

**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**

This application has been referred to Committee for decision by Cllr Gaffney.

*Constraints – Urban Area, ANC-WOOD500, Biggin Hill Safeguarding, EA Flood Zone 2, EA Flood Zone 3, Class B Road, EA ROFSW 1in 100, Source Protection Zone.*

**RECOMMENDATION:**

**That, subject to further clarification of the views of Surrey County Council as Highway Authority on the acceptability of the proposed parking provision to service the development, the Interim Chief Planning Officer be authorised to grant planning permission subject to:**

- a) within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - Financial Contribution to be provided to the sum of £6,150 to the County Highway Authority towards the monitoring of a Travel Plan;
- b) subject to the conditions stated below;
- c) the Interim Chief Planning Officer is authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

**Summary**

1. The application seeks planning permission for the 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.
2. The proposal would make use of this empty brownfield site to provide an Aldi food retail store, refurbish the existing commercial unit on site to provide one retail unit and 1x2bedroom 4 persons flat over the upper floors.

3. Parking would be provided on the ground floor with measures including a Travel Plan and regeneration of a bus stop including digital display of bus schedules in order to ensure the proposal would not result in traffic congestion along Croydon Road.
4. A Retail Critique commissioned by this LPA concludes that the proposal would not result in an adverse impact on the existing retail offer across Caterham and would be beneficial to the local economy.
5. Therefore, the Interim Chief Planning Officer be authorised to grant planning permission subject to the completion of a unilateral undertaking for financial contribution of £ 6150 towards monitoring of the Travel Plan by the County Highways Authority and to refuse planning permission if the said unilateral undertaking is not completed within the said time period.

### **Site Description**

6. The application site is located in the western side of Croydon Road, Caterham, approximately 120m to the south of the roundabout junction with the A22 Godstone Road, Burntwood Lane and Woldingham Road.
7. The site was previously occupied by a car dealership but has been vacant for over 2 years (since March 2020). The site is located centrally within a small parade of shops and services including retail units, hot food takeaway and small businesses.
8. The site is bounded to the west by a railway line which is set on a raised embankment and to the east by Marden Lodge Primary School and children's centre. The area around the site is characterised by a mix of residential and commercial uses, including a site to the north which is currently undergoing redevelopment with a three-storey block of flats.

### **Relevant History**

9. There is no relevant planning history.

### **Key Issues**

10. The main issues to be considered are the principle of development on the site, which would involve the change of use of an employment site including the retail impact of the proposed supermarket, the impact of the proposal on the character and appearance of the area, the impact of the proposals on the amenities of neighbouring residents, highways, car parking and cycle parking provision, sustainability, ecology and landscaping.

### **Proposal**

11. This application seeks planning permission for the demolition of the existing buildings and erection of a Class E retail unit, together with the refurbishment of an existing office unit to provide a commercial unit at ground floor with residential dwelling above; alongside access, car parking and associated works.
12. The proposed retail building would be two storeys in height with car parking located at ground floor level and the retail unit at first floor level. The whole of the ground floor of the site would accommodate a total of 64 car parking and 12 bicycle parking spaces accessed via a new bellmouth access from Croydon Road.

13. The proposed building would comprise of a sales area of 1164 sq m. together with warehousing, staff and office areas it would total to 2095 sqm.
14. The Planning, Economic and Retail Statement provided in support of the application states that the store carries a limited number of product lines, does not provide in-store kiosks and does not act as a one-stop-shop thereby encouraging customers to access other retail stores to fulfil their shopping requirements.
15. The proposed building would be located on the front boundary of the site (projecting 4.8m from the front face of the adjoining neighbouring buildings). It would be of a contemporary design with large areas of glazing and black cladding set into brick-clad elevations with black paint detailing.
16. Planning permission is also sought for the conversion of the existing offices in the two storey end of a terrace building at the southern end the site to a retail unit at ground floor level and to a two bedroom flat at first and second floor levels.

### **Development Plan Policy**

17. Tandridge District Core Strategy 2008 – Policies CSP1, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18, CSP22.
18. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP3, DP4, DP5, DP7, DP19, DP21, DP22
19. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – CCW4, CCW5, CCW6,
20. Emerging Tandridge Local Plan 2033 – Policies – TLP01, TLP02, TLP03, TLP04, TLP09, TLP10, TLP12, TLP18, TLP19, TLP35, TLP45, TLP47, TLP50.

