

Development Site at 65 London Road Ewell Surrey KT17 2BL

Development of a supermarket, together with associated parking, access servicing and landscaping.

Ward:	Stoneleigh Ward
Contact:	John Robinson Planning Officer

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PC26NPGYKH400>

2 Summary

- 2.1 The application site was formerly the Organ and Dragon pub which has been demolished and the site is currently vacant. This application seeks permission for the erection of a two and a half storey building, comprising a new Lidl food store at the first and second floor, with car parking and delivery accommodation to the ground floor level.
- 2.2 Planning permission was refused on 27.06.2017 for a similar scheme in the same location, under reference 16/00933/FUL. The associated reasons for that refusal are contained in following sections of this report.
- 2.3 **Having regard for the information that has been submitted with the application, it is considered that the application has not addressed the previous grounds for refusal, and it is therefore recommended for REFUSAL.**

3 Site description

- 3.1 The application site, approximately 0.3ha, is located in a prominent corner position at the junction of the A24 (London Road) and the A240 (Ewell By-Pass), and was previously occupied by the Organ and Dragon Public House.

- 3.2 The site is irregular in shape on a north-east south-west axis parallel to London Road. The site generally falls from the south east to the north-west direction, with a level difference from London Road to the site maintained by an existing retaining boundary wall. There is also a rise in level in the grassed areas to both sections to the north of the site. Vehicular access to the site is off London Road opposite a petrol filling station.
- 3.3 Adjacent to the site on the Ewell By-Pass is a group of houses with extensive back gardens which bound the north of the application site, along with the back gardens of those properties on Elmwood Drive. Adjacent to the site on London Road, is Stability House, a former dwelling now converted into offices, with residential accommodation on the upper floor.
- 3.4 The site is within a mixed use area around the junction. There is a designated local shopping parade on the opposite corner of the junction (Ewell By-Pass) which contains around 15 shops in various retail and service uses. Other uses in the area include a car showroom, petrol filling stations, storage warehouse, Territorial Army centre, United Reform Church and offices. The application site does not fall within the designated shopping parade.
- 3.5 Surrounding this predominately commercial area, are the residential areas of Ewell and Stoneleigh, consisting of primarily detached and semi-detached inter-war period houses. Nonsuch Park is approximately 300m from the site.

4 Proposal

- 4.1 This application seeks permission for the erection of a 2.5 storey building, accommodating a new Lidl food store. The proposed building would accommodate a supermarket with a gross internal area of 1307m² and a net retail sales area of 662m², with the retail sales area located at ground floor, with ancillary warehouse and associated back of house accommodation (manager's office, staff room and toilet facilities) located part at ground and part at first floor level.
- 4.2 Access into the sales area would provided by automated sliding double doors off an external raised deck, which in turn would be accessed via an external ramp (along the (front) London Road elevation) .
- 4.3 Parking for a total of 53 customer and 4 staff parking spaces, would be provide partly within an undercroft and partly at ground floor level, around the perimeter of the site.. In accordance with standards, fourteen cycle parking spaces would be provided.

- 4.4 The sole entrance and exit from the car park would be onto London Road, located to the rear of the building. The service area would be located at the rear of the building, positioned to facilitate the manoeuvring of the delivery vehicle into the delivery area in front of the delivery doors.
- 4.5 The building would be of contemporary design with the external walls to the store consisting of brick cladding, "alucobond" cladding, and large areas of glazing. Full height glazing, above the undercroft parking/entrance deck level, would be provided to the south western elevation and part return south eastern elevation, and the flank elevation facing 153 Ewell By-Pass would have a full height "green" wall.
- 4.6 The building would have a low angle, mono-pitched roof, with the high point along the front elevation along London Road, reducing in height to the rear, shared boundary with no 153 Ewell By-Pass.
- 4.7 This application is supported by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Transport Assessment including a Draft Travel Plan
 - A BREEAM Pre-Assessment Report; and
 - Noise Impact Assessment

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to in excess of 400 neighbouring properties. To date (09.01.2019) 10 letters of support have been received with 387 letters of objection raising the following issue:
 - The additional traffic movements associated with the proposed development at the junction of A24 and A240 will increase queueing and congestion on both roads and as a result, will have a severe impact on the safety and efficiency of traffic on the surrounding highway network.

6 Consultations

- 6.1 Surrey County Council Highways: Recommend refusal
- 6.2 Environment Agency: No objection. Offered advice with respect to flood risk and groundwater abstraction

- 6.3 Surrey County Council (Flood Authority): Recommends refusal because significant issues have been identified regarding the proposed surface water strategy to comply with the requirements laid out under the Technical Standards. However, in the event that planning permission is granted against their recommendation, they suggest appropriate conditions be imposed.
- 6.4 Contaminated Land Officer: The site is close to several potential sources of contamination, including an infilled brick pit. The development proposals include for a basement and so the potential risk from ground gas is especially pertinent. Condition to be imposed
- 6.5 Tree Officer: Recommends refusal as there is insufficient space being designed into the scheme for green infrastructure.
- 6.6 Surrey Archaeology Officer: Under Local Plan policy DM8, sites outside of an AHAP and in excess of 0.4ha, require archaeological assessment, however, as the site is below that threshold and is likely to have been subject to considerable disturbance from the construction and subsequent demolition of the public house that formerly occupied the site, I have no archaeological concerns. No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
12/00685/FUL	13.12.2012	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) use with associated improvements to the access and car parking areas.	REFUSED Appeal DISMISSED 25.09.2013
12/01234/FUL	27.03.2013	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) with associated improvements to the access and car parking areas.	REFUSED
16/00933/FUL	27.06.2017	Erection of a Class A1 convenience supermarket and associated parking, access, servicing and landscaping.(Amended drawings received 09.05.2017)	REFUSED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

- Chapter 2 Achieving sustainable development
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 9 Promoting sustainable transport
- Chapter 11 Making effective use of land
- Chapter 12 Achieving well-designed places
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

- Policy CS5 Conserving and Enhancing the Quality of the Built Environment

Policy CS6	Sustainability in New Developments
Policy CS8	Broad location of Housing Development
Policy CS15	Role of Local Centres
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM5	Trees and Landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Development (Including House Extensions)
Policy DM29	Major New Retail Developments
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

9 Planning considerations

Previous Application

9.1 A similar application (16/00933/FUL) for a Lidl supermarket with associated parking, access, servicing and landscaping, was refused by the Planning Committee in June 2017 on the following grounds:

1. The proposed building, due to its design, scale, height and massing would appear as a dominant and overbearing element in the outlook from no. 153 Ewell Bypass, contrary to Policy DM10 of the Development Management Policies Document 2015.

2. The proposed building due to its design, scale, height and location would lead to an unacceptable sense of enclosure to the rear garden of no. 1 Elmwood Drive contrary to Policy DM10 of the Development Management Policies Document 2015.

3. The proposed car parking provision within the site is inadequate to accommodate the demands of staff and customers of the store. This will lead to queueing on both the A240 Kingston Road (East and West) and the A24 London Road, whilst customers wait for space to become available in the car park, causing severe congestion at this very busy junction, contrary to Policy DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

4. The additional traffic movements associated with the proposed development at the signalised junction of A24 and A240 will increase queueing and congestion on both roads and as a result, will have a severe adverse impact on the safety and efficiency of traffic on the surrounding highway network, contrary to Policy CS16 of the Core Strategy 2007.

