

PLANNING COMMITTEE
THURSDAY, 28TH JULY, 2022 AT 7.30 PM

Addendum

To all members of Planning Committee: The following papers, which were not available for dispatch with the agenda, are attached. Copies will be available at the meeting this evening:-

Agenda No	Item
a)	<u>2021/1800 - New Aldi Supermarket, 381 Croydon Road, Caterham</u> (Pages 3 - 10)
c)	<u>2021/1922 - Land to the rear of The Parade, Westmore Green</u> (Pages 11 - 12)

Yours faithfully,

David Ford

Chief Executive

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ITEM: 5.1

ADDENDUM TO SUPPLEMENTARY REPORT

Application: 2021/1800

Location: 381 Croydon Road, Caterham, Surrey, CR3 6PN

Proposal: Demolition of existing buildings and erection of a Class E retail unit, including refurbishment of existing office unit to provide a commercial unit at ground floor with residential dwelling above; alongside access, car parking and associated works.

Ward: Valley

Decision Level: Committee

Further representation:

Surrey County Highways (SCH) have provided the attached additional views on this application following the Council forwarding to them the two Technical Advice Notes from the Council's highway consultant, DHA.

The letter has been forwarded to the applicant by SCH.

Aldi have also submitted a review of their transport consultant's advice by consultant's Entran. Council officers and DHA will respond to that advice at the Committee meeting. A first assessment (to be confirmed) is that this advice does not alter the recommendation that this application be refused.

Both a representative of SCH and DHA will be available at the meeting to provide clarification on points raised by their correspondence/technical notes.

SCH have also identified a number of off-site highway improvements that they would wish to see provided at the applicant's expense should Members resolve that planning permission be granted. These improvements would need to be delivered through a Section 278 Agreement under the Highways Act made between the applicant and SCH. Subject to the views of the Head of Legal Services, the provision of these highway improvements need to be in place before the proposed foodstore opens for trading and therefore implementation should be covered in a Grampian condition in any planning permission.

The off-site highway improvements are:

- i. Double yellow line extensions on Croydon Road
- ii. Upgrading bus shelters/stops in the vicinity of the proposed store (eg raised kerbs)
- iii. Bollards on Croydon Road to prevent pavement parking
- iv. A dropped kerb crossing at the junction of Greenhill Avenue/Croydon Road.

In addition, SCH are looking to include planning conditions requiring electric charging points in the store car park and for the applicant to submit for the approval of the Council a Travel Plan and Service Delivery Plan.

Supplementary recommendation:

Dealing with the officer recommendations in the Supplementary Report and the original report to the Committee of 09 June, 2022, in that order:

Supplementary Report: officers recommendation of refusal is unchanged following further clarification of SCH's recommendation in their letters attached to this report and the Entran Report on behalf of the applicant.

Report to Planning Committee 09 June: if Members determine to grant planning permission in accordance with officers' recommendation in this report a further (Grampian) condition is attached to the permission as follows:

“The foodstore hereby permitted shall not open to the public for trading until the following off-site highway improvements have been implemented and the details of these improvements have been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority.

- i. Double yellow line extensions on Croydon Road*
- ii. Upgrading bus shelters/stops in the vicinity of the proposed store (eg raised kerbs)*
- iii. Bollards on Croydon Road to prevent pavement parking*
- iv. A dropped kerb crossing at the junction of Greenhill Avenue/Croydon Road.”*

and that officers be authorised to attach any necessary additional/amended planning conditions relating to provision of electric car charging points and submission and approval of a Travel Plan Delivery Service Plan.

