

Development Site at 65 London Road Ewell Surrey

Erection of a Class A1 convenience supermarket and associated parking, access, servicing and landscaping. (Amended drawings received 09.05.2017)

Ward:	Stoneleigh
Contact Officer:	John Robinson

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=ODY3I1GYMBZ00>

2 Summary

The application 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.

- 2.1 The application is recommended for REFUSAL.

3 Site description

- 3.1 The application site, approximately .3ha in extent, 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 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 opposing 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.

- 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. The London Road recreation ground and Nonsuch Park are also in proximity.

4 Proposal

- 4.1 This application seeks permission for the erection of a 2.5 storey building, accommodating a new Lidl food store at the first and second floor levels, (GIA: 1985m²) with car parking and delivery accommodation to the ground floor level. Access to the sales floor would be via a traveller. Externally the works would comprise customer car parking and a service area for the delivery of goods to the store, plus an amenity area, to the rear of the site.
- 4.2 The building would be of contemporary design, with the external walls to the store building consisting of brick cladding, "alucobond" cladding, and curtain walling. The Ewell By-Pass and London Road elevations would have brick facades with ground floor openings to provide light and ventilation to the car park behind the facade. Full height glazing would be provided to the traveller to the southern elevation and corner of the building. The flank (north west) elevation would incorporate a full height green wall.
- 4.3 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 following the direction of the traveller.
- 4.4 A total of 61 customer car parking spaces would be provided for the store with the majority located in the ground floor undercroft carpark and the remainder around the perimeter of the site.
- 4.5 A single 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.
- 4.6 The existing green planting facing the junction would be replaced with new landscaping to overcome the levels differences on site, and the green space behind 77 London Road would be improved and a new green amenity space is proposed.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 150 neighbouring properties, a site and press notice. To date (22.05.2017) 154 letters of objection have been received regarding:
- Cars queuing to enter the proposed site would cause severe disruption and congestion.
 - The area is already well served with local supermarkets in the area – Tesco Metro opposite Homebase, Sainsburys Local, Co-Op and M&S opposite Organ & Dragon.
 - Local school children walking to and from school would not be safe as they would have to cross where the Lidl car park would be and the

increase in traffic would make it extremely difficult to cross the roads safely.

- The development will be very unsightly.
- Impact on cyclists (Cyclists southbound on the A24 approaching the major crossing of the A240 already have difficulty moving across into the correct lane for continuing to cycle into Ewell village. This could become an almost impossible manoeuvre when there is a queue of motor vehicles waiting to turn into the Lidl main entrance.
- Visual impact
- Out of keeping
- Highway safety
- Loss of outlook (To No 153 Ewell-By Pass)

6 Consultations

- 6.1 Highways Officer: Recommends refusal. Refer to paragraphs 9.27 – 9.33 for further details
- 6.2 Tree Officer: No objection
- 6.3 Policy Officer: Recommends refusal. It is considered that a mixed use development of retail and residential would be desirable at this location and would be considered a preferable form of sustainable development over a single use scheme. The proposed single use of the site is considered to be unsustainable contrary to Policy CS1 and CS8.

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

8 Planning Policy

Core Strategy 2007

Policy CS1	Sustainable Development
Policy CS3	Biodiversity
Policy CS5	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 DM4	Biodiversity and new development
Policy DM5	Trees and landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape character and local distinctiveness
Policy DM10	Design requirements for new developments
Policy DM13	Building heights
Policy DM29	Major New Retail Developments
Policy DM35	Transport and new development
Policy DM36	Sustainable Transport for new development
Policy DM37	Parking standards

Housing Site Allocations Consultation Paper 2011

Site Allocations Policies Document: Other Sites Consultation Paper 2013

9 Planning considerations

Previous Application and Appeal Decision

- 9.1 In September 2012 (reference 12/00685/FUL) planning permission was refused to turn the vacant building into a KFC restaurant and takeaway. The application was also refused on Appeal in May 2013. The focus of the 2013 Appeal largely related to highway and transport issues, and the effect of the proposed development on highway safety and the free flow of traffic on London Road (A24).
- 9.2 In his decision the Inspector concluded that “the impact of the appeal scheme on the free flow of traffic and highway safety including parking and access by service vehicles would be severe. It would have a seriously adverse impact on the safety and efficiency of London Road (A24) and the Ewell Bypass in this location. These are the determining factors in this case. This would be contrary to LP Policy MV8 (3) and Policy CS16 of the CS as well as the Framework”.
- 9.3 The Inspectors decision is therefore a material consideration in the assessment of the current application.

