

PLANNING COMMITTEE UPDATE REPORT

10 July 2024

App Number	23/00402/FUL
Item Number	3
Address	Former Dairy Crest Site, Alexandra Road, Epsom, KT17 4BJ
Proposal	Redevelopment of site to deliver a retail food store (Class E), supporting car park, access, servicing, and landscaping
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CORRECTIONS

1. Corrections

Retail Assessment

- 1.1 Paragraph 9.78 of the Agenda Report has not adequately reported the nuances of the diversion of annual turnover from Epsom Town Centre. To clarify, the annual turnover for Epsom Town Centre is has been estimated to be £255m; this is comprised of £205.3m in comparison goods and £50.57m in convenience goods.
- 1.2 The convenience goods trade diversion from Epsom Town Centre is estimated to be £6.66m, resulting in an impact of -13.2%.
- 1.3 The comparison goods trade diversion from Epsom Town Centre is estimated to be £1.51m, an impact of - 0.7%.
- 1.4 Therefore, the impact of the combined trade diversion of £8.17m on the convenience and comparison goods sectors in Epsom Town Centre annal turnover would be -3.2%.
- 1.5 The above is for correction purposes and has not affected the Council's Retail Consultants position that the proposal would not result in a significantly adverse impact on relevant designated centres.

On Street Vehicle Parking

- 1.6 Paragraph 12.18 of the Agenda Report makes reference to the requirement of a Stage 2 Road Safety Audit to determine the future of the existing on street parking in the vicinity of Alexandra Road, as consideration may need to be given to the removal of parking bays (currently 15.0 vehicle spaces) along Alexandra Road.
- 1.7 Following discussions with the County Highway Officer, the future consideration of the removal of parking bays on Alexandra Road as part of the Road Safety Audit is confirmed as being limited to the 5.0 spaces adjacent to the site, and not those in the vicinity of Cottage Hospital which is further removed from the site.

CLARIFICATIONS

2. Clarifications

2.1 Lighting Implications

- 2.2 An updated Lighting Plan (drawing number 0837-4-121) has been submitted to provide more detail in respect of illuminance levels and light spill. The updated Lighting Plan takes into consideration the topography of the site, fencing, and the provision of lighting hoods and tilts. The updated lighting plan can be found at Appendix 1.
- 2.3 The Council's Environmental Health officer is satisfied that the Updated Lighting Plan represents true light spill modelling of the site and notes that the termination of the light spill to the south of the site is representative of the screening proposed.
- 2.4 Notwithstanding the updated Lighting Plan, Officers continue to recommend that condition 36 (Lighting Scheme) is imposed if permission is granted in order to secure the full details of the lighting scheme.

2.5 Noise Implications

- 2.6 A third party objection previously received has questioned the accuracy of the supporting Environmental Noise Report, prepared by Sharpes Redmore, reference 2019697 and dated March 2023, particular in relation to the necessity of a third monitoring point (23 Wyeth's Road boundary), away from the ambient night noise of the two through roads and closer to where the refrigeration/plant units are sited and where loading bay noise will be generated.
- 2.7 The Council's Environmental Health Officer is satisfied that the monitoring points identified in the Environmental Noise Report are representative, identifying that it is the LA₉₀ background levels, not source Laeq levels being measured at the existing monitoring points. The Council's Environmental Health Officer would not expect the night time background level to be much different at the boundary of 23 Wyeth's Road and the adopted night time background level at 32dB is already very low.

UPDATES

3. Updates

- 3.1 The applicant has agreed to meet local residents for a post-opening review, to review operations, deliveries and on-site management to ensure this is in line with relevant planning conditions.
- 3.2 The applicant has agreed to the Service, Delivery and Operational Plan restricting delivery to one vehicle at a time on site.
- 3.3 The applicant has agreed to turning off refrigeration units and reversing alarms during deliveries, with delivery being supervised by a pedestrian marshall. This will be secured via the Service, Delivery and Operational Plan.

- 3.4 The applicant has agreed to deliveries only being unloaded directly from vehicle to store. This will be secured via the Service, Delivery and Operational Plan.
- 3.5 All staff and drivers will be advised of the Service, Delivery and Operational Plan, which will also include a complaints and review mechanism.
- 3.6 The applicant has requested that condition 41 be amended to allow the lighting to operated 30 minutes prior to store opening and closing. This means the lights would go on at 07:30 and turn off at 22:30. This would be controlled through condition 41, which would be amended. Officers remain satisfied that this maintains a satisfactory outcome for light impacts on neighbouring properties.

MEMBER CORRESPONDENCE

4. Member Correspondence

- 4.1 Members will be separately aware of correspondence sent by email from the applicant. There is no intention to replicate this correspondence in this update.

MEMBER QUESTIONS

5. Members Questions

- 5.1 The following questions in bold have been raised by Councillor Dallen. Officer responses are written below.