### **Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance**

21. Tandridge Parking Standards SPD (2012)
22. Tandridge Trees and Soft Landscaping SPD (2017)
23. Surrey Design Guide (2002) / Surrey County Council Vehicular and Cycle Parking Guidance January 2018

### **National Advice**

23. National Planning Policy Framework (NPPF) (2021)
24. Planning Practice Guidance (PPG)
25. National Design Guide (2019)

### **Statutory Consultation Responses**

26. **Surrey County Highway Authority** – raise no objection subject to an appropriate agreement being secured before the grant of planning permission to provide a £6,150 contribution to CHA towards the monitoring of a Travel Plan.

The CHA has made a detailed assessment of the above application, in conjunction with a site visit and discussion with the developer, in order to ensure that any concerns regarding road safety have been met.

### Parking

The proposed development provides 64 parking spaces for vehicles and 12 cycle spaces.

It is noted that some concern has been raised regarding the level of parking being provided for the store and the CHA requested that the applicant undertakes a parking accumulation survey of existing stores in similar locations to demonstrate that there will be sufficient parking to accommodate vehicles during the peak shopping periods. The applicant was also asked to revise the layout of the car park to provide improved flow to ensure vehicles could wait for spaces to become available within the car park and reduce the likelihood of vehicles queuing back onto Croydon Road.

However, Members should note the views of the Interim Chief Planning Officer below with respect to car parking provision.

### Delivery Vehicles

Delivery vehicles to the site are proposed to be managed under a Delivery Service Management Plan which has been submitted by the applicant, which will restrict the number of service vehicle movements, type of vehicles and times to ensure there are no deliveries at school pick up and drop off times. All deliveries will take place within the designated unloading bay within the store car park.

**27. Surrey County Council Flood and Climate Resilience** - We have reviewed the surface water drainage strategy for the proposed development and assessed it against the requirements of the NPPF, its accompanying PPG and the Non-Statutory Technical Standards for sustainable drainage systems.

The following documents submitted as part of the above application have been reviewed and should be referred to as part of any future submissions or discharge of planning conditions:

Flood Risk and Sustainable Drainage Strategy, Stirling Maynard, November 2021 , revision P03, document reference: 3727 362;

We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and are content with the development proposed, subject to our advice that, should planning permission be granted, the suggested conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

**28. TDC Environmental Health** – No objection provided mitigation measures for plant noise control and delivery management plan included in the Noise Report are implemented on site. A further consultation with the Environmental Health Officer was undertaken where the Officer confirms that the implementation of the Delivery Service Management Plan will adequately address the concerns in relation to noise.

**29. Environment Agency** – We have reviewed the submitted documents and consider that it satisfactorily addresses our earlier concerns subject to conditions.

30. **Surrey Wildlife Trust** - Surveys of the buildings undertaken have an appropriate scope and following appropriate methodology. The site is of low value to biodiversity, and whilst roosting bats are present in the surrounding area, none was identified roosting in the buildings surveyed. Notwithstanding this, the proposals will result in the loss of bat roosting features. Conditions have been suggested to ensure the Local Authority is fulfilling its duty to conserve biodiversity.
31. **TDC Land contamination** – No objection subject to pre-commencement condition suggested (copied elsewhere in this report).
32. **Caterham Valley Parish Council** – The Parish Council objects to this application as follows:
- The Parish Council believe it is essential to protect and develop Caterham Valley Town Centre and Local Centre Caterham-on-the Hill. Town Centres and High Street have been impacted across the UK as a result of COVID-19 pandemic and a number of well-known High Street names have been lost (notably Dorothy Perkins and TUI in Church Walk).
  - The Design and Access Statement states that ‘the proposed development will provide both Caterham and Whyteleafe with a new bespoke ALDI food store to enable surrounding residents with greater retail choice and access to a local discounter’.
  - This contradicts 5.37 Tandridge Retail and Leisure Study Update ‘development that serves more than a local catchment area should be concentrated in Caterham Valley or Oxted town centres. The two main centres in the District (Caterham Valley and Oxted) have the best prospects for attracting investment and should continue to be the main focus for future town centre uses, particularly comparison retail floorspace and restaurant uses (5.37 Tandridge Retail and Leisure Study Update Final Report, 2018).
  - The proposed ALDI is 1.1 miles from Caterham Town Centre. The location is not part of a town centre, local centre or neighbourhood centre and it sits outside Caterham Valley Town Centre Boundary (Town & Local Centre Review 2018).
  - Caterham has already attracted Lidl (still under construction at the former Rose & Young site) which is located within the Caterham Valley Town Centre boundary and therefore provides the local area with a discounter supermarket option.
  - The location of development and the type of business is contradictory to the TDC Local Plan 2033 supporting Caterham Valley Town Centre and Caterham Local Centre.
  - The provision of 50 new jobs is indeed a positive one, however the planning officer should consider the wider impact ALDI may have on surrounding businesses and the local town centre of Caterham Valley and Caterham on the Hill.
  - The proposed ALDI development outside the Caterham Valley Town Centre boundary, has the potential to attract shoppers away from the existing supermarkets Morrisons, Waitrose and the future Lidl, with its ‘me too’ consumers goods under its Own Label. Reduced footfall in the town centre leads to reduced consumer spend in the town centre.