Principle of Development

- 9.4 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.

Potential impact on Housing Land Supply

- 9.5 This site was identified in the Site Allocations - Other Sites consultation, where it was proposed as an extension to the adjoining Castle Parade Local Centre. This site is a logical extension to the local centre, with an historic commercial use and commercial interest in the site. On that basis a retail development could provide a good fit within the proposed amended boundary. The Other Sites Document has progressed to the pre- submission stage has been subject to public consultation and serves as a material consideration in the determination of this application.
- 9.6 It is also noteworthy that the site was considered as part of the Housing Site Allocations Consultation (2011). The outcome of that process was that following public consultation, the site was identified and confirmed as Preferred Housing Site Allocation by the Borough Council's Planning Policy Sub Committee (February 2012). Since then the site is included within our Housing Trajectory for 20 units (flatted development), being projected to come forward at the latter end of the plan period. This is also a material consideration. It is the Borough Council's intention that the site be subject to a comprehensive mixed use redevelopment and that it be incorporated into the boundary of the local centre.
- 9.7 In sequential terms, it is considered that the application site would be preferable to other locations in the borough; where a similar sized retail store has been proposed. The applicant has stated that they are specifically seeking retail representation in the Ewell Village area and on that basis this site is considered to be an appropriate location.
- 9.8 The site is currently being re-assessed as part of the revised Strategic Housing Land Availability Assessment (SHLAA 2017). The revised SHLAA is assessing the site on the basis that it would be suitable to accommodate some form of mixed use scheme. It is highlighted that the Borough is highly constrained, and available, deliverable and developable sites are in short supply. This site is in a highly accessible location with good access to Ewell Village and its amenities. It is therefore considered that a site such as this one, with some identified housing potential, must be optimised to provide an element of housing, (including the provision of much needed affordable housing), alongside the commercial use in a mixed use scheme.
- 9.9 The submitted Design and Access Statement states that a mixed use development is not achievable on the site, due to the site's size constraints not allowing for policy compliant parking provisions for both the retail and residential elements. This is considered to be an inadequate explanation, and more detail is needed.
- 9.10 It is considered that a mixed use development of retail and residential would be desirable at this location and would be considered a preferable form of sustainable development over a single use scheme. The proposed single use of the site is considered to be unsustainable contrary to Policy CS1 and CS8, which require the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development.

Visual Impact

- 9.11 The new building would occupy a prominent site at the junction of the Ewell By Pass and London Road. The crossroads is characterised by substantial buildings on each corner; the Grade II listed Honda dealership, and petrol station on the western side of the junction, the three storey shopping parade on the southern corner, and the BP petrol filling station on the eastern corner.
- 9.12 The surrounding area is architecturally diverse and the design approach to the new building, which is overtly contemporary, is acceptable. The approach has been to make a distinction between each elevation of the development by the use of differing materials and the articulation of the building in both plan and elevation.
- 9.13 A contemporary palette of materials is proposed comprising brick cladding, "alucobond" cladding, curtain walling, as well as a green wall to a section of the flank elevation.
- 9.14 Whilst the new building would be set forward of both the Ewell By Pass and London Road building lines, it is considered that it has successfully addressed in design terms, the conflicting demands of providing a necessary "landmark" building whilst being contextually appropriate. The building would be no higher than the shopping parade on the opposite corner of the junction, and would act an appropriate transition between the residential buildings to the north west and north east. The proposed building would establish its own distinctive design character and would visually complete the existing gap in the current four corners of this important junction.
- 9.15 It is concluded that the proposed scheme would accord with Policy DM8, DM9 and DM10

