

Ward:	Town Ward;
Site:	Majestic Wine Warehouses Ltd, 31 - 37 East Street
Application for:	Application for variation of planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use).
Contact Officer:	Tom Bagshaw

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=PZXR36GYGCQ00>

2 Summary

- 2.1 The proposal relates to the variation of condition 1 of planning permission 05/00660/FUL to expand the A1 use of the site from the restricted sale of comparison goods and bulk sale of wine and beer, to an unrestricted A1 Use Class.
- 2.2 Condition one was originally imposed In order to sustain the vitality and viability of the Borough's shopping centres in accordance with Policies of the then Epsom and Ewell District Wide Local Plan (2000). This plan is now out of date and has been superseded by the current development plan and the National Planning Policy Framework
- 2.3 The applicant has provided 48 parking spaces including 2 disabled parking spaces. The site is located within a sustainable location and the proposed parking layout has been reviewed and assessed by SCC highways and deemed acceptable. A condition will be applied requiring a parking management plan to be submitted and approved by the Local Planning Authority.

- 2.4 The proposed development represents risks of increased intensification of the onsite retail use. The applicants have reached a satisfactory junction design which mitigates these concerns and the site is considered to have sufficient capacity to host a more significant retail presence. The condition has been appropriately worded to accommodate SCC's future plans for East Street.
- 2.5 Whilst The Council can control the use of this specific site due to this original condition, the introduction of Class E in September 2020 has resulted in significant challenges for The Council in regards to controlling Class A uses in the town centre as a whole. The result of the introduction of Class E means that any former A1 Use Class which is not protected by either condition or Article 4 Direction can now change between former Classes A1, A2 and A3 without planning consent. As such, due to the introduction of the new use class, Plan E Policy E3 is somewhat out of date in this regard and control over the number of former A1 units in the town centre is significantly reduced. As a result, the weight which can be applied to Policy E3 in decision making is minimal. Therefore, given the significantly reduced weight of policies protecting the former A1 use classes, and the lack of any other policy basis to resist the unrestricting of the use, officers consider that there are not any justifiable reasons to resist the proposal on a principle basis.
- 2.6 The proposal will be subject to a travel plan audit contribution of £6,150 to ensure that it remains appropriate and up to date.
- 2.7 It is noted that this application does not constitute an amendment to the plans conditions of the original approval and therefore any design changes noted are demonstrative and would not form part of any approval in this regard. In order to amend the physical structure the applicant would be required to submit a separate application for planning permission.
- 2.8 The application is recommended for approval subject to the signing of an S106 agreement and the implementation of conditions.

3 Site description

- 3.1 The application site currently consists of a restricted A1 use allowing the wholesale of wines and spirits and is located within the built up area. The surrounding area is primarily commercial in nature comprised of Retail and employment
- 3.2 The building is a large retail unit located in East Street, Epsom. It is currently used for the wholesale of alcohol products by Majestic Wine. The site presently has 48 car parking spaces located to the rear of the site and accessed from East Street.

- 3.3 Site is situated within the town centre boundary and is on an area of land designated as an area of archaeological significance, an Opportunity Site (utilities site), the gas holders major hazard site buffer, and is within a 500 metre buffer of a SSSI (Site of Special Scientific Interest).

4 Proposal

- 4.1 Application for variation of planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use)
- 4.2 The change would result in the applicant being able to use the site for all Class A1 purposes (Now Class E) and would not be limited to comparison good, and bulk sale of wine and beer.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 25 neighbouring properties. To date (21.12.2020) 0 letters have been received in response to the proposal.

6 Consultations

- 6.1 Surrey County Council highways – No Objections subject to conditions which mitigate the impacts to the site access that may result due to the intensification of the use of the site.
- 6.2 EEBC Policy Officer – No objections subject to the original reason for the implementation of the condition no longer being relevant in line with current policy.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
05/00660/FUL	07.09.2005	Variation of planning condition 5 of 79/119/0553, condition 4 of 80/0224/0131 and condition 1 of EPS/96/0288; to extend the range of goods that can be sold from the retail unit to include all types of comparison goods and; wine, spirits and beer (in bulk only)	Granted
96/00288/FUL	07.05.1996	Variation of condition 5 of permission 79/1119/0553 & condition 1 of permission 88/1460/0767 to include the bulk sales of wine,'0960288	Granted
95/00447/REM	18.07.1995	Variation of Condition 5 of permission ref: 79/1119/0553 and Condition 1 of permission ref: 88/1460/0767 to include the retail sale of office products, furniture, equipment & stationery.	Granted

