

**APPLICATION
NUMBER**

2024/697

DEVELOPMENT AFFECTING ROADS

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Location: 35-41 Croydon Road, Caterham, Surrey, CR3 6QF

Development: Change of use of Class E (retail units) to a mixed Class E (Restaurant) and Sui Generis takeaway use and associated external works (including, shop front alterations, plant and provision of motorcycle parking)

Highways Response Addendum Note

This addendum note has been prepared in order to provide further clarity to the Local Planning Authority (LPA) concerning highways matters which have been raised in comments submitted to the LPA concerning the above planning application.

This note follows the formal response to the application from the County Highway Authority (CHA), which was submitted to the LPA on the 12th of December 2024, and the text of that response is repeated below for ease of reference.

In order to contextualise the response from the CHA, it should be noted that in order to justify a refusal of a planning application on highways grounds, the following test as set out in the National Planning Policy Framework (NPPF), at paragraph 116, must be met:

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, following mitigation, would be severe, taking into account all reasonable future scenarios.

The majority of comments that have been submitted concerning highways and transportation were addressed in the “Note to Planning Officer” section of the CHA’s below response to the planning application however this Note seeks to provide some further clarity concerning the following specific points:

Deliveries and servicing on Croydon Road.

The suitability of the proposed method of deliveries to and and refuse collection from the site is addressed in the existing comments below however it should be noted that the existing consented use of the site could attract these types of vehicle movements already and that the site is in a high-street location surrounded by other commercial uses which also require servicing.

In this context, and with reference to the NPPF, there are not grounds to conclude that servicing movements associated with the proposed development would represent a severe impact on the road network, so long as the conditions recommended by the CHA are secured.

The recommended conditions include compliance with the proposed Delivery Management Plan (DMP), which states at paragraph 3.1.1 that delivery vehicles would “use the parking bays on Croydon Road to the north of the site. In the event that the parking bays are not available then delivery vehicle would use the loading bay outside the Lidl.” The DMP being secured through a planning condition would mean that delivery vehicles would be required to adhere to this otherwise enforcement action could be taken.

It has been brought to the attention of the CHA that the loading bay outside Lidl has been obstructed, seemingly by Lidl seeking to prevent use for loading not associate with the Lidl store. The loading bay is part of the public highway and is not for the sole use of any specific user. The CHA is requiring that this bay is no longer obstructed and will take enforcement action as necessary to prevent its continued obstruction.

Courier driver behaviour.

Concerns have been raised around potential safety impacts from courier driver behaviour, particularly concerning powered two-wheeler vehicles (mostly mopeds).

The proposed conditions would restrict the locations that courier drivers can park vehicles, limiting them to the bays identified on the plans provided.

It is noted that there is an existing issue with what could be described as anti-social parking driver behaviour amongst fast food couriers in the area however the presence of an existing issue does not mean that these proposals would represent a severe impact per se. There appear to be two causes of the existing issues that have been reported in comments on this planning application concerning the existing moped couriers in this area, which are the lack of suitable parking and unsafe driver behaviour.

The proposals have provided parking for the expected level of courier movements associated with the proposed development and it is reasonable to assume that some of the existing moped courier movements may be shifted to these spaces due to the proposed fast-food outlet taking some of the existing demand from the existing similar outlets.

The concerns around unsafe or inappropriate driver behaviour are very much valid however planning decisions cannot be made on the basis of unlawful behaviour. Under the Road Traffic Act 1998 “a person who drives a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.”

12th December dated CHA response

Contact Officer	James Lehane	Re-consultation Date	3 December 2024	Response Date	12 December 2024
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The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends that an appropriate agreement should be secured before the grant of permission and that the following conditions be imposed in any permission granted:

S106 Requirements

Traffic Regulation Orders (TRO)

The applicant shall pay in full the reasonable costs incurred by the County Highway Authority in securing any necessary TROs for the proposed parking spaces Croydon Road and any necessary statutory Public Notices associated with the proposed works.

In any event that the statutory process in securing the necessary Traffic Regulation Orders and Public Notices fails, the applicant shall identify and agree with the County Highway Authority an alternative set of appropriate measures.