Neighbour Amenity

- 9.16 The new building would be set forward around 5.5m 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.
- 9.17 The north west flank wall, with an eaves height of 10m, would face the adjacent dwelling at No 153 at a distance of between 4 - 5m, along the entire depth of the affected neighbour's rear garden. The new building would conflict with a 45 degree outlook angle taken from the nearest ground floor rear facing window in the affected dwelling and whilst the proposed introduction of a green wall along part of this elevation is welcomed, it would not be sufficient to mitigate both the perceived and actual impact on the rear outlook from the affected dwelling.
- 9.18 The north eastern flank elevation of the new building would be set back around 1-1.5m from the rear garden boundary of No 1 Elmwood Drive. This minimal set back would result in an overbearing and dominant impact on the rear garden of the affected property, and lead to an unacceptable sense of enclosure.

- 9.19 The northern edge of the car parking area would be separated from the adjoining flank boundary of the front and rear gardens to No 153 Ewell Bypass, by a 4-5m wide landscaped "buffer". The rear gardens of No 1 and 3 Elmwood Drive, abut the north western boundary of the application site, whilst part of the parking to the rear of the new building would abut the flank boundary of the rear garden to No 1. 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.
- 9.20 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.
- 9.21 It is therefore concluded that the proposed scheme would have a materially harmful impact on neighbour amenity in terms of being overbearing in the outlook of No 153, and leading 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.

Highway Safety Parking and Access

- 9.22 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are "severe".
- 9.23 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.
- 9.24 The T/A indicates the following:

Comments raised by both the Highways Authority and the Inspector associated with the 2013 Appeal have been taken into account;

Car and cycle parking would be provided in accordance with relevant standards. The development proposals include 58 parking spaces for the foodstore. The Surrey County Council 'Parking Standards' SPD requires a maximum of 106 spaces. A parking accumulation assessment indicates that Peak parking demand on the Friday occurs between 12:00-13:00 hours, reaching 46 vehicles. This reduces to 32 vehicles during the established network evening peak period. Parking demand reaches 49 vehicles between 11:30-12:00 hours and 13:30-14:00 hours on the Saturday. It is apparent therefore that the proposed provision of 61 parking spaces for the Lidl store is sufficient to accommodate the anticipated demand.

The redevelopment of the site would not result in a material increase in vehicle movements on the surrounding highway network in each of the assessed peak periods;

Junction capacity modelling of the surrounding road network has been undertaken, which demonstrates that the proposal would not have a material impact on delay through the network;

An Interim Travel Plan has been prepared to promote sustainable travel modes to/from the site; and

A Car Park Management Plan has been produced with the aim of managing the Lidl car park.

9.25 The applicants propose to contribute by way of a Section 106 agreement to improve the pedestrian crossing at the Ewell By Pass/London Road junction 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 all arms that do not currently benefit from provision (again likely to be both London Road arms).

9.26 The TA concludes that in view of the above, the proposal is considered to be acceptable in transport terms and meets with local and national policy criteria. The assessment work undertaken has shown that there would not be any demonstrable harm arising from the proposed scheme and it will not cause any severe impacts.

9.27 The County Highways Officer comments as follows:

9.28 The submitted parking accumulation assessment is based on the premise that very few customers will remain on site for a full hour and yet the trip generation shows 82 cars arriving in the peak hour. Obviously this equates to more arrivals per hour than the number of parking spaces and if every vehicle stayed for an hour in store there would clearly be a shortfall of 24 spaces.

9.29 However, I accept that not all vehicles will stay in store for as long as an hour. Looking at the data from other stores (para 6.8 of the TA) I have compared this proposed store with Morden which is more typical of Surrey than the other two stores shown. This suggests that 51.5% of customers stay for less than 30 minutes and the other 49% stay for 30 minutes or longer. In a 60 minute period this equates to 40 spaces occupied for more than 30 minutes leaving 18 spaces available for 41 vehicles.