8 Planning Policy

Plan E - Epsom Town Centre Area Action Plan (April 2011)

Policy E3 Town Centre retail capacity

Vision for East Street

National Planning Policy Framework 2019

Chapter 2 Achieving sustainable development

Chapter 6 Building a strong, competitive economy

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

Core Strategy (2007)

Policy CS1 Creating Sustainable Communities in the Borough

Policy CS5 Conserving and Enhancing the Quality of the Built Environment

Policy CS11 Employment land Economic Development

Policy CS14 Epsom Town Centre

Development Management Policies Document (2015)

Policy DM25 Development of Employment Premises

9 Planning considerations

Principle of development

Historic Context

- 10 The original permission was granted a restricted A1 Use in condition 5 of planning permission 79/119/055, restricting the site to the sale of DIY builder's products. The reason given for this condition was to protect the vibrancy of Epsom Town Centre in accordance with the Core Strategy of the time.
- 11 This condition was amended by planning application 05/00660/FUL to allow for an increased range of products which could be sold. This permission expanded the range of goods to include the sale of comparison goods as well as wholesale wine and beer sales. In this submission the Officer report makes reference to the fact that Planning Policy of the time aimed to encourage a new food supermarket within the town centre.
- 12 Nonetheless, since the two main permissions were granted and the Council has been through multiple iterations of Local and National planning policy and a town centre area action plan (Plan E) has been produced. As such, it is important to assess this application against the most up to date planning policies to ensure that the development meets the present day needs of the Borough. As a consequence of this officers will attribute little weight to the original reason for the imposition on this condition of the use restriction, and will assess whether the reason for the imposition (to protect the vitality of the town centre) still holds weight when assessed against up to date planning strategy.

Current Policy

- 13 Policy E3 of the Epsom Town Centre Action Plan –Plan E states that Epsom will maintain its position in the shopping hierarchy as a secondary regional centre. Its retail offer will reflect that of a quality market town. The amount of retail growth in the town centre will be guided by the following:

Convenience goods: there is capacity for an additional 2,466 sq m by 2026. This is broken down into:

- 1,448 sq m by 2013

- 1,767 sq m by 2018 and
- 2,466 sq m by 2026.

Comparison goods: there is capacity for an additional 7,730 sq m by 2026. This is broken down into:

- 1,676 sq m by 2018 and
- 7,730 sq m by 2026.

Prior to 2013 there was no capacity identified for additional comparison floorspace. Retail growth should be directed to the Primary Shopping Area in the first instance. All retail proposals must be subject to the sequential test, and those proposals above capacity in edge and out-of-centre locations must be tested robustly against the impact test (PPS4, 2009). The floorspace threshold must take account of the cumulative effect of recent permissions, development under construction and completed developments.

- 14 Officers note that this condition does allow The Council to control the use of the site. However since this Plan E was adopted in 2011 there have been various policy updates which have impacted the weight which can be afforded to the particulars set out in Policy E3. One main change is the change of the use classes order to remove Classes A1, A2 and A3 to form a single Class E which came into force on the 1st of September 2020. As a result of this use class change a greater number of existing retail offerings in the town centre can move freely between these former use classes without requiring planning permission. Therefore, making it almost challenging for the council to protect specific A use classes and much less difference of comparison and convenience goods. EEBC Planning Policy Officer has confirmed that given the change in the use classes order there is no reason to resist the relaxation of the restricted A1 Use in circumstances where there is no article 4 direction in place.
- 15 Furthermore, Plan E refers to the requirement to implement the sequential test for all new retail offerings in the town centre. The NPPF sets out in Paragraph 86 that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The use is situated inside the existing town centre boundary and given the Policy position that favouring comparison or convenience goods is out of date and superseded by more recent national policy changes, officers do not consider the proposal to be contrary to planning policy and the sequential test does not need to be applied in this case.
- 16 Plan E (Epsom own Centre Area Action Plan) states that the vision for East Street at street level is to see a mixture of small shops and other commercial uses that will draw pedestrians along its length. The existing site is currently occupied by majestic wines which has no active street frontage and the entrance is at the rear of the site although there is a small pedestrian entrance at the front of the building.