5. It has not been demonstrated to the satisfaction of the County Highway Authority, that pedestrian movements to and from the store have been adequately catered for, causing detriment to the safety and convenience of pedestrians in the local neighbourhood who may be discouraged from walking to the store because of the lack of crossing facilities at the access to the store and on the A24 London Road particularly at the traffic signals, contrary to Policy CS16 of the Core Strategy 2007.

6. A mixed use development of retail and residential would be a preferable form of sustainable development over a single use scheme at this location. The proposed single use of the site would therefore be unsustainable, contrary to Core Strategy Policy CS1 and CS8.

9.2 The current proposal has significantly revised elements in order to address the reasons for refusal set out above. The applicant submits that the current scheme differs in the following ways:

- *“The overall scale of the development has been substantially reduced in order to address the first and second reasons for refusal*
- *The provision of car parking provided at the site accords with the Councils standards, whilst the traffic movements associated with the development have been shown not to materially increase queueing and congestion on the local highway network, thereby addressing the third and fourth reasons for refusal.*
- *Enhanced pedestrian movement is proposed to be provided at the adjacent highway junction so as to overcome reason for refusal number 5*
- *Evidence is submitted to demonstrate compliance with Core Strategy Policies CS1 and CS8 to address the reason for refusal number 6.”*

Principle of Development

- 9.3 Chapter 11, para 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 9.4 Para 118 states that planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.
- 9.5 Para 123 (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 9.6 The application site is located in the built-up area of Epsom. It is previously developed land and in a sustainable location. It is not within a conservation area. The redevelopment of this site is therefore appropriate in principle, subject to compliance with relevant development plan policies.

Sustainable Development

- 9.7 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.8 Policy CS8 states inter alia that “In principle, the strategy will be to direct higher density development to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This will enable relatively lower densities to be applied to other parts of the built-up area to help retain their character and local distinctness The Council will also encourage mixed use developments within the more accessible town or local centre locations. Further policies on densities will be set out in subsequent DPDs.”
- 9.9 Policy CS1 of the Core Strategy (2007) expects development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environment and should achieve high quality sustainable environments for future generations.
- 9.10 Addressing the 6th reason for refusal, the applicants submit that consideration of relevant development plan policies clearly demonstrate that the proposal to develop the application site solely for a supermarket is not contrary to the provisions of Core Strategy Policies CS1 and CS8.
- 9.11 With reference to Policy CS8, the applicants submit the following:
- 9.12 *The “third” element of Policy CS8 states that the Council will “encourage” mixed use developments within more accessible town and local centre locations. They argue that whilst the Council may “encourage” mixed use development in such locations, such “encouragement” does not equate to a policy requirement that all development within centres must comprise mixed use scheme. In the absence of any policy requirement to provide mixed use development on the application site, they submit that Council’s “encouragement” of mixed use development in more accessible town and local centre locations, does not constitute a sound policy basis on which to refuse planning permission for a development which is not a mixed use scheme.*
- 9.13 *Simply because the application does not include an element of residential development and is therefore not a mixed use scheme, does not mean that the proposals conflict with Policy CS8. The fact that the Council might “prefer” an alternative form of development of the site is an immaterial consideration in the determination of the application.*

- 9.14 *It is considered unreasonable and unlawful, for the Council to seek to contend that Policy CS8 enable a refusal of planning permission for retail development on the application site, because that development does not comprise a mixed-use scheme. It is also demonstrably incorrect for the Council to contend that a non-mixed scheme on the application site would fail to accord with the policies of the development plan.*
- 9.15 *The scale of development proposed in the current application represents a substantially reduced scale of development, when compared to the 2016 proposal. It is a scale of development significantly smaller than that which Lidl would ideally wish to provide within Ewell in order to meet the requirements of the local market they seek to serve. Such considerations mean it is not possible for the scale of retail development to be further reduced to the extent that would enable a mixed use retail and residential scheme to be brought forward for the site, that would be suitable for Lidl and the satisfactory undertaking of its business operations. The limited extent of the site means that it is not suitable to accommodate a Lidl supermarket together with residential development.*
- 9.16 *In the current instance the application site is suitable to accommodate the scale of retail development now proposed. Given the site's constraints the inclusion within the development of residential use would require a reduction in the scale of retail floorspace. Such a reduction in retail floorspace is not what the applicant's require: such a compromised retail offer will not allow the company's retail operation to function satisfactorily and offer the scale and range of product lines considered essential if the retail unit is to operate in accordance with the company's business model. In short, the site is physically incapable of accommodating a mixed-use scheme providing an element of residential development together with a Lidl supermarket.*
- 9.17 *Given the above, it is considered that the application proposals give rise to no conflict with Policy CS8 of the Core Strategy and it is wholly unreasonable of the Council to seek to resist development that is otherwise acceptable on the basis of its "preference" for a mixed use scheme, and in the absence of any development plan policy or national planning policy to support such an approach.*
- 9.18 Having regard to the applicants submission, Officers comment as follows:
- 9.19 Whilst the Council may encourage mixed use development in such locations, such encouragement does not equate to a policy requirement that all development within centres must comprise mixed use scheme. In the absence of any policy requirement to provide mixed use development on the application site, the Council's encouragement of mixed use development in more accessible town and local centre locations, does not constitute a sound policy basis on which to refuse planning permission for a development which is not a mixed use scheme.
- 9.20 With reference to Policy CS1, the applicants submit the following:

- 9.21 *The application proposals will deliver modern new retailing facilities on a semi-derelict brownfield site: the proposed development of a Lidl foodstore on the application site will therefore contribute positively to the social, economic and environmental improvement required to achieve sustainable development in Ewell.*
- 9.22 *Through the provision of enhanced and extended retail facilities it will improve local consumer choice and deliver new local shopping facilities in a readily accessible location and thereby deliver social benefits. It will create approximately 40 new local employment opportunities and return to economic Class A use a site which is currently vacant and non-productive and formerly in Class A use, thereby delivering significant economic benefits. In environmental terms the development will deliver a building of high quality contemporary design on a prominent site that currently detracts from the qualities of the urban realm as a result of its poor appearance and current vacant and redundant status.*
- 9.23 *The development of a new Lidl supermarket on the application site will have no adverse impact on the natural environment but will contribute to its conservation through the effective use of land that has previously been developed.*
- 9.24 *The application proposals will have no adverse impact on any heritage asset and will deliver a building of high quality design on a prominent corner site. The application proposals will therefore act to protect and enhance the natural and built environment of this part of the Borough.*
- 9.25 *As set out in the Design and Access Statement and the BREEAM Assessment submitted in support of the application the proposed store will be highly sustainable and thereby contribute towards the creation of a sustainable environment in this part of Ewell. By enhancing the scale and extent of locally available shopping facilities the development will also contribute to the creation of a more sustainable pattern of development by reducing the need for local people to undertake shopping trips to more distant locations.*
- 9.26 Design, (para 9.32 – 9.46) landscaping (9.152) and highway issues (para 9, 95) are assessed in detail in the body of this report. However in summary:
- 9.27 The proposed building would be of a generic design that would not respond to the setting of the local townscape or the historic environment. The scale and massing as well as the material character of the development would be unrelated to the surrounding streets including the houses to the northwest and the north east. It therefore concluded that considered that generic design of the building and it's harsh landscaped setting would fail to contribute to the character and local distinctiveness of the immediate area

- 9.28 The proposed car parking provision within the site would not be sufficient to accommodate the demands of staff and customers of the store. This would lead to queuing on both the A240 Kingston Road (East and West) and the A24 London Road, as customers wait for space to become available in the car park, causing severe congestion at this very busy junction.
- 9.29 The revised layout in connection to servicing would cause a conflict of traffic movements at the entrance to the store close Kingston Road and would cause severe safety concerns,
- 9.30 It has not been demonstrated that pedestrian movements to and from the store have been adequately catered for causing detriment to the safety and convenience of pedestrians.
- 9.31 It is therefore concluded that the proposed scheme would not represent sustainable development as it would fail to comply with Policy CS1 and would fail to meet the social and environmental objectives as set out in paragraph 8 of the NPPF.