1. Sequential test – The Town hall site will be available by 2025 and therefore could be considered?

Planning Officer: Whilst the NPPF and NPPG provide limited guidance on what is a reasonable period of time for a site to be considered, case law and recent decisions, an alternative site should be available within a similar timeframe to the development proposal.

If granted permission, development is anticipated to be completed in 2025 and trading to its full potential by 2027, this timetable is likely to rule out sites that are not in a position for construction to commence in 2025.

Whilst there are currently plans to relocate the Council services from the Town Hall, there is no evidence to confirm that the site would be available by 2025. The Town Hall is currently occupied and providing services for the community.

The site is also identified as a Strategic Site in the Council's Draft Reg 18 Local Plan and the Land Availability Assessment (2022) for a residential site likely to come forward for development later in the plan period (6+ years). For this reason, the site cannot be considered to be available within a reasonable period.

This site would therefore be described as unavailable and so would not be sequentially preferable. This position has been agreed by the Council's Retail Consultant.

2. Sequential test – The utility site is available and could be considered if the expected planning application is refused?

Planning Officer: The Utility Site is significantly constrained by the presence of contaminated land, which would require at least 12 months to resolve. For this reason, the site would not be available by 2025.

Furthermore, this site was sequentially dismissed under 15/01346/FUL as not being allocated for retail use and therefore not available for retail development. The Inspector did not challenge this conclusion.

This site would therefore be described as unavailable and so would not be sequentially preferable. This position has been agreed by the Council's Retail Consultant.

3. Sequential test – The clinic site is available and could be combined with a redesign of the Hope Lodge car park to provide a site?

Planning Officer: Epsom Clinic is currently occupied and providing NHS services for the community. There is no timetable as to when this use will cease and the site becoming available for redevelopment.

Epsom Clinic also site forms part of opportunity site 17g in Plan E, which seeks to deliver either a community use or residential development. There is no allocation for retail development in the policy and therefore unavailable for retail redevelopment.

The site is also identified as a Strategic Site in the Council's Draft Reg 18 Local Plan and the Land Availability Assessment (2022) for a residential site likely to come forward for development later in the plan period (6+ years). For this reason, the site cannot be considered to be available within a reasonable period.

Hope Lodge and Epsom Clinic are also intersected by a highway, a significant constraint of combining the sites.

This site would therefore be described as unavailable and so would not be sequentially preferable. This position has been agreed by the Council's Retail Consultant.

4. Sequential test – NPPF states that there should be well connected access if out of town site is to be used. There is only one infrequent bus (166), poor pedestrian access, poor safe vehicular access and insufficient parking. What does NPPF require to meet these requirements?

NPPF 90 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.....

NPPF 92. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.....

Planning Officer: The site is a 3 minute walk from the edge of the Town Centre Boundary as defined in the Plan E and a 13 minute walk from the Clock Tower Bus Stops. The site does not suffer from poor pedestrian access from Epsom Town Centre. There is a direct footpath along Upper High Street, with both controlled and uncontrolled crossing points over existing junctions and central refuges. The site benefits from a well-connected pedestrian network.

Furthermore, the pedestrian network would be enhanced by additional mitigation measures provided by the applicant that would afford improved pedestrian access to the site, including relocation of an existing uncontrolled crossing on Alexandra Road, a new uncontrolled crossing point on Upper High Street, improvements to footways adjacent the site frontages and pedestrian crossing improvements on Mill Road and Church Road (north).

The 166 bus service from Epsom to West Croydon and can be accessed from Epsom Town Centre from 07:30 and provides an hourly service, ending at 20:32 Monday to Saturday. The site benefits from a well-connected public transport network. Epsom Train Station is a 12 minute walk via Upper High Street.

Similarly, vehicular access from the surrounding highway network to the site has not been identified as poor or unsafe by the County Highway Authority. The access arrangement proposed provides a new right hand turn lane, and a modified access that meets current visibility standards.

The site is considered to be in a sustainable location and well connected to the Town Centre by all modes of transport.

5. Can you confirm that the site was not included in the upcoming Local Plan because the developer (ALDI) did not submit it as a site and did not want it in the Local Plan?

Policy Officer: The site has been promoted through the Council's call for sites process (most recent submission in 2022) and they stated that the site was deliverable for a retail use (subject to planning).

The Council's Land Availability Assessment (2022) identified the site as being promoted and deliverable for retail, but officers also judged that the site has the potential to accommodate residential development (yield of 20 units) if the suggested retail use wasn't brought forward.

The Council's Draft Reg 18 Local Plan did not contain an allocation for the site. However, in addition to the allocated sites in the document, in the spatial strategy source of housing supply (detailed in Table S1a) we included capacity from urban sites which do not benefit from a specific site allocation within the plan with the sites detailed in Appendix 2 of the Plan. For the majority of the sites detailed in Appendix 2 the sites hadn't been confirmed as available by the landowner, however for others (such as the site in question), we were trying to determine whether the site could be available for residential use.