- 17 The existing use is a specialised retail offering. As it is a wholesale offering it is considered that customers would require a vehicle to transport goods away from the site and because of this it is unlikely that the site generates a great deal of passing trade from pedestrians coming to the site from town centre. As such it is considered that the existing use does not result in any significant contribution to footfall in the east street area.
- 18 The proposed development includes indicative drawings that show that minor physical alterations to the site to include an entrance opening onto East Street. Given that the site has an existing occupant and currently offers an A1 Use, officers do not consider that the creation of an active street frontage to be vital to the success of the property as a commercial entity. However it is recognised the indicative drawings do support the Council's vision for East Street to create an active frontage, and this would contribute towards drawing pedestrians to this area of the town centre. As such, due to the design changes not forming a part of the formal submission this cannot be attributed weight however, it would be welcomed by The Council.
- 19 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 20 Paragraph 85 of the NPPF states that decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
 - a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site

availability, so town centre boundaries should be kept under review where necessary;

- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

21 Policy DM 25 Development of Employment Premises Planning permission for employment developments will be approved providing the following factors are met:

- a) the accommodation should be flexible & suitable to meet future needs especially to provide for the requirements of local businesses and small employers;
- b) the scale, bulk and appearance of the proposal should be compatible with the character of its surroundings
- c) the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area;
- d) the scale of development should be compatible with the level of existing or potential public transport accessibility, and the on-street parking situation. Where additional infrastructure is required due to the scale of the development, such a development will be required to fund the necessary infrastructure to support it; and
- e) the development should comply with the Council's transport, access, servicing, car and cycle parking standards and policies.

22 Policy DM29 states that *'major retail developments and retail warehousing will only be permitted within Epsom Town Centre shopping area, Where it has been demonstrated that there are no suitable sites, preference will be given to a site on the edge of Epsom Town Centre Primary Shopping Area'*

23 Policy DM25 and Paragraph 80 of the NPPF place significant weight towards adaptability for business and commercial uses. The proposed unrestricted A1 Use Class would allow the building to accommodate a more flexible range of occupants in the future, increasing the resilience to changing market trends. The vulnerability of A1 Use Classes within the Town Centre is supported within the recent Town Centre Retail Health Check. Officers consider that greater flexibility

to move within the A1 Use Class (Now Class E) would make the site more resilient to changes in market conditions.

Principle Conclusion

- 24 The proposal would contribute towards realising Plan E's vision for East Street by helping create an active retail offer that draws pedestrians to the area as the current wholesale only use is a specialised market and does not result in significant amounts of footfall.
- 25 There is no requirement to apply the sequential test in the NPPF due to the sites location in the town centre boundary.
- 26 The physical changes do not form a part of this application and therefore this has a no weight in the planning balance.
- 27 Policy E3's requirement to provide specific comparison and convenience goods is superseded by more recent national policy changes in the use classes order and therefore policy E3 commands limited weight.
- 28 The proposal would be a benefit that offers flexibility for the site to adapt to changing market forces. On balance the increased flexibility in retail offer is a moderate benefit of the scheme.
- 29 The proposal is in accordance with relevant council and national planning policies and the vision for the future of the area. There are no policy objections to the unrestricting of the unit given changes to National Planning policy and therefore the proposed change to the wording of the condition is acceptable in this regard.

Design

- 30 Principles of good design should be embedded within proposals from the outset, as stipulated within Local Policy. Policy CS5 sets out that development should create attractive, functional and safe environments and should reinforce local distinctiveness.
- 31 It is noted that this application does not constitute an amendment to the plans conditions of the original approval and therefore any design changes noted are demonstrative and would not form part of any approval in this regard. Officers would expect that this permission would likely lead to improvements in the future however as they do not form a part of this submission they can be applied no weight in the planning balance. In order to amend the physical structure the applicant would be required to submit a separate application for planning permission

Impact Upon Amenity

- 32 Policy CS05 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.

- 33 The proposal seeks to change use from a specific A1 type use an unrestricted A1 type use. It is unclear whether this will lead to an intensification of the use on site.
- 34 The site is not situated adjacent to any residential properties. All surrounding buildings and uses are mixed between commercial industrial and retail. On the opposite side of the road to the site there are first floor apartments above ground floor retail. These are separated from the site by a road.
- 35 It is noted that this application does not constitute an amendment to the plans conditions of the original approval and therefore any design changes noted are demonstrative and would not form part of any approval in this regard. In order to amend the physical structure the applicant would be required to submit a separate application for planning permission.
- 36 The scheme shows some amendments to the fenestration of the building at ground floor level. The demonstrative changes would not include the creation of any additional bulk or massing nor would they result in the creation of any additional opening or vantages points above ground floor level. Nonetheless, any physical works would require a separate planning consent.