- The Portas Review (2011) highlighted the issue of reduced footfall in town centres, leading to weakened performance of nearby stores which leads to weakening of the surrounding area and increases the likelihood of further store closures (Portas Review 2011 citation Downward Spiral of Decline Department for Business, Innovation and Skills/Genecon and Partners (2011) Understanding High Street Performance. Citing Colliers International. Fewer businesses leads to fewer employment and therefore the net gains/losses to local employment need to be considered.
- The Local Data Company found that 15% of retail premises in Great Britain were vacant in the second half of 2020, up from 13% in the second half of 2019. This was the biggest rise in store vacancies since 2013.
- The Design and Access Statement says 'As a food store with predominantly own labelled brands ALDI would not compete directly with existing businesses. For instance, it does not have an instore butcher, fishmonger or café and does not sell cigarettes or tobacco products. This allows ALDI to complement other local business as customers often link trips with the ALDI store and other local shops to fulfil their shopping trips' (Design & Access Statement).
- ALDI is differentiated from its competitors by focusing on competitively priced 'Own-Label' items. It is wholly ridiculous to say that ALDI does not compete directly with existing businesses. ALDI is a supermarket, 'a supermarket is defined as a self-service shop offering a wide variety of food, beverages and household products, organized into sections'. By definition, ALDI is in competition locally with Morrison's, Waitrose & soon to be Lidl in the Town Centre, Tesco and COOP at Caterham on the Hill and Sainsbury's in Warlingham along with local convenience stores and independent food retailers.
- Projections, which include the new Lidl, suggest there is limited or no capacity for new convenience goods floorspace in Oxted and Caterham/Warlingham/Whyteleafe, because the growth in population/expenditure does not offset the current under-trading. The medium and high growth scenarios also indicate a negative or limited floorspace capacity up to 2033 in these areas. (3.41 Tandridge Retail and Leisure Study Update Final Report, 2018).
- The proposed sales area is 1164.5 sq metres. There are a total of 64 car parking spaces. Tandridge District Parking Standards – SPD 2012; Food Retail (above 1000 sq metres) requires 1 car space per 14 sq metres. Based on this number the proposed development would require 83 parking spaces. This is a shortfall of 19 car parking spaces. There is lack of information on parking provision for staff and whether this would be included in the total of 64 spaces?
- Battery charging points provision appears to be under the Surrey County Council recommendation.
- The site is opposite Marden Lodge Primary School, in 2016 there were 236 pupils at the school (OFSTED). It is a fair assumption that a number of children arrive and leave school by car. Parking pressures at drop-off and collection times will mean that that ALDI carpark will become an overflow parking area for the school increasing parking pressure on an already inadequate site.
- The proposed development changes this site from a business that supplied high value goods (cars) and low footfall and low vehicular movements, with one that is low value commodity goods, high footfall and high vehicular movements on to the busy Croydon Road.

- The site is located 0.2 miles from the junction of Wapses Lodge Roundabout on the A22. The A22 is an artery road connecting the M25 into London. Increase vehicular movements in and out of the ALDI carpark and queuing at peak times have the potential to disrupt traffic movement on and off the roads radiating off the Wapses Lodge roundabout.
- How would deliveries be managed and what space is there to allow for delivery lorries to manoeuvre on site to avoid having to reverse on to the Croydon Road.
- Application site lies within Flood Zone 3, and therefore high probability of flooding. Environment Agency OBJECT to proposal as it currently stands as there is no Flood Risk Assessment. Letter dated 10th November.
- The Parish Council is not, in principle, against ALDI however the site proposed is totally unacceptable and unsuitable and for this reason and those listed above, Caterham Valley Parish Council recommends refusal of this application.