Design/Visual Impact/Heritage Impact

- 9.32 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 9.33 Paragraph 130 of the NPPF sets out that 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 9.34 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 9.35 Paragraph 190 of the NPPF stipulates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.36 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. High quality design and inclusive design will be required for all developments. Development should:
- create attractive, functional and safe public and private environments;
 - reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
 - make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 9.37 Policy DM8 is concerned with heritage assets and seeks to ensure that they are conserved and, where possible, enhanced by new development. The policy states that development proposals that involve or have an effect on heritage assets must establish the individual significance of the Asset as part of the application in accordance with national policy.
- 9.38 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 9.39 The building would be of contemporary design with the external walls to the store consisting of brick cladding, "alucobond" cladding, and large areas of glazing. Full height glazing, above the undercroft parking/entrance deck level, would be provided to the south western elevation and part return south eastern elevation, and the flank elevation facing 153 Ewell By-Pass would have a full height "green" wall.
- 9.40 It would have a low angle, mono-pitched roof, with the high point (10.5m) along the front elevation along London Road, reducing in height (7.7m) to the rear, shared boundary with no 153 Ewell By-Pass.

- 9.41 Access into the sales area would be provided by automated sliding double doors off an external raised deck, which in turn would be accessed via an external ramp (along the (front) London Road elevation) .
- 9.42 Parking would be provide partly within an undercroft and partly at ground floor level, around the perimeter of the site.
- 9.43 Officers consider that the proposed supermarket is of a generic design that does not respond to the setting of the local townscape or the historic environment. It is very similar to many other “Lidl’s” across the country and the design is clearly driven by the applicants “business and operational model” and not its specific context.
- 9.44 The scale and massing as well as the material character of the development is unrelated to the surrounding streets including the houses to the northwest and the northeast. The frontage onto the junction would be set back behind an expanse of car parking and while this would not be dissimilar from the car show room opposite, it would not enhance the quality of this environment. The raised ground floor to accommodate the undercroft parking would result in largely blank elevations (and inactive frontages) facing the prominent junction and its surroundings would be dominated by access drives and pedestrian access ramps. The proposed amount of inactive frontage would result in the scheme having little or no relationship with the street or public realm. This would be exacerbated by the absence of landscaping around the perimeter of the site which would do little to alleviate the dominance of cars in the townscape, not only on the two busy road but in the parking areas in front of the building.
- 9.45 Officers consider that although there is potential for a larger building on this corner site and a contemporary design would be acceptable, it should respond to the local context. The building would remain unlike any other building in both the immediate or wider area and would not relate in any meaningful way to the surrounding area or reinforce local distinctiveness in terms of design, materials or appearance.
- 9.46 It therefore concluded that considered that generic design of the building and it’s harsh landscaped setting would fail to contribute to the character and local distinctiveness of the immediate area, contrary to para 127 of the NPPF, Policy DM9 and DM10. and in accordance with para 130 of the NPPF.
- 9.47 Whilst the application site is not itself a heritage asset or within a conservation area, there are a number of statutory heritage assets within the locality of the site and these comprise:
- Ewell Honda, Ewell bypass, Epsom (Grade II)
 - Nos 79 – 85 London Road, Epsom (Grade II)
 - Woodgate, London Road (Grade II)

- Ivy Cottage, London Road. (Grade II)

- 9.48 Of these heritage assets, the “Ewell Honda” building at the side of the Shell petrol filling station on the western side of the Ewell bypass is opposite the application site, some 60m to the south west of the proposed supermarket building, whilst the range of buildings at 79 – 85 London Road is situated to the north east of the application site. These two heritage assets are the listed properties closest to the application site. The other heritage assets in the vicinity include the building known as “Woodgate” on the southern side of London Road to the south west of the application site and “Ivy Cottage” on the south side of London Road to the north east of the application site.
- 9.49 Officers consider that Ivy Cottage and Woodgate are at a sufficient distance from the application site and therefore the application proposals would not affect their setting.
- 9.50 The Ewell Honda Building which dates from 1961, with later 20th and 21st century alterations is listed for its architectural interest. The setting of the building is compromised by the adjacent petrol filling station and its substantial canopy. Views of the listed building are also compromised by the large number of cars displayed for sale on the building’s forecourt. It is therefore considered that the application proposals, would not detract from the setting of the Honda garage.
- 9.51 The buildings at 79 – 85 London Road are a small terrace of four dwellings, which are enclosed by the adjacent properties immediately to the north and south and only oblique views of the heritage asset can be obtained from vantage points on London Road when approaching the site from either the south west or the north east.
- 9.52 The proposed scheme would be focused on the junction of London Road with the Ewell bypass and would not have any material bearing on the setting of the heritage asset at 79 – 85 London Road.
- 9.53 It is therefore concluded that the proposed scheme would not give rise to any conflict with Policy DM8.

Neighbour Amenity

- 9.54 Policy CS5 of the Core Strategy and Policy DM10 of the Development Management Policy Document seek to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.
- 9.55 Para 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

- 9.56 The new building would be set around 4.2m forward of the adjacent dwelling at No 153 Ewell By Pass. This relationship is considered to be acceptable and would not have a material impact on the outlook from the front windows of the affected dwelling. The outlook from the flank of No. 153 would be similarly unaffected as that elevation of the building has no windows.
- 9.57 The north west flank wall, with an eaves height of 7.7m, would face the adjacent dwelling at No 153 at a distance of approximately 4m, along the entire depth of the affected neighbour's rear garden. The proposed introduction of a green wall along part of this elevation and the reduction in both overall and eaves height of the current scheme would be sufficient to mitigate both the perceived and actual impact on the rear outlook from the affected dwelling.
- 9.58 The north eastern flank elevation of the new building would be set back approximately 1.5m from the rear garden boundary of No. 1 Elmwood Drive. The materially reduced scale and bulk of the current scheme would effectively mitigate the previous refused scheme's overbearing and dominant impact on the rear garden of the affected property, and would not lead to an unacceptable sense of enclosure.
- 9.59 The application is supported by a Noise Impact Assessment Report which states the following:
- 9.60 The proposed plant will be located at ground level adjacent to the delivery bay, and abutting the 2m high fence to be erected along the flank (rear garden) boundary with No 1 Elmwood Drive. With the plant in its current location the plant will be louder than acceptable. To mitigate against plant noise, it is advised to install the Dry Cooler and Mitsubishi FDC250VSA plant only in specialist acoustic enclosures/attenuated plant compound. The acoustic enclosures/plant compound should achieve the following minimum sound reduction:
- Dry Coolers 10 dB(A); Mitsubishi FDC250VSA 10 dB(A)
- 9.61 The report concludes that that plant noise will be acceptable when assessed to British Standard 4142:2014 and of a low impact. The Council's Environmental Health Officer concurs, subject to an appropriate condition being imposed requiring the plant to be installed in acoustic enclosures