Amenity conclusion

- 37 The site is not in close proximity to any residential properties. Therefore the potential increased intensity of the use on this site does not present risks to nearby properties in terms of noise and disturbance.
- 38 The proposal does not include any physical works but does provide demonstrative drawings the represent potential future changes. The changes shown would be limited to cosmetic changes and would not include any additional bulk or massing or openings above ground floor level and would therefore not be considered to present a risk to the amenities of any neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 39 It is important to reiterate that this consent does not grant changes to the physical property.

Access, Parking and Cycle Parking

- 40 Policy CS16 encourages development proposals to foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals will be required to (inter alia) minimise the need for travel, be appropriate for the highways network, provide appropriate and effective parking provision (both on and off-site) and ensure that vehicular traffic generated does not create new or exacerbate existing on street parking problems, nor materially increase other traffic problems.
- 41 The application seeks to vary planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use)

at Majestic Wine Warehouses Ltd 31 - 37 East Street Epsom Surrey KT17 1BD. The site therefore has an existing A1 retail use which this application seeks to vary.

- 42 Officers note that the proposed change of use would allow the opportunity for the applicant to install an occupant from a variety of new uses that fall within the new Use Class E. The council will be unable to control which operators are able to use the site and it could lead to an intensification of the use of the site.
- 43 As such, SCC highways team have reviewed the proposal and have recommended conditions that should be implemented in the event that approval is granted.
- 44 The main concerns regarding the transport and highways impacts of this proposal relate to the existing access to the site.
- 45 The existing access is shared with the neighbouring performing arts school and currently serves the both sites. The current arrangement splits into two separate accesses within the private land, resulting in a particularly narrow access to the parking on site.
- 46 Officers recognise that this is the current arrangement however, the County Highway Authority has raised concerns that should the use of the application site intensify this arrangement would not be able to suitably accommodate an increase in vehicular traffic, particularly in terms of accommodating two-way vehicular traffic.
- 47 The applicant has sought to address these concerns and proposed amendments to the layout of the access, which have been subject to a Stage 1 Road Safety Audit, carried out by SCC.
- 48 SCC highways and the applicant were able to amend the application in order to reach a satisfactory layout. However, a condition that requires the access to be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority has been recommended. It is required that this scheme should be broadly in accordance with drawing P18-2443 003 Rev D.
- 49 The reason for the requirement to submit a scheme in writing to be discharged, is that it should be acknowledged that SCC are currently designing a cycle scheme for East Street and therefore when the applicant comes to implement their S278 works the existing highway layout may have changed, and for this reason a condition that requires a scheme to be submitted is recommended, as design of the access may change. It is likely that the pedestrian refuge island demonstrated on drawing P18-2443 003 Rev D will need to be removed from the scheme.
- 50 It is noted that the proposal provides the same size of car park as the existing property and has approximately 48 car parking spaces 2 parking spaces are dedicated to disabled parking which is in accordance with minimum standards. The existing car parking provision on site is already in situ and it is not considered

to be appropriate to request additional parking spaces given that the use class remains the same but would only be unrestricted. Nonetheless, SCC highways not raised an objection to the parking provision on highways safety grounds have required a car parking management plan to be submitted to and approved by the LPA. It is worth noting that the site is located within Epsom town centre and is considered to be a sustainable location with local parking restrictions.

- 51 SCC highways has requested an S106 contribution to include payment to audit the travel plan submitted with the scheme.

Transport conclusion

- 52 The applicant has provided 48 parking spaces including 2 disabled parking spaces. The site is located within a sustainable location and the proposed parking layout has been reviewed and assessed by SCC highways and deemed acceptable. A condition will be applied requiring a parking management plan to be submitted and approved by the LPA.
- 53 The proposed development represents risks of increased intensification of the onsite use. The applicants have reached a satisfactory junction design which mitigates these concerns. However, the condition has been appropriately worded to accommodate SCC's future plans for East Street.
- 54 The proposal will be subject to a travel plan audit contribution of £6,150 to ensure that it remains appropriate and up to date.
- 55 The proposed development would not be considered to represent any unacceptable impacts highways safety or parking and is considered to be acceptable subject to conditions.