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Sangeeta Ratna
TANDRIDGE DISTRICT COUNCIL
COUNCIL OFFICES
STATION ROAD EAST
OXTED
RH8 0BT

25 July 2022

Dear Sangeeta Ratna

APPLICATION NO. TA/21/1800
SITE: 381 Croydon Road, Caterham, Surrey, CR3 6PN
Response to DHA Review

The following response is produced by Surrey County Council in its capacity as County Highway Authority in response to the two reports produced by DHA relating to the above Planning Application. The County Highway Authority has reviewed the DHA reports following Tandridge DC's request for a review of the information submitted by Aldi under Planning Application 2021/1800. We have considered the conclusions of the report and do not consider that the findings of the DHA report materially alter the conclusions of the County Council's previous response. It is considered that the conclusions raised by DHA have previously been considered by SCC and largely addressed by Aldi's Transport Consultants – Connect Consultants.

Parking Methodology

DHA have acknowledged in their initial report that some of the comparator sites used in one part of Connect Consultants parking assessment methodology are located in areas with a greater residential density, which the County Council also acknowledges. However, it is noted that DHA agree that the selection of other Aldi sites used for the parking accumulation survey can be considered appropriate given the Aldi business model and the accessibility of each of the sites to the strategic highway network. On this point there appears to be agreement between Connect Consultants, SCC and DHA.

In DHA's second note a concern has been raised that data used in the Parking Accumulation work submitted by Aldi was produced using data collected during December 2021 and early 2022. DHA consider that during this period, travel and shopping behaviours may have been affected by the Covid-19 pandemic. The County Council accept that since the onset of the Covid-19 pandemic in early 2020, travel behaviour has been significantly altered and disrupted. Whilst it is accepted that consumers may have altered their behaviour in December 2021 and early 2022 in response to a peak in infections locally and nationally, there were no legal restrictions on movement of activity in place at this time. December is traditionally a busy period for food retail trips in the lead up to Christmas and is therefore a good month to undertake a robust assessment of parking accumulation.

This application was initially submitted in October 2021, and the CHA has had to adopt a pragmatic approach to survey data since the onset of the pandemic. With uses such as Discount food retailers, customer behaviour has changed significantly over the past decade, and recent data is therefore important when estimating the future travel behaviour. However, this has to be balanced against the disruption caused by the Pandemic. On balance, the data submitted from this period – in a typical busy period for food retailers and outside any periods of legal restriction – was considered to

be the best data available. The CHA acknowledges that repeating these surveys now may help verify how 'typical' the recorded parking accumulation is likely to be, should the Committee be uncomfortable with the data reported to date.

DHA have identified that the parking accumulation methodology set out in the Planning Application estimates the number of vehicles on site at the end of each hour, and that there may be peaks within a peak that are not identified by this methodology. SCC acknowledge this finding of the DHA report. If it is considered appropriate the consultant could use a number of comparator sites to do a full manual parking accumulation exercise to determine the peak parking demand using half-hourly or 15 minute intervals.

However, SCC consider that this additional work may have limited benefit as it is unlikely to provide sufficient evidence to reach a different conclusion on the acceptability of the application. If a short peak were identified where parking demand were to exceed parking supply, it may be difficult to demonstrate that this would create a significant highway safety or capacity implication, such that a refusal reason could be substantiated.

DHA have asserted that staff parking has not been properly accounted for in the Parking assessment submitted with the Planning Application. However, SCC considers that staff arrivals and departures have been accounted for in the parking accumulation exercise that has already been undertaken and are therefore already factored into the assessment.

Parking Capacity

The initial DHA report highlights a concern that the proposed on-site parking provision will be insufficient to accommodate typical weekend peak demand. The parking accumulation estimate submitted by Connect Consultants estimates the Saturday weighted average maximum reaches 61 vehicles and increases to 65 vehicles on a Sunday, thereby exceeding the proposed car park capacity of 64 vehicles by one vehicle. This information was acknowledged by SCC prior to the provision of our response to the Planning Application. During the consultation period of the application, SCC requested amendments to the car park layout, which were duly factored in to the final layout of the scheme. The CHA considers that the revised layout provides sufficient circulating space within the car park to accommodate any over demand, and the location of the store entrances will incentivise drivers to favour the spaces further from the access to the highway. Therefore it would be unlikely to result in queuing on the highway and given the forward visibility on Croydon Road, it is considered that minor queuing would be unlikely to result in highway safety issues. It is considered likely that drivers would continue southbound to Lidl if there was any queuing.