- 9.62 The northern edge of the undercroft car parking area would be separated from the adjoining flank boundary of the rear garden to No 153 Ewell By-Pass, by a 900mm high brick wall. The rear gardens of No 1 and 3 Elmwood Drive, abut the north western boundary of the application site, whilst the staff parking spaces would abut the rear boundary of Nos 77a and 77 London Road. To mitigate the potential noise impact, it is proposed to safeguard the amenity of the affected properties by requiring the submission of details of an acoustic fence to be erected along the common flank boundaries.
- 9.63 Furthermore, in order to mitigate the impact at what might generally be considered to be quieter times of day it is proposed to impose conditions limiting the store opening times to 7am - 8pm Monday to Sunday, including Bank Holidays. Officers are satisfied that, subject to suitable conditions, activity within the service yard would not impact detrimentally on nearby residential properties. A condition would also be recommended to control the hours during which vehicles may make deliveries to the site to minimise the impact.
- 9.64 It is therefore concluded that the proposed scheme would not have a materially harmful impact on neighbour amenity in terms of being overbearing in the outlook of No 153, or lead to an unacceptable sense of enclosure to the rear garden of No 1 Elmwood Drive, but that any noise and disturbance arising from the new store could be adequately controlled/mitigated against.

Highways Parking and Access

- 9.65 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- (a) appropriate opportunities to promote sustainable transport modes can be-or have been-taken up, given the type of development and its location;
 - (b) safe and suitable access to the site can be achieved for all users; and
 - (c) Any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree
- 9.66 Paragraph 109 states that 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.

- 9.67 Extensive representations have been received by interested parties raising concerns as to the highways impacts and related accessibility issues of this proposal. In particular concerns are raised that the existing highway network in the vicinity of the site is heavily used, congested and restricted. The consequences of this are considered to be that the development would result in harm by adding traffic to this existing situation.
- 9.68 A Transport Assessment (TA), Draft Travel Plan (DTP) and a Car Park Management Plan (CPMP), have been submitted by the applicant. The TA examines the proposed development in terms of vehicular access, the provision of parking for vehicles on site and the potential increase in traffic on adjacent roads.
- 9.69 The Highway Authority, Borough Council officers and the Councils Transport Consultant have scrutinised the Transport Assessment in some depth and have raised a variety of queries, some of which have been addressed in a supplementary response from the applicants. Nevertheless, the Highway Authority is still not satisfied that the vehicular impact of the proposed development would be without harm to the safety and efficiency of the surrounding road network. The points of concern, as set out in their consultation response, are considered below.

Parking

- 9.70 Parking is considered at paras 4.8 – 4.16 of the Transport Assessment which assesses the levels of parking proposed against the recently adopted Surrey County Council (SCC) maximum standard (January, 2018), which concludes (para 4.13): *“The current development proposals provides 53 customer spaces for a 1,307 square metre GIA, which equates to one space per 24 metres GIA. It is therefore considered that the revised scheme provides a parking arrangement close to the maximum standard for a store of this scale, as if the suburban reduction stated within the standards is applied, the maximum standard would be 70 car parking spaces.”*
- 9.71 The Transport Assessment also notes that because the proposed development relates to a store on “stilts” this has the effect of inflating the overall floor area and the development’s parking requirements. It notes that if the store were of a more conventional format, the store’s gross area would be reduced compared to the sales area provide, and that this further demonstrates the suitability of the parking provided (Transport Assessment, para 4.14)

- 9.72 The adequacy of parking is further demonstrated in the parking accumulation analysis (set out in section 6.0 of the TA) which identifies that Peak parking demand on the Friday would occur between 11:00-12:00 hours, reaching 36 vehicles. This would reduce to 25 vehicles during the established network evening peak period. Parking demand is shown to reach 41 vehicles between 10:00-11:00 hours on the Saturday. At the busiest time on a Saturday parking demand would only reach 72% of the total parking provision, or 77% when excluding staff spaces. The Transport Assessment therefore concludes that the level of parking provided is sufficient to accommodate demand at established retail trading peak periods such as the build-up to Christmas.
- 9.73 Whilst the trip generation profile shows that 67 vehicles are anticipated to arrive during the peak Saturday period, very few customers will remain on site for a full hour. Each parking space will turn over close to two vehicles in any given hour. This assertion is supported by evidence at other Lidl stores within the TA, which shows that an average of 62.8% of customers remain within a Lidl store car park for less than 30 minutes. This reaches 71.3% at the Norbury store. The number of customers visiting a store in any given hour can therefore comfortably exceed the maximum number of parking spaces without resulting in parking demand reaching capacity. Considering the small floorspace proposed for this store, it is likely that customer trips will be an even shorter duration.
- 9.74 Parking controls would be introduced within the car park to manage the turnover of parking spaces and ensure that parking is not abused on site. The length and control of parking on site would be agreed with the Highways Authority and the Council, although it is anticipated that this would involve automatic number plate recognition (ANPR) with a maximum stay of two hours.
- 9.75 Staff would not be permitted to drive and park at the store other than within four allocated spaces, and therefore the remainder of the spaces would remain available for customers.
- 9.76 It is proposed to implement a Travel Plan as part of the redevelopment of the retail unit which would help to reduce the number of car-borne trips to and from the application site and thus reduce peak period congestion on the local highway network.
- 9.77 A Car Park Management Plan has been produced with the aim of managing the Lidl car park to ensure that future customers can access and park at the site for short-stay visits to the foodstore.
- 9.78 Servicing

- 9.79 The applicants submit that Lidl's policy is to limit deliveries to two or three vehicles per store each day, with waste material and returns being taken away in the same vehicle. Servicing is usually undertaken outside of network and trading peak hours. It is clear therefore that activity will be occasional, not occurring during busier time periods.
- 9.80 They state that it is fully within the control of the Council to control when servicing takes place at the store and how many vehicles can service the store per day/at any time. This would in effect resolve any concerns by limiting servicing to time periods where there is minimal to no conflict with either customers or users on the wider road network.
- 9.81 They submit that the servicing arrangement for the previous application was considered acceptable, with layout not forming a reason for refusal. Accordingly, the proposed servicing arrangement is similar to the previous scheme, though accounting for a relocated servicing bay. This can accommodate vehicles up to, and including 16.5 metre articulated vehicles,
- 9.82 Double yellow lines are proposed within the site in the vicinity of the loading bay to prohibit informal parking. This will ensure that the area to the front of the site is kept clear to enable access by service vehicles at all relevant times. The site layout plan also illustrates an area of carriageway hatched to prohibit informal parking. This also in effect reduces the width of the access junction for customers to manage traffic flow in and out of the site.
- 9.83 Based on the above, they submit it would be appropriate for the Council to consider way of controlling servicing aspects to mitigate any concern raised by SCC.