**33. Whyteleafe Village Council** – Based on the information available, Whyteleafe Village Council objects to this application and the following points are significant:

- Lack of parking capacity — Councillors are unconvinced on the level of provision of spaces. Experiences at other branches of this supermarket suggest that demand will exceed supply and this leads to concerns about traffic blocking the Croydon Road.
- Highways safety issues including pedestrian safety around the School. This relates to vehicle movements and deliveries at times when the school is operating.
- Councillors have seen submissions from the Environment Agency and Surrey County Council and this reinforces doubts over the adequacy of the flood mitigations which is critical because of the close proximity of the river Bourne.
- Councillors also support similar objections made by Caterham Valley Parish Council.
- If TDC were minded to approve, then the Village Council would wish to see, amongst other appropriate conditions:
  - A delivery routing plan that avoided the Croydon Road (south) as a main supply road
  - A stated delivery schedule (dates and times) to avoid peak traffic and school start and finish times.
  - Additional pedestrian safety features to protect parents and children at the school

## **Other Representations**

34. A large number of letters/emails expressing either support or objecting to the proposed development have been received.
35. Those in support welcome the addition of shopping facilities to this part of Caterham and Whyteleafe, the increase in jobs for local people, and re-use of a currently vacant commercial site.
36. Objections have been received which raise concerns in relation to the following issues:
- Increase in traffic, particularly at peak hours and school dropping off times
  - Insufficient parking provided for customers, and no parking for staff. Likely that traffic will queue back to the Wapses Roundabout
  - Increase in traffic will impact on adjoining roads, such as Greenhill Avenue
  - No need for another supermarket in the area
  - Risk to children at the school opposite the site
  - At school drop off and pick up times, the road is very busy and traffic restrictions are routinely ignored
  - A large retail unit would cause significant further traffic in the highway which will conflict with school traffic at peak hours
  - Increase in noise and pollution in the area
  - No detail on the residential part of the proposals
  - Other buildings works in the area have caused problems for local residents
  - Difficulties for servicing of the shop unit by trucks.

## **Assessment**

### Procedural note

37. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

### Principle of development on the site

38. The site is within the urban area of Caterham, which is Category 1 Settlement as defined by Policy CSP1 of the Core Strategy (2008). Policy CSP 22 encourages the use of brownfield and empty commercial sites for suitable use including their use for generation of new employment opportunities.



39. The proposal will make use of this empty site creating 25 full-time and 25 part-time jobs. The application has been supported by a Planning Economic and Retail Statement which states the proposal would not result in adverse impact on local centres and would generate a spin-off trade which would be of benefit to the surrounding existing retail offer. This Statement has been independently assessed on behalf of the Council and the assessment concludes that currently there are no sequentially preferable alternatives for an Aldi store within Caterham and the sequential test has been satisfied.
40. The independent assessment confirms that existing under trading of nearby superstores has been recorded historically and therefore cannot be attributed to the proposed development. Therefore, the proposal would not adversely affect any of the existing supermarkets within Caterham. It suggests the use of a planning condition to control the convenience goods offer in order to ensure a healthy retail offer across stores within Caterham. However, given that Aldi does not act as a one-stop shop catering to a limited number of product lines it is not considered that this condition is essential. The Retail impact assessment submitted in support of this application concludes that a convenience goods sales area of 816 sq m would not adversely affect other convenience outlets in or on edge of Caterham Town centre and this conclusion is supported by the Council's own retail consultant. A planning condition to ensure this has been recommended. On this basis the proposal is considered acceptable in principle and in accordance with Policy CSP 22.

#### Design and Character Considerations

41. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
42. Policy CSP18 of the Core Strategy together with Policy DP7 of the Local Plan Part 2: Detailed Policies requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
43. The proposed two storey building would provide parking and entrance foyer on the ground floor and the main retail at first floor level. The building would be set away from the front boundary by 1.5m across 50m of its 79m frontage. It would project forward of the established building line along this part of Croydon Road. The vehicular entrance located towards the south of the frontage would provide a 25m gap between the proposed new building and the neighbouring building to its south. Its appearance which would resemble a present-day superstore including pedestrian entrances off the footpath along Croydon Road and the largely glazed front elevation would not appear uncharacteristic in this location. The design incorporates the use of red brickwork combined with metal cladding and large glazed areas in the front (east) and flank side (north) elevations. It would have a flat roof over. The features would not be alien to the surrounding area. The profile of the existing office unit located on the south boundary of the site would be retained as existing except for a new shopfront and a fascia board. These would blend with the adjoining neighbouring properties to the south. For these

reasons, the proposed development is considered to accord with design aspirations of policies CSP18 and DP7 of the Core Strategy and the Local Plan.