The most recent contact with the landowner (agents) was on the 22 November 2023 where they confirmed that site remains available for retail use (no other use suggested) and that a live application is in progress.

- 6. This site is in a residential area and should be used to provide much needed residential, why can it not be refused on this basis (incorrect/misuse of a residential development site? (Why can LIDL effectively provide a food store and residential on a similar size site but ALDI are unable to do so?))**

Policy Officer: The site is not currently allocated as a residential site in the adopted development plan for the borough. The sites previous use was an economic use. The proposal therefore needs to satisfy the retail policies set out in National Planning Policy (NPPF) and our adopted Development Plan.

Planning Officer: A planning application is assessed on its own merits and cannot be refused due to potential preference for alternative development.

- 7. Public benefit – the officers report uses the phrase ‘public benefit’, what constitutes public benefit? Surely the highest priority public benefit in the borough at the present time is housing, not yet another food retail outlet? Upper High Street has LIDL, CO-Op, Mediterranean food store, Butchers, two cake shops.**

Planning Officer: Public benefits could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development and be of a nature or scale to be of benefit to the public at large and not just be a private benefit. (NPPG Paragraph: 020 Reference ID: 18a-020-20190723).

Whilst the provision of housing is a significant public benefit of any residential development scheme to the Borough, public benefits are only relatable to the scheme in question.

- 8. Highway safety – Traffic queuing – What assurances and on what basis do SCC believe that this is going to be different to below?**

- a. The ALDI site at Kingston Road Ewell was approved based on ALDI transport reports and SCC highway approval. The resultant queues and reduced highway safety has NOT been resolved either by ALDI (who on their recent presentation assured us that they do resolve issues!!) nor by SCC.**

Planning Officer: The County Highway Authority are satisfied that the trip generation figures associated with the proposed development would not result in issues of highway safety. Furthermore, the car park proposed to serve the site has been designed to incorporate any queuing within the site itself, mitigating for queuing on the highway.

Whilst acknowledging that some sites of a similar nature have generated problems within the local highway network, the proposed development has focussed on identifying the causes of these and requiring designs to accommodate additional traffic as appropriate, such as the right hand turn lane, and the design of the carpark itself.

Furthermore, the highway network and parking provision associated with the Aldi Ewell site is not comparable to that serving the proposed development.

- b. The LIDL site in Upper High Street was approved based on LIDL transport reports and SCC highway approval. The resultant queues and dangerous vehicular behaviour has not been resolved by either LIDL nor by SCC. I have reported the problems on more than one occasion!**

Planning Officer: The road network on Upper High Street adjacent to the Lidl store is narrower than the road network adjacent to the site and the proximity of the Lidl site, closer to Epsom town centre, leads to higher potential for queuing to occur as a result of congestion on nearby links and junctions potentially unrelated directly to the Lidl.

There is a current enforcement case liaising with Lidl to resolve issues with the delivery arrangements.

- c. For both the above we were assured at committee that there would be sufficient car parking space for the expected shoppers, both have proved completely wrong. Again the limited car parking provided will not be sufficient and there will be queuing in the road in both directions at busy times as is currently the case at LIDL in Upper High Street.**

Planning Officer: The car park proposed to serve the site has been designed to incorporate any queuing within the site itself, mitigating for queuing overspill onto Alexandra Road. The level of parking provided within the site meets the requirements of the Surrey County Council Vehicular, electric vehicle and Cycle Parking Guidance 2023 for a retail unit and subsequently the Council Parking Standards.

- 9. Highway safety – There have been two near fatal accidents at the five way junction, one giving permanent life changing injuries, the other a recent very near miss that could have been fatal. SCC unfortunately do not agree that this is a dangerous junction and as ‘highway authority’ are seen as the experts. Can the following please be seriously considered as CONDITIONS, not informatives as in the case of LIDL.**

- a. If the application is approved can the following be considered for conditions (based on the current dangerous behaviour at LIDL, just down the road). This will avoid dangerous reversing in and out and the right turns will avoid HGVs having to use both lanes in Alexanra Road.**
- b. All vehicular site entry and exits during construction MUST be in forward gear.**

Planning Officer: Officers do not believe that conditioning of an application is warranted based on the circumstances and conditions of

another site. Swept path diagrams (Drawing Number 12040-TR001 Appendix 4 of the Transport Assessment, prepared by Connect Consultants, dated March 2023) demonstrate that HGV's can enter and leave the site without impeding oncoming traffic.