Sustainability and Accessibility

- 9.84 The TA sets out measures to improve pedestrian connectivity at the signal junction, and which suggests could be tied to the application by way of a Section 106 or Section 278 agreement. The TA seeks to improve the pedestrian crossing in the following ways:
- Provide tactile paving where none is provided on all arms of the junction (both London Road arms of the junction); and
 - Introduce pedestrian signal controls to both the A24 London Road arm and the London Road (south-western arm), neither of which currently benefits from provision.
- 9.85 The TA includes an indicative layout for the improved crossing points, which could be achievable without altering the current signal phasing by providing a staggered crossing adjacent to the site. This would require increasing the width and length of the central island where necessary.

Trip Generation

- 9.86 This section of the TA sets out the projected trip attraction of the proposed Lidl foodstore. This follows the agreed methodology undertaken during the previous refused application where no objection was raised, albeit it makes use of revised TRICS compliant survey data at the nearby Lidl Chessington store.
- 9.87 The assessment predicted the likely trip attraction of the proposed foodstore by way of TRICS compliant survey data undertaken at the Lidl Chessington store, which was specifically requested by SCC. Survey data of the Chessington store was interrogated during the following time periods:
- 07:00-21:00 hours on Saturday 12th May 2018; and
 - 07:00-21:00 hours on Tuesday 15th May 2018.
- 9.88 Appendix H of the TA shows that the Lidl Chessington store generated 108 vehicular movements in and 116 movements out between 11am and midday (the peak hour) on the Saturday. The trips anticipated to be generated at the Lidl store at the application site were then calculated from the proposed sales floor area of 662m² reduced from the 1,063m² sales floor area at the Chessington site. This led to a predicted traffic flow of 67 arrivals and 72 departures in the Saturday peak hour.

Traffic Impact

- 9.89 Section 7 of the TA accounts for comments raised by SCC in respect of junction modelling during the previously refused planning application and recent pre-application discussions, alongside comments raised by the Inspector in the 2013 KFC appeal decision. In particular, this includes:
- The inclusion of appropriate committed development sites;
 - The use of revised development trips;
 - The inclusion of Beaufort Way and the petrol station within the model;
 - Interrogation of the interaction between the proposed access and that of the petrol station access and Beaufort Way; and
 - The suitability of the Linsig software to model London Road, taking into account the one to three lane approach, and the inclusion of the petrol station/Beaufort Way access junctions.
- 9.90 The TA states that whilst it is clear therefore that whilst the junction does operate with delay and queuing during the weekday evening peak, there are opportunities to optimise the signals to rebalance the delay. This allows the development to be accommodated on the network without detriment to the overall operation of the signal junction.

- 9.91 Refusal reason 4 for the previous foodstore application stated that the additional traffic movements associated with the development will increase queuing and congestion on the A24 and A240 and as a result would have a severe impact on the surrounding highway network. The assessment of the revised scheme shows an increase in queuing on the A24 London Road arm, upon which the site access is located, although significant reductions in queuing on the by-pass. On this basis, the impact of the development is considered to be negligible.
- 9.92 The inclusion of not only the Lidl access, but also the petrol station access and Beaufort Way is shown to have no impact on the operation of the network. The existing 'keep clear' markings, alongside the gaps in traffic that will arise during the peak hour mean that no additional delay will be experienced.
- 9.93 It concludes that the assessment work carried out demonstrates how minor alterations to the signal timings of the junction can have the effect of mitigating the increase in traffic flow resulting from the proposals. Whilst this can be achieved through optimising the signals within the LinSig model, the junction itself could account for these changes through its UTC system.
- 9.94 The County Highways Officer commented as follows:

Parking

- 9.95 The previous application considerations clearly detailed that the level of parking provision was a key consideration in relation to the development proposal. It is noted that the overall size of the development has been reduced, with a Gross Internal Area (GIA) now proposed as 1,307m² (a reduction of 678sqm). However, the level of parking being proposed (53 customer car parking spaces and 4 staff parking spaces) is still significantly below the SCC parking standards. The floor area as proposed would require 93 car parking spaces at the maximum level, if the location is taken as a suburban then SCC would support the car parking numbers being reduced by 25 percent, to provide 70 car parking spaces. The applicant is not providing car parking levels commensurate to the parking standards and has applied a 40 percent reduction. SCC consider this an under provision of car parking for the proposed development in a suburban location, with low accessibility, offering limited alternative opportunities to undertake journeys by sustainable modes of transport.

- 9.96 In addition to the sub-standard parking levels, SCC outlined in the previous application, that the general layout and movement of vehicles seeking to enter and exit the proposed car park, via the new access off the A24 London Road had highway safety implications. The applicant has not sought to address this highway safety aspect, as the car parking layout remains almost identical. SCC highlight that the new access is very wide and prioritises vehicle movements over pedestrian movement, there is no internal or external stacking capacity being made available or proposed, the first car parking space is located only 10m from the entrance providing no stacking capacity. These aspects combined are considered to result in queuing taking place, which is considered to impact on the A24 London Road and the junction operations causing a highway safety impact and increasing congestion.
- 9.97 The Council's Transport Consultant commented as follows:
- 9.98 Surrey County Council requested in their pre-application consultation that car parking for the Lidl store on Leatherhead Road, Chessington (1,275m² GFA) and the Aldi store on Kingston Road, Ewell (1,523m² GFA) were surveyed to support this application. Information only for the Lidl store in Chessington was provided as Aldi did not provide consent for a survey.
- 9.99 The Lidl store on Leatherhead Road, Chessington was constructed in 2008 and is in a suburban location. There are 50 customer parking spaces, of which four are Blue Badge holder spaces and four reserved for parents with children. A further 2 staff parking spaces are provided on-site. This equates to approximately one parking space per 25m² floor space. Access to the site leads straight into the car park so there is no queuing lane capacity within the site to cope with peak demand, leading to significant queuing issues on Leatherhead Road.
- 9.100 A planning application for the extension to the car park to provide a further 24 parking spaces (planning reference 16/10029/FUL) to try and alleviate the significant queuing issues on Leatherhead Road was refused by the Royal Borough of Kingston upon Thames on 5th December 2016 as it would lead to the loss of two family dwellings. The Technical Note submitted with the application demonstrated that the car park was regularly at capacity and vehicles queue on Leatherhead Road waiting to enter. It should be noted that no reason for refusal was given with respect to transport or parking in this decision notice.
- 9.101 The Aldi store on Kingston Road, Ewell was constructed in 2015 and is in a suburban location with unrestricted parking permitted on surrounding residential roads. Although the planning application was for 61 spaces there are 59 marked car parking spaces provided, which equates to approximately one space per 25m² floor space. The car park for this store is also inadequate as queuing vehicles within the car park and on Kingston Road are a regular occurrence, causing significant capacity/safety issues on Kingston Road.