#### Residential Amenity

44. Policy CSP18 of the Core Strategy requires that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect.
45. Criteria 6 – 9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies seeks to safeguard amenities of neighbouring properties, including minimum distances that will be sought between existing and proposed buildings.
46. The above policies reflect the guidance at Paragraph 127 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and accessible.
47. The east side elevation would be set away from the proposed flats within the two-storey end of terrace unit located on the south boundary of the site by a distance of 22m. There would be no windows within the north elevation of the unit providing upper level flats. Therefore, the proposed glazing in the south elevation of the main Aldi Store would not be detrimental to residential amenities of future occupiers of the said proposed flats. There would be no adverse impact on the adjoining neighbouring building to the north of the site.
48. In conclusion, the proposal is not considered to have a detrimental impact upon neighbour amenity and is therefore considered to be in accordance with the objectives of the aforementioned policies and guidance.

#### Highway and Parking Considerations

49. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
50. The Tandridge District Council Parking Standards SPD (2012) states a requirement of 1 car space per 14sqm and 1 lorry space per 1,000 sqm for Gross Floor Area of a site in food retail use or individual assessment/justification. Accordingly, the proposed retail store would require 150 car parking spaces.
51. For the proposed flat the Parking Standards SPD states a requirement of 1.5 unallocated or 2 allocated car parking spaces.
52. SCC as Highway Authority has prepared and adopted separate Vehicular and Cycle Parking Guidance in January 2018. This Guidance provides for a 50% parking reduction for edge of town centre retail sites over 1,000 sqm Gross Floor Area. On this basis there would be a requirement for 75 car parking spaces to serve the proposed retail development.

53. The applicant is proposing to provide 64 car parking spaces for the retail use. Accordingly, the Highway Authority sought a parking accumulation assessment to be carried out by the Agents of existing similar sized discount foodstores. An hourly arrival and departure data has been obtained from 5 Aldi store car park entrances of similar sized stores for weekdays and weekends for a month to identify the average maximum peak accumulation from the profiles of each site. From the data collected hourly trip rates have been calculated to assess the trips of an Aldi in the local region with a floor area of the proposed store.
54. The weekday accumulation profiles show that only one site exceeds the proposed capacity twice during a weekday and by only one vehicle. The weekday weighted average maximum demand occurs at 13.00 with 88% of the proposed capacity used.
55. The average Saturday accumulation profiles shows two of the sites exceed the proposed capacity during one instance during the day and by 1 -3 vehicles. The Saturday weighted average maximum demand occurs at 12 pm with 95% of the proposed capacity used.
56. The average Sunday accumulation profiles shows that two sites exceed the proposed capacity once during the day and by four vehicles. The Sunday weighted average maximum demand occurs at 12 pm.
57. It was, therefore, concluded by SCC as Highway Authority that the proposed parking provision is likely to be sufficient to accommodate the peak shopping demand based on the average parking accumulation across comparable existing stores.
58. However, the definition of an edge of centre retail site in the National Planning Policy Framework is "a location that is well-connected to, and up to 300 metres from the primary shopping area". The primary shopping area for the purposes of this application is Caterham Town Centre. The proposed retail site is well over 1 kilometre from the edge of the primary shopping area. SCC's Guidance note would indicate that the application site should be regarded as "suburban" to which only a 25% reduction in the parking standard should be applied. This would mean 113 car parking spaces would be required not the 64 proposed by the applicant.
59. Both Tandridge District Council officers and Members need to be guided by advice from SCC as the highway authority whether the apparent significant reduction in proposed parking provision to serve the proposed development will adversely impact on highway safety for users of Croydon Road and this further advice is awaited and an update will be provided at the Planning Committee meeting.
60. The access into the site has been repositioned south of its originally proposed location to allow traffic to freely circulate through the car park. If the car park is heavily occupied, it is likely that drivers will circulate the undercroft parking area given its layout and proximity to the main entrances to the store, thereby avoiding the possible queuing onto Croydon Road.
61. There is a bus stop located outside the site and opposite the site (approximately 150 m from the store). Both these stops will be upgraded to provide improved bus shelters with seating, raised access kerbing and Real Time Passenger Information displays to encourage their use.