Contaminated land

- 56 The proposal does not include any building works and as such, the proposed development although located within the gas works buffer zone would not be considered to result in any unacceptable risks to the health or safety of any occupants of the property.
- 57 Therefore this permission should it be granted would not include any building works. If any building or engineering operations are carried out a separate planning application should be submitted in which a full contaminated land response would be required as the application site is partly situated within a historic landfill site and within the gasholder site buffer zone.

58 Conclusion

- 58.1 The applicant has provided 48 parking spaces including 2 disabled parking spaces. The site is located within a sustainable location and the proposed parking layout has been reviewed and assessed by SCC highways and deemed acceptable.

- 58.2 The proposal would not result in any physical works to the site. Therefore the proposal would not represent any unacceptable design impacts. Furthermore as the site would not result in physical works the proposal would not be considered to result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.
- 58.3 There is no requirement to apply the sequential test in the NPPF due to the sites location in the town centre boundary.
- 58.4 Policy E3's requirement to provide specific comparison and convenience goods is superseded by more recent national policy changes in the use classes order to incorporate Use Class E and therefore Policy E3 commands limited weight.
- 58.5 The proposal would be a benefit that offers flexibility for the site to adapt to changing market forces. On balance the increased flexibility in retail offer is a moderate benefit of the scheme.
- 58.6 The proposal is in accordance with relevant council and national planning policies and the vision for the future of the area. There are no policy objections to the unrestricting of the unit given changes to National Planning policy and therefore the proposed change to the wording of the condition is acceptable in this regard.
- 58.7 Overall given that there is no basis in policy to resist the unrestricting of the A1 unit the proposed development is considered to be acceptable and is therefore recommended for approval subject conditions and to the signing of a S106 agreement.

59 Recommendation

- 59.1 Recommendation A) Approved subject to the below conditions upon the signing of an S106 agreement with the below heads of terms before 3 months from today's date (10.12.2020):

Heads of Terms:

Payment of a travel plan audit fee of £6,150.

Recommendation B) subject to the failure to sign an S106 Agreement of the aforementioned heads of terms the Planning Committee grants the Head of Planning permission to refuse the application.

Condition(s):

- (1) **The premises shall be used as a Use Class A1 and for no other classes contained within the Town and Country Planning Use Classes Order 1987.**

Reason: In order to sustain the vitality and viability of the boroughs shopping centres in accordance with Policies

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

EP_19_1409_ TRANSPORT RESPONSE LETTER

P18-2443 003_SK_REV_D

P18-2443 007_SK_SPA

P18-2443 008_SK_SPA

P18-2443_DR_JULY20

TP-P18-2443-Rev B

P18-2443 01 Site Location Plan

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) The food retail store use hereby permitted shall not operate other than between the hours of 08.00- 22.00 hours Mondays to Saturdays (inclusive) and 10.00-17.00 hours on Sundays.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.

- (4) No part of the development shall be first occupied unless and until the proposed modified access to East Street has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, in general accordance with Drawing P18-2443 003 Rev D, and thereafter the access shall be kept permanently retained and maintained to the satisfaction of the Local Planning Authority.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (5) Prior to the occupation of the development a Car Park Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Car Park Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (6) Prior to the occupation of the development a Refuse, Deliveries and Servicing Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Refuse, Deliveries and Servicing Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (8) The development hereby approved shall not be first occupied unless and until a pedestrian access to the site has been provided to the development site from East Street in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, which shall always be available for use during store opening hours, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (9) The development hereby approved shall not be occupied unless and until at least 10% of the available parking 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) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.

- (10) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site,
- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment/shower equipment.

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

Reason: required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.

- (11) The approved Travel Plan (TP-P18-2443-Rev B) shall be implemented upon first occupation of the site and for each and every subsequent occupation of the development, and thereafter the Travel Plan shall be maintained and developed to the satisfaction of the Local Planning Authority.

Reason: required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019.

Informative(s):

- (1) 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/road-permits-and-licences/the-traffic-management-permit-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/floodingadvice.
- (2) 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.

- (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) 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
- (5) 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.
- (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) Please note this permission hereby granted does not include any physical works or advertisement works. To gain consent for physical works or advertisement works the applicant must apply for Full planning permission or Advertisement Consent respectively.