- 9.102 Due to the level of local concern raised by local residents at the Ewell store Epsom & Ewell Borough Council commissioned a survey at this location to obtain parking accumulation data within the Aldi car park and queuing within the laybys and on the lane of the A240 back from the Aldi store entrance on Saturday 15th July 2017 (8am to 10pm), Sunday 16th July 2017 (10am to 4pm), and Thursday 20th July 2017 (8am to 10pm). Schools in the area were still open during these dates but it is acknowledged that private schools were closed so there is likely to be less traffic on the highway network on these days.
- 9.103 It is clear from the surveys undertaken that the Aldi, Ewell car park has insufficient capacity with up to 20 vehicles recorded within the car park over and above the number of parking spaces that are provided on-site. The inadequate parking provision within the Aldi store car park is also leading to traffic significant congestion on Kingston Road.
- 9.104 Both the Lidl store in Chessington and Aldi store on Kingston Road, Ewell provide 1 car parking space per 25m². However, it is evident for both stores that this level of car parking is woefully inadequate. The surveys undertaken for the Aldi store in Ewell demonstrated that the car parking provision was some 20 spaces short of the demand (excluding those waiting on the carriageway to enter).
- 9.105 The Car Parking Management Plan (CPMP) aims to restrict duration of stay for 90 minutes. The applicant states that the average duration of stay of customers is less than 30 minutes so the restriction imposed in the CPMP will not increase the turnover of spaces within the site.
- 9.106 It is therefore considered appropriate that the full 70 car parking spaces (1 space per 19m² GFA) should be provided at the proposed Lidl store at the Organ & Dragon Public House site in order to ensure that traffic safety is not compromised due to vehicles queuing back onto London Road.
- 9.107 Officers therefore conclude that the proposed car parking provision within the site would not be sufficient to accommodate the demands of staff and customers of the store. This would lead to queuing on both the A240 Kingston Road (East and West) and the A24 London Road, as customers wait for space to become available in the car park, causing severe congestion at this very busy junction.

Servicing

- 9.108 The applicant has revised the service approach to the site, this has now been relocated closer to the new site access. In a review of the swept path analysis submitted (Ref: 010002 Rev B, dated Oct 17) for the revised servicing proposal, SCC raise an objection. Any service vehicle accessing the site, from a small box van through to the largest articulated vehicle, would cause congestion, both on the highway network with the tight turn into the site and then within the site as this would block the car park whilst the vehicle manoeuvres in/out of the loading bay. No other vehicle would be able to enter (or exit) the site whilst this activity was being undertaken, causing queuing and congestion on the A24 London Road. The applicant has responded on this aspect by indicating that a service management plan could be secured to address this concern. SCC are not of the opinion that this could be suitably managed and would create a highway safety impact, as only one service vehicle accessing the site would cause problems.
- 9.109 The Council's Transport Consultant commented as follows:
- 9.110 Appendix G of the TA shows the delivery vehicle using the whole width of the vehicular access to enter the site and stopping on the pedestrian crossing to the store on the side of the internal access road in the path of oncoming drivers before reversing back into the delivery bay. This relies on the vehicular access and the first section of access into the site containing 10 car parking spaces being kept clear to undertake this manoeuvre. In addition the delivery vehicle over-hanging the centre line of the road on Kingston Road to turn left into the site. The drivers approaching the traffic signal controlled junction on the A24 queue two abreast at this point so there is limited scope for the delivery driver to pass over the centre line, forcing the delivery driver to wait on carriageway until the opposing lane is free of traffic, thereby blocking the A24.
- 9.111 At most food retail stores it is recognised that deliveries can take place outside peak times and an area of car park is regularly coned off to allow the heavy goods vehicle to manoeuvre safely on-site. However, in those instances the delivery bay is located away from the vehicular access to the site so no conflict can occur between customers arriving and leaving. The proposed arrangement is unsatisfactory and has the potential to severely compromise safety and block the access/A24 whilst the delivery vehicle manoeuvres into the loading bay.
- 9.112 There is also the concern that the TA refers to servicing taking place outside peak hours, however, there is no Service Management Plan to demonstrate how effective this arrangement would be. It is shown in the parking section that follows, that demand at such food stores is high on a Sunday and during a weekday morning in addition to the time periods that were considered in the TA. Only servicing outside store opening hours (which would lead to amenity issues such as noise and disturbance to surrounding residents) would be the effective means of ensuring highway safety is not compromised.

9.113 Officers therefore concur with the views of the Highway Authority and our Transport Consultant that the revised layout in connection to servicing would cause a conflict of traffic movements at the entrance to the store close Kingston Road and would cause severe safety concerns, contrary to Policy CS16.

Sustainability and Accessibility

9.114 The site is considered to have a generally low level of accessibility, having only a limited range of local facilities and access to alternative sustainable transport modes, particularly public transport.

9.115 Currently there is only 1 bus service that passes the development site, on the eastern side, route number 293, with bus stops available within 200metres of the site. This service provides access to Epsom and Morden.

9.116 The site is not considered to have access to any railway station accessible within 1kilometre, as the closest, Ewell West, is over 1.1 kilometres from the site, which is considered to be beyond a reasonable walking time to be accessible for the proposed development.

9.117 The location of the site and the accessibility to public transport and sustainable modes of transport are an influence on the parking provision considerations, as outlined in the NPPF and the Core Strategy.

9.118 The Council's Transport Consultant commented as follows:

9.119 The proposed vehicular access to the site from the A24 London Road as shown in Appendix F of the TA is to be some 9m in width. This distance is considered to be excessive to Surrey County Council (pre-application response) as a pedestrian island within the centre would normally be provided. However, it is not feasible to install a pedestrian island as a full 9m width is required in order to accommodate the left turn in of service vehicles. Even this movement shows the body of the delivery vehicle passing over the centre line of the A24. The applicant is proposing a raised table at the junction to give priority to pedestrians crossing the access. However, this will not fully address the needs of pedestrians crossing the access and leave them vulnerable.

9.120 The London Road approach on the opposite side of the Ewell By-Pass to the site does not have pedestrian crossing facilities. Appendix M of the TA shows pedestrian crossings to be installed within the traffic signal controlled junction as part of the development proposals.

9.121 It does not appear that the delay to traffic associated with the new pedestrian crossings to be installed on London Road has been taken into consideration in the traffic modelling carried out within the TA.

- 9.122 The additional information provided by the applicant does not include existing pedestrian count data to show how many pedestrians currently pass along the footway of A24 London Road along the site frontage, or across each arm of the signal controlled junction. Furthermore, no safety audit has been carried out to demonstrate that the raised table across some 9m length of vehicular access would be appropriate.
- 9.123 Officers concur with the Highway Authority that it has not been demonstrated that pedestrian movements to and from the store have been adequately catered for causing detriment to the safety and convenience of pedestrians contrary to Policy CS16

Trip Generation

- 9.124 In pre-application discussion, SCC requested that additional surveys were undertaken by the applicant to support the trip generation considerations and car parking provision. The two sites that SCC specifically requested were Lidl in Chessington and Aldi on Ewell By-pass, both sites being budget supermarkets of similar size. It is noted that the applicant has undertaken only one additional survey. It is noted that a TRiCS compliant survey has been carried out at the Chessington Lidl, only this single survey has been used in the trip generation assessment and car parking considerations. SCC consider that using one survey in isolation, when other similar closer sites are available, does not represent a robust assessment on which to assess the trip generation and associated car parking impacts. SCC note that the closer Aldi store has not been surveyed. In addition, the surveys were requested to respond on the car parking demand, but no commentary has been included on this aspect for the day of the survey at the Lidl store in Chessington. As a result, SCC remain of the opinion that the traffic generation and car parking provision is being underestimated.
- 9.125 The Council's Transport Consultant commented as follows:
- 9.126 As mentioned in the parking section above, Epsom & Ewell Borough Council commissioned a survey at the Aldi, Kingston Road, Ewell site. The survey shows that on Saturday 15th July 2017 there were 125 arrivals and 103 departures between 11am and midday. The Aldi store has a net sales area of 1,000m² so there would be 83 arrivals and 68 departures for the proposed Lidl store (662m²) using the same principle of traffic attraction set out in the TA. This is clearly more than the traffic attraction predicted in the TA and also the number of vehicles entering the site far exceeds the number of customer car parking spaces on-site.
- 9.127 It is clear that the number of movements that are likely to be attracted to the store at this location close to the junction is a matter of concern. This is considered further in the Junction Capacity Assessment comments below.