62. It is likely that the existing situation of on-street parking for the school pick-up will continue following construction of the proposed development, however it is expected that some parents will use the Aldi car park. A traffic light controlled pedestrian crossing is located opposite the school and adjacent to the proposed Aldi so parents are able to safely cross the road. Therefore, it is not considered that the proposed Aldi will result in a highway safety concern during school pick-up and drop-off time.
63. Bicycle parking together with locker and changing facilities for cyclists can be secured via a planning condition.
64. There exists on-street parking further along Croydon Road which can be used by future occupiers of the proposed flat within this development.
65. A planning condition suggested by SCC Highways also ensures –
- bollards would be provided to prevent pavement parking across the frontage of the site and visibility splays are kept clear
  - dropped crossing points would be provided across the junction of Greenhill Avenue with Croydon Road (located on the opposite side of the site), improvements to two bus stops along Croydon Road
  - electric charging points would be provided
  - a Travel Plan and a Delivery Service Plan would be implemented and retained at all times.
66. Space is provided within the site to accommodate the unloading of delivery vehicles and a swept path plan has been provided to demonstrate that they are able to turn within the car park to access the dedicated unloading bay. Delivery vehicles to the site will be managed under the Delivery Service Management Plan which has been submitted with the application and which will restrict the number of service vehicle movements and to ensure that deliveries do not take place during school drop off and pick up times. Deliveries will therefore not have a significant impact upon the public highway.
67. A Construction Transport Management Plan will be submitted to this LPA prior to any work starting on site to ensure that no construction vehicles will enter/leave the site or be laid up waiting on Croydon Road during the school drop off and school pick up times and also during am and pm peak traffic times.
68. As referred to above, further advice is needed from SCC Highways before the proposal is considered to accord with the access, parking and highway safety provisions of policy CSP12 of the Core Strategy and policies DP5 and DP7 of the Local Plan.

#### Flooding

69. Paragraph 155 of the NPPF 2019 advises that; 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.

70. Policy DP21 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 advises that proposals should seek to secure opportunities to reduce both the cause and impact of flooding. Development proposals within Flood Risk Zones 2 and 3 or on sites will only be permitted where, inter alia, the sequential test and, where appropriate, exception tests of the NPPF have been applied and passed and that it is demonstrated through a Flood Risk Assessment (FRA) that the proposal would, where practicable, reduce flood risk both to and from the development or at least be risk neutral.

71. The Surrey County Council Flood and Climate Resilience, basing their comments on the information provided in support of this application included in the Flood Risk and Sustainable Drainage Strategy Stirling Maynard, November 2021, revision P03, document reference: 3727 362 are satisfied that the proposed scheme would meet the requirement set out in the NPPF for sustainable drainage systems. Their suggested conditions have been included in the recommendation. The Environment Agency also do not object to the proposal subject to their suggested condition.

#### Trees and Landscaping

72. The Council's Tree Officer has been consulted. He comments that in terms of retained trees, those few trees that are growing in close proximity to the development will be protected by the retaining wall as described within the Barrell arboricultural report. In that respect he has no comments to make.

73. With regards to hard and soft landscaping he has suggested three new trees be planted on site together with other details which include pedestrian and vehicular access, hardstanding materials, artefacts.

74. The proposal incorporates planting of two new trees, one short of that suggested by the Tree Officer. The site is tightly constrained and the part of the car park which would not be covered by the proposed Aldi building would be fairly enclosed by buildings on both sides and the retaining wall along the west boundary. This would also result in loss of at least one car space. Given the location of the site, the amount of parking required and the mitigation measures which have been required by SCC Highways to ensure that the proposal does not result in traffic congestion on Roydon Road at this location it is considered that on balance the lack of one tree would can be upheld to recommend a refusal of this application.

75. The proposal comprising of retention of existing trees on site, the fact that there has been no loss of previous soft landscape on this site and that this proposal would occupy an empty site providing socio-economic benefits to the local community, no objection is raised in terms of lack of one additional tree.

76. A planning condition has been recommended to ensure the two proposed trees are planted according to the approved proposed site plan.

#### Sustainability

77. Policy CSP14 requires the reduction of carbon dioxide (CO<sub>2</sub>) emissions by means of on-site renewable energy technology. A Renewable and Low Carbon Energy Statement for Aldi Stores Ltd prepared by Sol Environment Ltd has been provided in support of this application. The proposed installation of a refrigeration heat recovery system would result in a 18% reduction in CO<sub>2</sub> emissions. The proposed sustainable building design (reduction of energy consumption at source), provision of energy efficiency measures and the installation of building integrated low and zero carbon (LZC) technologies would add to this reduction and therefore would accord with the aim of Policy CSP 14 of the Core Strategy.

