4, D5, D7, D13, H18, HC1, HC4, G5, G6, SI1, SI2, SI3, SI4, SI5, SI12, SI13, SI17, T1, T3, T4, T5, T6, DF1

Harrow Local Plan:

Core Strategy: CS1, CS2;

Development Management Policies: DM 1, DM 2, DM 3, DM 6, DM 7, DM 10, DM11, DM 12, DM 14, DM 15, DM 21, DM 22, DM 42, DM 43, DM 44, DM 45, DM 49, DM 50

2. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

This decision has been reached in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4. The Party Wall etc. Act 1996

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act. Procedures under this Act are quite separate from the need for planning permission or building regulations approval. "The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236 Wetherby, LS23 7NB. Please quote Product code: 02 BR 00862 when ordering. Also available for download from the CLG website:

5. Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

6. Sustainable Urban Drainage

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365. Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2012) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information

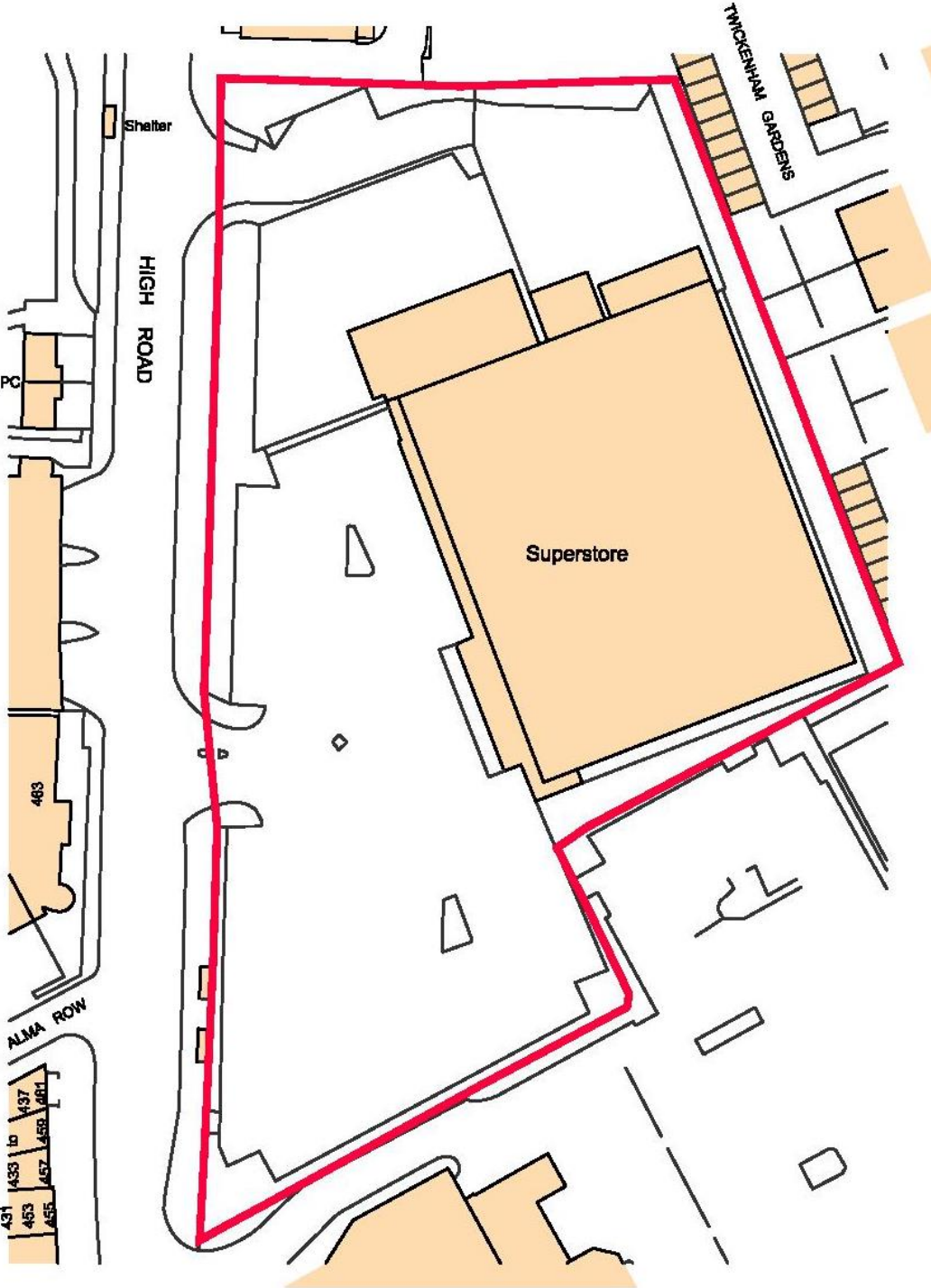
7. Highways interference

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to nrswa@harrow.gov.uk or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

8. Advertisement

The applicant is advised that this approval does not constitute advertisement consent. The relevant consent should be sought if new signage or advertisement boards are proposed.

APPENDIX 2: SITE PLAN



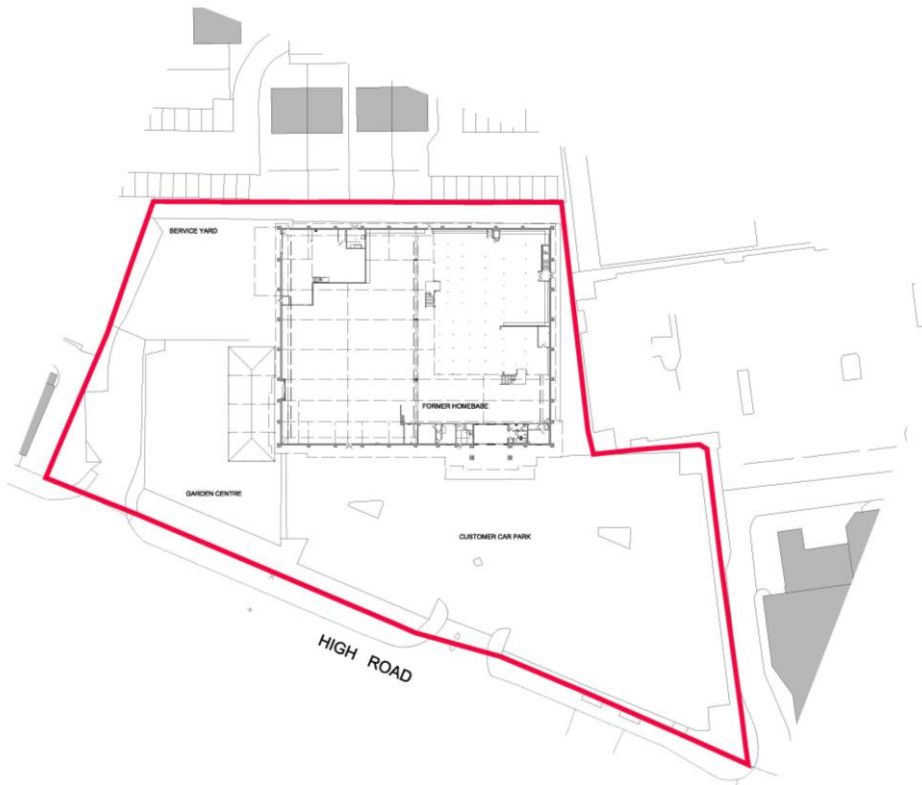
APPENDIX 3: SITE PHOTOGRAPHS





APPENDIX 4: PLANS AND ELEVATIONS

Existing site plan



Proposed site plan



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