- 9.128 In addition to the above, there are assumptions on the number of pass-by and diverted trips within the TA, which rely on the TRICS Research Report 14/1 'Pass-By and Diverted Trips Report'. The percentage of pass-by trips in the TA is 12%, and it is unclear how that figure was reached. Section 6 of TRICS research report 14/1 bases their pass-by assumptions on four papers.
- 9.129 It appears that none of the papers included in TRICS research report 14/1 above can be applied to discount food stores and are unreliable for use within Transport Assessments to assign pass-by trips for this land use. The level of pass-by trips needs to be given further consideration by the applicant to provide assurance that the 12% predicted for the purpose of this development is reasonable. Any change to the pass-by trips on the network would have an impact on the junction capacity assessment.

Traffic Impact Junction Capacity Assessment

- 9.130 With the concerns noted above in connection to the approach adopted to the trip generation, these figures have been used to inform the development impacts on the highway network. The applicant has undertaken an assessment using the trip generation figures and added these onto the future 2023 highway network. SCC note in the analysis, that a level of background growth has been applied using a TEMPRO factor to increase the background traffic volumes to allow for traffic growth up to the predicted development completion year of 2023, as well local committed developments. SCC highlight that TEMPRO is an acceptable approach to adopt and is common where 'standard' peak periods are being assessed. In this application TEMPRO has been applied to the PM peak period being modelled, however, SCC question how the Saturday growth has been derived as no growth factor has been noted for a Saturday off-peak period.
- 9.131 To assess the impact of the proposed development, the applicant has undertaken a LINSIG traffic model assessment for the "Organ Inn"(application site) signal-controlled junction. SCC Traffic Modelling team have undertaken an audit of the LINSIG model and highlighted a number of aspects that required attention. These elements can be addressed, however, SCC would identify that these amendment would significantly change the results being predicted. A detailed review of the results has identified that the "Organ Inn" would continue to experience congestion issues and operate above capacity with the proposed development in place and although some mitigation is suggested with signal optimisation, this would not address the concerns of SCC, in particular queuing would be increased on A24 London Road and on the A24 Kingston By-pass.

9.132 The use of LINSIG for a signal-controlled junction is acceptable in the majority of situations. Where this approach can differ is where a complex junction is in operation and/or the junction is subject to capacity issues. SCC highlighted that a previous planning Inspector decision identified this junction as representing a complex layout with a number of uncontrolled accesses and the proximity of the keep-clear markings on London Road. The applicant has responded on these points by highlighting that the use of LINSIG is an industry standard approach and has included three further access points within the model, covering Beaufort Way, Petrol Filling Station and the new proposed Lidl access. Although LINSIG is a recognised traffic signal modelling programme, SCC highlight that the approach adopted by the applicant does not respond in full to these specific concerns and the implications on highway safety, with the increase in vehicle movements at this junction remain.

9.133 The Council's Transport Consultant commented as follows:

9.134 It has been established that the trip attraction to the application site is predicted to be lower than it should be taking into consideration the traffic flows experienced at the Aldi, on Kingston Road, Ewell. This means the junction capacity assessment included in the TA underestimates the impact that the development will have on the highway network.

9.135 Furthermore, the traffic modelling undertaken for the development does not take into consideration the following:

- The LinSig model is not appropriate for assessing the site as it cannot take into consideration the movements within the Lidl car park; and
- The LinSig model queues do not reflect the queues for the A24 London road/A240 Ewell Bypass on the highway network.

9.136 It is not possible to model the interaction between a car park (cars parking, pedestrian movements etc.) and road network capacity using the LinSig software. Any vehicles stopping or queuing within the site to wait for a free parking space has the potential to block the access into the site from London Road and therefore lead to queuing on London Road and the junction with the Ewell By-Pass, which will have a detrimental impact on the free-flow of traffic and road safety. A microsimulation model of the proposed access would be the only way of assessing the car parks interaction with the existing adjacent signal controlled junction given the complexity of the traffic movements.

9.137 The LinSig model is showing there will be no queues at the vehicular access to the Lidl store, which is unrealistic. Particularly as a LinSig model was used for assessing the impact for the Aldi store at Kingston Road, Ewell and this revealed that queuing would not occur at the site access. This clearly demonstrates the model is unreliable for the assessing the impact of such developments.

- 9.138 The LinSig model is predicting queues of up to 41 passenger car units (pcus) on the A24 London Road, Ewell. The queue counts undertaken by the survey company (Appendix C of the TA) is showing the queue back from the junction of the Ewell By-Pass reached 60 vehicles. There is a significant underestimation of the queues that will be experienced on the A24 London Road within the LinSig model as a consequence. The objection by TPS on behalf of Asda contains a diagram showing the number of pcus that can be accommodated back from the traffic signal controlled junction of the Ewell By-Pass.
- 9.139 The distance required for 60 cars to queue is 360m (6m per vehicle). The junction of Ewell Park Way is approximately 260m from the junction, which could accommodate 43 vehicles in the queue (which is about the distance that the LinSig model is predicting). Photographic evidence clearly shows that queuing on the A24 London Road exceeds this distance.
- 9.140 Residents in the area have indicated that the queues regularly reach as far as Briarwood Road, some 800m from the signal controlled junction of the Ewell By-Pass. This equates to around 133 cars in the queue. The live traffic situation on A24 London Road using Google Map shows that the queue of traffic reached Briarwood Road at 3.50pm on Thursday 24th January 2019 (Figure 4) confirming this fact. It is clear that this carriageway is having to operate beyond capacity on a regular basis both inside and outside the peak highway network time periods.
- 9.141 It is recommended that the traffic attraction to the site is reviewed taking into consideration the Aldi, Kingston Road, Ewell traffic flows and a microsimulation model is used to assess the signal controlled junction with new pedestrian crossings installed on London Road, petrol filling station, Beaufort Way and the proposed site access. In addition the queues are such that they enter other adjacent junctions/road in the immediate area and as such should also be incorporated into a larger network model.
- 9.142 Surrey County Council's recommendation for refusal on the following grounds "The additional traffic movements associated with the proposed development at the signalised junction of A24 and A240 will increase queuing and congestion on both roads and as a result, will have a severe adverse impact on the safety, and efficiency of traffic on the surrounding highway network" is therefore supported.

Sustainability/Energy Efficiency

- 9.143 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.