Whilst the DHA report expresses concern that the capacity of the car park is estimated to have a shortfall of one space in the weekend peak hour, the County Highway Authority and Local Planning Authorities must make a judgement on whether a concern is likely to have a severe or significant impact on the operation or safety of the highway to justify a refusal, in accordance with the National Planning Policy Framework. The CHA have assessed the application against this threshold and consider that the application is unlikely to exceed this.

The second DHA report highlights issues with parking at the East Barnet Aldi store, which has been used by Aldi's consultant as a comparator store in their parking accumulation estimate. The CHA acknowledges these issues, and is aware of other Discount stores within Surrey and beyond which have similar issues. This issue is, in part, caused by the layout of the car park at these stores, where there is no space within the car park to circulate, and the first row of spaces is immediately adjacent to the highway access. As a result, vehicles wait near the access and there is low capacity for

queuing of vehicles within the site. Following discussions between SCC and the Applicant, the application under consideration includes a revised car park layout which would allow for considerably more stacking within the site and a more user-friendly flow around the site.

Parking Controls

The DHA report has recommended that parking controls should be investigated in the proximity of the development site to mitigate any overspill parking demand. There are existing parking controls in place on Croydon Road within the vicinity of the site during peak times. However, the CHA are happy to consider imposing a condition to secure a contribution/post-occupation parking review. The Planning Committee may wish to consider recommending a Section 106 obligation which requires that the developer to fund and lay out amended parking restrictions on Croydon Road in the vicinity of the site, in accordance with a plan to be agreed in writing with SCC.

Delivery Vehicles

DHA have suggested that the swept path analysis of delivery vehicles negotiating the site is provided so that it can be verified. The CHA does not have the software to verify this and we have to accept that the professional consultant has used appropriate parameters. This issue was queried by SCC with the consultant and they demonstrated that they had allowed a 1m buffer around the vehicle in most dimensions and the CHA felt that this was reasonably robust.

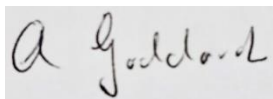
However, it is agreed that the consultant could provide a further swept plan analysis to DHA to verify that the reversing manoeuvre into the loading bay is feasible in practice should this be considered necessary.

Conclusion

Overall, the County Highway Authority broadly accepts the conclusions of the DHA report, but considers that the concerns identified have been adequately considered in our previous response to the planning application. Whilst there may be limitations and constraints with the development, the NPPF sets a high bar for refusing development proposals on the basis of highway impact, and in considering the evidence presented, the County Highway Authority do not believe that this threshold has been exceeded, subject to the conditions set out in our previous response.

Could this full response please be reproduced on the late sheets for the Planning Committee on Thursday evening.

Yours sincerely

A handwritten signature in black ink that reads "A Goddard". The signature is written in a cursive style and is contained within a light grey rectangular box.

Angela Goddard
Transport Development Planning Officer

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Croydon Road, Caterham

Technical Note - Highways

This technical note has been produced to provide an independent review of the highway case that has been presented and assessed in support of planning Application TA/2021/1800 for a new Aldi store at Croydon Road, Caterham. Entran Ltd have got extensive experience of negotiating and promoting food store applications.

On review, we consider the information prepared by Connect is robust and that DHA's appraisal does not constitute a defensible reason for refusal. We expand as follows.

Connect have used a weighted average for car park accumulation rather than just the mean. This is based on observed, empirical and directly relatable surveys and is therefore a robust form of assessment. Even using this robust assessment, the proposed car parking provision exceeds demand on each weekday, exceeds demand on a Saturday by 5% but provision is less than demand by one vehicle on a Sunday. It should be noted that the *average* car parking accumulation on a Sunday is still below the proposed parking provision, so it is only the 'weighted average' that results in an exceedance of one vehicle. Connect have stated that this nominal and infrequent capacity exceedance would not have a material impact on the surrounding highway network. We concur with that view.