c. All HGV site entries during construction must be from Epsom and right turns

Planning Officer: The highway network around Lidl differs significantly from that surrounding the site in that the access road and entrance to Lidl is narrower than that serving the subject site. The County Highways Officer is satisfied that the supporting swept path diagrams demonstrate that a large vehicle, including HGV's, can comfortably turn into the site turning both left and right. Such a restriction on HGV construction traffic would be unreasonable and unnecessary.

d. All HGV site exits during construction must be right turns away from Epsom

Planning Officer: As point (c) above, the County Highways Officer is satisfied that the supporting swept path diagrams demonstrate that large vehicle, including HGV's can comfortably exit from the site turning both left and right. Such a restriction on HGV construction traffic would be unreasonable and unnecessary.

e. Once operational, all vehicular entries MUST be in forward gear

Planning Officer: Please see criterion (b) above.

f. All HGV entries and exits MUST be in forward gear and right turns in and out.

Planning Officer: Please see point (b) and (c) above. In addition, Condition 8 has been amended to secure a post operation review, which would include a review of the delivery routes, as well as the access and exit movements of HGV delivery lorries on the site. In the event a restriction is necessary, Officers and the County Highway Authority would be in a position to impose this.

g. In addition to the widening of the footpath on Church Road, a pedestrian crossing is installed to allow safe pedestrian access from Upper High Street. The current island is not big enough for either a wheelchair nor an adult with a buggy/pram. Ideally safe pedestrian access should be provided across Alexandra Road and Upper High Street as well. Traffic lights with pedestrian crossing sequence, in my view, would be the safest.

Planning Officer: The existing central refuge island on Church Road is satisfactory in respect of the nature of the road it serves.

The existing central refuge island on Alexandra Road would be relocated further north to accommodate the new vehicular right turn lane into the site.

The County Highway Authority are satisfied that the existing and proposed off site improvements provided by the development would enhance the existing safe pedestrian access links along Upper High Street and Alexandra Road.

THIRD PARTY UPDATES

6. Updates

- 6.1 Since the publication of the Agenda Report, Officers have received four letters of objection from members of the public. These do not raise any new issues beyond those reported in the Agenda Report.

UPDATED PLANS

- 6.2 The applicant provided updated plans during the assessment of the application that were not uploaded onto the Council's website as a result of human error. However, the updated plans, now available on the Council's website.

- 6.3 For transparency, those changes are:

- Amended number of EV charging points
- Introduction of wider piers
- Introduction of additional piers
- Introduction of punched windows in a size and scale similar to the recesses on Alexandra Road
- Reduction of glazing overall
- Introduces three faux windows at low level on Alexandra Road to bring further cohesion to the elevations
- Raises the recesses and faux windows on Alexandra Road slightly
- Removal of signage

- 6.4 The amendments above are minor and result in a betterment of the scheme visually and would not have required the Local Planning Authority to re-consult third parties and consultees.

AMENDED CONDITIONS

7. Amended Conditions

7.1 Condition 8

Prior to the commencement of the development hereby permitted, a Service, Delivery and Operational Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall specify arrangements for deliveries to and removals from the site and include details of:

- a) Types of vehicles

- b) Hours of operation
- c) Final design of delivery areas
- d) Specifications for lorry parking and turning spaces and manoeuvring within the site
- e) Delivery arrangements, including standard delivery types, timings and lengths (including no more than one delivery to the site between 06:00- 07:00 daily)
- f) (No more than 1 delivery vehicle on site at a time
- g) Turn off refrigeration units / reversing alarms (deliveries would be under supervision of a pedestrian marshal)
- h) No external transfer of goods (i.e. all deliveries unloaded directly from vehicle to store)
- i) All staff and drivers advised of management plan.
- j) Complaints and review mechanism

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007 and Policy DM35 of the Development Management Policies Document 2015.

7.2 Condition 41

Unless expressly modified by Condition 35 of this permission, the external lighting within and facing into the carpark shall not operate other than 30 minutes prior to and 30 minutes after store opening hours.

Reason: To protect the occupants of nearby residential properties from light pollution in accordance with Policy DM10 of the Development Management Policies 2015

NEW CONDITIONS

- 7.3 A new condition recommended by the County Highway Authority is proposed to capture the new pedestrian mitigation measures discussed in the Agenda Report.

7.4 Condition 42

The development hereby approved shall not be first opened for trading unless and until the following proposed improvements are provided in general accordance with the approved plans:

- Relocation of the pedestrian refuge and uncontrolled crossing with tactile paving on Alexandra Road.
- Provision of a raised table, uncontrolled crossing and tactile paving at the Mill Road and Church Road (north) junctions.
- Provision of an uncontrolled crossing and tactile paving on Upper High Street.

Subject to possible alterations required as part of a Road Safety Audit and technically agreed by the County Highway Authority.

Reason: In recognition of Section 9 of the NPPF 2023 and in meeting its objectives,

as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.