## Biodiversity

78. Policy CSP17 of the Core Strategy requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
79. Policy DP19 of the Local Plan Part 2: Detailed Policies 2014 advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
80. Surrey Wildlife Trust (SWT) comment that the site is of low value to biodiversity. The Preliminary Ecological Appraisal report (Ecology Solutions, dated August 2021) provided in support of this application revealed that roosting bats are present in the surrounding area, however, none was identified roosting in the buildings survey. SWT have suggested a pre-commencement planning condition for a bat preliminary ground roost assessment and any further surveys that may be required. However, given that the existing trees on site are to be retained and the fact that the existing site has low value in terms of biodiversity it is considered that no further Ecology matters are needed to be addressed in this case.

## Conclusion

The proposal would use an empty brownfield site for the proposal development and would generate new full and part time employment opportunities. As concluded within the related assessments would not result in an adverse impact on the existing retail offer in the town Centre or on the edge of centre outlets in Caterham. A travel Plan and Delivery Service Management Plan would ensure the proposal does not affect the highway network. The Flood Risk and Sustainable Drainage Strategy submitted in support of the application has been assessed by the LLFA and found to be acceptable. The impact of the proposal on the character and appearance of the surrounding area together with residential amenities of neighbours would accord with relevant policies as discussed above. On this basis the proposal is considered to accord with Policies CSP 18, CSP 14, CSP 22 of Core Strategy 2008 and Policy DP5, DP7, DP21 of the Tandridge Local Plan: Part 2 Detailed Policies 2014.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

For the reasons discussed above, if SCC Highways can confirm the acceptability of the proposed parking provision then the application can be recommended for approval.

The recommendation would be made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 213 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

All other material considerations have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION: That, subject to further clarification of the views of Surrey County Council as Highway Authority on the acceptability of the proposed parking provision to service the development, the Interim Chief Planning Officer be authorised to grant planning permission subject to:**

- a) within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - Financial Contribution to be provided to the sum of £6,150 to the County Highway Authority towards the monitoring of a Travel Plan
- b) Subject to the conditions stated below
- c) the Interim Chief Planning Officer is authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

#### CONDITIONS

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered: 17035 -110 F, 17035 – 111C, 17035 – 112C, 17035 – 113B, 17035 – 114B, 17035 – 115A, 17035 – VL-L01B, 17035-SHP-V115

The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. Prior to commencement of the development hereby approved details of the design of a surface water drainage scheme in accordance with the scheme submitted to the LLFA in the Flood Risk and Sustainable Drainage Strategy, Stirling Maynard, November 2021, revision P03, document reference: 3727 362 have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the I in 30 & I in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 IIS.

- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

- 4. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

- 5. Prior to commencement of the development hereby approved a detailed written scheme of potential contamination assessment consisting of site reconnaissance, conceptual model, risk assessment and schedule of investigation shall be submitted to and approved in writing by the District Planning Authority. Before commencement of development above ground the scheme of assessment shall be carried out at such points and to such depth as the District Planning Authority may stipulate and laboratory results shall be provided as numeric values in an electronic formatted spreadsheet in accordance with the standards of the Government Guidance for Land affected by Contamination A scheme for decontamination and validation shall then be agreed in writing by the District Planning Authority and the scheme as approved [including provision of suitable soft landscaping where necessary] shall be implemented before any part of the development hereby permitted is occupied.

Reason: This condition is essential to ensure satisfactory amelioration of contaminated land, in accordance with Policy DP22 of the Tandridge Local Plan: Part 2 Detailed Policies 2014

- 6. Prior to commencement of the development hereby approved a Construction Transport Management Plan, to include details of:
  - (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

(j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 14.30 and 18.00 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, on Croydon Road, Greenhill Avenue or Tillingdown Hill during these times

(k) on-site turning for construction vehicles 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.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

7. Prior to the first occupation of the development hereby approved, the proposed vehicular access to Croydon Road shall have been constructed and provided with visibility zones, dropped crossing points and tactile paving either side of the access in accordance with the approved plans (17035-1 10 Rev F) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m in height.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

8. Prior to the first occupation of the development hereby approved, the existing access from the site to Croydon Road shall have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