- 9.144 Policy CS6 requires development to reduce or have a neutral impact on pollution and climate change. It also requires proposals to demonstrate how sustainable design and construction can be incorporated to improve energy efficiency.
- 9.145 The applicants submit that overall Lidl's environmental policy represents a conscious effort to reduce carbon emissions through responsible and considerate operating procedures. Key features of this policy are listed as-
- For energy saving reasons Lidl's choice of store heating systems are highly efficient condensing boilers which recover waste heat from the combustion process. All heating is regulated by sensors, Lidl aim for checkout areas to be heated to 21 degrees, sales areas to 19 degrees, welfare areas to 21 degrees and storage areas to 13 degrees. The average gas consumption is 100.000 kWh per annum.
 - The lighting in the sales, storage and welfare areas are controlled by movement sensors, which means that lights only turn on when the space is in use and therefore not left on unnecessarily. The sales area uses full lighting during trading hours and cuts back to one third lighting before and after trading hours to allow for re-stocking of the store. Electricity consumption is 150.000 kWh per annum.
 - Water consumption is carefully monitored and on average is limited to 13 cubic metres per month (156 cubic metres per annum).
 - A Building Management System and LUX sensors power the external lighting. This means that lights are only on when necessary during dark periods and ensure that lights do not remain on later than 1 hour after the store closes.
- 9.146 The applicants submit that the proposed development would be built to the "highest specifications" with enhanced insulation levels and sustainable construction technologies and eco-friendly systems incorporated into the building design. The BREEAM Pre-Assessment Report submitted in support of the application addresses sustainability issues bearing on the proposed development and gives the development a target score from the preliminary assessment of 56.78% or a Very Good rating. A condition requiring implementation of sustainability measures should be imposed on any permission granted
- 9.147 It is therefore concluded that the proposal would conform with National Planning Policy and Policy CS1 and CS6.

Landscaping

- 9.148 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.149 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.150 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 9.151 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 9.152 Indicative landscaping is shown in the north western corner of the site (adjacent to the flank boundary with No 153 Ewell By Pas), and around the edge of the car parking area along the Ewell By Pass and facing the London Road junction. A "green wall" would be provided to part of the north western flank elevation of the new building.
- 9.153 The proposed landscaping (albeit indicative) is sparse and would do little to provide effective screening to the new building or provide "green "relief to the junction which would be dominated by cars. There are only narrow planting strips provided to the edge of most of the parking bays facing the road. When taking into account haunching for kerbs and edging there would be little capacity for sufficient soil volumes to establish decent scrubs and trees. The Council's Tree Officer recommends that the planting strip should be at least 2m wide and a number of parking bays removed to provide off set landscaping (There is a strong case for tree planting and vegetation designed into this scheme to mitigate atmospheric particulates)

- 9.154 The provision of adequate landscaping would however require a material amendment to the overall scheme, which would not be satisfactorily achieved or secured by an appropriate condition. Future management of the proposed green wall could be secured via an appropriate planning condition.
- 9.155 The proposal would therefore not comply with National Planning Policy and Policy DM5.

Flood Risk

- 9.156 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 9.157 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
 - avoids increasing the risk of, or from, flooding.
- 9.158 The proposed development site falls within the Flood Zone 1. (Low probability –NPPF Flood Zone classifications).). As such, the proposal is not within an area at risk of flooding, in conformity with paragraph 163 of the NPPF The nearest area of Flood Zone 2 and 3 is located approximately 800 m west of the site.

9.159 The applicant has provided indicative details of a Sustainable Drainage System (SuDS) which Surrey County Council, the Lead Local Flood Authority (LLFA) have found unacceptable. They recommend a number of changes to the proposed surface water strategy to comply with the requirements laid out under the Technical Standards. It is considered that the changes could be undertaken and that rather than refuse the current application on this ground, if the current application is granted permission, appropriate conditions (as recommended by the LLFA) to ensure compliance with the Technical Standards should be imposed.

9.160 Subject to appropriate conditions, the proposal would comply with Policy CS6

Ecology

9.161 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

9.162 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.163 Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.

9.164 The existing site, following demolition of the Public House, is currently unused brownfield land, and the ecological value of the site is considered to be negligible.

9.165 The proposed scheme would incorporate a landscaped buffer along the north west boundary, a green wall to part of the north western flank elevation, as well as a landscaped amenity space to the west of the new building which would further enhance biodiversity.

9.166 The proposal is therefore, on balance, considered to enhance the ecological value of the site, in conformity with National Planning Policy and Policy CS3.

Community Infrastructure Levy

9.167 The scheme would not be CIL liable.

10 Conclusion

10.1 The proposed scheme has not successfully addressed the previous grounds for refusal. It would not represent sustainable development, and the new building would be of poor, generic design and would fail to improve the character and quality of the surrounding area, an issue to which the NPPF gives great weight. It has also been concluded that the development would have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site.

10.2 Accordingly, the application is recommended for REFUSAL

11 Recommendation

11.1 Planning permission is refused on the following grounds:

- (1) The proposed development's car parking provision is considered to be insufficient to accommodate the demands of the staff and customers of the store which is considered to result in queuing on both the A240 Kingston Road (East and West) and the A24 London Road, as customers wait for space to become available in the car park, causing severe congestion at this very busy junction which would result in a highways safety issue contrary to the NPPF (2019) and Policy CS16 of the Core Strategy 2007.**
- (2) It has not been demonstrated to the satisfaction of the County Highway Authority, that pedestrian movements to and from the store have been adequately catered for, causing detriment to the safety and convenience of pedestrians in the local neighbourhood who may be discouraged from walking to the store because of the lack of crossing facilities, minimal footway widths and car focused access to the store and on the A24 London Road particularly at the traffic signals resulting in a highways safety issue contrary to the NPPF (2018) and Policy CS16 of the Core Strategy 2007.**
- (3) The internal car parking and servicing layout would cause a conflict of traffic movements at the entrance to the store close to Kingston Road causing severe safety concerns. The approach to servicing in terms of access to enter and exit would increase queuing and congestion at the very busy A24 junction resulting in a highways safety issue contrary to the NPPF (2018) and Policy CS16 of the Core Strategy.**
- (4) The additional traffic movements associated with the proposed development at the signalised junction of A24 and A240 will increase queuing and congestion on both roads and as a result, will have a**

severe adverse impact on the safety, and efficiency of traffic on the surrounding highway network contrary to the NPPF (2018) and Policy CS16 of the Core Strategy 2007.

- (5) The proposed building by reason of its unacceptable and generic design would fail to contribute to the character and local distinctiveness of the immediate area and would have a detrimental impact on the streetscene, contrary to the NPPF (2018) and Polic DM9 and DM10 of the Development Management Policies Document 2015, and in accordance with para 130 of the NPPF**
- (6) The proposed development's landscaping scheme is inadequate and would fail to contribute to the character and local distinctiveness of the immediate area and would have a detrimental impact on the streetscene, contrary to the NPPF (2018) and Policies DM5, DM9 and DM10 of the Development Management Policies Document 2015.**
- (7) The unacceptable design, landscaping and impact on the transport network of the proposed development ensures that the proposed development would not represent sustainable development and thereby by contrary to the NPPF (2018) and Policy CS1 of the Core Strategy 2007.**

Informative:

- (1) In line with the requirements of paragraph 38 of the National Planning Policy Framework 2018, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.**