- 9.30 Assuming each of these spaces is occupied twice during that time, the car park can accommodate an additional 36 vehicles leaving 5 waiting or searching for a space in the car park. Whilst I appreciate that this is not an exact science the turnover of spaces is dependent on the ability to scan the entire car parking area quickly to find available spaces, and also on how quickly vehicles can leave the car park. In this location where queuing on A24 London Road is common, exiting the car park to turn right will not be a quick process. If as a result of lack of parking, delivery bays are occupied by customer vehicles the entrance to the car park will be blocked by delivery vehicles trying to access the delivery bay. This in turn will lead to vehicles queuing in London Road. Whilst the modelling carried out by the transport consultants demonstrates additional queuing on A240 (East and West) could be ameliorated by changes to the signal timings; this would cause longer queues on the (A24) London Road where adjoining residential areas are likely to be affected by rat running to avoid the longer queuing times.
- 9.31 It should be noted that the applicant's transport consultant has recently submitted evidence to Kingston Borough Council to support an increase in the parking area of 24 spaces for the Lidl at Leatherhead Road Chessington, in order for that car park to operate efficiently. The size of this store is smaller in terms of gross internal area (1275sqm as opposed to 1988sqm) although the net retail floor area is larger (1,063sqm vs 826sqm). Currently at peak times vehicles park on street, in delivery bays and on footways adjacent to the store as it only has 50 customer spaces and 2 staff spaces. The increased parking area would increase capacity to 74 spaces for customers and 2 spaces for staff.
- 9.32 I am of the opinion that this store on Epsom's Boundary more closely indicates the type of operation that will occur in Ewell and I would not be happy to see this type of activity taking place at or around the A24/A240 junction.
- 9.33 There are no significant mitigation measures provided for pedestrians other than the widening of the footways in Kingston Road and London Road. There is no improvement to pedestrian crossings on the A24/A240, nor is there any cycle provision other than cycle parking shown in the plans. The new vehicular access to the site is significantly wider than the existing, which is a disadvantage to pedestrians needing to cross it.
- 9.34 In view of the above, refusal is therefore recommended on the following grounds:
- 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 queuing 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.
 - 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.

- 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.

9.35 The proposed scheme would therefore be contrary to Policy DM37 of the Development Management Policy Document 2015 and CS16 of the Core Strategy 2007

Landscaping

9.36 The existing green planting facing the junction would be replaced with new landscaping to overcome the levels differences on site, and the green space behind 77 London Road would be improved and a new green amenity space is proposed.

9.37 A detailed landscaping scheme, including details (and future management) of the proposed green wall would be secured via appropriate planning conditions.

Sustainable Drainage System (SuDS)

9.38 SuDS became a material planning consideration on 6th April 2015 whereby details of proposed SuDS must be considered as part of the planning process and it must be demonstrated that the development would have no adverse impact on flood risk. This approach is supported by Policy CS6 which states that new development should avoid increasing the risk of flooding and Policy DM19 which requires development to reduce the volume and rate of surface water run off through the incorporation of appropriately designed SuDS.

9.39 The applicant has submitted information with regard to the provision of SuDS as part of their application. The Lead Local Flood Authority at Surrey County are satisfied that the proposed drainage scheme would meet the requirements set out in paragraphs 051, 079 and 080 of the revised NPPF Planning Practice Guidance (PPG) for Flood Risk and Coastal Change. They recommend that should planning permission be granted, that suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.

Sustainability

9.40 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. 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.

Ecology/Biodiversity

- 9.41 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. This would introduce increased opportunities for biodiversity enhancements to the site. The scheme would therefore comply with Policy DM4 which requires that every opportunity should be taken to secure net benefit to the Borough's biodiversity.

Community Infrastructure Levy

- 9.40 The scheme is CIL liable

10 Conclusion

- 10.1 Due to the overall buildings size, bulk and height it would appear as a dominant and overbearing element in the outlook from the adjacent property at No 153 Ewell By Pass and would lead to an unacceptable sense of enclosure to the rear garden of No 1 Elmwood Drive.
- 10.2 It is also considered that due to the inadequate parking provision, and the additional traffic movements generated by the proposed development, the proposed scheme would have a seriously adverse impact on the safety and efficiency of London Road (A24) and the Ewell Bypass in this location. The scheme is therefore recommended for REFUSAL.

11 Recommendation

- 11.1 Planning permission is **REFUSED** 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 By Pass, 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 queuing 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 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 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.**