9. Prior to the first occupation of the development hereby approved, parking spaces to include 3 disabled bays in accordance with the approved plans for vehicles to be parked as on drawing number 17035 -110 F and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear shall be implement on site. Thereafter the parking / loading and unloading / turning areas shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

10. Prior to the first occupation of the development hereby approved, at least 2 of the available parking spaces shall be provided with a charging post delivering up to 22kw and 3 spaces are provided with a fast charge socket (current minimum requirement 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) with a further 12 spaces to be provided with a power supply to provide additional fast charge socket (Feeder pillar or equivalent permitting future connection 230 v AC 32 amp single phase dedicated supply). in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

11. Prior to first occupation of the development hereby approved the Travel Plan (Aldi Stores Ltd dated March 2022) shall be implemented prior to the retail unit first being brought into use and thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

12. Prior to first occupation of the development hereby approved Delivery and Servicing Management Plan (dated 9 May 2022) shall be implemented prior to the retail unit first being brought into use and thereafter maintained and developed to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

13. Prior to the first occupation of the development hereby approved, the following facilities/works shall be provided in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority for:

- (a) The secure and covered parking of a minimum of 12 bicycles within the development site. The provision of 6 lockers for cyclists to store cyclist equipment and facilities for cyclists to change into and out of cyclist equipment/shower in the store.

- (b) The provision of bollards on the footway between the development access and the signalised pedestrian crossing to prevent pavement parking and ensure the visibility splay is kept clear.

- (c) Dropped crossing points with tactile paving to be provided across the junction of Greenhill Avenue.

- (d) The improvement of the bus stop directly adjacent to the site and the bus stop opposite Shaw House on Croydon Road to include the following improvements:

- Existing bus shelters to be upgraded and provided with seating with arm rests and lighting.

- Each bus shelter to be provided with Real Time Passenger Information (RTPI) displays.

- Raised access kerbing to a height of 140 mm for at least a length of 9m.
- 24 hour bus stop clearways

and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021 and in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

14. Prior to commencement of the development hereby approved details of external lighting, including the intensity of illumination and predicted lighting spill contours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to comply with the NPPF (2021) and the recommendations in BCT & ILP (2018) Guidance Note 08/18. Bats and artificial lighting in the UK; the Bats and the Built Environment Bat Conservation Trust, London & Institution of Lighting Professionals, Rugby".

15. The development shall be carried out in accordance with the submitted flood risk assessment '2021-09\_Flood Risk and Sustainable Drain\_54537' and the following mitigation measures it details:

- a) Finished floor levels shall be set no lower than 107.32 metres above Ordnance Datum (AOD), as detailed in section 3 of the submitted flood risk assessment
- b) The proposed development shall be built in accordance with the layout in detailed in Appendix C of the above referenced document.
- c) The surface water run-off rate shall be restricted to 5 l/s by the drainage strategy detailed in Appendix E of the above referenced document.

These mitigation measures shall be fully implemented prior to first occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure drainage design does not increase flood risk on or off site in accordance with Policy DP21 of the Tandridge District Local Plan Part 2: Detailed Policies 2014

16. The proposed trees and soft landscape as indicated on the drawing titled LANDSCAPE PLAN numbered 17035-VL L01 REV B shall be implemented within the first planting and seeding season following the occupation of any part of the development or otherwise in accordance with a programme to be submitted for the approval in writing of agreed Local Planning Authority prior to occupation of the development. Any trees or plants (including those retained as part of the development) which, within a period of 5 years from the completion of the soft landscaping scheme, die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out and completed in full prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

17. Prior to first occupation of the development hereby approved, the renewable energy measures included in the Renewable and Low Carbon Energy Statement for Aldi Stores Ltd prepared by Sol Environment Ltd shall be implemented and retained as such at all times.

Reason: In order to accord with Policy CSP 14 of the Tandridge District Core Strategy 2008.

18. The development hereby approved shall contain no more than 816 sq m of floor space for sale of convenience goods and shall be retained as such at all times.

Reason: In order to ensure viability of other convenience retail outlets in or on the edge of Caterham town Centre and in accordance with the outcome of the Planning, Economic and Retail Statement (September 2021) provided in support of the application.

#### **Informatives:**

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition xx of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. 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-managementpermit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

3. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>

for guidance and further information on charging modes and connector types.

4. 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 street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
5. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
8. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

9. 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.
10. 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.
11. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.