DHA have referred to Tandridge DC's parking standards and Surrey CC's parking standards. It should be noted that TDC's parking standards were written in 2012 whereas SCC's parking standards were written in 2021 and reflect the 2019 NPPF guidance.

Paragraph 107 of NPPF states that parking standards should take account of the accessibility of the development location. TDC standards make no allowance for location whereas SCC standards do. The SCC standards are therefore more reliable and compliant with national policy.

The DHA Transport Technical Notes are not numbered, so for ease of reference we will just refer to them as DHA TN June 2022 and DHA TN July 2022.

DHA TN June 2022 para 1.2.8 says SCC maximum standards allow for parking up to either 54 or 97 spaces (allowing for 25% reduction in suburban area) depending on the ratio applied to the floor area. This is not the range within which parking should be provided, it is the maximum parking allowed. Notwithstanding this, the proposal includes 64 spaces which is not 'at the lowest end of these thresholds' as suggested by DHA.

We note that the 54 figure relies on using the SCC standard for 500sqm to 1000sqm (which is lower than the proposed GFA); however, we understand that was the approach approved for a recent Lidl town centre consent. DHA suggest that the two stores are not comparable as the Lidl was town centre whereas Croydon Road is relatively suburban; however, that is already taken into account in the percentage deduction recommended by the SCC standards, it does not affect the initial assessment of parking demand. Either way, the proposed 64 spaces would exceed that lower figure.

It is very important to note that the SCC standards state: *“Parking proposed at levels below the maximum standard will not be objected to, other than in exceptional circumstances where there are significant implications for road safety.”* It is clear from the Connect appraisal that this proposed development cannot be reasonably be described as exceptional and there would not be significant implications for road safety.

The SCC position is consistent with NPPF para 111 which states: *“ Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

DHA TN July 2022 uses Street view images for East Barnet and states at para 1.2.7 that *“This serves to reinforce the importance of providing sufficient on-site parking capacity, particularly in locations such as that proposed in this case, where appropriate off-site parking opportunities (e.g. public car parks) are unavailable. Indeed, given the nature of the local highway network around the proposal site, it is not considered that any degree of overspill would be acceptable from a highway safety or amenity perspective”*

This position is unreasonable. There is available on-street parking to the north and south of the site in the form of limited waiting (1hour, Mon-Sat 0830-1800) parking bays. No parking stress surveys have been undertaken but the Google streetview images show available spaces in one or both locations in 2018, 2019 and 2021. It is therefore inappropriate to suggest that ‘any’ overspill would have a highway safety implication. We recognise that Google streetview only provides a snapshot of highway conditions, but the same can be said of the images of Aldi East Barnet presented by DHA in TN July 2022. The fact remains that there are parking spaces available regularly on-street, close to the site. The frequency of overspill parking appears to be very low (even using higher weighted averages) and the level of overspill also appears to be very low, so the use of existing available parking spaces in these circumstances seems perfectly reasonable.

DHA TN June 2022 already suggests possible mitigation at 1.3.10 in the form of Double Yellow lines and/or raised kerbs and bollards, so it is self-evident that the residual effects after mitigation would not have an unacceptable effect on highway safety and would certainly not have a severe impact on operational capacity. On this basis, any such nominal residual effects would not constitute a defensible highway reason for refusal.

Finally, DHA have suggested that the on-site turning for HGV deliveries is tight and would give way to highway safety concerns. We concur that the turning space is quite constrained; however, this arrangement is common to Aldi stores throughout the country and operates perfectly safely. All Aldi drivers are very familiar with this form of arrangement and make multiple deliveries each day during store opening hours in circumstances very similar to this proposed arrangement. We have discussed this form of servicing arrangement with many local authorities over many years, including at appeal, drawing on a great deal of safety evidence and statistics, and we are satisfied that this form of arrangement can operate safely.