Conditions

1. The development hereby approved shall not be first opened for trading unless and until space has been laid out site in accordance with the approved plan (drawing reference 5808-SK08, dated 21.11.2024), providing 10 motorcycle parking spaces, 4 cycle parking spaces at one additional car parking space. Thereafter the parking areas shall be retained and maintained for their designated purposes.
2. Delivery couriers associated with the development hereby approved shall use the proposed courier parking spaces as shown on the approved plan (drawing reference 5808-SK08, dated 21.11.2024) only. No couriers associated with the proposed takeaway food outlet shall be parked outside of these identified spaces anywhere within the public highway in Croydon Road (B2208), Croydon Road (rear service road), Station Avenue, Crescent Road or Mount Pleasant Road at any time.
3. The development hereby approved shall not be first opened for trading unless and until a package of highways improvements have been delivered in general accordance with the approved plan (drawing reference 5808-SK08, dated 21.11.2024), to provide the following to the satisfaction of the County Highways Authority:
 - a. Traffic calming measures
 - b. Road safety measures to minimise the risk of conflict between road users.
 - c. Continuous, raised pedestrian footways across either end of the Croydon Road rear service road.
4. No development shall commence until a Construction Transport Management Plan, to include details of the following items has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development:
 - a. parking for vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials
 - d. programme of works (including measures for traffic management)
 - e. provision of boundary hoarding behind any visibility zones
 - f. HGV deliveries and hours of operation
 - g. vehicle routing
 - h. measures to prevent the deposit of materials on the highway
 - i. before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - j. on-site turning for construction vehicles
5. All deliveries and servicing for the development hereby approved shall be conducted in accordance with the Delivery Management Plan (dated December 2024).

Reasons

The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and is recommended in order to comply with the National Planning Policy Framework 2023 and the Surrey Local Transport Plan 4.

Informatives

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

<http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permitscheme>

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant utility companies and the developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

The applicant is advised that any alterations to existing highway infrastructure should be designed so there is no adverse effect on surface water flow routes and should not increase flood risk on or off site. It is possible to check the long-term flood risk on the following Government website:

www.gov.uk/check-long-term-flood-risk

For further information please contact the Flood Risk, Planning and Consenting Team
suds@surreycc.gov.uk

Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

Note to Planning Officer

The County Highway Authority (CHA) has reached the above recommendation following detailed review of the submitted information and additional information as requested by the CHA in our previous comments on these proposals.

In terms of the principle of development, the proposed use of land is suitable for the location of the site, on Caterham high street (Croydon Road). The location is suitably sustainable in transportation terms and for the proposed use.

The proposed approach to parking for customers and staff is appropriate and consistent with the

relevant parking standards given the extent of publicly available car parking and the availability of public transport facilities in the vicinity of the site.

The specific nature of the proposed development would attract a high level of courier vehicle movements which could result in a material detriment to the safe operation of the public highway unless the above recommended conditions are imposed.

The proposals seek to utilise the rear service road (Croydon Road) to facilitate delivery driver (courier) parking however this is a constrained location with high levels of existing use for the type of road, including access to the Waitrose and railway station car park and servicing movements for existing activities including the delivery yard for Waitrose. The road also facilitates regular pedestrian movements but lacks appropriate pedestrian infrastructure.

If the above recommended conditions were not secured, then the proposals would be likely to result in courier vehicles parking in inappropriate and unsafe locations on the local highway and increased risks of vehicular collisions, as well as a material detriment to pedestrian safety resulting from the additional vehicular movements in the absence of suitable infrastructure.

The proposed parking provision for couriers has been supported by survey evidence provided by the Applicant to demonstrate that they should adequately accommodate all courier driver movements associated with the proposed development, however it is recommended that the above Condition 2 is required in order to ensure that couriers are parking in appropriate locations only. This is especially important in order to mitigate against the risk of this particular site having a higher proportion of online orders or a higher concentration of orders at a particular time of day than expected.

The proposed offsite highways works are considered as adequate mitigation of the road safety implications of the proposed development, alongside the other recommended conditions, and providing the continuous pedestrian footways across either end of the Croydon Road rear service road would result in benefits in terms of speed reduction and would also improve pedestrian connectivity and would link to the existing public realm improvement scheme on Croydon Road (B2208).

Please note that any offsite highway works will require the Applicant to enter into a Section 278 (Highways Act 1980) Agreement with the CHA, for the developer to deliver the scheme, and the final details will be subject to detailed technical review and road safety audits.

The proposal to utilise the main Croydon Road to the front of the site to accommodate deliveries to the store is acceptable given the nature of the location and that servicing of this type in high street locations is commonplace. This point notwithstanding, it is recommended that the Delivery Management Plan should be secured by condition in order to ensure that it is properly managed.