Addendum – Planning Committee 28 July 2022

Item 5.3 – 2021/1922 – Land to the rear of The Parade Westmore Green Tatsfield TN16 2AQ

The applicant has submitted additional site plan and information plus comments on the refusal reasons on the 21st July 2022.

The submitted additional site plan (dated 21st July 2022) shows the blue line extending to include the retail units and flats above that are to the front (south) of the site and indicates ownership of the units outside of the application red edged site location plan.

Reason 2 – points (1) and (ii) The development would result in a poor quality of accommodation for future occupiers by reason of:

- i) noise and disturbance from the adjacent car park of the Working Men's Club.
- ii) The quality of accommodation would be oppressive given that the ventilation would be via the artificial ventilation and not natural air flow.
- iii) the accommodation would fail to provide satisfactory private external amenity space, contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) and Policies DP7 and DP22 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014).

The applicant has submitted additional data from the Acoustic Consultant which includes an affirmation that the 'ventilation between 23:00 to 06:00, the internal noise levels will be in line with the BS8233@2014 criteria.' Also that 'On a second note, the following images show that the highest LAeq.1hour range from 26.0 to 38.0 dB from 23:00 to 06:00. Showing that the LAeq.1h of 48.0 dB used in the assessment only occurred between 06:00 - 07:00. The cause of this higher levels from 06:00 to 07:00 is unknown, however, it is realistic to think that the future tenant will not be opening the windows for ventilation on those times.'

Paragraph 187 of the NPPF 2021 details the following '*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*

The area is partially residential and is adjacent to other retail units and a restaurant; the existing dwellings at Westmore Road and Wedgewoods and the Parade have been in situ near to or adjacent to the Working Men's Club and Post Office. However, the 'Agent of Change' is the proposed new flats, and the 'existing business and community facility is the Working Men's Club and Post Office.

Therefore, the Council are now satisfied that the points (i) and (ii) of reason 2 can be removed and that in accordance with the NPPF (2021) and that instead sufficient measures could be provided to mitigate the noise emanating from the existing business to overcome the Council's concerns. The details of which can be secured by condition. However, to clarify this does not change the Council's position regarding the poor quality of outdoor amenity space, therefore point (iii) of reason 2 is to remain.

Reason 4- 'The efficacy of the solar PV panels as located on the west elevation would be reduced and the development would not achieve the 10% carbon reduction through the use of renewable energy technologies. Therefore, it would be contrary to Policy CSP14 of the Tandridge District Core Strategy (2008) which requires new development to demonstrate to meet the Council's target of a 10% carbon emission reduction.'

In respect of energy efficiency reduction, additional information has been submitted regarding the solar panels. In the light of the additional information received from the Energy Consultant in respect of the placing of the PV panels on the west elevation and their efficiency on this elevation, without an expert consultant to counter the latest information received, the Council are now satisfied that this aspect of the development is policy compliant and that the development would accord with CSP14. As such, reason 4 is removed.

Reason 5 - The application has been submitted showing works to take place that are outside of the red line boundary of this application – including alterations to the steps for the flat and the approved parking and bicycle store at The Parade – TA/2018/280 condition 2 (plans) and condition 5 (parking and bicycle store to be maintained and thereafter retained). If planning permission were granted this would be in breach of planning conditions pertaining to conditions 2 and 5 of TA/2018/280.

The above reason for refusal has been amended as follows:

The proposal would affect the delivery of the planning permission TA/2018/280 as this would be in breach of planning conditions pertaining to conditions 2 (plans) and 5 (parking and bicycle store to be maintained and thereafter retained), adversely affecting the steps for the flat, the on-site vehicular parking, ability to park and bicycle store subject to that permission. If planning permission were granted this would be in breach of planning conditions 2 and 5 of TA/2018/280.

The applicant provides clarification that the exterior drive material is fixed resin bond, as shown on the submitted plans. Therefore the concerns of the Facilities Team are addressed.